



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

REGULAR MEETING OF THE MIDLAND CITY COUNCIL
City Hall, 333 W. Ellsworth Street

December 05, 2016

7:00 PM

AGENDA

CALL TO ORDER - Maureen Donker, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Thomas W. Adams
Steve Arnosky
Diane Brown Wilhelm
Maureen Donker
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. * Approve minutes of the November 21 regular City Council meeting.
TISDALE

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

2. Non-Motorized Transportation Committee Report. KAYE

PUBLIC HEARINGS:

3. Amendment to the FY 2016-17 Planning Department budget for the purpose of receiving funds from the Midland Area Community Foundation for the installation of non-motorized wayfinding signs (also see material sent in the November 21 agenda packet). KAYE

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

ORDINANCE AMENDMENTS:

RESOLUTIONS:

4. Authorizing a Memorandum of Understanding with The Dow Chemical Company and the enactment of a Declaration of Restrictive Covenant in support of dioxin remediation activities. KAYE
5. Receiving and filing the 2016 Annual Construction Progress Update. MCMANUS
6. Receiving and filing the quarterly financial report for quarter ending September 30, 2016. KEENAN
7. * Approving resolutions for Grace A. Dow Memorial Library: BARNARD
 - a. * Accepting grants from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to restore the exterior fascia on the Grace A. Dow Memorial Library.
 - b. * Setting a public hearing to amend the 2016-2017 Library Fund budget to increase revenues and expenditures by \$166,000 to fund the restoration of the building fascia on the Library (1/9/17).
8. * Recommending approval of the request from Chow Chow Holdings, Inc. for an on premise Class C liquor license. TISDALE
9. * Reappointing David Dunn and Rebecca Cox to the Brownfield Redevelopment Finance Authority. LYNCH

Considering purchases and contracts:

10. * Scour Protection - Wackerly Road Bridge over Sturgeon Creek (4/5 vote required). MCMANUS
11. * Emergency Repair of Utility Pole - Water Treatment Plant. SOVA
12. * Purchase Order Increase to Moore & Bruggink, Inc. for Ultraviolet Disinfection Design Engineering Services - Wastewater Treatment Plant. SOVA
13. * Water Service Fittings - Water Distribution. SOVA
14. * Manhole Rehabilitation - Wastewater. SOVA
15. * E10 Ethanol Blend Unleaded and Winter Blend Diesel Fuel purchases from November 5 (4/5 vote required). MURPHY

Setting a public hearing:

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	www.cityofmidlandmi.gov
City of Midland email address:	cityhall@midland-mi.org
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

Backup material for agenda item:

1. * Approve minutes of the November 21 regular City Council meeting.
TISDALE

November 21, 2016

A regular meeting of the City Council was held on Monday, November 21, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was led by Boy Scout Troop 3722 from Adams School.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the November 14, 2016 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Adams. (Motion ADOPTED.)

RETIREMENT RECOGNITION – RON BEACOM

Grace A. Dow Memorial Library Director Melissa Barnard recognized Ron Beacom, Manager of MCTV and Library Communications, on his retirement of 27 years of service to the Midland Community. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue a Proclamation of Recognition recognizing Ron Beacom, Manager of MCTV and Library Communications, for his outstanding contributions to the City of Midland and the Midland community, and wishing him and his family much happiness and success in their future endeavors. (Motion ADOPTED.) Mayor Donker presented Ron Beacom with the Proclamation of Recognition.

PUBLIC COMMENTS

No public comments were made.

WINTER VILLAGE IN DOWNTOWN MIDLAND

City Engineer Brian McManus presented information on the request from Momentum Midland to conduct a Winter Village in downtown Midland on December 1, 8, 15 and 22. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

RESOLVED, that the request from Momentum Midland seeking permission to conduct a Winter Village on December 1, 8, 15, and 22, 2016 in downtown Midland from 4:00-10:00 p.m., utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event dates is Chelsea Rowley, 989-837-1226.
- A Certificate of Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured must be submitted to the City Engineer's Office no less than five days prior to the event. You may fax it to 989-837-5708.
- Department of Public Services will provide barricades for the road closure per Engineering's Traffic Control Order. The event organizers will be responsible for setting in place and removing the barricades from the roadway.
- Should emergency vehicles need passage, event organizers will be responsible for removal of barricades.
- Requirements for the fire pits:

- o They shall not be operated within 15-feet of a structure or combustible material
- o They shall be constantly attended until the fire is completely extinguished
- o A minimum of one portable fire extinguisher with a minimum 4-A rating or garden hose shall be available for immediate use
- o The manufacturer’s requirements must also be followed
- The Parks Department can provide additional trash receptacles and the metal fencing if it’s available. Event organizer needs to contact the Parks Office at 837-6930 to make arrangements for both of these items.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner. (Motion ADOPTED.)

JINGLE BELL FUN RUN/WALK

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that the request from the Midland Downtown Development Authority (DDA) to conduct the Jingle Bell Fun Run/Walk in downtown Midland on Thursday, December 1, 2016, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Lacey Todd, 989-837-3313.
- Department of Public Services will provide barricades per Engineering’s Traffic Control Order. The event organizers will be responsible for setting in place and removing the barricades from the roadway.
- Volunteers must let vehicles through the intersection of Rodd and Main Street as necessary, when runners are not on the course. Once all the participants are through a section of the race route, that section will be reopened.
- Event organizers must work with the Winter Village organizers to coordinate these two events as the Winter Village will be occupying part of Ashman at the same time.
- Should emergency vehicles need passage, event organizers will be responsible for removal of barricades.
- Parks will provide four (4) additional trash receptacles at the Ashman and Main intersection.
- Police will monitor the event with regular patrols.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner. (Motion ADOPTED.)

SAG-MID MUNICIPAL WATER SUPPLY BOARD – LAUDERBACH REAPPOINTMENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that William Lauderbach is hereby reappointed as the business representative to the Saginaw-Midland Municipal Water Supply Corporation Board of Trustees for the term expiring December 31, 2022. (Motion ADOPTED.)

CURRIE MUNICIPAL GOLF COURSE – MANAGEMENT AGREEMENT EXTENSION

Assistant City Manager David Keenan presented information on the Renewal of Management Agreement with Billy Casper Golf. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, on December 16, 2013, the Midland City Council awarded the contract to Billy Casper Golf for the complete management of operations of the Currie Municipal Golf Course, effective January 1, 2014; and

WHEREAS, the aforementioned contract has an initial three-year term that expires December 31, 2016, but has the option for three additional two-year terms; and

WHEREAS, both the City of Midland and Billy Casper Golf wish to extend the existing contract for an additional two years; and

WHEREAS, Billy Casper Golf has provided the Extension of Management Agreement letter, documenting its intent to extend the initial contract for an additional two years; now therefore RESOLVED, that the contract with Billy Casper Golf to provide complete management of operations of the Currie Municipal Golf Course is hereby extended for an additional two years as provided by the terms of the original contract awarded by City Council on December 16, 2013; and

RESOLVED FURTHER, that the Mayor is hereby authorized to execute the extension on behalf of the City of Midland. (Motion ADOPTED.)

PURCHASE – POLICE INTERCEPTOR PATROL VEHICLE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, bids for police patrol vehicles are solicited by the State of Michigan, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, patrol car 1-45 was totaled in a vehicle accident in November and needs to be replaced; and

WHEREAS, the City's insurance company has provided the City with \$26,829.75 in replacement funds; and

WHEREAS, the Equipment Revolving Fund has been collecting amortization toward future replacement of unit 1-45 since it was put into service; and

WHEREAS, the amortization funds coupled with the replacement cost paid from the City's insurance company will cover the cost for the replacement patrol vehicle; now therefore

RESOLVED, that the City Council authorizes a purchase order to the State of Michigan's selected vendor, Signature Ford of Owosso, Michigan in the amount of \$29,246.00 for the purchase of one Ford Police Interceptor Patrol Vehicle to replace unit 1-45, all in accordance with the State of Michigan's Extended Purchasing Program proposal and specifications. (Motion ADOPTED.)

PROPOSED BUDGET AMENDMENT – 2016-17 PLANNING DEPARTMENT FUND

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City Planning & Community Development Department, in cooperation with the Entranceways Initiatives Taskforce of the Midland Area Community Foundation, has undertaken a project for wayfinding signage along area non-motorized pathways; and

WHEREAS, the Foundation has allocated \$95,400.00 in funds to be granted to the City of Midland to cover the costs of fabrication and installation of these signs; and

UNAPPROVED

WHEREAS, the approved funds are not included in revenue of the current City Planning Department budget for fiscal year 2016-17; and
WHEREAS, the additional expenditure of \$95,400.00 for the fabrication and installation of the signs is not provided for in the current fiscal year 2016-17 budget; and
WHEREAS, it is necessary to amend the FY 2016-17 Planning Department budget for the purpose of recognizing the Midland Area Community Foundation funding for the fabrication and installation of new non-motorized wayfinding signs; now therefore
RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., December 5, 2016 in the Council Chambers of City Hall on the proposal to increase revenues and expenditures in the FY 2016-17 Planning Department budget for the purpose of installing non-motorized wayfinding signs. (Motion ADOPTED.)

Being no further business the meeting adjourned at 7:30 p.m.

Selina Tisdale, City Clerk

Backup material for agenda item:

2. Non-Motorized Transportation Committee Report. KAYE

**SUMMARY REPORT TO CITY MANAGER
For City Council Meeting of 12-5-16**

SUBJECT: Summary of Non-Motorized Transportation Committee Activities

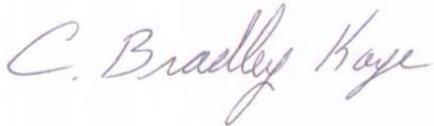
SUMMARY: INFORMATIONAL REPORT SUMMARIZING ACTIVITIES OF THE NON-MOTORIZED TRANSPORTATION COMMITTEE AND NEXT STEPS FOLLOWING ITS DISSOLUTION

ITEMS ATTACHED:

1. Letter to City Manager
2. Presentation Slides from NMT Chair Dave Waite

CITY COUNCIL ACTION:

1. No action required



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

11-30-16



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November 30, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan 48640

Dear Mr. Lynch:

The Non-Motorized Transportation Committee (NMT) was established in the fall of 2009 under the authority of the City Manager. The Committee has served as an advisory committee to the City of Midland Planning Commission since that time.

From its inception, the NMT has been an active committee and has recognized many achievements. Included in these achievements are the City's Non-Motorized Transportation Plan and the implementation of many on-street bicycle network improvements. These achievements, together with related educational activities, resulted in the City of Midland first being recognized as a Bronze Level Bicycle Friendly Community by the League of American Bicyclists in 2010. In November of 2016, through the continued efforts of the NMT, the City of Midland was recertified at this level.

As the goals of the NMT have been accomplished, and the components of the NMT Plan have been implemented, participation at NMT meetings has waned. Composed as a 7 member committee, it has not been unusual for only 2 or 3 of the appointed committee members to regularly attend meetings. As such, much of the committee workload has been carried by only 2-3 members of the committee. A wrap-up and dissolution of the NMT has therefore taken place.

At the request of NMT Chair Dave Waite, an overview presentation of NMT accomplishments will take place at the December 5, 2016 City Council meeting. Mr. Waite will also provide an overview of next steps, emphasizing how non-motorized considerations will remain part of the planning and engineering processes. This presentation is informational in nature and no resolution or other action on the part of City Council is required.

Respectfully,

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

Transitioning to the Next Generation of NMT - The Future of NMT in the City of Midland -

NMT Committee
November 2016

The Current Situation

- **We have made a lot of progress since 2009.**
 - Residents and visitors observe that Midland drivers are visibly more accommodating of Bike/Walk (than 5 years ago and most other Michigan locations). We are a “Bronze” League of American Bicyclists “Bicycle Friendly Community”.
 - We have seen increased bike/walk activity (above national averages but well below the best) at both schools and transportation/recreation. But we are now at a plateau.
 - Within the “City boundaries” the currently planned “incremental” bike/walk infrastructure will be “essentially complete” in 2017.
- **NMT/Complete Streets processes** are “65%” integrated into the City’s Planning & engineering processes.
- **NMT Plan:** the current version will be complete in 2017.

The Current Situation(contd)

- **NMT Committee:** is down to “below minimum numbers and strength”.
- ***We are at a “plateau”!***
- ***Significantly increasing Bike/Walk activity will require a new approach!***

Suggested Next Generation NMT Approach

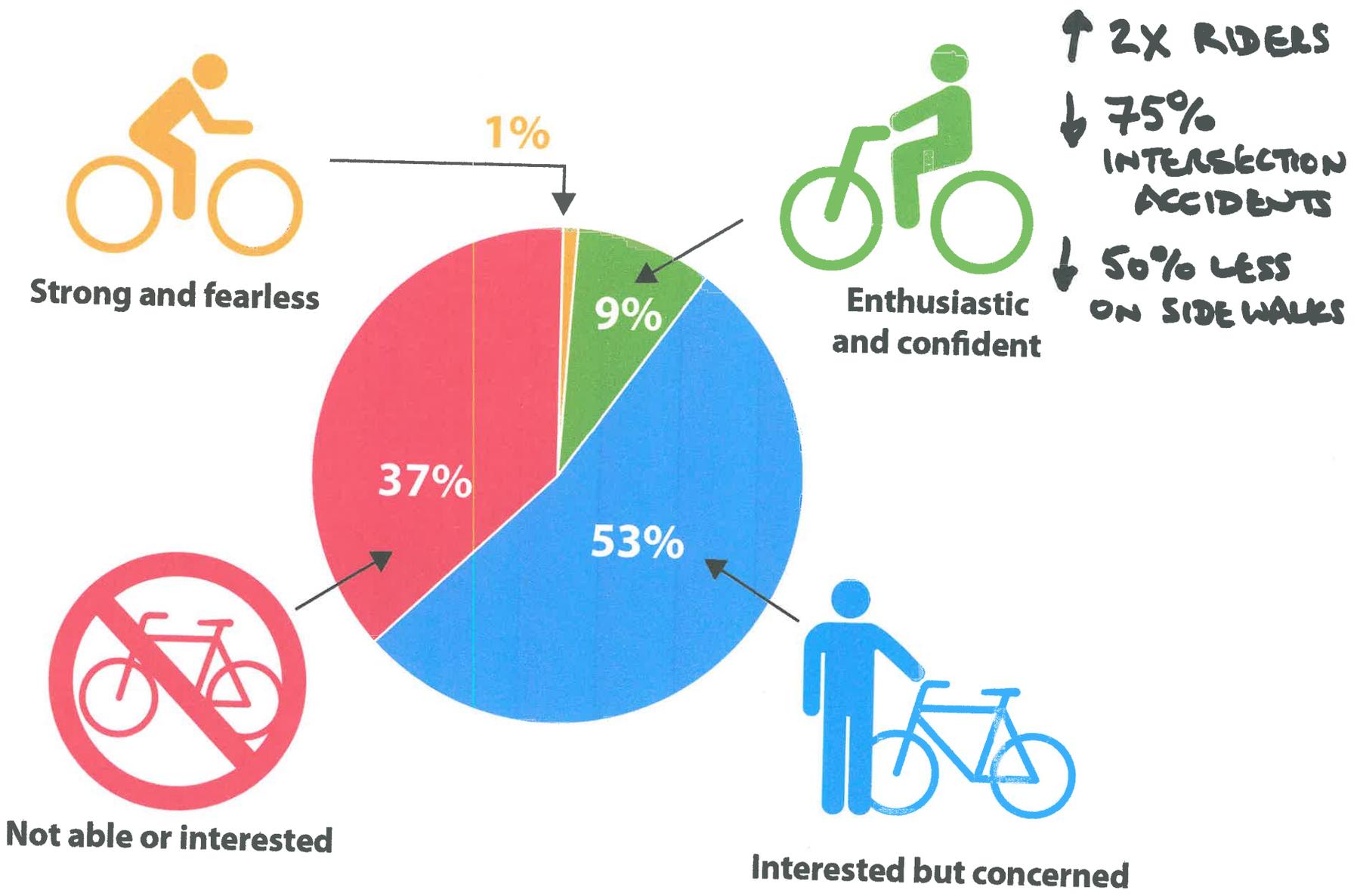
We need objectives that has helped drive other Communities to make the next step change

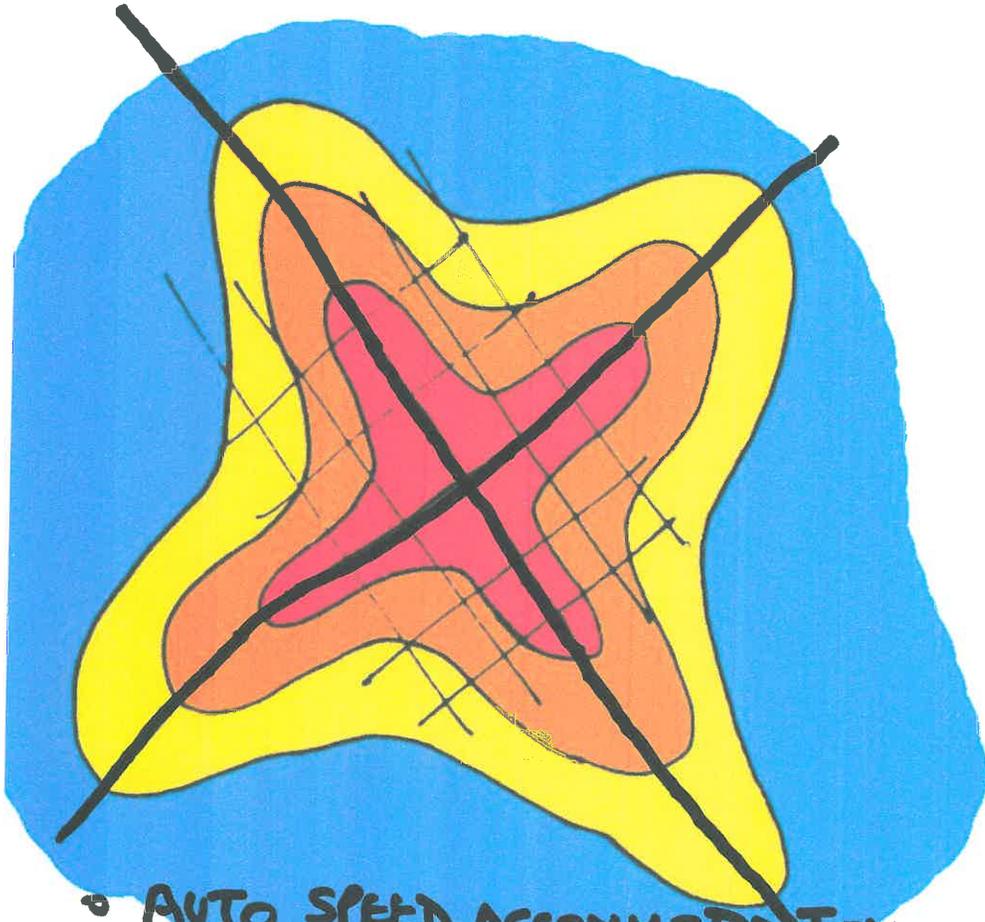
“Creating Great Spaces for People to enjoy”

“(re)Connecting the Community to Great Places”

**We need a high level NMT Plan
that achieves these objectives**

Why Build Separated Bike Lanes?

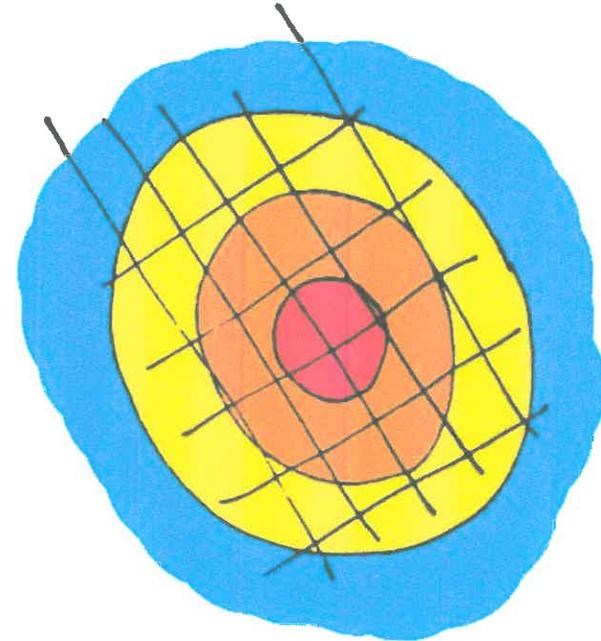




- AUTO SPEED ACCOMMODATION
- SEPERATES PLACES FROM PROXIMITIES

Conventional Theory

Value = f_n (travel time to center)



Traditional City

Value = f_n (proximity to center)

- ↑ VIBRANCY
- ↑ ACCOMMODATES ALL USERS
- ↑ SOCIAL INTERACTION
- ↑ CONNECT PLACES TO PROXIMITIES

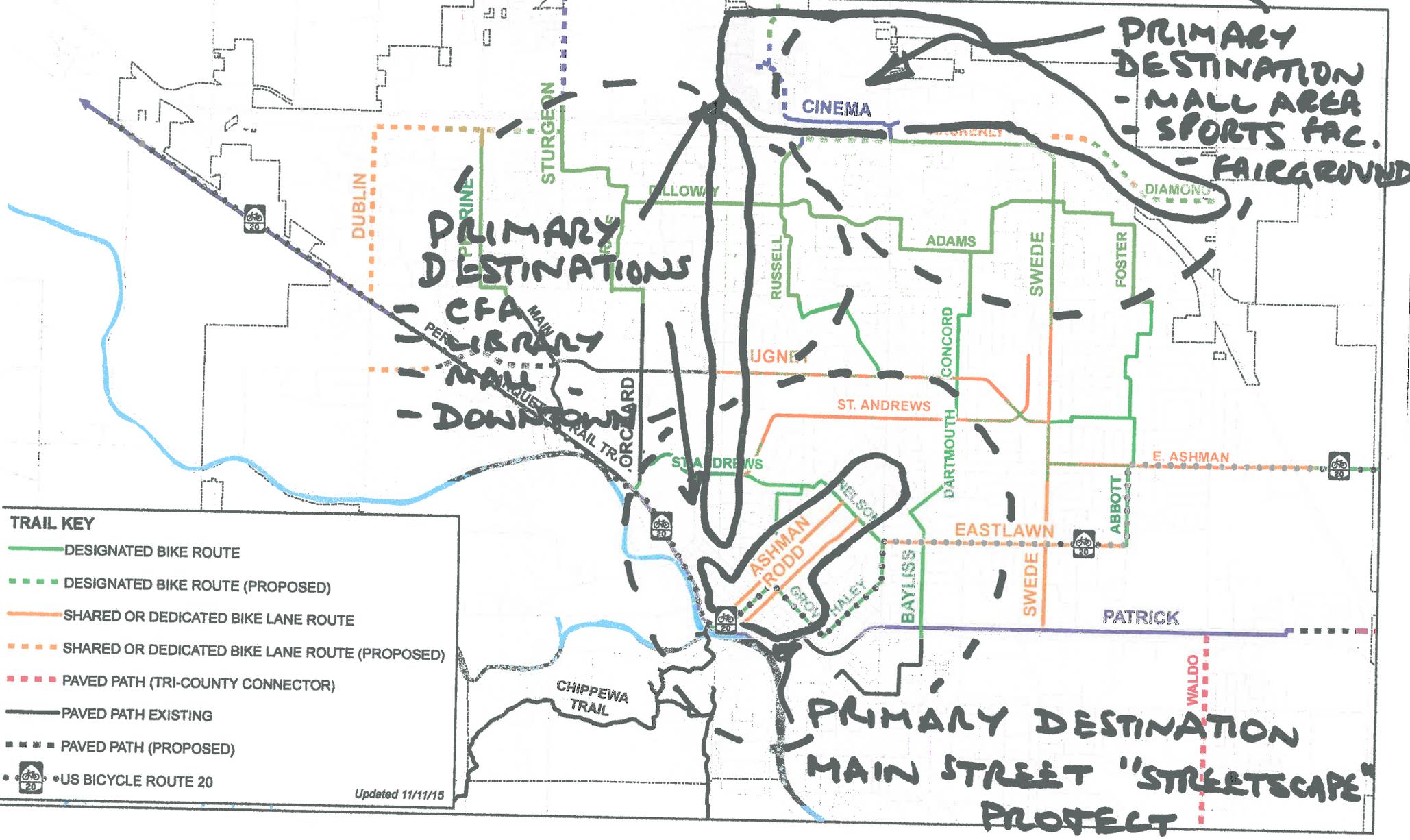
MAXIMUM UTILIZATION



Non-Motorized Transportation

5 MILE BIKE - 1 MILE WALK

POSSIBLE FUTURE "CORRIDORS"



Updated 11/11/15

Suggested Next Generation NMT Approach (contd)

More Fully Embed “Complete Streets” in the ongoing processes of the City:

- **Engineering:** Road project should complete a “1 page” Complete Streets Review (consistent with MATS MPO process).
- **Planning:** Provide a “1 page” Complete Streets Review to project packages which describes, as appropriate, how the project fits within existing or future NMT capabilities including any provided by the project. *Intention is to create dialogue.*

Suggested Next Generation NMT Approach (contd)

- **NMT Committee:**
 - After 2016 reduce down to an advisory group of advocates supporting the Planning and Engineering Departments

***Build the new Plan
and commitment***

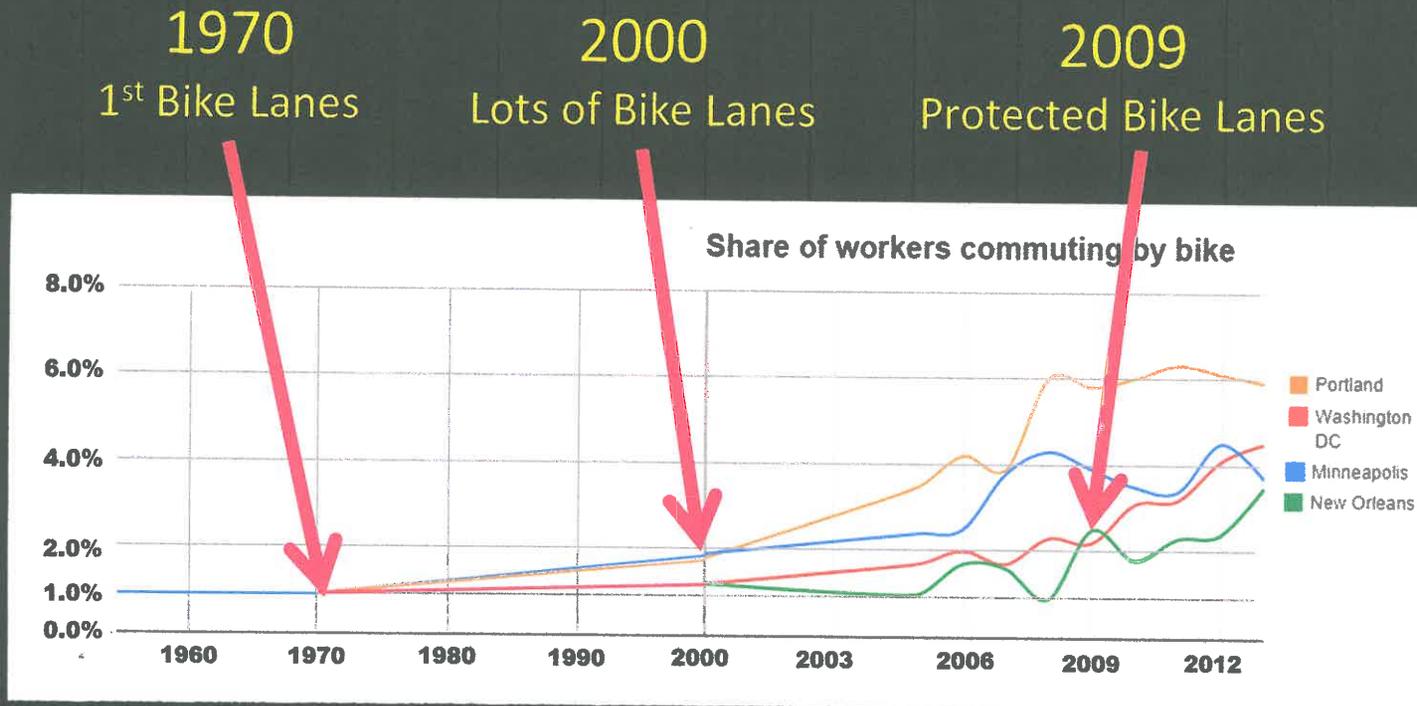
OR NOT?

How Effective are Separated Bike Lanes?

Page 21

- **Protected bike lanes reduce bike-related intersection injuries by about 75 percent compared to comparable crossings without infrastructure.** Harris et al, 2013 - "Comparing the effects of infrastructure on bicycling injury at intersections and non-intersections using a case-crossover design." Injury Prevention
- **Where protected lanes were installed in New York and Washington D.C., the number of bikes on sidewalks immediately fell by an average of 56 percent.** NYCDOT and DDOT, 2010-2014 - Tired of Cyclists Riding on the Sidewalk? Build More Bike Lanes
- **96 percent of people using protected bike lanes believe they increased safety on the street.** Monsere, C., et al., 2014 - Lessons from the Green Lanes (National Institute for Transportation and Communities)
- **A study found that bicycling on separated facilities like cycle tracks is safer than riding on streets without bicycle facilities. Cyclists were also 2.5 times more likely to ride on the cycle tracks than on the streets.** Lusk, A., et al., 2010 - Risk of injury for bicycling on cycle tracks versus in the street, Injury Prevention, 12/1/2010
- **Red light compliance on a protected bike lane in Chicago was observed to be 81% in 2013, compared to 31% before the protected lane was installed. City says Dearborn bike signals keeping cyclists in line,** Chicago Tribune, June 10, 2013
- **Cities around the U.S. have found that protected bike lanes increase bicycle ridership, reduce motor vehicle speeding, reduce crashes and improve people's feelings of safety on those streets.** Chicago Department of Transportation, July 2012 - Protected Bike Lanes Fact Sheet
- **In a survey of Portland residents, those people who are interested in cycling but concerned about their safety reported that they would be much more comfortable in a physically separated bike lane than in a painted bike lane.** Dill, J., and McNeil, N., 2012 - Four Types of Cyclists? Testing a Typology to Better Understand Bicycling Behavior and Potential (Working paper)

Bicycling in U.S. 1960 - 2013



Conclusion: More Comfortable Bike Infrastructure Results in More Bike Use

Source: Based on graphic from www.bikeportland.org



Conventional

Traditional

Higher Calling

Transportation Demand Model
Expert Direction

Community Vision
Public Good

Focus

Reward Long Trips
Accommodate Automobiles

Reward Short Trips
Accommodate Many Users

Problem Definition

Fight Congestion
Increase Speed
Move Traffic

Advance Priorities
Make Places
Increase Proximities

Land Use Relationship

Indifferent

Integrated

Complexity

Simple

Multi-Layered

Key Strategies

Add Lanes
Speed Up Streets
Raise LOS

Shorten Trips
Safe Speeds

Capacity of Streets

Traffic = $fn(\text{Trip Generation})$
To Move Traffic

Increase Access
 $fn(\text{Multiple Strategies})$
Nurture Businesses
Increase Social Interaction

Typical Outcomes

Lack of Identity
Poor Health
Limited Options
More Energy Use
Car Dependency/Congestion

Add Character
Strong Identity
Better Health
More Options
Less Energy Use
Choices

LESS VIBRANCY

MORE VIBRANCY

Backup material for agenda item:

3. Amendment to the FY 2016-17 Planning Department budget for the purpose of receiving funds from the Midland Area Community Foundation for the installation of non-motorized wayfinding signs (also see material sent in the November 21 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER
For City Council Meeting of 12-5-16**

SUBJECT: 2016-17 Planning Department Budget

SUMMARY: THIS RESOLUTION AMENDS THE FY 2016-17 PLANNING DEPARTMENT BUDGET FOR THE PURPOSE OF RECEIVING FUNDS FROM THE MIDLAND AREA COMMUNITY FOUNDATION AND AUTHORIZING THEIR EXPENDITURE FOR THE INSTALLATION OF NON-MOTORIZED WAYFINDING SIGNS.

ITEMS ATTACHED:

1. Letter to City Manager
2. Resolution for City Council action

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

11-30-16

/grm



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November 30, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan 48640

Dear Mr. Lynch:

The Entranceways Initiatives Task Force of the Midland Area Community Foundation has asked the City Planning & Community Development Department to complete a project for wayfinding signage along area non-motorized pathways. The signs are intended to complement the existing wayfinding signage that is throughout the city on streets but to be scaled in a way that is appropriate for pedestrians, bicyclists, and other users of the area's non-motorized pathways. Costs of fabrication and installation of the signs will be covered by a grant from the Midland Area Community Foundation.

The City Planning & Community Development Department began this project by convening a focus group to begin researching where the signs should be located, what points of interest should be located on the signs, and how the signs should be designed. The focus group consisted of representation from the Greater Midland Community Center, the City's Non-Motorized Transportation Committee, Midland County Parks and Recreation, Midland Area Chamber of Commerce, The Friends of the Pere Marquette Rail-Trail, Mid-Michigan Multisport, Chippewa Nature Center, Momentum Midland, the Midland Downtown Development Authority, and City Parks & Recreation. The focus group also utilized the professional wayfinding signage assistance of Good Design Group and Gene Ullery-Smith Graphic Design.

Ultimately, the focus group was able to decide on a set of sign styles, locations of the signs, and the points of interest to be highlighted on the signs. These choices were forwarded as recommendations to the Entranceways Initiatives Task Force for their review. Following review by the Task Force, the signs were then forwarded to the City Parks & Recreation Commission and the Midland County Parks & Recreation Commission for review and approval. During their meeting on August 3, 2016, the City Parks & Recreation Commission unanimously approved a recommendation for the City Council to approve the signs.

In order to authorize purchase and installation of the wayfinding signs, funds from the Entranceways Initiative Task Force must be formally received by the City and included in the city budget. A public hearing is required for this purpose. On November 21, 2016, City Council set December 5, 2016 as the date of the required public hearing.

A resolution authorizing an amendment to the Planning Department budget for the purpose of receiving funds from the Entranceways Initiative Task Force and authorizing their expenditure for the installation of wayfinding signs is attached for consideration. If approved, under separate report to follow at a later City Council meeting, awarding of the bid for actual construction and installation of the wayfinding signs will be presented.

Respectfully,

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/grm



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BY COUNCILMAN

WHEREAS, the City Planning & Community Development Department, in cooperation with the Entranceways Initiatives Task Force of the Midland Area Community Foundation, has undertaken a project for wayfinding signage along area non-motorized pathways; and

WHEREAS, the Foundation has allocated \$95,400.00 in funds to be granted to the City of Midland to cover the costs of fabrication and installation of these signs; and

WHEREAS, the approved funds are not included in revenue of the current City Planning Department budget for fiscal year 2016-17; and

WHEREAS, the additional expenditure of \$95,400.00 for the fabrication and installation of the signs is not provided for in the current fiscal year 2016-17 budget; and

WHEREAS, it is necessary to amend the FY 2016-17 Planning Department budget for the purpose of receiving the Midland Area Community Foundation funding for the fabrication and installation of new non-motorized wayfinding signs and allowing for the expenditure thereof; now therefore

RESOLVED, that the FY 2016-17 Planning Department budget is hereby amended by increasing revenues and expenditures in the amount of \$95,400.00 being funding from the Midland Area Community Foundation for the fabrication and installation of new non-motorized wayfinding signs.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeaya vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

11-21-16
Set PH for
12-5-16

8

**SUMMARY REPORT TO CITY MANAGER
For City Council Meeting of 11-21-16**

SUBJECT: 2016-17 Planning Department Budget

SUMMARY: THIS RESOLUTION WILL SET DECEMBER 5, 2016, AS THE DATE FOR A PUBLIC HEARING TO AMEND THE FY 2016-17 PLANNING DEPARTMENT BUDGET FOR THE PURPOSE OF RECEIVING FUNDS FROM THE MIDLAND AREA COMMUNITY FOUNDATION FOR THE INSTALLATION OF NON-MOTORIZED WAYFINDING SIGNS.

ITEMS ATTACHED:

1. Letter to City Manager
2. Resolution to set City Council public hearing

CITY COUNCIL ACTION:

1. Public hearing is required. Date: December 5, 2016.
2. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

11-16-16
/grm



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November 16, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan 48640

Dear Mr. Lynch:

The Entranceways Initiatives Task Force of the Midland Area Community Foundation has asked the City Planning & Community Development Department to complete a project for wayfinding signage along area non-motorized pathways. The signs are intended to complement the existing wayfinding signage that is throughout the city on streets but to be scaled in a way that is appropriate for pedestrians, bicyclists, and other users of the area's non-motorized pathways. Costs of fabrication and installation of the signs will be covered by a grant from the Midland Area Community Foundation.

The City Planning & Community Development Department began this project by convening a focus group to begin researching where the signs should be located, what points of interest should be located on the signs, and how the signs should be designed. The focus group consisted of representation from the Greater Midland Community Center, the City Non-Motorized Transportation Committee, Midland County Parks and Recreation, Midland Area Chamber of Commerce, The Friends of the Pere Marquette Rail-Trail, Mid-Michigan Multisport, Chippewa Nature Center, Momentum Midland, the Midland Downtown Development Authority, and City Parks & Recreation. The focus group also utilized the professional wayfinding signage assistance of Good Design Group and Gene Ullery-Smith Graphic Design.

Ultimately, the focus group was able to decide on a set of sign styles, locations of the signs, and the points of interest to be highlighted on the signs. These choices were forwarded as recommendations to the Entranceways Initiatives Task Force for their review. Following review by the Task Force, the signs were then forwarded to the City Parks & Recreation Commission and the Midland County Parks & Recreation Commission for review and approval. During their meeting on August 3, 2016, the City Parks & Recreation Commission unanimously approved a recommendation for the City Council to approve the signs.

Amending a budget requires a public hearing and City Council involvement at two separate meetings. At the first meeting City Council sets the date for a public hearing. At the second meeting, City Council holds the public hearing and may then proceed to decide on the budget amendment. The attached resolution for City Council's consideration will schedule December 5, 2016, as the date to hold the public hearing on this budget amendment proposal.

Respectfully,

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/grm



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BY COUNCILMAN

WHEREAS, the City Planning & Community Development Department, in cooperation with the Entranceways Initiatives Taskforce of the Midland Area Community Foundation, has undertaken a project for wayfinding signage along area non-motorized pathways; and

WHEREAS, the Foundation has allocated \$95,400.00 in funds to be granted to the City of Midland to cover the costs of fabrication and installation of these signs; and

WHEREAS, the approved funds are not included in revenue of the current City Planning Department budget for fiscal year 2016-17; and

WHEREAS, the additional expenditure of \$95,400.00 for the fabrication and installation of the signs is not provided for in the current fiscal year 2016-17 budget; and

WHEREAS, it is necessary to amend the FY 2016-17 Planning Department budget for the purpose of recognizing the Midland Area Community Foundation funding for the fabrication and installation of new non-motorized wayfinding signs; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., December 5, 2016 in the Council Chambers of City Hall on the proposal to increase revenues and expenditures in the FY 2016-17 Planning Department budget for the purpose of installing non-motorized wayfinding signs.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, November 21, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

4. Authorizing a Memorandum of Understanding with The Dow Chemical Company and the enactment of a Declaration of Restrictive Covenant in support of dioxin remediation activities. KAYE

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 12-5-16**

SUBJECT: Memorandum of Understanding and Restrictive Covenant

PETITIONER: The Dow Chemical Company

SUMMARY: THIS ACTION AUTHORIZES A MEMORANDUM OF UNDERSTANDING WITH THE DOW CHEMICAL COMPANY AND THE ENACTMENT OF A DECLARATION OF RESTRICTIVE COVENANT ON SPECIFIED CITY OWNED PARCELS IN SUPPORT OF DOW CHEMICAL'S DIOXIN REMEDIATION ACTIVITIES

ITEMS ATTACHED:

1. Letter to City Manager
2. Letter from Steve Lucas, Dow Chemical Company
3. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

11-30-16



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

November 30, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Mr. Lynch:

Historic activities at the Dow Chemical facility in Midland, long since discontinued, resulted in the deposition of dioxin into the surface soils of the city. As a result of those deposits, the Michigan Department of Environmental Quality (MDEQ) worked closely with Dow Chemical to develop an Institutional Control Plan for affected properties within the city. The most recognizable activity arising from that plan is the testing and remediation of properties lying generally north and northwest of the Dow Chemical plant. While most of the testing and remediation activities have been completed, Dow Chemical continues to pursue testing and, if necessary, remediation of properties that they have not yet been granted access by the property owners.

In the course of their ongoing remediation activities, Dow has collected and analyzed over 1,600 soil samples within the area known as the Midland Resolution Area (MRA). Based on testing results and MDEQ standards, over 100 residential properties required remediation by removing the top 12 inches of soil and landscaping, replacing the soil, installing a new lawn and installing new landscaping. The other tested properties did not require these remediation activities.

Despite their ongoing efforts, Dow has not been able to access a limited number of properties (understood by city staff to be approximately a dozen properties) within the MRA. In most cases, this has been a choice of the landowners to not provide such access. Such refusal on the part of the landowner does not, however, relieve Dow from the obligation of investigating and, if necessary, remediating such properties. A mechanism to ensure necessary testing takes place if and when access is secured is therefore required.

Additionally, should properties within the MRA propose to convert from a non-residential land use to a residential land use, testing and any necessary remediation must first occur. Soil movement from non-tested city owned property or city easements and rights-of-way within the MRA to residential properties within the MRA or areas outside the MRA also remains a concern of the MDEQ.

Finally, as presented in an earlier report, farm animal use on Agricultural zoned land within the city has been a continued concern of the MDEQ. As the city owns some of these Agricultural zoned lands, the MDEQ is requesting that restrictive covenants be placed that would prevent the keeping and raising of farm animals on these city owned properties. These restrictive covenants would apply in addition to the required MDEQ noticing standards previously enacted by City Council should any changes to the existing Farm Animal standards of the Code of Ordinances be considered.

To address the above circumstances, Dow has worked in cooperation with the MDEQ and city staff to develop a Memorandum of Agreement and a Declaration of Restrictive Covenant. The proposed documents accompany the November 28, 2016 letter from Mr. Steve Lucas of the Dow Chemical Company (attached). In summary form, the documents provide for the following from the City:

- The City shall provide notice to Dow of proposed land use change applications
- Twice per year, the City will provide Dow with a list of property transfers for any non-remediated MRA property
- The City will provide notice to Dow of any proposed changes to the Farm Animal standards of the Code of Ordinances

- The City will take additional precautionary measures when working on streets, easements or rights-of-way within the MRA, the costs for which shall be paid by Dow to the City of Midland
- The City shall enact a Declaration of Restrictive Covenant on 19 city owned parcels that are zoned Agricultural, prohibiting the keeping or raising of poultry or livestock thereon

As stated above, the documents provided by Dow have been collaboratively developed and prepared by Dow, the MDEQ and city staff. These documents reflect what is considered the most effective and responsive solution to the requirements placed on Dow by the MDEQ. City involvement and participation is considered reasonable and necessary as the city is the only regulatory agency having direct access to land use change proposals and is therefore best able to provide early and meaningful notice of land use changes within the MRA that should be reviewed under the terms of agreement between Dow and MDEQ.

With regard to the restrictive covenant on city owned properties zoned Agricultural, none of the 19 properties are or will be utilized for the keeping or raising of livestock. The restrictive covenant therefore places no undue burden on their use for city purposes.

Procedurally, approval of the requested Memorandum of Agreement and the Declaration of Restrictive Covenant requires direct authorization of City Council. The attached draft resolution has been prepared for City Council review and approval. Although the documents were prepared in direct consultation with city staff, a final technical review of the document to be executed is also recommended as the list of properties covered by the Memorandum of Agreement and the legal description of city owned properties covered by the Declaration of Restrictive Covenant has not been completed. To provide for the completion of that review, final approval of the city attorney is therefore also provided for in the draft resolution.

Respectfully,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – Dow MOA



November 28, 2016

Mr. Jon Lynch
City Manager
City of Midland
333 West Ellsworth Street
Midland, Michigan 48640

Re: Approval of Memorandum of Agreement and Restrictive Covenants

Dear Mr. Lynch:

The purpose of this letter is to request the City's final approval of 1) the Memorandum of Agreement in Support of Midland Resolution Area Activities (MOA) between The Dow Chemical Company and the City, and 2) the Restrictive Covenants for certain City owned property that is zoned Agricultural. Final and complete versions of each document are enclosed. As you know, the MOA and the Covenants are the result of a collaborative effort between the Michigan Department of Environmental Quality (MDEQ), The Dow Chemical Company, and the City, including multiple meetings and discussions. Dow appreciates the City's time, input, and contribution to that process.

Background

Dow has been working with the MDEQ to address historic dioxin contamination in the City, and is in the final stages of the remediation. Elevated concentrations of dioxin in surface soils in some areas of the City resulted from wind dispersion of air emissions from past activities at Dow's Michigan Operations plant, and, accordingly, are predominantly found in an area downwind of the plant. This area is known as the "Midland Resolution Area" or "MRA." Dow has collected and analyzed over 1,600 soil samples within and adjacent to the MRA, and, with that data, has defined the final boundary of the MRA and has identified properties for cleanup.

To guide the cleanup, the MDEQ approved a dioxin "action level" of 250 ppt for affected soil. Over one hundred residential properties with soil concentrations above 250 ppt were remediated by Dow. This typically involved removal of the top twelve inches of existing landscaping and soil, followed by replacement with new soil, a lawn, and landscaping. Properties with dioxin concentrations below 250 ppt do not require cleanup. Over a thousand parcels of land were determined to have concentrations below 250 ppt, and, therefore, these properties require no further action. Likewise, based on sampling throughout the MRA, non-residential property also does not require cleanup and can continue to be used for commercial and industrial purposes without further action. Accordingly, most property in the MRA has been addressed by Dow.

However, despite our best efforts, Dow was unable to secure access from the current owners of a small number of properties in the MRA. These properties are still eligible for investigation and cleanup. In addition, when non-residential property in the MRA transitions to residential use, or when soil is moved from one place to another, then follow-up measures may be appropriate. These follow-up measures are described in a Remedial Action Plan (RAP) approved by the MDEQ on July 21, 2016. The MDEQ approved the RAP after a period of public comment and a public open house, during which time, no significant public comments were submitted. The RAP is legally enforceable by MDEQ as part of Dow's Hazardous Waste Facility Operating License.

Memorandum of Agreement

As part of the RAP, the MDEQ approved the contemplated MOA between Dow and the City as a means to help Dow monitor ownership and land use changes so that Dow can implement appropriate follow-up measures. The City is in a unique position to help Dow track ownership and land use changes in the MRA because a number of local and state requirements require the filing of applications or similar documents with the City, which may indicate a relevant change. Specifically, the MOA:

- requires Dow to provide a map of the MRA and a list of properties in the MRA that are still eligible to have remedial activities conducted (aka the "MRA Eligible Properties"), and requires Dow to update that list annually, and
- provides a mechanism for the City to notify Dow of a relevant land use or ownership change at an MRA Eligible Property, for example, a change from a non-residential use to a residential use.

The other primary function of the MOA is to guide the proper management of soil on City owned property or City easements or rights-of-way. In order to help ensure that previously unaddressed soil is not moved from City property to residential property or other areas, the MOA outlines certain management practices for excavated soil.

Declaration of Restrictive Covenant

In addition to the MOA, Dow is requesting that the City approve and execute the attached Declaration of Restrictive Covenant. A Declaration of Restrictive Covenant is a legal instrument, similar to an easement, that is recorded in the deed records for property. It is a means of restricting property use, and is legally binding upon the owner and future owners of the property. Upon execution, the Restrictive Covenant will be recorded in the deed records for certain City owned property that is zoned Agricultural.

The MDEQ considers raising poultry and other livestock within the City as a potential risk. Chickens, in particular, scratch at the ground and use soil in their digestive process, and, as a result, soil contaminants could be digested and absorbed into their meat and eggs. A City ordinance currently prohibits raising farm animals on non-Agriculturally zoned property in the City, and Dow is relying on that ordinance to help address this potential risk. In this regard, the MOA contains a notice provision whereby the City will notify Dow if that ordinance is amended, lapses, or if a property owner refuses to comply. Dow has also requested that the City add a notice provision to the ordinance itself, according to which, the City will notify

the MDEQ prior to the amendment or lapsing of the ordinance. This provision was recently adopted by the City.

As noted above, although the City generally prohibits raising livestock, the prohibition does not apply to land that is zoned Agricultural. Currently, the City owns a small number of properties, generally associated with park land and the City landfill, that are zoned Agricultural, and, therefore, the ordinance prohibiting farm animals does not apply to them. The Restrictive Covenant addresses those parcels. Specifically, the Covenant prohibits “the keeping and raising of poultry or livestock” on those parcels of land.

The Restrictive Covenant was approved by the MDEQ as part of the RAP. A map showing the pertinent City properties is enclosed with this letter. The legal descriptions for each property are included in an attachment to the Covenant.

Approval Process

As previously noted, the terms of the MOA and the Restrictive Covenants resulted from a collaborative process between Dow, the MDEQ, and the City. These documents have been reviewed by City staff and legal counsel, and changes have been made based on the City’s comments. Dow also made a presentation to the City on January 16 to discuss the RAP, the MOA and the Covenants. In your letter to the MDEQ dated April 13, 2016, you noted general agreement between Dow and the City, and that the City staff intended to recommend these documents to the City Council for final approval, adoption and authorization to implement. MDEQ has since formally approved the RAP, which includes the MOA and the Restrictive Covenants as components.

Therefore, Dow respectfully requests that the City take the action necessary to obtain final approval by the City Council for the MOA and the Restrictive Covenants.

Please contact me if there is anything that Dow can do to facilitate the City’s consideration of the enclosed, including meeting with the City to present a summary and answer questions. Thank you again for your continued assistance in facilitating the activities required by the RAP to the benefit of the City and the City’s residents.

Sincerely,



Steve Lucas
Assoc. EHS Remediation Director
989.638.6012

C: Michigan DEQ

Enc.: Memorandum of Agreement in Support of Midland Resolution Area Activities
(MOA)

Declaration of Restrictive Covenants

Map of City Owned Property Zoned Agricultural

14899816-3

MEMORANDUM OF AGREEMENT

in support of

MIDLAND RESOLUTION AREA ACTIVITIES

This Memorandum of Agreement (“Agreement”) is entered into as of the ____ day of _____, 2016 (the “Effective Date”), by and between THE DOW CHEMICAL COMPANY, a Delaware corporation (“Dow”), having an address at 2030 Dow Center, Midland, Michigan 48674, and the CITY OF MIDLAND, a Michigan home rule city (the “City”), having an address at 333 West Ellsworth Street, Midland, Michigan 48640.

RECITALS

1. Dow is in the final stages of its investigation and cleanup of soil in an area of the City known as the “Midland Resolution Area” or “MRA.” A map of the MRA as of the Effective Date is attached as Attachment A.
2. Through the sampling and cleanup process, Dow has been able to address hundreds of residential properties in the MRA, and these properties require no further action. Properties that are used for non-residential purposes also do not require investigation or cleanup. However, when previously unaddressed property within the MRA transitions from non-residential to residential or “residential-like” uses, or when soil from a previously unaddressed property within the MRA is moved from one place to another, then precautions or follow-up measures may be appropriate.
3. These precautions and follow-up measures are described in a Remedial Action Plan / Corrective Measures Implementation Report (“RAP”) and an Institutional Control Plan approved by the Michigan Department of Environmental Quality (“MDEQ”) on July 21, 2016. It is Dow’s responsibility to see that these precautions and follow-up measures are carried out.
4. The City is in a unique position to help Dow track ownership and land use changes in the MRA because a number of local and state requirements require the filing of applications or similar documents with the City, which may indicate a proposed change in land use. The City wishes to facilitate Dow’s investigation and cleanup activities by providing notice to Dow of such applications or other documents that may indicate a proposed change in land use of a previously unaddressed property within the MRA.
5. As the municipality with jurisdiction over the MRA, and a landowner within the MRA, the City wishes to cooperate with Dow to facilitate the activities required by the RAP, to the benefit of the City and the City’s residents.

NOW, THEREFORE, Dow and the City agree as follows:

I. DEFINITIONS.

Midland Resolution Area (“MRA”) means the area of the City of Midland that is subject to investigation and other environmental response activities being conducted by Dow under the oversight of the MDEQ as described in the RAP. As set forth in the RAP, the MRA may be reduced in size over time as investigation or other response activities are completed by Dow.

MRA Eligible Property means a property in the MRA that is eligible to have response activities conducted as described in the RAP. These are typically non-residential properties that have not yet been investigated or subject to cleanup.

Residential means property used for any of the uses listed on Attachment B, which include certain listed “residential-like” uses.

Surface Soil means soil, dirt, gravel and sand from the ground surface to one foot in depth.

II. RESPONSIBILITIES.

A. Update MRA Eligible Property List. A list of MRA Eligible Properties and a map of the MRA is attached to this Agreement as Attachment A. Once per year before the anniversary of the Effective Date, Dow will provide to the City an updated list of MRA Eligible Properties and a map showing the MRA and any changes to the MRA. Each annual updated list of MRA Eligible Properties and map of the MRA will replace the previous Attachment A to this Agreement. The responsibilities described in subsections B, C and E apply only to properties identified in Attachment A.

B. Notification of Land Use Changes. Typically within two weeks of receipt, the City will notify Dow if it has received an application or document that may indicate a proposed change in land use of a MRA Eligible Property identified in Attachment A. For the purpose of this subsection B, an application or document that may indicate a proposed change in land use is:

- A conditional use application for a new Residential use.
- An application for a certificate of compliance for a new dwelling or habitable room.
- A site plan review application that involves a new Residential use.
- A soil erosion and sedimentation control permit application and plan.
- A variance request seeking allowance of a new Residential use.
- A concept plan submitted to the City Planning Commission for a planned unit development that includes new Residential uses.

Neither this notification requirement nor any other provision of this Agreement affects the City’s authority to review and take action upon the above-listed applications or requests.

C. Notification of Property Ownership Changes. Twice per year, typically by June 30th and December 31st, the City will provide to Dow a copy of any Property Transfer Affidavit filed with the City within the previous six months for a MRA Eligible Property identified in Attachment A.

D. Notification of Proposed Changes to Farm Animal Ordinance; Continuing Violations. The City will notify Dow at least thirty (30) days prior to the amendment or lapsing of any portion of Chapter 3, Article III (Farm Animals) of the City of Midland Code of Ordinances. In addition, the City will notify Dow if a property owner refuses to comply with Article III after being cited for non-compliance.

E. Surface Soil Management on MRA Eligible Properties.

The City periodically conducts construction, maintenance, and utility work on property that it owns, in City rights-of-way, and on private property within the MRA. If that work will require the excavation and removal of Surface Soil on an MRA Eligible Property identified in Attachment A, then the City agrees to the following:

- 1) The City, its employees, contractors or subcontractors will place excavated Surface Soil on a liner in a separate pile from any other excavated soils and
 - (a) return excavated Surface Soil to the excavation, or
 - (b) dispose of excavated Surface Soil that is removed from the site in the City of Midland Landfill.

Or

- 2) The City will notify Dow at least thirty (30) days before commencing field work, or, if the work will be contracted or subcontracted, thirty (30) days before seeking bids for the work. Following notification, Dow will consult with the City and will either:
 - (a) Arrange for the transport of the excavated Surface Soil, at Dow's expense, to Dow's Michigan operations plant site for use as fill material, or
 - (b) Sample the Surface Soil, at Dow's expense, in accordance with a composite sampling plan. Based on the results of that sampling, Dow will work with the City, in good faith, to develop and implement, at Dow's expense, a soil management plan for the Surface Soils that complies with the RAP and environmental laws.

The City shall take appropriate steps to ensure that its employees, agents, contractors and subcontractors abide by the requirements of this subsection E or any Surface Soil management plan agreed to by the City and Dow. The City agrees to include language substantively similar to

that set forth on Attachment C in contractor’s contracts for projects that involve excavating or removing Surface Soils on an MRA Eligible Property.

This subsection E does not apply to any of the following:

- Road or right-of-way projects being conducted on MRA Eligible Property by the Michigan Department of Transportation.
- De minimis amounts of Surface Soil that remain despite the City’s implementation of the measures described in subsection E.
- Movement or removal of Surface Soil by the City that is coincidental with common landscape maintenance or lawn care.

Dow agrees to reimburse the City for its actual and reasonable costs under this Section E for training, soil liners, and removal, transport and disposal of soil. On an annual basis, the City may seek reimbursement from Dow by providing to Dow an itemized list of costs and supporting documentation. Payment is due by Dow within forty five (45) days of receipt for costs in compliance with this paragraph.

F. Financial Assurances. Dow shall comply with the financial assurance requirements for corrective action set forth in Part 111 of NREPA (MCL 324.11115a) and MDEQ’s Part 111 rules. When Dow provides proof of financial assurance documents to MDEQ in accordance with MDEQ’s Part 111 rules, Dow will also provide copies of the same proof of financial assurance documents to the City.

III. COMMUNICATION AND COORDINATION.

A. Contacts. Notices and communications related to this Agreement shall be in writing (by e-mail, hand delivery, or regular mail), or by phone with a follow-up communication in writing, to the contacts listed below, or to such other contacts as the parties may designate from time to time.

If to Dow:

Steve Lucas
Assoc. EHS Remediation Director
The Dow Chemical Company
Michigan Operations
1790 Building
Midland, Michigan 48667
Phone: 989-638-6012
E-mail: sclucas@dow.com

If to the City:

Mr. Jon Lynch
City Manager
City of Midland
333 West Ellsworth Street
Midland, Michigan 48640
Phone: 989-837-3301
E-mail: jlynch@midland-mi.org

B. Coordination. Dow and the City will meet and review this Agreement and the activities carried out pursuant to this Agreement at least once per year on or near the anniversary of the Effective Date.

IV. GENERAL PROVISIONS.

A. Term and Termination. This Agreement will remain in effect until: Dow receives a written determination from the MDEQ that no further action is required or that corrective action is complete within the MRA or that this Agreement is otherwise no longer needed; until terminated by mutual agreement of the parties; or until unilaterally terminated by either party by providing thirty (30) days advance written notice to the other party and MDEQ.

B. Amendment. This Agreement may be amended from time to time by mutual Agreement in writing by Dow and the City, with approval by MDEQ.

C. Legal Rights. The parties reserve any and all rights, remedies, authorities, or defenses that they have under the law. Nothing in this Agreement creates any legal rights, claims, or defenses for or against either party, or against, by or for any third party. Nothing in this Agreement relieves Dow from complying with applicable federal, state, and local laws.

D. Indemnification. Dow will indemnify, defend, and hold harmless the City from and against any and all claims, actions, damages and liability under any environmental law, including reasonable attorney fees, in connection with any act or omission associated with the compliance with and performance of the terms outlined in this Agreement by the City, its employees, agents or contractors. For purposes of this paragraph, "environmental law" means any federal, state, or local law, including the common law, related to the protection of the environment (air, surface water, groundwater, surface or subsurface land) or human health, and includes, but is not limited to, Michigan's Natural Resources and Environmental Protection Act. Furthermore, Dow will indemnify and defend the City from a third party claim that does not arise under environmental law, provided that (i) such third party claim arises exclusively from the City's implementation of this Agreement and (ii) such third party claim does not arise from the City's negligent acts or omissions in implementing this Agreement. The liability of the indemnitor under this Agreement shall transfer to any corporation or other entity that is the indemnitor's successor in interest and shall in no way be limited or impaired by the sale, transfer, or alteration of the corporate structure of the indemnitor.

THE DOW CHEMICAL COMPANY

CITY OF MIDLAND

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Dated: _____

Dated: _____

ATTACHMENT A – LIST OF MRA ELIGIBLE PROPERTIES AND MRA MAP

Property ID Number	Property Address	Property City	Property Zip Code
14-14-30-010	2301 WALDO AVE	MIDLAND	48642
14-14-40-400	2511 E PATRICK RD	MIDLAND	48642
14-14-60-002	2205 ABBOTT RD	MIDLAND	48642
14-14-60-010	2211 ABBOTT RD	MIDLAND	48642
14-15-30-296	1506 MARYLAND ST	MIDLAND	48642
14-15-30-336	2209 CAROLINA ST	MIDLAND	48642
14-15-40-184	1619 S SAGINAW RD	MIDLAND	48640
14-15-40-188	1703 S SAGINAW RD	MIDLAND	48640
14-15-40-192	1711 S SAGINAW RD	MIDLAND	48640
14-15-40-198	1801 S SAGINAW RD	MIDLAND	48640
14-15-40-200	1815 S SAGINAW RD	MIDLAND	48640
14-15-40-218	1819 S SAGINAW RD	MIDLAND	48640
14-15-40-220	1917 S SAGINAW RD	MIDLAND	48640
14-15-40-224	2003 S SAGINAW RD	MIDLAND	48640
14-15-40-228	2005 S SAGINAW RD	MIDLAND	48640
14-15-40-231	2009 S SAGINAW RD	MIDLAND	48640
14-15-40-234	2029 S SAGINAW RD	MIDLAND	48640
14-15-40-248	1301 WALSH ST	MIDLAND	48642
14-15-40-370	2020 S SAGINAW RD	MIDLAND	48640
14-15-40-376	2000 S SAGINAW RD	MIDLAND	48640
14-15-40-384	1916 S SAGINAW RD	MIDLAND	48640
14-15-40-386	1912 S SAGINAW RD	MIDLAND	48640
14-15-40-388	1908 S SAGINAW RD	MIDLAND	48640
14-15-40-390	1810 S SAGINAW RD	MIDLAND	48640
14-15-40-394	1800 S SAGINAW RD	MIDLAND	48640
14-15-40-420	1616 S SAGINAW RD	MIDLAND	48640
14-15-40-422	1612 S SAGINAW RD	MIDLAND	48640
14-15-40-424	1602 S SAGINAW RD	MIDLAND	48640
14-15-40-436	900 E HALEY ST	MIDLAND	48640
14-15-40-450	1514 WASHINGTON ST	MIDLAND	48642
14-15-40-482	1324 WASHINGTON ST	MIDLAND	48642
14-15-40-488	1320 WASHINGTON ST	MIDLAND	48642
14-15-40-496	1312 WASHINGTON ST	MIDLAND	48642
14-15-40-502	905 E PATRICK RD	MIDLAND	48642
14-15-40-504	1304 WASHINGTON ST	MIDLAND	48642
14-15-40-505	1300 WASHINGTON ST	MIDLAND	48642
14-15-40-508	909 E PATRICK RD	MIDLAND	48642
14-15-40-509	911 E PATRICK RD	MIDLAND	48642
14-15-40-510	923 E PATRICK RD	MIDLAND	48642

Property ID Number	Property Address	Property City	Property Zip Code
14-15-40-512	1001 E PATRICK RD	MIDLAND	48642
14-15-40-514	1011 E PATRICK RD	MIDLAND	48642
14-15-40-532	1900 S SAGINAW RD	MIDLAND	48640
14-15-50-130	1302 BAYLISS ST	MIDLAND	48640
14-15-50-132	501 E PATRICK RD	MIDLAND	48642
14-15-50-142	507 E PATRICK RD	MIDLAND	48642
14-15-50-144	511 E PATRICK RD	MIDLAND	48642
14-15-50-146	603 E PATRICK RD	MIDLAND	48642
14-15-50-147	1422 BAYLISS ST	MIDLAND	48640
14-15-50-148	607 E PATRICK RD	MIDLAND	48642
14-15-50-150	701 E PATRICK RD	MIDLAND	48642
14-15-50-160	1511 WASHINGTON ST	MIDLAND	48640
14-15-50-166	1301 WASHINGTON ST	MIDLAND	48642
14-15-50-172	1509 WASHINGTON ST	MIDLAND	48642
14-15-50-220	1581 WASHINGTON ST	MIDLAND	48642
14-15-50-222	1583 WASHINGTON ST	MIDLAND	48642
14-15-50-224	1577 WASHINGTON ST	MIDLAND	48642
14-15-50-226	1573 WASHINGTON ST	MIDLAND	48642
14-15-50-228	1551 WASHINGTON ST	MIDLAND	48642
14-15-50-267	1513 WASHINGTON ST	MIDLAND	48642
14-15-50-530	301 ARBURY PL	MIDLAND	48640
14-15-50-534	309 ARBURY PL	MIDLAND	48640
14-15-50-650	221 E PATRICK RD	MIDLAND	48642
14-15-60-524	401 E HALEY ST	MIDLAND	48640
14-15-60-544	400 MAPLE ST	MIDLAND	48640
14-16-40-180	915 E CARPENTER ST	MIDLAND	48640
14-16-40-190	1307 HALEY ST	MIDLAND	48640
14-16-40-334	411 E HINES ST	MIDLAND	48640
14-16-40-350	406 E HINES ST	MIDLAND	48640
14-16-40-368	802 TOWNSEND ST	MIDLAND	48640
14-16-40-372	800 TOWNSEND ST	MIDLAND	48640
14-16-40-380	805 GEORGE ST	MIDLAND	48640
14-16-40-402	715 GEORGE ST	MIDLAND	48640
14-16-40-476	702 E UNION ST	MIDLAND	48640
14-16-40-478	712 GEORGE ST	MIDLAND	48640
14-16-40-484	708 GEORGE ST	MIDLAND	48640
14-16-40-490	706 STATE ST	MIDLAND	48640
14-21-10-006	921 JEFFERSON AVE	MIDLAND	48640
14-21-10-020	1001 JEFFERSON AVE	MIDLAND	48640

Property ID Number	Property Address	Property City	Property Zip Code
14-21-10-026	1011 JEFFERSON AVE	MIDLAND	48640
14-21-10-032	1006 THIRD ST	MIDLAND	48640
14-21-10-036	820 THIRD ST	MIDLAND	48640
14-21-10-036	820 THIRD ST	MIDLAND	48640
14-21-10-038	816 THIRD ST	MIDLAND	48640
14-21-10-038	816 THIRD ST	MIDLAND	48640
14-21-10-040	811 THIRD ST	MIDLAND	48640
14-21-10-040	811 THIRD ST	MIDLAND	48640
14-21-10-042	815 THIRD ST	MIDLAND	48640
14-21-10-042	815 THIRD ST	MIDLAND	48640
14-21-10-044	819 THIRD ST	MIDLAND	48640
14-21-10-044	819 THIRD ST	MIDLAND	48640
14-21-10-046	1005 THIRD ST	MIDLAND	48640
14-21-10-048	1007 THIRD ST	MIDLAND	48640
14-21-10-048	1007 THIRD ST	MIDLAND	48640
14-21-10-050	1013 THIRD ST	MIDLAND	48640
14-21-10-052	1310 E CARPENTER ST	MIDLAND	48640
14-21-10-054	1306 E CARPENTER ST	MIDLAND	48640
14-21-10-056	1301 E CARPENTER ST	MIDLAND	48640
14-21-10-058	1305 E CARPENTER ST	MIDLAND	48640
14-21-10-062	1215 E CARPENTER ST	MIDLAND	48640
14-21-10-072	1225 E CARPENTER ST	MIDLAND	48640
14-21-10-076	1209 JEFFERSON AVE	MIDLAND	48640
14-21-10-088	1205 E CARPENTER ST	MIDLAND	48640
14-21-10-120	1201 E PINE ST	MIDLAND	48640
14-21-10-142	1007 E LYON RD	MIDLAND	48640
14-21-10-150	1501 E PINE ST	MIDLAND	48640
14-21-10-166	1415 E PINE ST	MIDLAND	48640
14-21-10-172	701 THIRD ST	MIDLAND	48640
14-21-10-176	711 THIRD ST	MIDLAND	48640
14-21-10-178	719 THIRD ST	MIDLAND	48640
14-21-10-188	1406 E PINE ST	MIDLAND	48640
14-21-10-202	1202 E PINE ST	MIDLAND	48640
14-21-10-220	1208 E GROVE ST	MIDLAND	48640
14-21-10-234	1215 E INDIAN ST	MIDLAND	48640
14-21-10-250	1310 E PINE ST	MIDLAND	48640
14-21-10-262	710 E LYON RD	MIDLAND	48640
14-21-10-270	816 E LYON RD	MIDLAND	48640
14-21-10-278	1300 E CARPENTER ST	MIDLAND	48640

Property ID Number	Property Address	Property City	Property Zip Code
14-21-10-342	509 PATRICK RD	MIDLAND	48640
14-21-10-372	1108 E INDIAN ST	MIDLAND	48640
14-21-10-375	1117 E INDIAN ST	MIDLAND	48640
14-21-10-380	1101 E INDIAN ST	MIDLAND	48640
14-21-10-398	614 HALEY ST	MIDLAND	48640
14-21-10-426	1008 E INDIAN ST	MIDLAND	48640
14-21-10-448	1113 E BUTTLES ST	MIDLAND	48640
14-21-10-496	907 E BUTTLES ST	MIDLAND	48640
14-21-10-584	805 E BUTTLES ST	MIDLAND	48640
14-21-10-590	816 E GROVE ST	MIDLAND	48640
14-21-20-004	5131 JEFFERSON AVE	MIDLAND	48640
14-21-20-010	91 AUSTIN ST	MIDLAND	48640
14-21-20-014	613 JEFFERSON AVE	MIDLAND	48640
14-21-20-022	617 JEFFERSON AVE	MIDLAND	48640
14-21-20-024	619 JEFFERSON AVE	MIDLAND	48640
14-21-20-026	614 SIXTH ST	MIDLAND	48640
14-21-20-032	514 SIXTH ST	MIDLAND	48640
14-21-20-034	1701 E INDIAN ST	MIDLAND	48640
14-21-20-044	1700 E INDIAN ST	MIDLAND	48640
14-21-20-062	1718 E INDIAN ST	MIDLAND	48640
14-21-20-066	1715 E INDIAN ST	MIDLAND	48640
14-21-20-088	1602 E GROVE ST	MIDLAND	48640
14-21-20-096	601 SIXTH ST	MIDLAND	48640
14-21-20-110	707 JEFFERSON AVE	MIDLAND	48640
14-21-20-114	715 JEFFERSON AVE	MIDLAND	48640
14-21-20-124	1515 E PINE ST	MIDLAND	48640
14-21-20-140	1511 E GROVE ST	MIDLAND	48640
14-21-20-150	1508 E GROVE ST	MIDLAND	48640
14-21-20-154	1505 E INDIAN ST	MIDLAND	48640
14-21-20-172	1402 E GROVE ST	MIDLAND	48640
14-21-20-186	1316 E GROVE ST	MIDLAND	48640
14-21-20-194	1311 E BUTTLES ST	MIDLAND	48640
14-21-20-210	1500 E BUTTLES ST	MIDLAND	48640
14-21-20-266	1315 E ELLSWORTH ST	MIDLAND	48640
14-21-20-274	315 THIRD ST	MIDLAND	48640
14-21-20-281	1223 E BUTTLES ST	MIDLAND	48640
14-21-20-286	1207 E BUTTLES ST	MIDLAND	48640
14-21-20-305	1310 E GROVE ST	MIDLAND	48640
14-21-80-804	825 E MAIN ST	MIDLAND	48640

Property ID Number	Property Address	Property City	Property Zip Code
14-22-10-011	1500 E PATRICK RD	MIDLAND	48642
14-22-10-013	2111 S SAGINAW RD	MIDLAND	48640
14-22-10-018	1606 JAMES SAVAGE RD	MIDLAND	48640
14-22-10-019	1610 JAMES SAVAGE RD	MIDLAND	48640
14-22-10-024	1520 JAMES SAVAGE RD	MIDLAND	48640
14-22-10-040	2421 S SAGINAW RD	MIDLAND	48640
14-22-10-050	2511 S SAGINAW RD	MIDLAND	48640
14-22-10-052	2515 S SAGINAW RD	MIDLAND	48640
14-22-10-055	2513 S SAGINAW RD	MIDLAND	48640
14-22-10-074	2418 S SAGINAW RD	MIDLAND	48640
14-22-10-084	2300 S SAGINAW RD	MIDLAND	48640
14-22-10-086	1300 JAMES SAVAGE RD	MIDLAND	48640
14-22-10-090	1240 JAMES SAVAGE RD	MIDLAND	48640
14-22-10-120	1150 JAMES SAVAGE RD	MIDLAND	48640
14-22-10-130	1100 WASHINGTON ST	MIDLAND	48642
14-22-10-138	2100 S SAGINAW RD	MIDLAND	48640
14-22-10-144	1216 E PATRICK RD	MIDLAND	48642
14-22-10-152	1210 E PATRICK RD	MIDLAND	48642
14-22-10-155	1204 E PATRICK RD	MIDLAND	48642
14-22-10-180	1012 E PATRICK RD	MIDLAND	48640
14-22-20-150	1010 AUSTIN ST	MIDLAND	48640
14-22-30-011	3012 S SAGINAW RD	MIDLAND	48640
14-22-70-004	820 JEFFERSON AVE	MIDLAND	48640
14-22-70-010	800 JEFFERSON AVE	MIDLAND	48640
14-22-70-016	720 JEFFERSON AVE	MIDLAND	48640
14-22-70-028	702 JEFFERSON AVE	MIDLAND	48640
14-22-70-034	626 JEFFERSON AVE	MIDLAND	48640
14-22-70-046	614 JEFFERSON AVE	MIDLAND	48640
14-22-70-064	111 AUSTIN ST	MIDLAND	48640
14-22-70-086	721 PERSHING ST	MIDLAND	48640
14-22-70-092	805 PERSHING ST	MIDLAND	48640
14-22-70-102	510 JEFFERSON AVE	MIDLAND	48640
14-22-80-012	701 E LYON RD	MIDLAND	48640
14-22-80-054	308 E PATRICK RD	MIDLAND	48640
14-22-80-146	1120 JEFFERSON AVE	MIDLAND	48640
14-22-80-150	1121 LINCOLN ST	MIDLAND	48640
14-22-80-152	1118 LINCOLN ST	MIDLAND	48640
14-22-80-156	1126 JEFFERSON AVE	MIDLAND	48640
14-22-80-158	1118 JEFFERSON AVE	MIDLAND	48640

Property ID Number	Property Address	Property City	Property Zip Code
14-22-80-162	1116 JEFFERSON AVE	MIDLAND	48640
14-22-80-170	1100 LINCOLN ST	MIDLAND	48640
14-22-80-172	207 WEXFORD AVE	MIDLAND	48640
14-22-80-174	211 WEXFORD AVE	MIDLAND	48640
14-22-80-176	215 WEXFORD AVE	MIDLAND	48640
14-22-80-178	308 E LYON RD	MIDLAND	48640
14-22-80-193	402 E LYON RD	MIDLAND	48640
14-22-80-198	414 E LYON RD	MIDLAND	48640
14-22-80-206	1009 BAYLISS ST	MIDLAND	48640
14-22-80-208	1107 BAYLISS ST	MIDLAND	48640
14-22-80-212	400 WEXFORD AVE	MIDLAND	48640
14-22-80-240	1003 TIBBS ST	MIDLAND	48640
14-22-80-246	1011 TIBBS ST	MIDLAND	48640
14-22-80-248	1015 TIBBS ST	MIDLAND	48640
14-22-80-250	216 WEXFORD AVE	MIDLAND	48640
14-22-80-254	208 WEXFORD AVE	MIDLAND	48640
14-22-80-256	202 WEXFORD AVE	MIDLAND	48640
14-22-80-258	1010 LINCOLN ST	MIDLAND	48640
14-22-80-260	1008 LINCOLN ST	MIDLAND	48640
14-22-80-262	1006 LINCOLN ST	MIDLAND	48640
14-22-80-266	1003 LINCOLN ST	MIDLAND	48640
14-22-80-268	1005 LINCOLN ST	MIDLAND	48640
14-22-80-274	116 WEXFORD AVE	MIDLAND	48640
14-22-80-276	112 WEXFORD AVE	MIDLAND	48640
14-22-80-284	1012 JEFFERSON AVE	MIDLAND	48640
14-22-80-286	1008 JEFFERSON AVE	MIDLAND	48640
14-22-80-300	920 JEFFERSON AVE	MIDLAND	48640
14-22-80-306	900 JEFFERSON AVE	MIDLAND	48640
14-22-80-356	401 BARTH ST	MIDLAND	48640
14-22-80-370	915 BAYLISS ST	MIDLAND	48640
14-22-80-396	500 E LYON RD	MIDLAND	48640
14-22-80-420	600 E LYON RD	MIDLAND	48640
14-22-80-436	1111 WASHINGTON ST	MIDLAND	48642
14-22-80-450	800 E LYON RD	MIDLAND	48640
14-23-10-060	2700 JAMES SAVAGE RD	MIDLAND	48642
14-23-10-145	901 WALDO AVE	MIDLAND	48642
14-23-10-200	3010 E PATRICK RD	MIDLAND	48642
14-23-10-210	1211 WALDO AVE	MIDLAND	48642
14-23-20-010	2607 BAY CITY RD	MIDLAND	48642

Property ID Number	Property Address	Property City	Property Zip Code
14-23-30-286	2757 BAY CITY RD	MIDLAND	48642
14-23-30-320	2712 CHARLES ST	MIDLAND	48642
14-23-30-328	2700 CHARLES ST	MIDLAND	48642
14-23-30-472	2504 BAY CITY RD	MIDLAND	48642
14-23-40-198	205 WALDO AVE	MIDLAND	48642
14-23-40-200	209 WALDO AVE	MIDLAND	48642
14-23-40-202	215 WALDO AVE	MIDLAND	48642
14-23-40-204	3107 SCHUETTE RD	MIDLAND	48642
14-23-40-206	2925 SCHUETTE RD	MIDLAND	48642
14-23-40-208	2907 SCHUETTE RD	MIDLAND	48642
14-23-40-214	2930 SCHUETTE RD	MIDLAND	48642
14-23-40-216	3020 SCHUETTE RD	MIDLAND	48642
14-23-40-218	3110 SCHUETTE RD	MIDLAND	48642
14-23-40-220	3240 SCHUETTE RD	MIDLAND	48642
14-23-40-310	2527 SCHUETTE RD	MIDLAND	48642
14-23-40-320	210 ARROW CV	MIDLAND	48642
14-23-40-330	220 ARROW COVE	MIDLAND	48642
14-23-40-340	2611 SCHUETTE RD	MIDLAND	48642
14-23-40-346	2705 SCHUETTE RD	MIDLAND	48642
14-23-40-350	2825 SCHUETTE RD	MIDLAND	48642
14-23-40-360	2520 SCHUETTE RD	MIDLAND	48642
14-23-40-380	2820 SCHUETTE RD	MIDLAND	48642
14-23-50-050	3427 S SAGINAW RD	MIDLAND	48640
14-23-50-060	2201 MARK PUTNAM RD	MIDLAND	48642
14-23-50-070	2127 MARK PUTNAM RD	MIDLAND	48642
14-23-50-080	1937 MARK PUTNAM RD	MIDLAND	48642
14-23-50-086	1905 MARK PUTNAM RD	MIDLAND	48640
14-23-50-090	3415 S SAGINAW RD	MIDLAND	48640
14-23-50-300	2425 SCHUETTE RD	MIDLAND	48642
14-23-60-198	2128 BAY CITY RD	MIDLAND	48642
14-23-60-198	2128 BAY CITY RD	MIDLAND	48642
14-23-60-200	2124 BAY CITY RD	MIDLAND	48642
14-23-60-242	2100 BAY CITY RD	MIDLAND	48642
14-23-60-260	2000 BAY CITY RD	MIDLAND	48642
14-23-60-290	328 SAUVE ST	MIDLAND	48642
14-23-60-294	1913 MARK PUTNAM RD	MIDLAND	48642
14-23-60-352	3313 S SAGINAW RD	MIDLAND	48640
14-23-60-356	1713 CORNING LN	MIDLAND	48642
14-23-60-362A	1719 CORNING LN	MIDLAND	48642
14-23-60-424	1850 BAY CITY RD	MIDLAND	48642
14-23-60-440	404 BURGESS ST	MIDLAND	48642

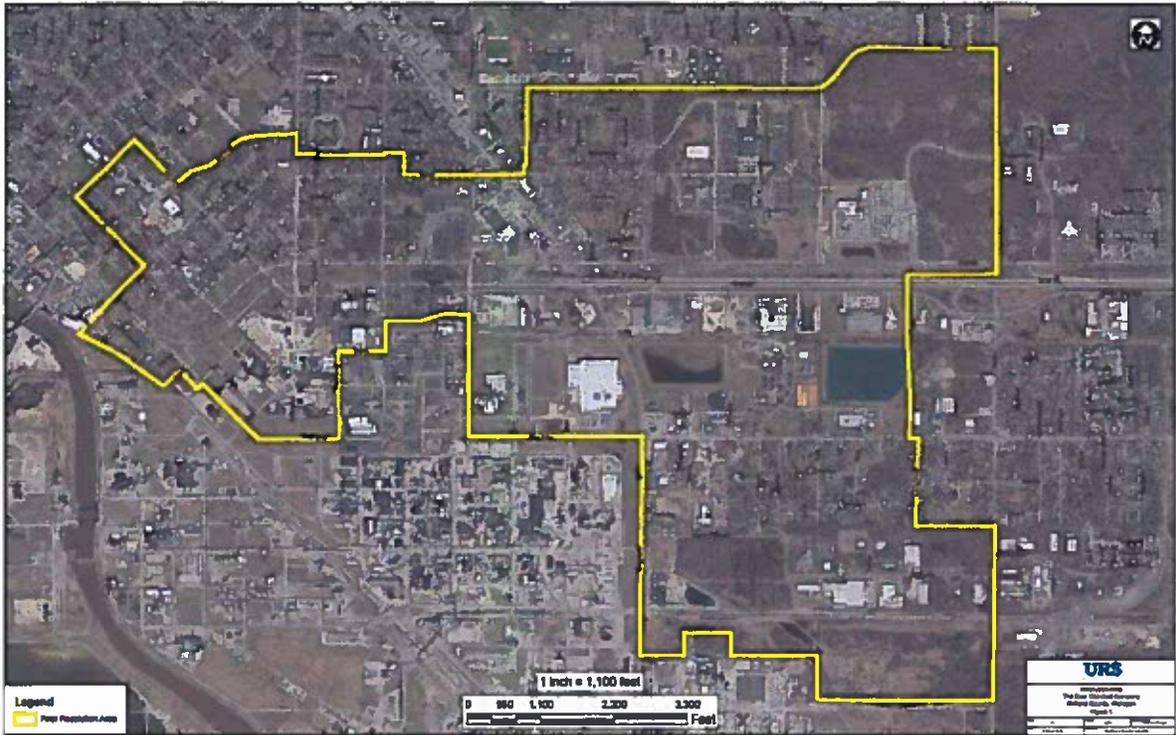
Property ID Number	Property Address	Property City	Property Zip Code
14-23-60-442	400 BURGESS ST	MIDLAND	48642
14-23-60-454	413 BURGESS ST	MIDLAND	48642
14-23-60-458	417 BURGESS ST	MIDLAND	48642
14-23-60-460	419 BURGESS ST	MIDLAND	48642
14-23-60-462	423 BURGESS ST	MIDLAND	48642
14-23-60-464	1820 BAY CITY RD	MIDLAND	48642
14-23-60-466	1812 BAY CITY RD	MIDLAND	48642
14-23-60-468	1808 BAY CITY RD	MIDLAND	48642
14-23-60-471	1800 BAY CITY RD	MIDLAND	48642
14-23-60-488	3101 S SAGINAW RD	MIDLAND	48640
14-23-60-500	3131 S SAGINAW RD	MIDLAND	48640
14-23-60-506	3137 S SAGINAW RD	MIDLAND	48640
14-23-60-524	3213 S SAGINAW RD	MIDLAND	48640
14-23-70-004	2921 S SAGINAW RD	MIDLAND	48640
14-23-70-005	2007 AUSTIN ST	MIDLAND	48642
14-23-70-006	2929 S SAGINAW RD	MIDLAND	48640
14-23-70-010	713 PLUMER ST	MIDLAND	48642
14-23-70-016	3001 S SAGINAW RD	MIDLAND	48640
14-23-70-018	1703 BAY CITY RD	MIDLAND	48640
14-23-70-020	1701 BAY CITY RD	MIDLAND	48642
14-23-70-026	1811 BAY CITY RD	MIDLAND	48642
14-23-70-031	1819 BAY CITY RD	MIDLAND	48642
14-23-70-032	1825 BAY CITY RD	MIDLAND	48642
14-23-70-036	1900 AUSTIN ST	MIDLAND	48642
14-23-70-044	2005 BAY CITY RD	MIDLAND	48642
14-23-70-046	2009 BAY CITY RD	MIDLAND	48642
14-23-70-048	2017 BAY CITY RD	MIDLAND	48642
14-23-70-056	2000 AUSTIN ST	MIDLAND	48642
14-23-70-070	1814 AUSTIN ST	MIDLAND	48642
14-23-70-076	1905 AUSTIN ST	MIDLAND	48642
14-23-70-078	1821 AUSTIN ST	MIDLAND	48642
14-23-70-240	2125 BAY CITY RD	MIDLAND	48642
14-23-70-246	2101 BAY CITY RD	MIDLAND	48642
14-23-70-250	2100 AUSTIN ST	MIDLAND	48642
14-23-70-268	2125 AUSTIN ST	MIDLAND	48642
14-23-80-100	2400 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-110	2300 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-160	2200 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-180	2120 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-190	2100 JAMES SAVAGE RD	MIDLAND	48640

Property ID Number	Property Address	Property City	Property Zip Code
14-23-80-199	1932 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-200	1926 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-245	1922 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-250	1928 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-280	1924 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-290	1918 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-300	1920 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-306	1818 JAMES SAVAGE RD	MIDLAND	48642
14-23-80-310	1812 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-312	1810 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-313	1814 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-314	1808 JAMES SAVAGE RD	MIDLAND	48640
14-23-80-320	1712 JAMES SAVAGE RD	MIDLAND	48640
14-26-80-260	3517 S SAGINAW RD	MIDLAND	48640
14-26-80-270	3515 S SAGINAW RD	MIDLAND	48640

Streets and Right-of-Ways

Street Name	Area Description
MDOT RIGHT-OF-WAY	N OF JAMES SAVAGE RD, SOUTH OF WEST M20, FROM WASHINGTON ST EXTENDING 6550 FEET TO THE EAST
3RD ST	BETWEEN INDIAN AND CARPENTER
4TH ST	BETWEEN INDIAN AND GROVE
5TH ST	BETWEEN GROVE AND PINE
6TH ST	BETWEEN INDIAN AND JEFFERSON
ARROW CV	SCHUETTE UNTIL END OF ARROW CV
AUSTIN ST	BETWEEN JEFFERSON AND PERSHING
BARTH ST	BETWEEN PERSHING AND BAYLISS
BAY CITY RD	BETWEEN SAGINAW AND LONGVIEW
BAYLISS ST	BETWEEN BARTH AND ARBURY
BURGESS ST	BAY CITY RD UNTIL END OF BURGESS
BUTTLES ST	BETWEEN STATE AND 3RD
COLORADO ST	WALSH UNTIL END OF COLORADO TO THE WEST
E CARPENTER ST	BETWEEN PATRICK AND JEFFERSON
E HALEY ST	BETWEEN WASHINGTON AND VIRGINIA
E INDIAN ST	BETWEEN STATE AND JEFFERSON
E LYON RD	BETWEEN HALEY AND WHERE M20 BEGINS

Street Name	Street Name	Area Description
E M 20 / US 10 BR	BETWEEN WASHINGTON AND WALDO	
E PATRICK RD	BETWEEN JEFFERSON AND US 10 BR EXIT	
E PINE ST	BETWEEN INDIAN AND 5TH	
EASTLAWN DR	BETWEEN SWEDE AND WALDO	
GROVE ST E	BETWEEN 3RD AND 6TH	
HALEY ST	BETWEEN BUTTLES AND INDIAN	
JAMES SAVAGE RD	BETWEEN LYON AND WALDO	
KENT CT	BETWEEN AUSTIN AND BAY CITY	
LINCOLN ST	PATRICK UNTIL LINCOLN ENDS TO THE SOUTH	
MARK PUTNAM RD	BETWEEN SAGINAW AND SCHUETTE	
N JEFFERSON AVE	BETWEEN AUSTIN AND PATRICK	
N SAGINAW RD	BETWEEN HALEY AND 2000 FEET SOUTH OF MARK PUTNAM	
N WALDO RD	BETWEEN COBB AND 2000 FEET SOUTH OF SCHUETTE	
PATRICK RD	BETWEEN INDIAN AND JEFFERSON	
PERSHING ST	BETWEEN AUSTIN AND BARTH	
PLUMER ST	BAY CITY RD UNTIL END OF PLUMER ST TO THE NORTH	
SAUVE ST	BAY CITY RD UNTIL THE END OF SAUVE ST TO THE SOUTH	
SCHUETTE RD	BETWEEN MARK PUTNAM AND WALDO	
STATE ST	BETWEEN MAIN AND INDIAN	
SWEDE RD	BETWEEN EASTLAWN AND PATRICK	
TIBBS ST	WEXFORD UNTIL TIBBS ENDS TO THE SOUTH	
W M 20	WALDO UNTIL EXIT RAMP ON PATRICK	
WALSH ST	BETWEEN PATRICK AND COLORADO	
WASHINGTON ST	BETWEEN HALEY AND THE PLANT ENTRANCE	
WEXFORD AVE	BETWEEN JEFFERSON AND BAYLISS	



ATTACHMENT B – RESIDENTIAL USES

The following property uses are considered “Residential” for purposes of the Memorandum of Agreement. Terms that are capitalized have the meaning given them in the City of Midland Zoning Ordinance or Code of Ordinances in effect on the Effective Date.

- Dwellings or Dwelling Units of any kind, including One-Family, Two-Family, and Multiple-Family
- Townhouses
- Residential Care Facilities (including child care centers)
primary or elementary schools
- Transitional Housing
- Campgrounds and Outdoor Recreation Facilities
- Residential Treatment
- Boarding Houses
- Housing for the Elderly
- Nursing Homes
- Mobile Home Parks
- Recreational Vehicle Parks

ATTACHMENT C – SAMPLE CONTRACT LANGUAGE

Surface Soil Management Standards. The project is located in an area of the City where certain properties are subject to soil management and disposal requirements due to historic contamination. The City will provide to Contractor a list or map of affected properties. If the Contractor's work involves excavating or removing soil from the surface to one foot in depth ("Surface Soil") on affected property, then the Contractor, before beginning any such work, shall notify the City, and the City will provide to Contractor management and disposal requirements.

OR

Surface Soil Management Standards. The project is located in an area of the City where certain properties are subject to soil management and disposal requirements due to historic contamination. The City will provide to Contractor a list or map of affected properties. If the Contractor's work involves excavating or removing soil from the surface to one foot in depth ("Surface Soil") on affected property, then the Contractor shall [choose one: place excavated Surface Soils on a liner in a separate pile from any other excavated soils and return the Surface Soils to the excavation upon completion. / place excavated Surface Soils on a liner in a separate pile from any other excavated soils and either return the Surface Soil to the excavation or dispose of any excavated Surface Soil that is removed from the property at the City of Midland Landfill. / follow the soil management plan attached to this contract.]

DECLARATION OF RESTRICTIVE COVENANT

Midland, Michigan

This Declaration of Restrictive Covenant (“Restrictive Covenant”) is made by the City of Midland, a Michigan municipality (“Midland”), which has an address of 333 West Ellsworth Street, Midland, Michigan 48640-5132, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property listed and described in Attachment 1 (the “Property”), and is recorded for the purpose of protecting public health, safety, welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the Property.

The Property is located in an area of the City of Midland that is subject to environmental response activities being conducted by The Dow Chemical Company pursuant to a plan approved by the Michigan Department of Environmental Quality (“MDEQ”). Dioxins have been detected in surface soils in this area of the City. In some places, dioxin concentration levels exceed levels that have been determined by the MDEQ to be appropriate for raising poultry or livestock.

The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in this Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

Definitions

“Dow” shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

“MDEQ” means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

“NREPA” shall mean the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

“Owner” shall mean, at any given time, the then current title holder of the Property or any portion

thereof.

“Response activity” means any evaluation, interim response activity, remedial action, or other action necessary or appropriate to protect public health, safety or welfare, or the environment, and includes any “response activity” as that term is defined in Part 201 of NREPA, 1994 PA 451, MCL 324.20101 *et seq.*, as amended, or any “corrective action” as defined by Part 111 of NREPA, 1994 PA 451, MCL 324.11101 *et seq.*, as amended.

NOW THEREFORE,

The City of Midland, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below.

1. **Restrictions on Use:** The Owner shall prohibit the keeping or raising of poultry or livestock on the Property.
2. **Binding Nature, Term:** Except as set forth in paragraph 3, below, this Restrictive Covenant shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
3. **Modification:** The Owner may request in writing to Dow and MDEQ modifications to this Restrictive Covenant, including the rescission of this Restrictive Covenant following the completion of further Response Activities. This Restrictive Covenant may be modified or rescinded only with the written approval of both Dow and the MDEQ.
4. **Enforcement:** Dow and the MDEQ may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
5. **Access:** The Owner grants to Dow and the MDEQ the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant. The Owner grants to Dow the right to enter the Property at reasonable times for the purpose of conducting Response Activities.
6. **Transfer of Interest:** The Owner shall provide notice to Dow and the MDEQ prior to transferring title to any portion of the Property. A conveyance of title or other interest in the Property shall not be effectuated by the Owner without first providing notice of, and requiring compliance with, this Restrictive Covenant.
7. **Notices:** Any notice, request, or other communication that is required to be made under this Restrictive Covenant shall be made in writing, shall include a statement that the communication is being made pursuant to this Restrictive Covenant, and shall be delivered either personally or sent via first class mail as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

For MDEQ:

Chief, Office of Waste Management and Radiological Protection
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

8. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.

THE CITY OF MIDLAND

Print: _____
Title: _____

State of Michigan)
)
County of _____)

This Covenant was acknowledged before me on _____, 20__, by
_____.

Signed

Printed

Notary Public, State of Michigan, County of _____
Commission Expires _____
Acting in the County of _____

Prepared by:
Daniel K. DeWitt
Warner Norcross & Judd LLP
111 Lyon Street NW
Grand Rapids MI 49503
616-752-2208

Attachment 1 – Description of Property

Land Situated in the City of Midland, Midland County, Michigan:

Parcel 1: Commencing at the Northeast corner of the East Half of the Southeast Quarter of Section 12, Township 14 North, Range 2 East, City of Midland, Midland County, Michigan; thence South along the East line 264 feet to the true place of beginning; thence continuing South along said East line 825.24 feet; thence West at right angles 396 feet; thence North parallel to the East line 820.64 feet; thence East parallel to the East and West Quarter line 396 feet to the East line and the place of beginning.

Commonly known as: 3711 Rockwell Drive

Parcel Id# 14-12-30-010

Parcel 2: Part of the NW 1/4 of the NE 1/4 of Section 12, T14N, R2E, Midland Township, Midland County, Michigan described as beginning at the intersection of the North section line and the East 1/8th line, which is S89°03'15" W, 1312.90 feet along the North section line from the Northeast corner of said Section 12; thence S89°03'15" W, 535.00 feet along said North section line; thence South 00°03'45" E, 200 feet; thence N89°03'15" E, 535.00 feet; thence N00°03'45"W, 200.00 feet along said East 1/8th line to the Point of Beginning.

Commonly known as: 4320 E Wheeler Street

Parcel Id# 14-12-10-300

Parcel 3: Section 12, T14N, R2E, Commencing 635 feet East of the North 1/4 corner; thence East 150 feet, South 200 feet, West 150 feet, North 200 feet to the place of beginning.

Commonly known as: 4300 E. Wheeler Street (4824 E. Wheeler Street)

Parcel Id# 14-12-10-310

Parcel 4: The North 80 feet of the following described parcel of land: Commencing at the East 1/4 corner of said Section 2, Township 14 North, Range 2 East, Midland County, Michigan; thence North 00 Deg 08 Min 52 Sec East 150.00 feet along the East line of said Section 2 to the Point of Beginning; thence North 89 Deg 49 Min 01 Sec West, 435.00 feet parallel with the East-West 1/4 line of said Section 2; thence South 00 Deg 08 Min 52 Sec West, 150.00 feet parallel with said East section line; thence North 89 Deg 49 Min 01 Sec West, 1448.37 feet along said 1/4 line; thence North 24 Deg 02 Min 49 Sec West, 724.25 feet; thence South 89 Deg 48 Min 28 Sec East, 2180.20 feet along the North line of the South 1/2 of the South 1/2 of the Northeast 1/4 of said Section 2 to said East section line; thence South 00 Deg 08 Min 52 Sec West, 510.10 feet to the Point of Beginning.

Commonly known as: 2618 Diamond Drive

Parcel Id# 14-02-20-510

Parcel 5: Part of the Northwest 1/4 of the Northwest 1/4, Section 12, T14N-R2E, Midland Township, Midland County, Michigan. Described as beginning at a point on the North Section Line, which is S89°37'20"E, 1072.82 ft. from the Northwest Section corner, thence S89°37'20"E, 115.00 ft, thence S01°18'40"W 230.00 ft. parallel to the West section line; thence S89°37'20"E 140.00 ft, thence S01°18'40"W 508.65 ft. along the East 1/8 line of said Section 12; thence N89°41'50"W 255.00 ft, thence N01°18'40"E 738.65 ft to the point of beginning.

Commonly known as 3400 E. Wheeler Street

Parcel Id# 14-12-80-300

Parcel 6 (landfill): Beginning 250 feet West of the Southeast corner of Section 12, Township 14 North, Range 2 East, thence North 660 feet, West 450 feet, South 660 feet, East 450 feet to the place of beginning; and

Beginning 90 feet West and 200 feet North of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 12, Township 14 North, Range 2 East, thence North 133 feet; thence West 240 feet, thence North 167 feet, thence East 330 feet, thence South 300 feet, thence West 90 feet to the Beginning; and

Beginning Ninety (90) feet West and Thirty-three (33) feet North of the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section Twelve (12), Township 14 North, Range 2 East, thence North 167 feet; thence East 90 feet; thence North 856 feet; thence West 330 feet; thence South 1023 feet; thence East 240 feet to point of beginning; and

Commencing at a point 330 feet West of Southeast corner of East half of West half of Southeast Quarter of Section Twelve (12), Township 14 North, Range 2 East, thence North 64 rods to Place of Beginning; thence North 96 rods, more or less to East West Quarter line; thence East on East and West Quarter line, 20 rods to East One-eighth line; thence South on East one-eighth line 96 rods; thence West 20 rods to Place of Beginning, being a part of East half of West half of Southeast Quarter, Section 12, Township 14 North, Range 2 East; and

Commencing at a point 330 feet West of the Southeast corner of the East half of the West half of the Southeast Quarter of Section 12, Township 14 North, Range 2 East; running thence North 24 rods; thence West 108 feet; thence South 24 rods; thence East 108 feet to the point of beginning, and being a part of the West half of the Southeast quarter of Section 12, Township 14 North, Range 2 East; and

Commencing at a point 438 feet West of the Southeast corner of the East half (E 1/2) of the West half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 12, Township 14 North, Range 2 East, running thence North 24 rods; thence East 108 feet; thence North 136 rods to the East and West Quarter line; thence West on the East and West Quarter line 330 feet; thence South 136 rods; thence East 125 feet; thence South 24 rods, more or less to the South Section line of Section 12; thence East on the South Section line 97 feet, more or less to the place of beginning, being a part of the East half (E 1/2) of the West half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 12, Township 14 North; and

Beginning at the Southwest corner of the East 1/2 of the West 1/2 of the Southeast 1/4 of Section 12, North 396 feet, thence East 125 feet, thence South 396 feet, thence West 125 feet to the point of beginning, excepting the South 110 feet, T14N, R2E, City of Midland, Midland County, Michigan; and

All that part of the East 1/2 of the Southwest 1/4 and the West 1/2 of the West 1/2 of the Southeast 1/4 of Section 12, T14N, R2E, City of Midland, Midland County, Michigan which lies Northeasterly of a line 225 feet Northeasterly of (measured at right angles) and parallel to a line described as: Beginning at a point on the South line of said Section 12, which is South 89 deg. 50'50" East a distance of 96.92 feet from the South 1/4 corner of said Section 12; thence North 27 deg. 44'50" West a distance of 2700 feet to a point of ending. Excepting therefrom the South 110 feet and the East 20 rods of the South 80 rods; and

Commencing at the Northeast corner of the East half (1/2) of the Southeast Quarter (SE 1/4) of Section 12, Township 14 North, Range 2 East, running thence South 16 rods; thence West 24 rods; thence South 64 rods, more or less to the South 1/8 line; thence West on the South 1/8 line 56 rods more or less to the East 1/8 line; thence North on the East 1/8 line 80 rods more or less to the East and West Quarter (1/4) line; thence East on the East and West Quarter (1/4) line 80 rods more or less to the Place of Beginning, being part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 12, Township 14 North, Range 2 East; and

Beginning 1105 feet North of the Southeast corner of the Southeast 1/4 of the Southeast 1/4 of Section 12, T14N, R2E; thence West 396 feet; thence North 435.6 feet; thence East 396 feet; thence South 435.6 feet to the Point of Beginning; and

Commencing at the Northeast corner of the East half of the Southeast Quarter of Section 12, Township 14 North, Range 2 East, City of Midland, Midland County, Michigan, running thence South along the East Section line 264 feet to the place of beginning; thence continuing South along said East line 825.24 feet; thence West at right angles 396 feet; thence North parallel to said East line 820.64 feet; thence East 396 feet to the place of beginning; and

The South Half of the South Half of the Northeast Quarter of Section 12, Township 14 North, Range 2 East, excepting a parcel described as: Commencing 138 feet North of the East Quarter corner of said Section 12, and running thence West 718 feet, thence North 300 feet; thence East 718 feet, thence South 300 feet to the place of beginning; and

Commencing 138 feet North of the East 1/4 corner of Section 12, T14N, R2E, thence West 718 feet; thence North 300 feet; thence East 718 feet; thence South 300 feet to the point of beginning; and

The East one-half (E1/2) of the East one-half (E1/2) of the Northwest one quarter (NW1/4) of Section 12 and the North one-half (N1/2) of the South one-half (S1/2) of the Northeast one-quarter (NE1/4) of Section 12, Township 14 North, Range 2 East; and

Beginning 597.73 feet East of the West 1/8th corner on the North line of Section 12, Township 14 North, Range 2 East, of said Township; thence South and parallel to said West 1/8th line 217 feet; thence West and parallel to said North Section line 346 feet; thence North and parallel to said West 1/8th line 2 feet; thence West 251.93 feet to a point on said West 1/8th line 207 feet South of the North Section line; thence South along said West 1/8th line 2017.18 feet; thence South 28°16'49" East 467.90 feet to the East and West quarter line of said Section; thence East along said East and West quarter line 435.53 feet to the East line of the West one-half of the East one-half of the Northwest quarter of said Section; thence North 2636.60 feet to the North line of said Section; thence West along the North line of said Section 66 feet to beginning. Said parcel being part of the West half of the East half of the Northwest quarter of Section 12, Township 14 North, Range 2 East, of said Township; and

Part of the Northwest 1/4 of the Northwest 1/4, Section 12, T14N-R2E, Midland Township, Midland County, Michigan. Described as beginning at a point on the North Section line, which is S89°37'20"E 1072.82 ft. from the Northwest Section corner, thence S89°37'20"E 115.00 ft., thence S01°18'40"W 230.00 ft. parallel to the West section line; thence S89°37'20"E 140.00 feet; thence S01°18'40"W

508.65 ft. along the East 1/8 line of said Section 12; thence N89°41'50"W 255.00 ft. thence N01°18'40"E 738.65 to the point of beginning; and

Commencing at a point 738.65 feet South of the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, T14N, R2E, on the West 1/8 of said Section 12, thence South 171 feet; thence West 255 feet; thence North 171 feet; thence East 255 feet to the point of beginning; and

Commencing at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, Township 14 North, Range 2 East, and running thence South 230 feet; thence West 140 feet; thence North 230 feet; thence East 140 feet to the place of beginning, being a part of the Northwest 1/4 of the Northwest 1/4, Township of Midland, County of Midland and State of Michigan; and

Commencing 251.73 feet East of the West 1/8 corner on the North line of Section 12, Township 14 North, Range 2 East; thence South 217 feet; thence East 125 feet; thence North 217 feet; thence West 125 feet to the place of beginning, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 12, T14N, R2E; and

Beginning at the West 1/8 corner on the North line of Section 12, Township 14 North, Range 2 East, Midland Township, Midland County, Michigan; thence East 251.73 feet along the North line of said Section 12; thence South 215 feet parallel to the West 1/8 line of said Section 12; thence Northwesterly 251.93 feet along the centerline of drain to a point on the West 1/8 line to said Section 12, which is located 207 feet South of the Place of Beginning; thence North 207 feet to the Place of Beginning; and

Commencing 66 feet West of the Northeast corner of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 12, Township 14 North, Range 2 East, thence West 346 feet; thence South 217 feet; thence East 346 feet; thence North 217 feet to the place of beginning; excepting commencing 251.73 feet East of the West 1/8 corner on the North line of Section 12, Township 14 North, Range 2 East, thence South 217 feet, thence East 125 feet; thence North 217 feet; thence West 125 feet to the Place of Beginning; and

Commencing at a point 200 feet South of the East 1/8 corner on the North line of Section 12, T14N, R2E, Midland Township, Midland County, Michigan, running thence West 685 feet; thence North 200 feet to the North line of said Section 12; thence West 165 feet; thence South 196 feet; thence West 180 feet; thence North 196 feet; thence West 290 feet to the North 1/4 corner of said Section 12; thence South 1320 feet; thence East 1320 feet; thence North 1120 feet to the place of beginning; and

Commencing 850 feet West of the East 1/8 corner of Section 12, T14N, R2E, and on North line of said Section; thence South 196 feet; thence West 180 feet; thence North 196 feet; thence East 180 feet to the place of beginning; and

Section 12, T14N, R2E, Commencing 635 feet East of the North 1/4 corner; thence East 150 feet; South 200 feet; West 150 feet; North 200 feet to the place of beginning; and

Part of the NW 1/4 of the NE 1/4 of Section 12, T14N, R2E, Midland Township, Midland County, Michigan described as beginning at the intersection of the North section line and the East 1/8th line, which is S89°03'15"W 1312.90 feet along the North section line from the Northeast corner of said Section 12; thence S89°03'15" W 535.00 feet along said North Section line; thence South 00°03'45"E 200 feet; thence N89°03'15" E 535.00 feet; thence N00°03'45"W 200.00 feet along said East 1/8th line to the point of beginning; and

A parcel of land in the East one-half of the Southeast one-quarter of Section 12, T14N, R2E, City of Midland, Midland County, Michigan, described as beginning at the Northwest corner of the Southeast one-quarter of the Southeast one-quarter of said Section 12; thence East 934.79 feet along the South one-eighth line; thence South 100 feet; thence West 934.79 feet to the East one-eighth line; thence North 100 feet along said East one-eighth line to the place of beginning; and

A parcel of land in the East one-half of the Southeast one-quarter of Section 12, T14N, R2E, City of Midland, Midland County, Michigan, described as beginning 100 feet South of the Northwest corner of the Southeast one-quarter of the Southeast one-quarter of said Section 12; thence East 934.79 feet along a line parallel and 100 feet South of the South one-eighth line; thence South 25 feet; thence West 934.79 feet to the East one-eighth line; thence North 25 feet along said East one-eighth line to the place of beginning.

Also described as (tax legal):

SE 1/4 and SW 1/4 of Section 12, T14N, R2E, lying NE of a line 225 feet NE of Survey line of US 10, excepting the SE 1/4 of SE 1/4 and excepting the parcel beginning at the SE corner of SW 1/4 of SE 1/4, thence N 200 feet, thence West 90 feet, thence North 133 feet, thence West 240 feet; thence South 233 feet, thence East 330 feet to the Point of Beginning, and excepting beginning 330 feet East of SW corner of SE 1/4 of Section 12, thence N 1320 feet, thence East 330 feet, thence South 1320 feet, thence West 330 feet to the point of beginning and excepting the easement to MSHD.

Commonly known as 4311 E. Ashman Street

Parcel Id# 14-12-40-014

Parcel 7: Commencing at a point located 300 feet East of the Northwest corner of the NE 1/4 of SW 1/4 of Section 20, T14N, R2E, City of Midland, Midland County, Michigan; running thence East 80 feet; thence South 87 feet; thence South 42°14' East 21.65 feet; thence South 71.97 feet; thence West 94.55 feet; thence North 175 feet to the place of beginning. Subject to road right of way over Northerly portion thereof.

And

Commencing 380 feet East of the Northwest corner of the NE 1/4 of the SW 1/4 of Section 20, T14N, R2E, running thence East 74 feet; thence South 175 feet; thence West 59.45 feet; thence North 71.97 feet; thence North 42°14' West 21.65 feet; thence North 87 feet to the place of beginning, being a part of the NE 1/4 of the SW 1/4 of Section 20, T14N, R2E, City of Midland, Midland County, Michigan.

And

Commencing at a point 217 feet East of the Northwest corner of the Northeast quarter of the Southwest quarter of Section 20, and running thence South 175 feet; thence East 83 feet; thence North 175 feet; thence West 83 feet to the place of beginning, and being a part of the said Northeast quarter of the Southwest quarter of Section 20.

Commonly known as: 1205 Pine River Road

Parcel Id# 20-20-60-260

Parcel 8: That part of the East 1/2 of the Northwest 1/4 of Section 20, Township 14 North, Range 2 East, in the City of Midland lying South of the South line of Whitman Drive, except the South 80 feet of said East 1/2 of the Northwest 1/4, and also except that part lying within Atwell Street.

Commonly known as: 1201 Whitman Drive

Parcel Id# 14-20-80-005

Parcel 9: Part of the Northwest 1/4 of the Southeast 1/4, Section 24, Township 14 North, Range 2 East, described as beginning South 89°06'00" East 771.88 feet along the East and West 1/4 line from the center of said Section 24; thence South 01°47'35" West 149.85 feet; thence along a 2030.00 foot radius curve to the left, having a central angle of 04°39'01" and a chord bearing and distance of South 00°31'55" East 164.71 feet; thence South 02°51'26" East 145.96 feet; thence along a 1970.00 foot radius curve to the right having a central angle of 04°39'01" and a chord bearing and distance of South 00°31'55" East 159.84 feet; thence South 01°47'35" West 514.93 feet; thence South 89°06'00" East 60.01 feet; thence North 01°47'35" East 679.12 feet; thence North 03°22'07" East 145.47 feet; thence North 01°47'35" East 310.46 feet; thence North 89°06'00" West 89.01 feet along the East and West 1/4 line to the point of beginning.

Commonly known as: 4312 Bay City Road

Parcel Id# 14-24-30-510

Parcels 10 and 11: Beginning 250 feet West of the Southeast corner of Section 12, Township 14 North, Range 2 East, thence North 660 feet, West 450 feet, South 660 feet, East 450 feet to the place of beginning.

Commonly known as: 4715 E. Ashman Street and 4725 E. Ashman Street

Parcel Id# 14-12-40-600 and 14-12-40-500

Parcel 12: A parcel of land in the East one-half of the Southeast one-quarter of Section 12, T14N, R2E, City of Midland, Midland County, Michigan, described as beginning 100 feet south of the Northwest corner of the Southeast one-quarter of the Southeast one-quarter of said Section 12; thence East 934.79 feet along a line parallel and 100 feet South of the South one-eighth line; thence South 25 feet; thence West 934.79 feet to the East one-eighth line; thence North 25 feet along said East one-eighth line to the place of beginning.

Commonly known as: 4605 E. Ashman Street

Parcel Id# 14-12-40-430

Parcel 13: A parcel of land in the East one-half of the Southeast one-quarter of Section 12, T14N, R2E, City of Midland, Midland County, Michigan, described as beginning at the Northwest corner of the Southeast one-quarter of the Southeast one-quarter of said Section 12; thence East 934.79 feet along the South one-eighth line; thence South 100 feet; thence West 934.79 feet to the East one-eighth line; thence North 100 feet along said East one-eighth line to the place of beginning.

Commonly known as: 4603 E. Ashman Street

Parcel Id# 14-12-40-420

Parcel 14: Beginning at the North 1/4 corner; thence West 154 feet, thence South 192 feet; thence East 154 feet; thence North 192 feet to the point of beginning, Section 12, Town 14 North, Range 2 East.

Commonly known as: 4012 E. Wheeler Street

Parcel Id# 14-12-80-100

Parcel 15: Beginning 597.73 feet East of the West 1/8th corner on the North line of Section 12, Township 14 North, Range 2 East, of said Township; thence South and parallel to said West 1/8th line 217 feet; thence West and parallel to said North Section line 346 feet; thence North and parallel to said West 1/8th line 2 feet; thence West 251.93 feet to a point on said West 1/8th line 207 feet South of the North Section line; thence South along said West 1/8th line 2017.18 feet; thence South 28°16'49" East 467.90 feet to the East and West quarter line of said Section; thence East along said East and West quarter line 435.53 feet to the East line of the West one-half of the East one-half of the Northwest quarter of said Section; thence North 2636.60 feet to the North line of said Section; thence West along the North line of said Section 66 feet to beginning. Said parcel being part of the West half of the East half of the Northwest quarter of Section 12, Township 14 North, Range 2 East, of said Township.

Commonly known as: 4812 E. Wheeler Street

Parcel Id # 14-12-10-400

Parcel 16: The West 1/2 of the Northeast 1/4 of Section 20, Township 14 North, Range 2 East, lying South of Whitman Drive, except the West 15.5 feet thereof and also except the South 80 feet of the East 685.33 feet of the West 700.83 feet thereof.

Lots 62 and 63 of Assessors Plat of the Fourth Ward of the City of Midland, being part of the Northeast 1/4 of Section 20, Township 14 North, Range 2 East and the Northwest 1/4 of Section 21, Township 14 North, Range 2 East, as per plat thereof recorded in Liber A of Plats, Page 80 of Midland County Records.

Commonly known as: 605 Whitman Drive

Parcel Id# 14-20-20-340

Parcel 17: Commencing 138 feet North of the East 1/4 corner of Section 12, T14N, R2E, thence West 718 feet; thence North 300 feet; thence East 718 feet; thence South 300 feet to the point of beginning.

Commonly known as: 4025 Rockwell Drive

Parcel Id# 14-12-20-800

Parcel 18: Commencing at a point 738.65 feet South of the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, T14N, R2E, on the West 1/8 line of said Section 12, thence South

171 feet; thence West 255 feet; thence North 171 feet; thence East 255 feet to the point of beginning, Also granting a non-exclusive right of way for roadway purposes described as commencing 255 feet West of the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 12, thence South 909.58 feet; thence West 33 feet; thence North 909.65 feet; thence East 33 feet to the point of beginning.

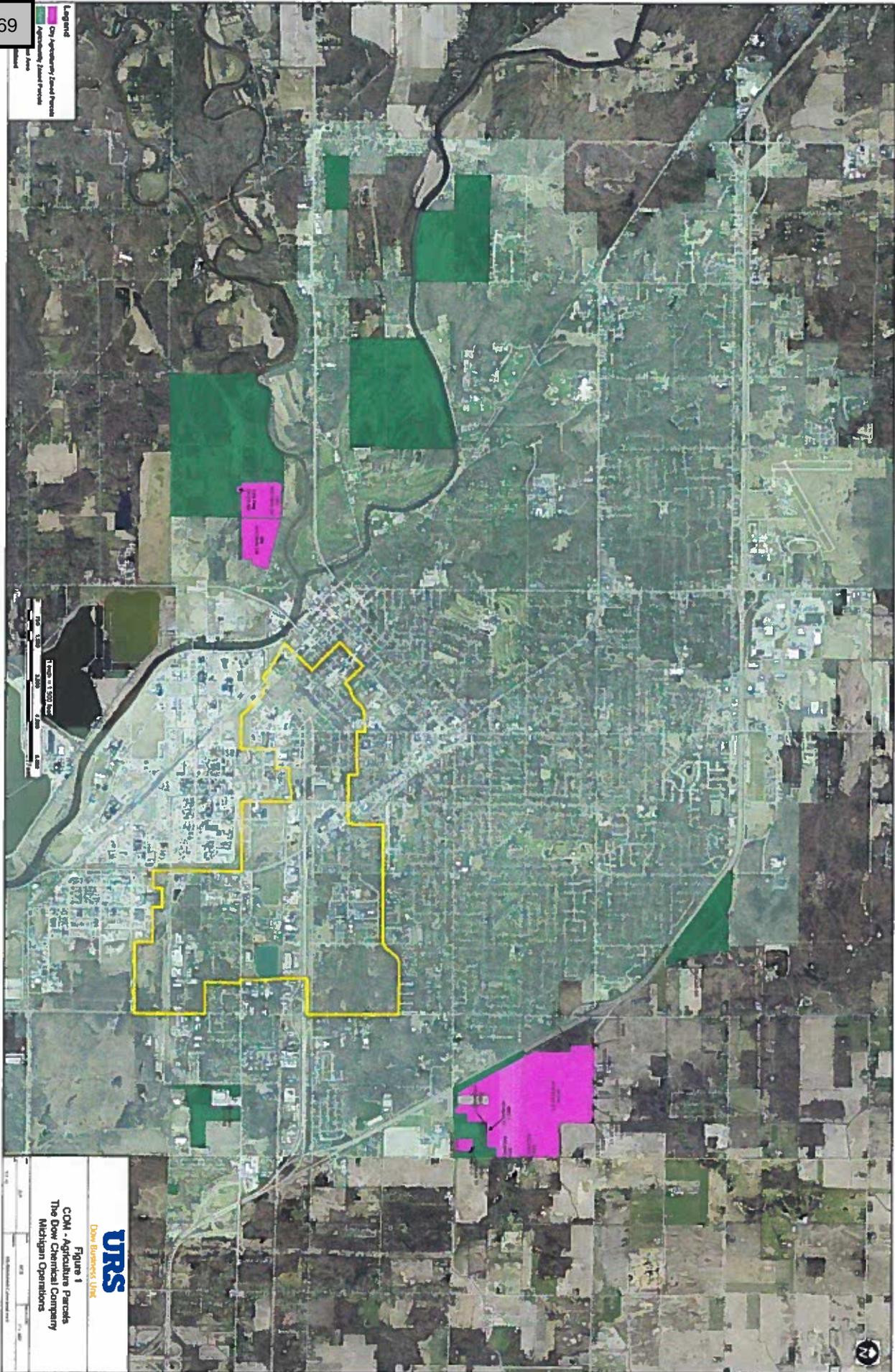
Commonly known as: 3600 E. Wheeler Street

Parcel Id# 14-12-80-310

Parcel 19: Commencing 850 feet West of the East 1/8 corner of Section 12, T14N, R2E, and on North line of said Section; thence South 196 feet; thence West 180 feet; thence North 196 feet; thence East 180 feet to the place of beginning.

Commonly known as: 4208 E. Wheeler Street

Parcel Id# 14-12-10-320





City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) requires certain dioxin remediation activities of the Dow Chemical Company (Dow) in an area known as the Midland Resolution Area (MRA); and

WHEREAS, Dow has analyzed more than 1,600 soil samples and remediated over 100 residential properties in the MRA; and

WHEREAS, Dow has attempted but has been unable to sample and analyze other residential properties within the MRA; and

WHEREAS, Dow is required by MDEQ to sample and analyze any properties proposing to convert from non-residential use to residential use in the MRA; and

WHEREAS, the City of Midland and Dow wish to enter into a Memorandum of Agreement governing city activities within the MRA, including notice to Dow of proposals to change land uses within the MRA; and

WHEREAS, the City of Midland and Dow wish further to voluntarily establish a Declaration of Restrictive Covenant on 19 city-owned and Agricultural zoned properties; now therefore

RESOLVED, that Midland City Council hereby approves the proposed Memorandum of Agreement with the Dow Chemical Company and the proposed Declaration of Restrictive Covenant; and

RESOLVED FURTHER, that the Mayor and City Clerk be authorized to execute both the Memorandum of Agreement and the Declaration of Restrictive Covenant subject to final technical review of the property listings and legal descriptions by the City Attorney.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

5. Receiving and filing the 2016 Annual Construction Progress Update.
MCMANUS

SUMMARY REPORT TO THE CITY MANAGER

For City Council Meeting of December 5, 2016

SUBJECT: Construction Progress Report

INITIATED BY: Brian McManus, City Engineer

RESOLUTION SUMMARY: This resolution authorizes City Council to receive and file the 2016 Construction Progress Report

ITEMS ATTACHED:

1. Summary Letter to City Manager
2. Construction Progress Report - 2016
3. Resolution
4. Location Maps

CITY COUNCIL ACTION: 3/5 vote required to approve resolution

SUBMITTED BY: Brian McManus, City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

DATE: November 30, 2016
TO: Jon Lynch, City Manager
FROM: Brian McManus, City Engineer
RE: 2016 Construction Progress Annual Report

Annually, the Engineering Department provides a construction progress report that provides City Council and the community information regarding the progress of planned construction projects. The 2016 construction progress report is consolidated from the Project Priority Reports approved by City Council during the 2015/16 and 2016/17 budgeting processes. Each year new projects are approved under five funding categories that include Major Streets, Local Streets, Sanitary Sewer, Water, and Miscellaneous General Fund. Construction of approved projects is staggered, with some being completed in the summer that the budget is approved, and some completed the following year.

Street construction project funding sources include the long standing county road millage and gas and weight tax revenues. In November of 2014 an additional county wide road millage was passed by voters in Midland. Funding from the additional road millage became available for street construction efforts during 2016. This funding was used for full street reconstruction projects.

As shown on the project report, the majority of projects planned for construction in 2016 are complete. Approximately \$8.3M worth of improvements was completed this construction season. Reconstruction on local streets increased \$790K this construction year over the previous year funding. Not accounting for bridge work funded by MDOT last year, construction spending on major street reconstruction saw an increase of nearly \$1.0 million above previous year.

The 2016 construction program was highlighted by several street improvements. Within the Major Street system, Main Street from Jerome to Post Street was reconstructed. Also, Saginaw Road from Tucker to Eastman was reconstructed. Where St. Andrews crosses Snake Creek, a new box culvert was installed to replace failing culverts.

The Sugnet Road extension from Dublin to Northwood was constructed. Funding for this project was from the City and the State of Michigan through the Metropolitan Planning Organization (MPO). In addition, Eastman Avenue was reconstructed by MDOT from Saginaw Road to south of Wackerly Street.

Several Local Streets were reconstructed including Blarney, Harrison, Leeway, Leonard, Noeske, Ohio, Ottawa, Princeton, Sandy Ridge, Woodlawn, Crane, Jerome, and Rosemary. Many of these streets included the installation of new water main.

The installation of sidewalks along Northwood Drive from Saginaw Road to Sugnet Road was also completed during this past construction season.

A resolution is attached for your consideration to receive and file this report.

JNF
ConstProgress2016.LTR

2016 CONSTRUCTION PROJECTS

MAJOR STREET FUND

PROJECT NAME	COST	STATUS	FUNDING	MAP
MAIN ST: JEROME TO POST	\$ 560,000	COMPLETE	FY 15/16	✓
N SAGINAW RD: TUCKER TO EASTMAN	\$ 650,000	COMPLETE	FY 15/16	✓
SUGNET ROAD: DUBLIN TO NORTHWOOD	\$ 900,000	COMPLETE	FY 15/16	
CAMBRIDGE ST: ASHMAN TO ST. ANDREWS	\$ 265,000	COMPLETE	FY 16/17	✓
SAGINAW ROAD SHOULDER STABILIZATION	\$ 100,000	COMPLETE	FY 16/17	✓
ST. ANDREWS RD BRIDGE AT SNAKE CREEK	\$ 500,000	COMPLETE	FY 16/17	✓
MAJOR STREET SURFACE TREATMENT	\$ 150,000	COMPLETE	FY 15/16	
DITCH CLEANING	\$ 50,000	COMPLETE	FY 15/16	
TRAFFIC SIGN UPGRADE	\$ 35,000	COMPLETE	FY 15/16	
TRAFFIC SIGNAL UPGRADE	\$ 30,000	COMPLETE	FY 15/16	
NON-MOTORIZED IMPROVEMENTS	\$ 10,000	COMPLETE	FY 15/16	
	\$ 3,250,000			

LOCAL STREET FUND

PROJECT NAME	COST	STATUS	FUNDING	MAP
BLARNEY ST: STURGEON CREEK PKWY TO LEEWAY	\$ 121,000	COMPLETE	FY 15/16	✓
HARRISON ST: NOESKE TO ASHMAN	\$ 185,000	COMPLETE	FY 15/16	✓
LEEWAY ST: MOORLAND TO END OF STREET	\$ 154,000	COMPLETE	FY 15/16	✓
LEONARD LN: ST. ANDREWS TO WOODLAWN	\$ 212,000	COMPLETE	FY 15/16	✓
NOESKE ST: HELEN TO BALFOUR	\$ 176,000	COMPLETE	FY 15/16	✓
OHIO ST: CAROLINA TO SWEDE	\$ 167,000	COMPLETE	FY 15/16	✓
OTTAWA ST: E MEADOWBROOK TO END OF STREET	\$ 230,000	COMPLETE	FY 15/16	✓
PRINCETON ST: JEFFERSON TO END OF STREET	\$ 143,000	COMPLETE	FY 15/16	✓
SANDY RIDGE: LEONARD LN TO END OF STREET	\$ 77,000	COMPLETE	FY 15/16	✓
WOODLAWN ST: SAGINAW TO SUGNET	\$ 167,000	COMPLETE	FY 15/16	✓
CRANE CT: EASTMAN TO END OF COURT	\$ 110,000	COMPLETE	FY 16/17	✓
JEROME ST: PINE TO CARPENTER	\$ 225,000	COMPLETE	FY 16/17	✓
ROCKWELL (MID-BAY COUNTY LINE): ASHMAN TO WHEELER	\$ 80,000	COMPLETE	FY 16/17	✓
ROSEMARY CT: WOODLAWN TO END	\$ 130,000	COMPLETE	FY 16/17	✓
LOCAL STREET SURFACE TREATMENT	\$ 250,000	COMPLETE	FY 15/16	
CURB REPLACEMENT & PAVEMENT PATCHING	\$ 150,000	COMPLETE	FY 15/16	
	\$ 2,577,000			

SANITARY SEWER PROJECTS

PROJECT NAME	COST	STATUS	FUNDING	MAP
	\$ -			

MISCELLANEOUS GENERAL FUND PROJECTS

PROJET NAME	COST	STATUS	FUNDING	MAP
CATCH BASIN LEAD REPLACEMENTS	\$ 10,000	COMPLETE	FY 15/16	
SIDEWALK IMPROVEMENT PROGRAM (WACKERLY)	\$ 40,000	COMPLETE	FY 15/16	
NORTHWOOD DRIVE SIDEWALK	\$ 85,000	COMPLETE	FY 16/17	✓
WACKERLY CULVERT AT SIEBERT DRAIN	\$ 65,000	COMPLETE	FY 15/16	
CULVERT REPLACEMENT (LETTS)	\$ 100,000	COMPLETE	FY 16/17	
	\$ 300,000			

PROJECT NAME					
BLARNEY ST: STURGEON CREEK PKWY TO LEEWAY	\$	152,000	COMPLETE	FY 15/16	✓
LEEWAY ST: MOORLAND TO END OF STREET	\$	190,000	COMPLETE	FY 15/16	✓
LEONARD LN: ST. ANDREWS TO WOODLAWN	\$	191,000	COMPLETE	FY 15/16	✓
MAIN ST: JEROME TO POST	\$	507,000	COMPLETE	FY 15/16	✓
NOESKE ST: HELEN TO BALFOUR	\$	200,000	COMPLETE	FY 15/16	✓
OHIO ST: CAROLINA TO SWEDE	\$	293,000	COMPLETE	FY 15/16	✓
OTTAWA ST: E MEADOWBROOK TO END OF STREET	\$	48,000	COMPLETE	FY 15/16	✓
SANDY RIDGE: LEONARD LN TO END OF STREET	\$	71,000	COMPLETE	FY 15/16	✓
WOODLAWN ST: SAGINAW TO SUGNET	\$	132,000	COMPLETE	FY 15/16	✓
CAMBRIDGE ST: ASHMAN TO ST. ANDREWS	\$	125,000	COMPLETE	FY 16/17	✓
CRANE CT: EASTMAN TO END OF COURT	\$	112,000	COMPLETE	FY 16/17	✓
ROSEMARY CT: WOODLAWN TO END	\$	135,000	COMPLETE	FY 16/17	✓
	\$	2,156,000			

TOTAL 2016 CONSTRUCTION VALUE**\$ 8,283,000**



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BY COUNCILMAN

WHEREAS, the City Engineer reported the status of completion for projects in the 2016 Construction Program; now therefore

RESOLVED, that City Council hereby receives and files the 2016 Construction Progress Report.

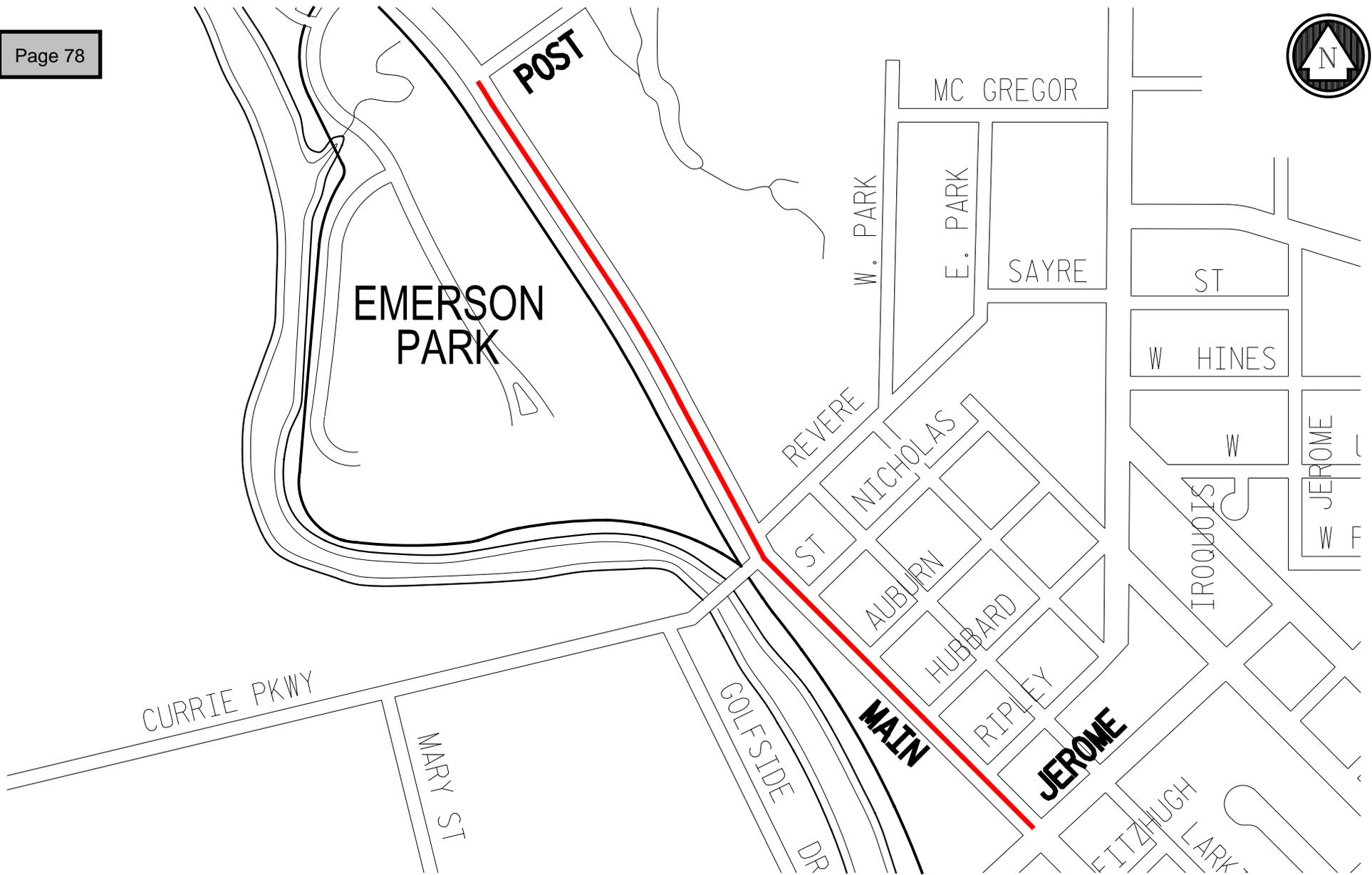
YEAS:

NAYS:

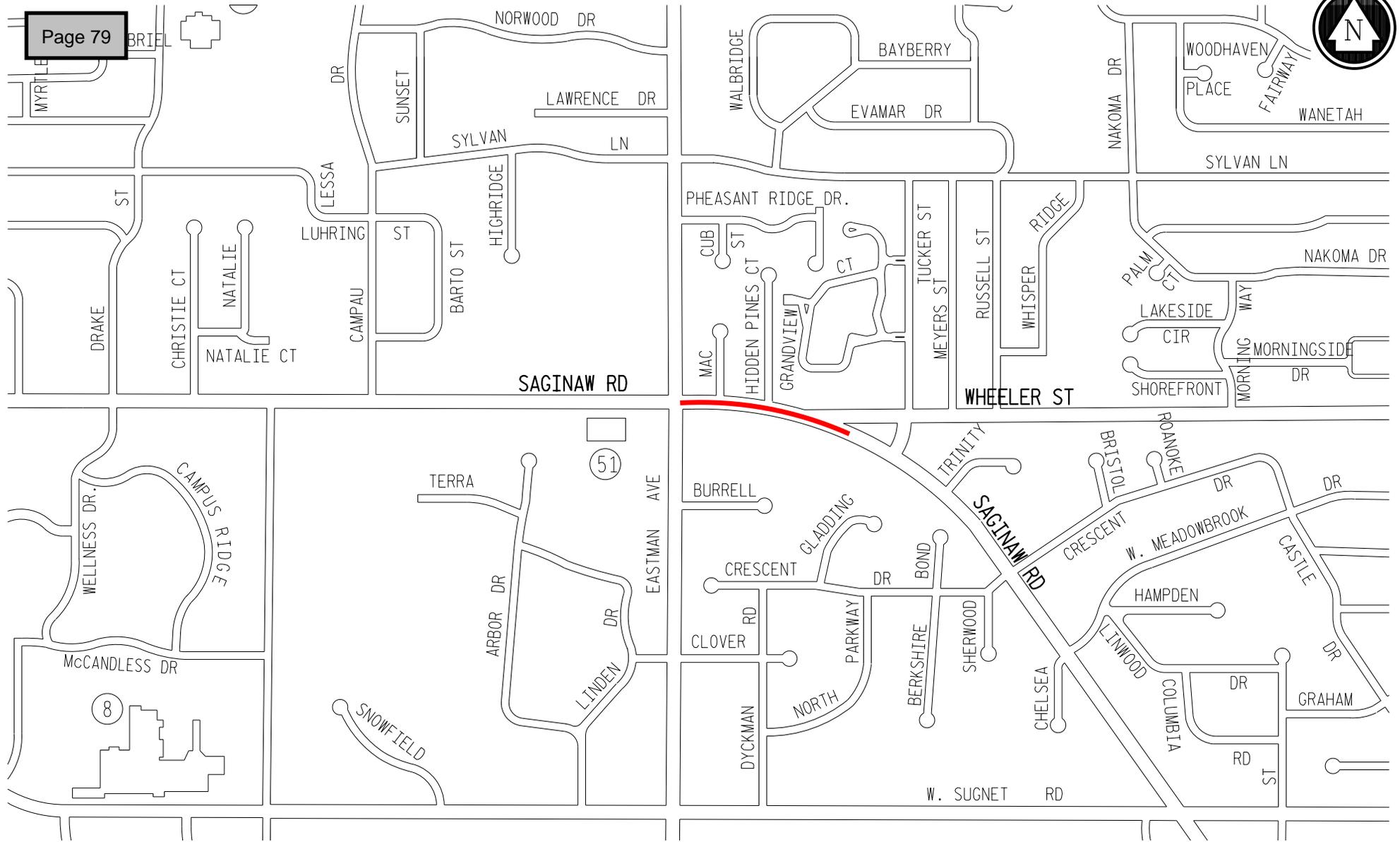
ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk



MAIN RECONSTRUCTION / WATER JEROME TO POST



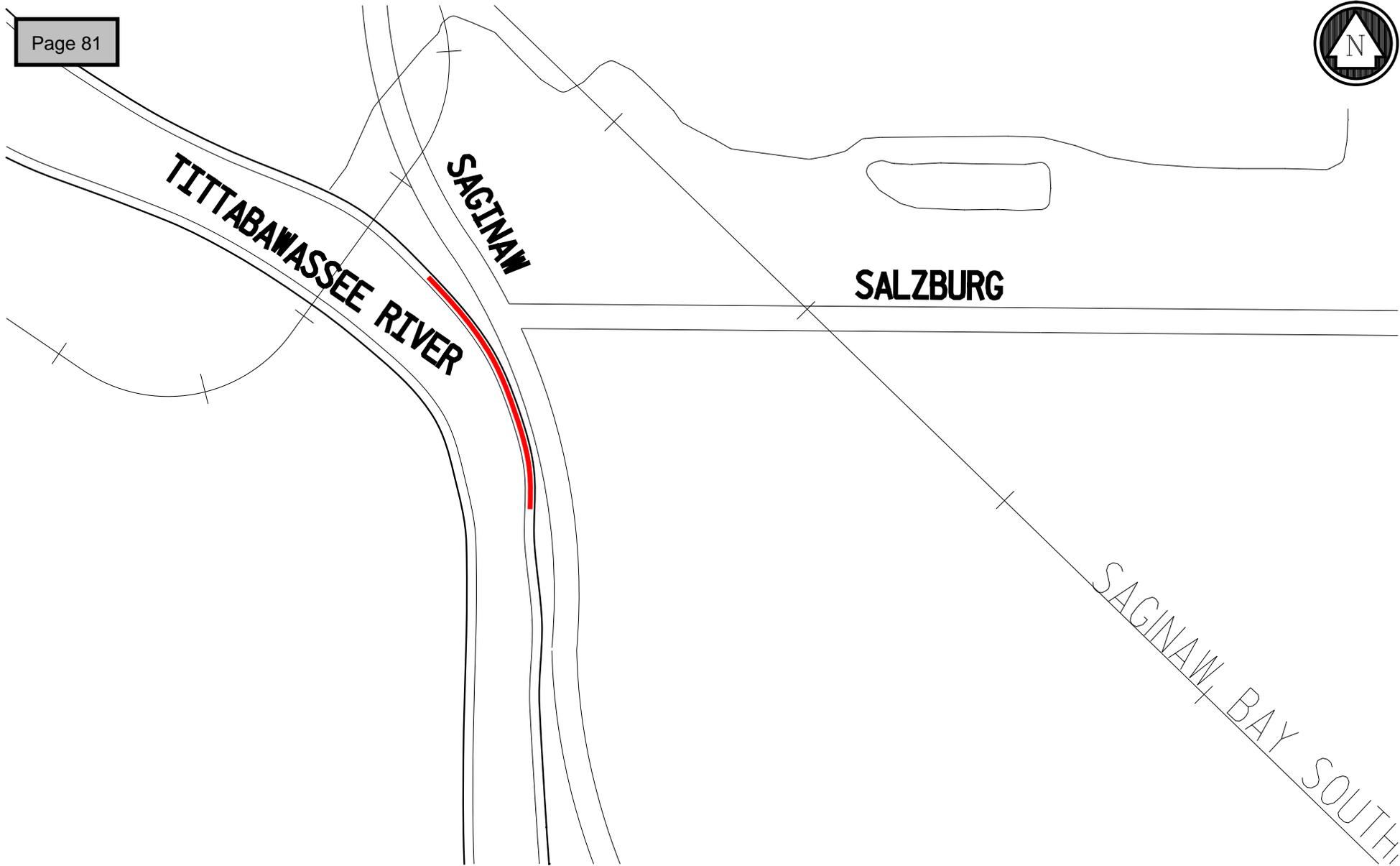
SAGINAW ROAD

EASTMAN TO TUCKER

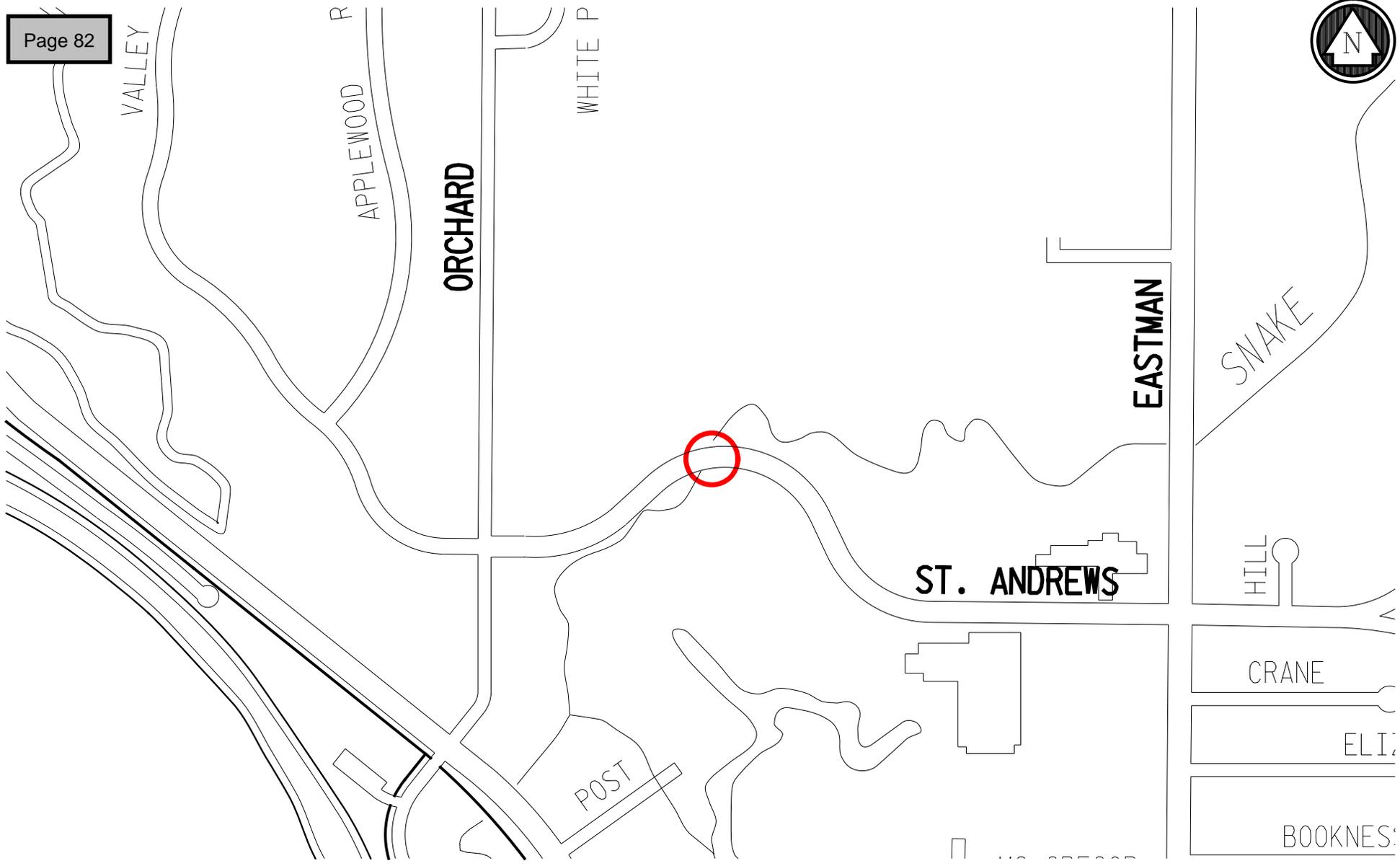


CAMBRIDGE RECONSTRUCTION / WATER

ASHMAN TO ST. ANDREWS



SAGINAW SHOULDER STABILIZATION AT SALZBURG



ST. ANDREWS BRIDGE AT SNAKE CREEK



BLARNEY RECONSTRUCTION / WATER

STURGEON CREEK PKWY TO LEEWAY

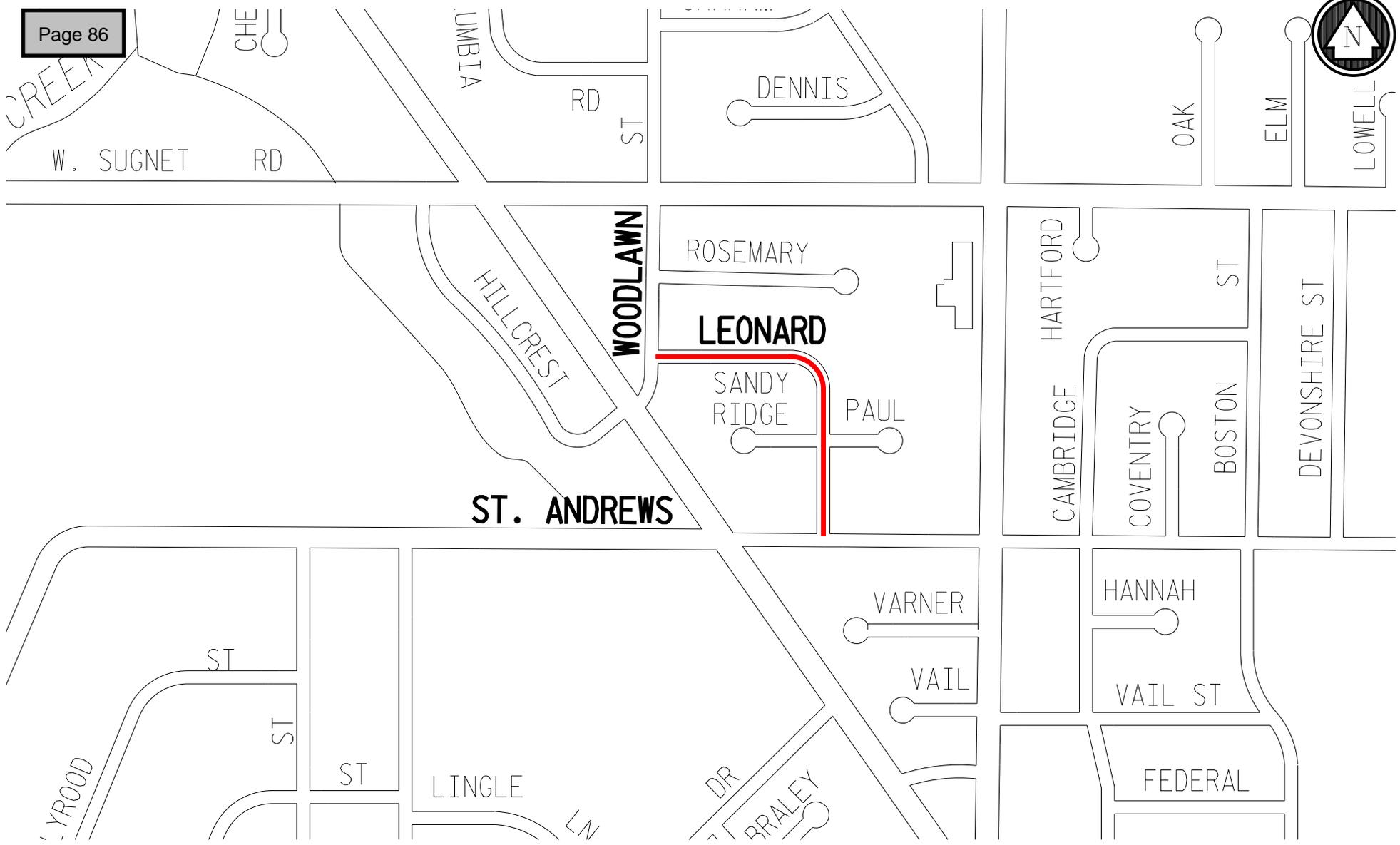


HARRISON STREET RECONSTRUCTION

NOESKE TO ASHMAN



LEEWAY RECONSTRUCTION / WATER MOORLAND TO END



LEONARD RECONSTRUCTION / WATER

ST. ANDREWS TO WOODLAWN



NOESKE RECONSTRUCTION / WATER

HELEN TO BALFOUR



EASTLAWN DR

EASTLAWN DR

E PATRICK RD

OHIO

CAROLINA

SWEDE

KENTUCKY

ST

MARYLAND

TENNESSEE

ST

ST

CAROLINA

ST

ST

COLORADO

IOWA

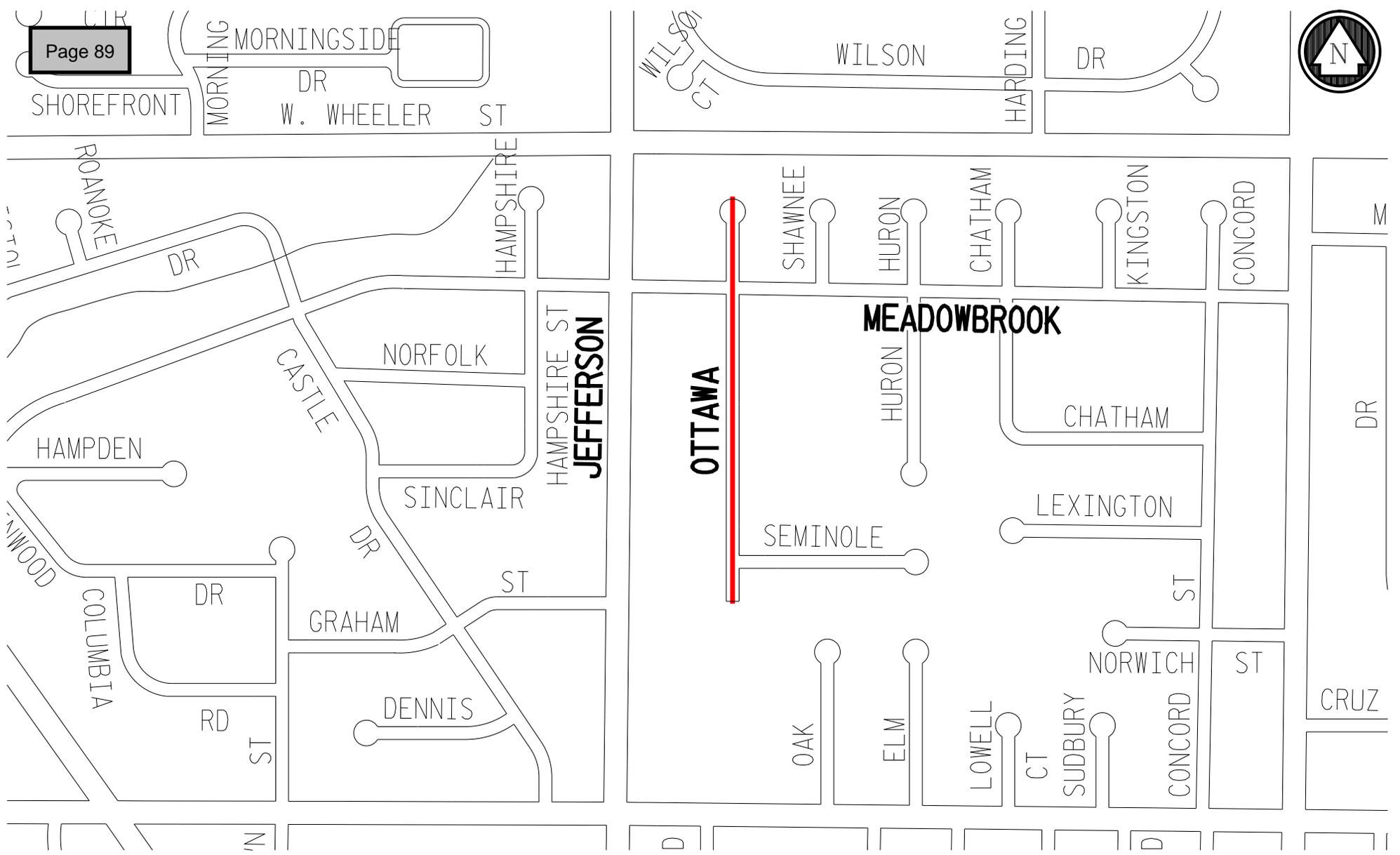
WALSH

WISCONSIN ST
S. SAGINAW

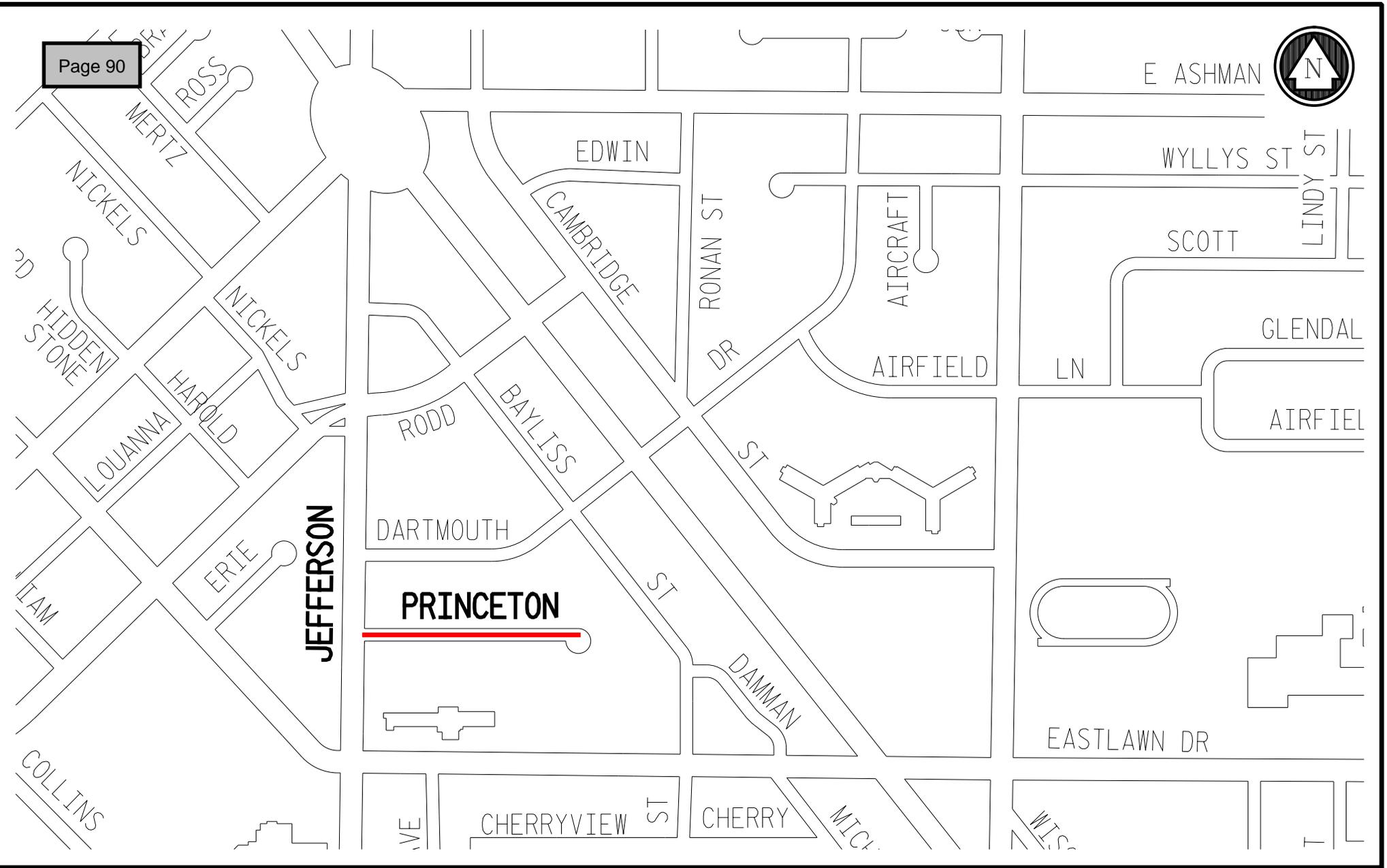
VIRGINIA ST

RD

OHIO RECONSTRUCTION / WATER CAROLINA TO SWEDE

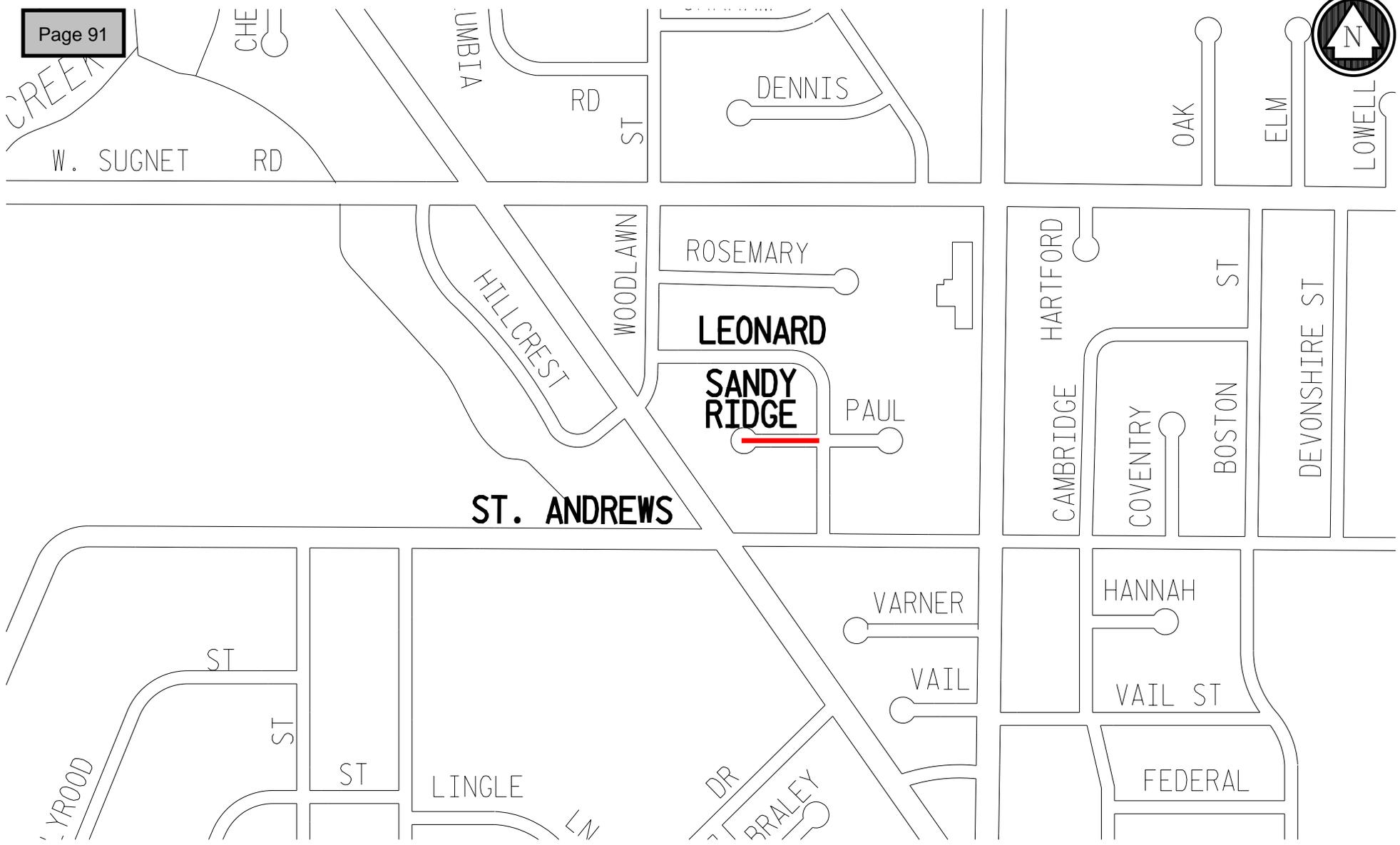


OTTAWA RECONSTRUCTION / WATER CUL-DE-SAC TO END

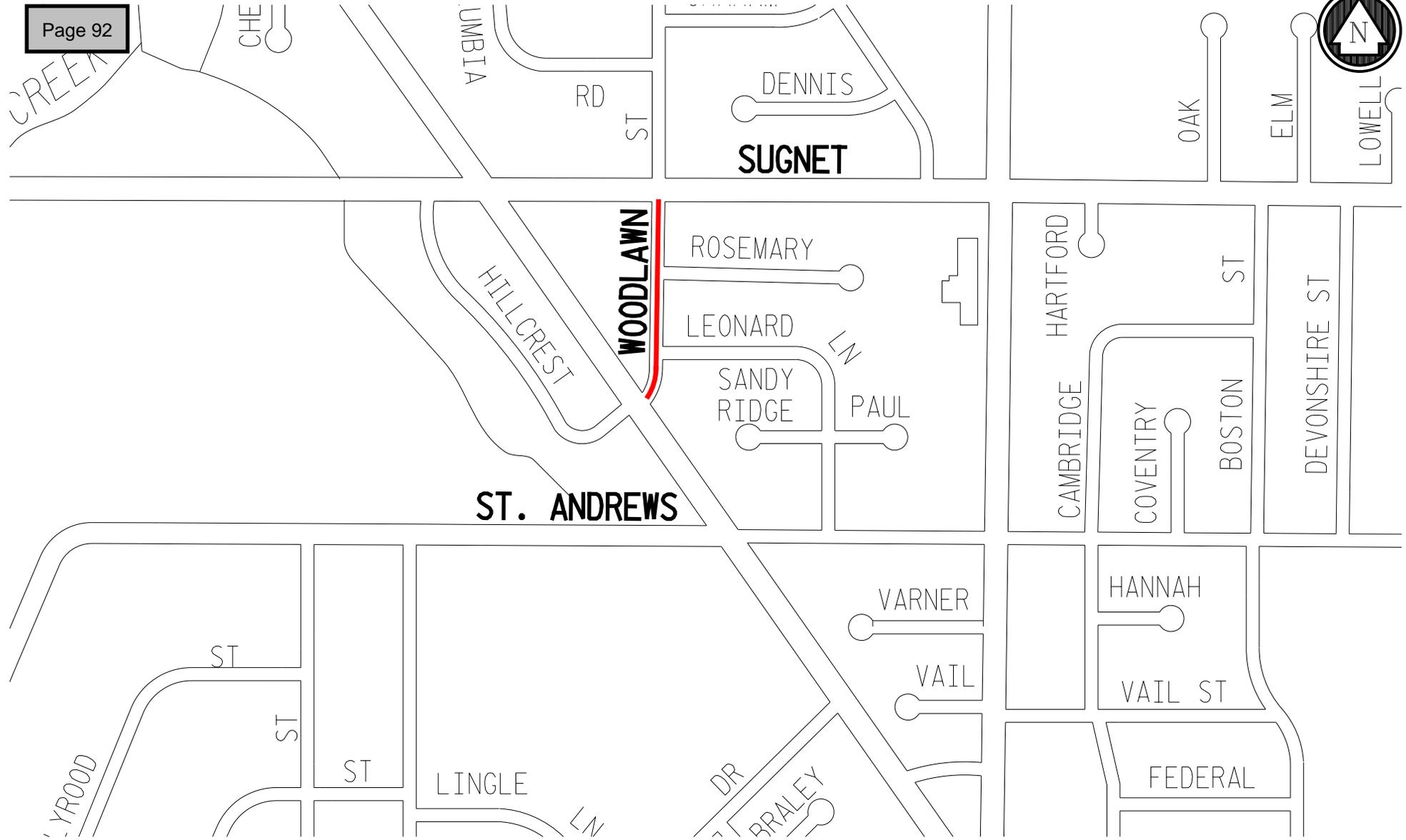


PRINCETON COURT

JEFFERSON TO END



SANDY RIDGE RECONSTRUCTION / WATER LEONARD TO END

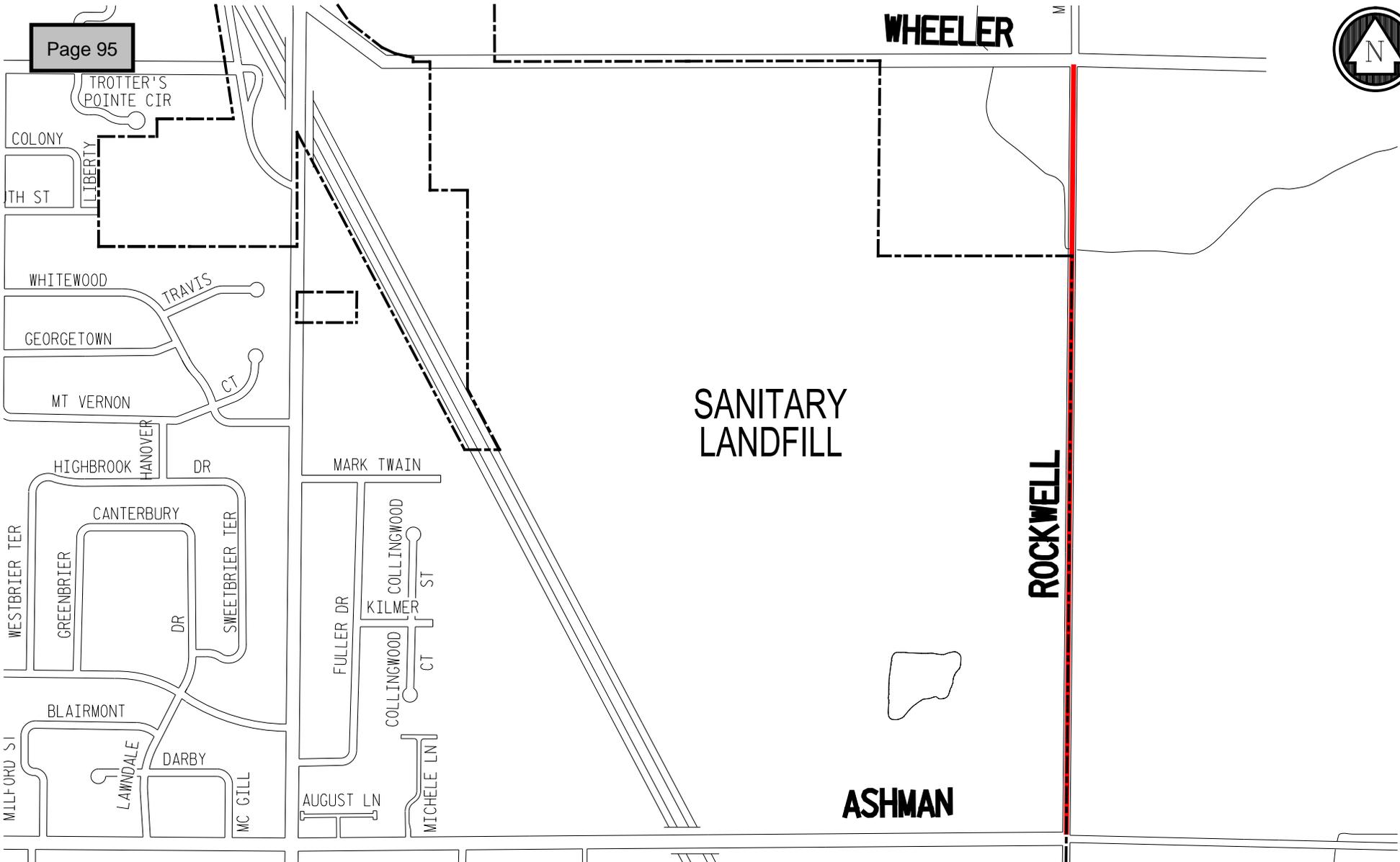


WOODLAWN RECONSTRUCTION / WATER

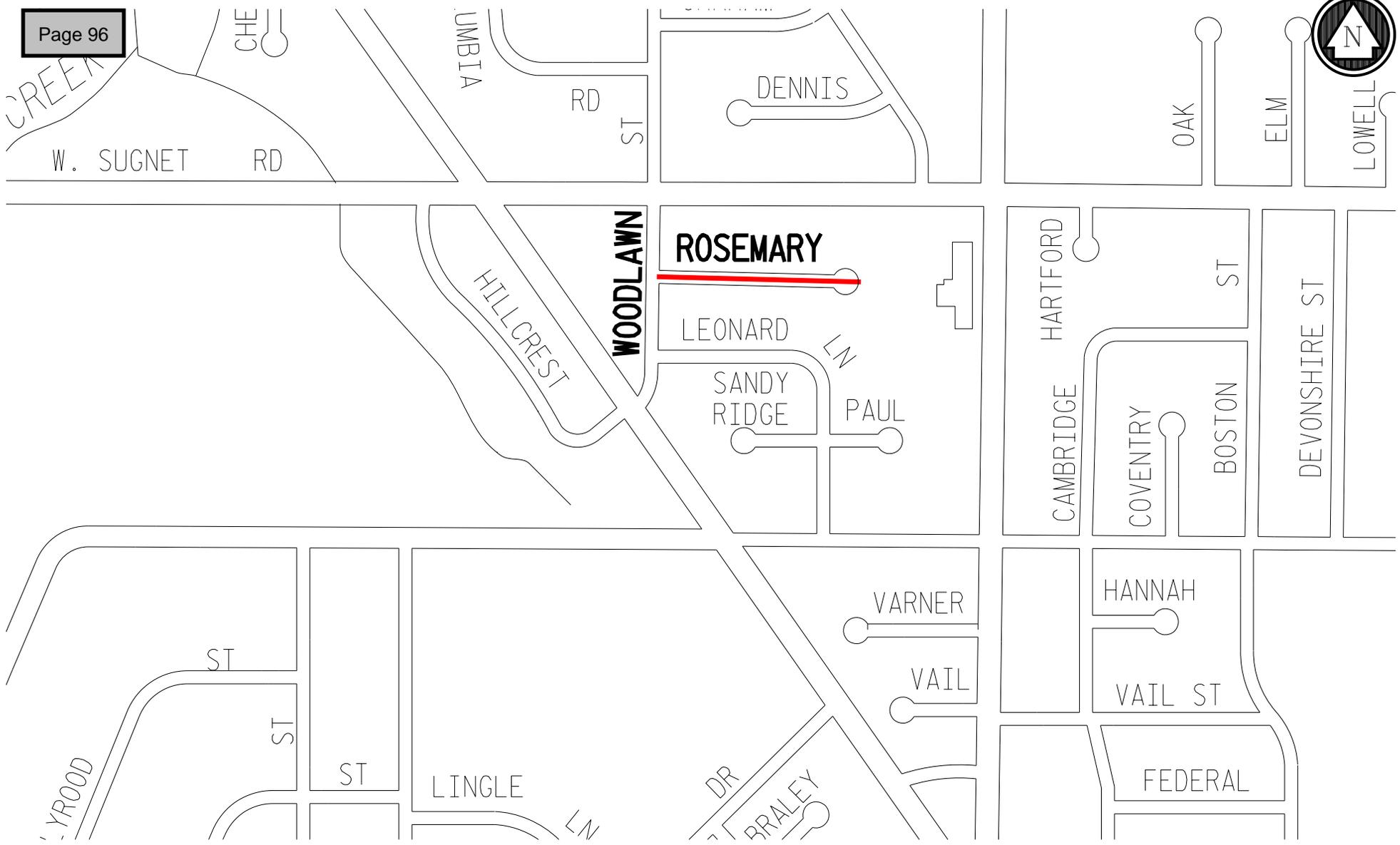
SAGINAW TO SUGNET



CRANE RECONSTRUCTION / WATER EASTMAN TO END

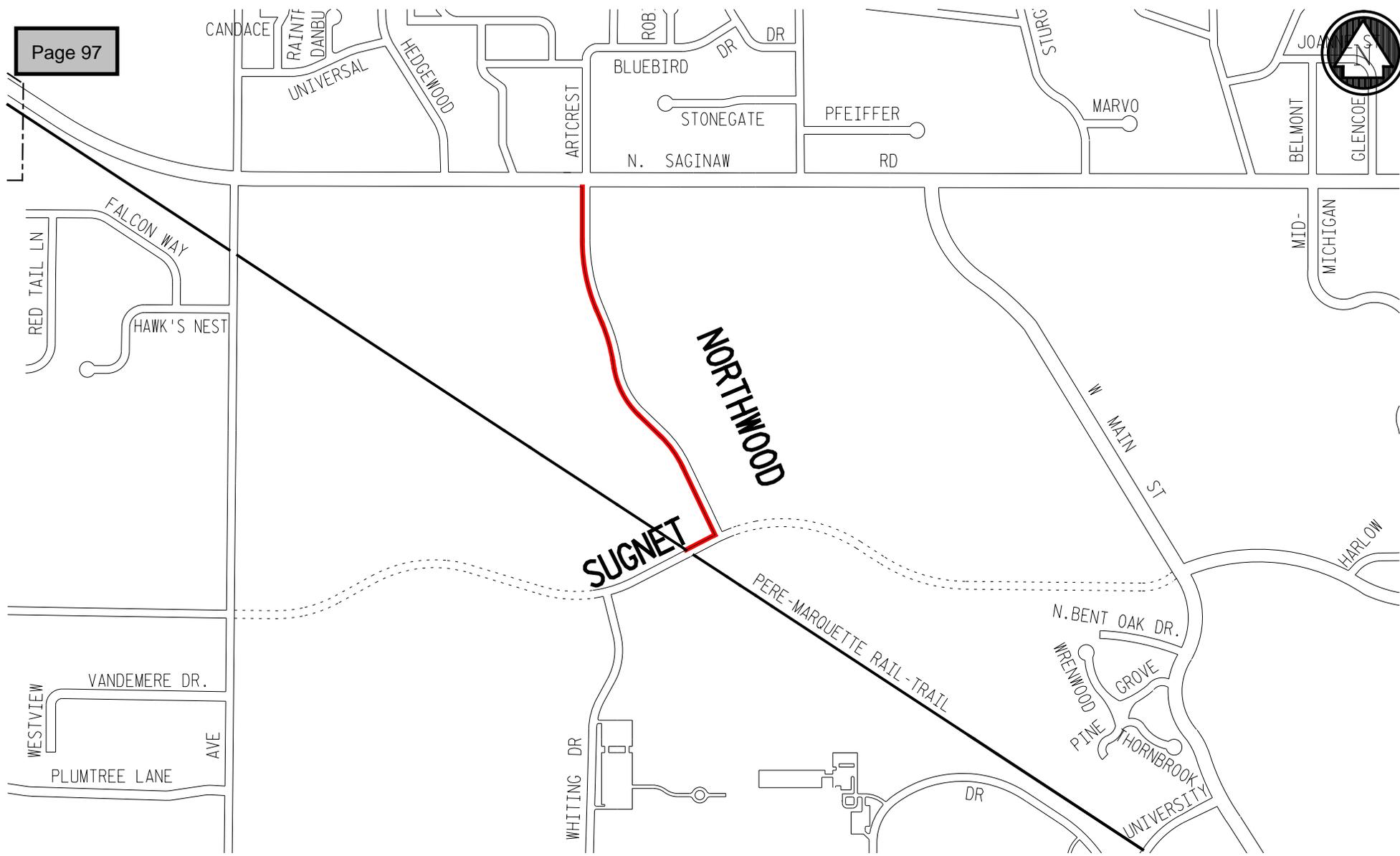


ROCKWELL DRIVE RECONSTRUCTION INTERAGENCY PROJECT



ROSEMARY RECONSTRUCTION / WATER

WOODLAWN TO END



NORTHWOOD DRIVE SIDEWALK

WEST SIDE - SAGINAW TO RAIL TRAIL

Backup material for agenda item:

6. Receiving and filing the quarterly financial report for quarter ending September 30, 2016. KEENAN

SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016

SUBJECT: Receive and file quarterly financial report to City Council for the quarter ending September 30, 2016

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION SUMMARY:

This resolution receives financial report of the City of Midland, for the quarter ending September 30, 2016, and places it on file for public examination.

ITEMS ATTACHED:

1. Letter of transmittal
2. Financial report
3. Investment report
4. Budget Transfers for July – September 2016
5. June 30, 2016 encumbrances
6. Resolution

CITY COUNCIL ACTION:

3/5 affirmative vote required to approve resolution

David A. Keenan, Assistant City Manager



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov*

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager

DT: November 30, 2016

RE: Quarterly Financial Information

The contents of this quarterly financial report for the quarter ending September 30, 2016 include the following items:

- A financial summary of the City's funds providing quarterly totals, comparisons to budget and prior year, and a general overview of each fund presented.
- A summary of the investment holdings at fiscal year-end, together with a summary of the investment results.
- A listing of budget transfers, by month, processed during the quarter.
- A listing of the 2015/16 encumbrances that were rolled into the 2016/17 fiscal year.

The accompanying resolution for Council's consideration would receive and file this information for public examination.

City of Midland
Quarterly Financial Report
Quarter Ending September 30, 2016

INTRODUCTION

The following pages provide a summary of the quarterly financial results for the quarter ended September 30, 2016. Comparative totals are provided for last fiscal year's quarter ending September 30, 2015 (PY). They are intended to provide the reader with a higher level understanding of how each of the City's funds performed against budgetary expectations. The budget amounts reflect 25% of the amended budgets as of the quarter end, and also include amounts encumbered forward from the previous year.

GOVERNMENTAL FUNDS

The City has many individual governmental funds which account for much of the City's basic services such as public safety, public services, and street maintenance. The major types of governmental funds include general, special revenue, and debt service. Governmental funds use the modified accrual basis of accounting which focuses on which sources of revenue are available to fund the costs of service delivery that will occur over the next 12 months. "Available" is typically defined as being on hand during the year, or within 60 days of fiscal year-end.

General Fund

The General Fund is the City's largest fund. Over 80% of the annual revenue for the General Fund is received during the first quarter. The primary reason is property taxes, which are due in September. For the 2016/17 year, personal property tax was eliminated for many eligible manufacturing pieces of equipment. While this significantly reduced property tax revenue, the majority of the eliminated personal property tax revenue is expected to be reimbursed by the State in November. The amount of budgeted revenue for this reimbursement was \$3.5 million. Expenditures are typically smooth throughout the year but can fluctuate if there are capital projects that mostly hit during a quarter, or if there is an extra pay period in a month, which happens twice in most years.

		25%			25%		
		Q1	Budget	Pos (Neg) Variance	Q1 - PY	Budget - PY	Pos (Neg) Variance
General							
Revenue	101	30,620,232	10,045,459	20,574,773	34,139,680	10,005,201	24,134,479
Expenditures	101	9,228,018	11,406,426	2,178,408	9,154,825	11,439,491	2,284,666
Gain (Loss)		21,392,214	(1,360,967)	22,753,181	24,984,855	(1,434,290)	26,419,145

Special Revenue Funds

Major Street Fund

The Major Street Fund accounts for the maintenance and construction of streets designated by the Michigan Department of Transportation as major streets. The county-wide road millage of 2 mills is on the County's winter tax bill which is due in February. The City typically receives these funds, budgeted at \$4.2 million for 2016/17, during the 3rd and 4th quarters of the fiscal year. The budget for capital projects include \$3 million as adopted plus another \$3 million encumbered from 2015/16. This represents 2/3 of the entire Major Street Fund budget so depending upon when these costs are incurred can greatly impact the budget to actual comparison.

Major Street		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Revenue	202	884,817	2,002,753	(1,117,936)	891,866	1,879,897	(988,031)
Expenditures	202	1,725,448	2,766,525	1,041,077	1,427,573	2,350,250	922,677
Gain (Loss)		(840,631)	(763,772)	(76,859)	(535,707)	(470,353)	(65,354)

Local Street Fund

The Local Street Fund accounts for the maintenance and construction of streets designated by the Michigan Department of Transportation as local streets. Revenues were slightly higher in 2015/16 due to receiving a \$150,000 State Grant. Capital projects make up \$3.8 million of the \$5.5 million budget so their timing greatly impacts the budget to actual comparisons.

Local Street		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Revenue	203	903,610	941,250	(37,640)	1,056,598	918,125	138,473
Expenditures	203	977,537	1,381,817	404,280	616,135	1,341,794	725,659
Gain (Loss)		(73,927)	(440,567)	366,640	440,463	(423,669)	864,132

Center City Authority Fund

This fund accounts for the economic development in the Center City District. It receives tax increment financing on real property parcels located within the corridor improvement authority district, which overlaps with the Center City District. The District should receive about \$15,000 in TIF revenues for 2016/17, which will be received in the 2nd quarter.

Center City Authority		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Revenue	247	26	1,138	(1,112)	4	2,807	(2,803)
Expenditures	247	242	9,083	8,841	0	2,807	2,807
Gain (Loss)		(216)	(7,945)	7,729	4	0	4

Storm Water Management Fund

This fund accounts for storm sewer maintenance, open drain cleaning, and county drain assessments related to storm water management within the City. Its main funding source is a millage that is part of the City’s annual operating millage. Both the Major and Local Street Funds perform roadside drainage activities that are considered part of the City’s storm water management program. It is initially expensed in each street fund so that it can be accounted for with Act 51 dollars, and then the activity is transferred to the Storm Water Management Fund, together with funding to cover the expenses. Both street funds expended less on road side drainage thus far, compared to prior year. Very little of the \$600,000 construction budget was expended during the first quarter of 2016/17.

Storm Water Management		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Revenue	250	218,092	243,148	(25,056)	257,867	252,772	5,095
Expenditures	250	175,890	345,178	169,288	301,636	334,201	32,565
Gain (Loss)		42,202	(102,030)	144,232	(43,769)	(81,429)	37,660

Grace A Dow Memorial Library Fund

This fund accounts for the property tax levy, library services revenue, and a general fund contribution which is used to provide library services to the Midland community. The revenue received \$2.2 million in property tax revenue in the first quarter, and will receive about \$250,000 in personal property tax reimbursement from the State in November. The 2016/17 budget includes \$300,000 for the fascia replacement project, which will occur in calendar year 2017. The General Fund will contribute \$1.2 million of support to the library in 2016/17, but the annual contributions are usually significantly reduced by year end due to savings incurred during the year. The General Fund contribution for 2015/16 was initially budgeted for \$1 million and reduced to \$600,000 by year-end.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Grace A Dow Memorial Library							
Revenue	271	2,750,988	1,137,809	1,613,179	2,921,307	1,023,693	1,897,614
Expenditures	271	828,756	1,150,559	321,803	796,682	1,032,810	236,128
Gain (Loss)		1,922,232	(12,750)	1,934,982	2,124,625	(9,117)	2,133,742

Community Development Block Grant Fund (CDBG)

This fund accounts for revenues from the Department of Housing and Urban Development to be used for residential and other capital improvements. It is a federally funded program and is subject to the City's annual single audit. As funds are expended, they are earned in the form of reimbursement for the same amount. As such, program expenditures should equal program revenues each quarter; however, due to the timing of reimbursement, revenue recognition may be delayed from one year to the next because it isn't considered "available" by year-end.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
CDBG							
Revenue	274	18,391	83,222	(64,831)	8,532	79,655	(71,123)
Expenditures	274	18,391	83,222	64,831	8,532	79,655	71,123
Gain (Loss)		0	0	0	0	0	0

Special Activities Fund

This fund accounts for various activities that are funded by outside parties, are not appropriate for any other special revenue fund, and the City is the benefactor of those activities. Familiar programs for the year include the Downtown Art, Midnight on Main, and Tapped. Revenue for 2016/17 is low compared to both last year and budget. Most of the Downtown Art sponsors submitted their payments before July 1 so they are included in the 2015/16 fiscal year. In addition, the art auction proceeds were significantly less in 2016/17 than in the prior year.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Special Activities							
Revenue	281	2,957	21,706	(18,749)	14,312	27,475	(13,163)
Expenditures	281	19,411	20,875	1,464	12,035	24,000	11,965
Gain (Loss)		(16,454)	831	(17,285)	2,277	3,475	(1,198)

Midland Housing Fund

This fund accounts for a housing rehabilitation program, which was established many years ago by foundation contributions. Recent activity typically consists of the school trades program with area high schools and normally includes the construction and sale of one home per year. During the first quarter we received the final payment on the sale of 5004 W. Wackerly, a project that was started in 2015/16 but completed in 2016/17. Also, started in 2016/17 was 406/408 Eastlawn Drive.

		25%			25%		
		Q1	Budget	Pos (Neg) Variance	Q1 - PY	Budget - PY	Pos (Neg) Variance
Midland Housing							
Revenue	282	21,759	(41,200)	62,959	74	50	24
Expenditures	282	13,325	2,025	(11,300)	2,239	2,950	711
Gain (Loss)		8,434	(43,225)	51,659	(2,165)	(2,900)	735

Dial-A-Ride Transportation Fund

This fund accounts for the City's public transit system, Dial-A-Ride. This is a federal and state funded program and is subject to the City's annual single audit. The General Fund provides a contribution for local match in an amount to balance the operations for the year. Revenue and expenses are lower than the prior year due to a large amount of capital spending and reimbursement that occurred in the prior year.

		25%			25%		
		Q1	Budget	Pos (Neg) Variance	Q1 - PY	Budget - PY	Pos (Neg) Variance
Dial A Ride Transportation							
Revenue	288	382,438	571,491	(189,053)	620,962	683,007	(62,045)
Expenditures	288	428,859	571,491	142,632	789,975	684,082	(105,893)
Gain (Loss)		(46,421)	0	(46,421)	(169,013)	(1,075)	(167,938)

Midland Community Television Fund (MCTV)

This fund accounts for franchise fees generated by an agreement with Charter Communications and AT&T. These fees support the public access channels operated by the City. MCTV underwent a major equipment upgrade last year.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Midland Community Television							
Revenue	296	228,024	195,538	32,486	193,247	189,600	3,647
Expenditures	296	218,927	209,808	(9,119)	554,841	314,205	(240,636)
Gain (Loss)		9,097	(14,270)	23,367	(361,594)	(124,605)	(236,989)

Downtown Development Authority Fund (DDA)

This fund accounts for property taxes levied by the DDA and captured tax revenue under a tax increment financing agreement. These funds are used for improvements and maintenance to the downtown area, as well as program and events which bring people into the downtown district. TIF revenues are typically budgeted conservatively due to the potential for tax appeal settlements, and are received during the second quarter of each fiscal year. Expenditures for 2016/17 are tracking higher than prior year due to the costs associated with the downtown streetscape project.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
DDA							
Revenue	297	77,022	143,712	(66,690)	70,666	135,628	(64,962)
Expenditures	297	157,933	164,488	6,555	120,922	143,474	22,552
Gain (Loss)		(80,911)	(20,776)	(60,135)	(50,256)	(7,846)	(42,410)

Debt Service Fund

The Debt Service Fund is required because the City has sold limited tax and unlimited tax general obligation bonds that are backed by the full faith and credit of the City of Midland. Activity mainly includes a special voter-approved millage for the service of bonded indebtedness, General Fund contributions, as well as annual principal and interest payments.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Debt Service							
Revenue	301	1,009,909	614,089	395,820	1,089,083	613,331	475,752
Expenditures	301	206,868	614,034	407,166	205,665	613,331	407,666
Gain (Loss)		803,041	55	802,986	883,418	0	883,418

PROPRIETARY FUNDS

Proprietary funds are used to report services where the City charges a fee to the customer to recover most or all of the cost of the service rendered. Proprietary funds provide both long- and short-term financial information. The two types of proprietary funds are enterprise and internal service funds. While budgets are not required for proprietary funds, the City utilizes them and budget to actual comparisons are provided herewith.

Enterprise Funds

An enterprise fund derives most of its revenue through charging Midland citizens a fee for services rendered. This could come in the form of water charges, apartment rent, ice rental, greens fees, just to name a few. The City has many enterprise funds, which are presented below.

Civic Arena Fund

This fund accounts for the operations and maintenance of the City’s Civic Arena facility, capital improvements, and debt retirement. The 2015/16 fiscal year was the successful conclusion of a five-year deficit elimination plan. 2016/17 is turning out to be a challenging year for revenue as operating revenue trails prior year by \$20,000 spread across all revenue sources. Adult hockey is down four teams, which accounts for about half of the operating decrease. The General Fund contribution was reduced (post deficit elimination) by \$6,250 per month, which is also reflected in the lower Q1 totals below. Utility costs were lower for 2016/17 by nearly \$30,000.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Civic Arena							
Revenue	508	268,507	370,398	(101,891)	308,792	383,798	(75,006)
Expenditures	508	159,866	394,630	234,764	190,042	368,737	178,695
Gain (Loss)		108,641	(24,232)	132,873	118,750	15,061	103,689

Sanitary Landfill Fund

The Sanitary Landfill Fund accounts for the operation and maintenance of the City’s trash and garbage disposal system. It also covers composting operations, as well as demolition collection. During Q1 of 2016/17 the Landfill received nearly \$1 million in Dow ash contaminated soils, which was not anticipated when the budget was adopted. There was \$300,000 in capital outlay in 2016/17, compared to zero for 2015/16.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Landfill							
Revenue	517	1,721,459	869,878	851,581	812,326	847,440	(35,114)
Expenditures	517	908,354	1,310,922	402,568	545,128	1,169,800	624,672
Gain (Loss)		813,105	(441,044)	1,254,149	267,198	(322,360)	589,558

Washington Woods Fund

This fund accounts for the operation and maintenance of one of the City's two senior housing facilities, with the other being Riverside Place. Washington Woods is in the midst of a major renovation and asbestos remediation project. The funding for this project is from local foundations pledged over multiple years. Depending upon when these funds are received, and when they are expended can have a huge impact on any budget to actual comparisons, as well as prior year comparisons.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Washington Woods							
Revenue	536	691,559	739,304	(47,745)	964,197	691,941	272,256
Expenditures	536	502,423	1,164,286	661,863	476,367	858,509	382,142
Gain (Loss)		189,136	(424,982)	614,118	487,830	(166,568)	654,398

Riverside Place Fund

This fund accounts for the operation and maintenance of one of the City's two senior housing facilities, with the other being Washington Woods. Revenue is higher than prior year due to a \$28,000 contribution from the Midland Area Community Foundation, as well as more sale of meals revenue. Lower labor and utility costs account for the reduction in expenses versus prior year.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Riverside Place							
Revenue	537	536,329	508,653	27,676	498,296	483,325	14,971
Expenditures	537	390,515	519,260	128,745	409,077	507,310	98,233
Gain (Loss)		145,814	(10,607)	156,421	89,219	(23,985)	113,204

Currie Municipal Golf Course Fund

This fund accounts for the operations, maintenance, and capital improvements for the City's golf complex which includes 27 holes of regulation golf, 9 holes of par-3 golf, 9 holes of foot golf, and a driving range. The 2016/17 fiscal year is the final year of a five-year deficit-elimination plan, which is expected to conclude successfully. Revenue is slightly ahead of last year. Operations are contributing \$20,000 of that increase, while the timing of a \$30,000 gift accounts for the balance. Expenditures are slightly higher than last year due to more being spent on grounds maintenance supplies.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Currie Municipal Golf Course							
Revenue	584	603,996	393,255	210,741	552,306	388,425	163,881
Expenditures	584	400,695	283,318	(117,377)	380,656	284,438	(96,218)
Gain (Loss)		203,301	109,937	93,364	171,650	103,987	67,663

Downtown Parking Fund

The Parking Fund accounts for the operations of the City's metered and leased parking spaces, enforcement of time-limited free parking, and the downtown parking structure. All parking activities are located within the downtown area.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Downtown Parking							
Revenue	585	28,331	41,366	(13,035)	31,999	44,114	(12,115)
Expenditures	585	17,072	46,970	29,898	16,516	48,462	31,946
Gain (Loss)		11,259	(5,604)	16,863	15,483	(4,348)	19,831

Wastewater Fund

The Wastewater Fund accounts for the operation and maintenance of the City's sewage disposal system, capital additions and retirement of bonds. Sewer service revenue is higher than last year, accounting for the increase in revenue. The fund incurred \$540,000 in capital expense in Q1 for the prior year compared to \$120,000 for the current year.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Wastewater							
Revenue	590	1,433,747	1,882,836	(449,089)	1,343,474	1,910,757	(567,283)
Expenditures	590	1,044,568	2,031,390	986,822	1,573,541	2,325,819	752,278
Gain (Loss)		389,179	(148,554)	537,733	(230,067)	(415,062)	184,995

Water Fund

The Water Fund accounts for the operation and maintenance of the City's water supply system, capital additions, and retirement of debt. Higher water sales account for the revenue increase over prior year. Capital outlay accounts for \$5.9 million of the \$16.2 million amended current year budget and was only 7.4% expended in Q1.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Water							
Revenue	591	2,397,247	2,854,985	(457,738)	2,176,082	2,893,511	(717,429)
Expenditures	591	3,493,891	4,056,610	562,719	3,601,950	3,675,502	73,552
Gain (Loss)		(1,096,644)	(1,201,625)	104,981	(1,425,868)	(781,991)	(643,877)

Internal Service Funds

Similar to enterprise funds, internal service funds charge a fee to its customers for the service provided. The intent is that the fees charged will be sufficient to cover the ongoing operations of the fund. The difference is that the customers of internal service funds are other operations within the City.

Stores Revolving fund

This fund accounts for the revenue and expenses associated with inventory items consumed by various departments and not specific to any one department. A significant inventory component is gasoline. Due to the relatively low prices, the revenue associated with the sale of fuel, and the cost of that fuel were both less than anticipated.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Stores Revolving							
Revenue	631	143,187	235,544	(92,357)	172,473	335,523	(163,050)
Expenditures	631	152,997	230,174	77,177	170,269	320,910	150,641
Gain (Loss)		(9,810)	5,370	(15,180)	2,204	14,613	(12,409)

Information Services Operations Fund

This fund accounts for the operations of the City's information Services Department. This includes not only the City's wide-area-network, but also the Geographic Information System, and all of the computer hardware. Due to the strong financial condition of the fund, rental rates were lowered from prior year levels, accounting for the reduction in revenue for the current year.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Information Services							
Revenue	636	273,125	272,876	249	303,332	303,127	205
Expenditures	636	306,526	339,985	33,459	286,653	317,530	30,877
Gain (Loss)		(33,401)	(67,109)	33,708	16,679	(14,403)	31,082

Equipment Revolving Fund

This fund accounts for the purchase, maintenance, and rental of city-owned equipment that is rented to other departments within the City. Rental rates were adjusted during the 2016/17 budget process as part of a plan to improve the financial health of the fund. The reduction in expenditures is a result of timing of capital purchases. During Q1 of the prior year, capital outlay was \$724,000 compared to just \$16,000 this year.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Equipment Revolving							
Revenue	640	1,130,505	1,139,697	(9,192)	1,081,406	1,102,066	(20,660)
Expenditures	640	700,075	1,486,619	786,544	1,384,141	1,298,428	(85,713)
Gain (Loss)		430,430	(346,922)	777,352	(302,735)	(196,362)	(106,373)

Municipal Service Center Fund

The Municipal Service Center houses many City operations, including Parks and Recreation, Public Services, Dial-A-Ride, the Equipment Revolving Fund inventory and maintenance operations, Signs and Signals, and Water Distribution. Each department pays a fee for its use of the facilities.

		25%			25%		
		Q1	Budget	Pos (Neg) Variance	Q1 - PY	Budget - PY	Pos (Neg) Variance
Municipal Service Center							
Revenue	641	96,491	96,439	52	93,618	93,789	(171)
Expenditures	641	66,218	92,012	25,794	44,909	99,696	54,787
Gain (Loss)		30,273	4,427	25,846	48,709	(5,907)	54,616

Municipal Service Annex Fund

Similar to the Municipal Service Center, the Municipal Service Annex charges rent to its tenants.

		25%			25%		
		Q1	Budget	Pos (Neg) Variance	Q1 - PY	Budget - PY	Pos (Neg) Variance
Municipal Service Annex							
Revenue	642	8,720	20,740	(12,020)	8,713	8,699	14
Expenditures	642	4,252	15,456	11,204	3,461	16,719	13,258
Gain (Loss)		4,468	5,284	(816)	5,252	(8,020)	13,272

Renewable Energy Fund

This fund has three major components that 1) captures the gas from the landfill, 2) transports it to the generator building at the Wastewater Plant, and 3) turned the generators to create electricity. All of the costs associated with maintaining these processes are accounted for in this fund. The revenue comes from the sale of the electricity and the renewable energy credits. The sale value of electricity includes several components, one of which is the market value of natural gas. Due to the very low cost of natural gas, the revenue generated from the sale of electricity was less than budgeted.

		25%	Pos (Neg)	25%	Pos (Neg)		
		Q1	Budget	Variance	Q1 - PY	Budget - PY	Variance
Renewable Energy							
Revenue	645	154,063	273,290	(119,227)	121,139	306,180	(185,041)
Expenditures	645	428,141	310,764	(117,377)	464,200	314,548	(149,652)
Gain (Loss)		(274,078)	(37,474)	(236,604)	(343,061)	(8,368)	(334,693)

Property and Liability Insurance Fund

The City purchases property and liability insurance of various sorts, predominately from the Michigan Municipal League Pool. The fund allocates the premiums to the various City departments based on each department's property and payroll. All insurance claims are paid for out of this fund and all insurance reimbursements are receipted into this fund. Premiums increased by \$31,000 compared to last year; however, the increase was not passed on to the departments. Revenue is less than last year due to the timing of insurance claim reimbursements.

		25%	Pos (Neg)	25%	Pos (Neg)		
		Q1	Budget	Variance	Q1 - PY	Budget - PY	Variance
Property and Liability Insurance							
Revenue	675	191,520	153,190	38,330	242,604	291,690	(49,086)
Expenditures	675	590,101	188,500	(401,601)	551,621	466,018	(85,603)
Gain (Loss)		(398,581)	(35,310)	(363,271)	(309,017)	(174,328)	(134,689)

Health Insurance Fund

This fund pays the insurance claims charged by Blue Cross Blue Shield (BCBS) and recovers its costs by charging each department the illustrative rates established by BCBS for each employee. In addition, based upon actuarially determined information, post-employment insurance costs are allocated back to each department through the payroll system. The revenue of this fund is mostly the reimbursements from the various departments, refunds from BCBS, and employee contributions towards insurance coverage. After several years of good claims experience the City encountered several months of very high claims. This impacted both the prior fiscal year as well as the current fiscal year. We had three good months in a row with August, September, and October of 2016, so hopefully our claims are returning to their previous norm. Positive changes to claims experience will appear in later quarters as our monthly payments are reset based on the newer experience.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
Health Insurance							
Revenue	680	2,021,172	2,527,572	(506,400)	1,947,499	2,368,618	(421,119)
Expenditures	680	3,085,084	2,656,260	(428,824)	2,002,509	2,448,363	445,854
Gain (Loss)		(1,063,912)	(128,688)	(935,224)	(55,010)	(79,745)	24,735

Special Assessment Revolving Loan Fund

When the City participates in a special assessment project, the City pays for a portion of the costs out of its departmental budget, and then the property owner’s portion is paid for out of this fund. The property owners are then able to repay the construction costs over a period of time, typically five years. As reported below, the only activity is some interest revenue.

		Q1	25% Budget	Pos (Neg) Variance	Q1 - PY	25% Budget - PY	Pos (Neg) Variance
S/A Revolving Loan							
Revenue	688	712	3,500	(2,788)	451	10,250	(9,799)
Expenditures	688	0	3,500	3,500	0	10,250	10,250
Gain (Loss)		712	0	712	451	0	451

CITY OF MIDLAND
INVESTMENT REPORT
FOR THE QUARTER ENDED SEPTEMBER 30, 2016

PORTFOLIO SUMMARY

PORTFOLIO BY INVESTMENT TYPE

	Balance <u>09/30/16</u>	Percentage of Portfolio	Range of Return
Certificates of Deposit	\$ 25,010,000	48.50%	.10% - .41%
Money Market Accounts	15,432,246	29.93%	.10% - .25%
Commercial Paper	10,840,495	21.03%	.71% - 1.07%
Governmental Investment Fund	276,266	0.54%	.50% - .66%
Portfolio Total	<u>\$ 51,559,007</u>	<u>100.00%</u>	

PORTFOLIO BY INVESTMENT LOCATION

	Balance <u>09/30/16</u>	Percentage of Portfolio
Bank of America	\$ 337,015	0.65%
Chemical Bank	39,724,377	77.05%
Comerica Bank	394,319	0.76%
Morgan Stanley Wealth Mgmt	10,840,495	21.03%
MBIA	262,801	0.51%
Portfolio Total	<u>\$ 51,559,007</u>	<u>100.00%</u>

BENCHMARK RATE COMPARISON

	<u>Rate</u>
Certificates of Deposit	0.26%
Commercial Paper	0.52%
Treasury Bills	0.28%

The annualized rate of return for quarter was .14%

BUDGET TRANSFERS
Quarter ending September 30, 2016

MONTH	XFR #	FUND	FROM ACCT	TO ACCT	DESCRIPTION	TRANSFER AMOUNT
July	1	Local Street	Operating Supplies	Misc Contractual Services	Transfer funds to replace the driveway approach at City Hall and St Bridget.	2,560
	2	General	Contributed Project Expense	Misc Contractual Services	Transfer funds from donation for American in Bloom.	7,500
	3	Wastewater	Equipment	Construction	Transfer funds to Project WW1602- Replacement of Raw Sewage Pump to purchase new pump.	110,000
	4	General	Operating Supplies	Telephone	Transfer funds to upgrade softball temp phone to a smart phone.	240
	5	Wastewater	Equipment/Computers/Software/Radio Equipment	Construction	Transfer funds to Project WW1502- Plant/Pump Station Communication Upgrade to purchase equipment needed for the upgrade.	42,500
	6	Wastewater	Land Improvements	Construction	Transfer funds to Project WW1601- Lab Operator Station Upgrade for equipment for security upgrades.	25,000
	7	Municipal Service Center	Buildings and Additions	Construction	Transfer funds to Project SC1602- MSC C-Wing Lighting Upgrades to purchase equipment.	8,000
	8	Equipment Revolving	Vehicles	Vehicles	Transfer funds for the purchase of a brush chipper for the Forestry Department.	10,468
	9	Local Street	Construction	Construction	Transfer funds to Project LS1701- 2017 Crane Court Reconst to cover bids higher than expected.	35,000
	10	Information Services	Computers/Software	Computers/Software	Transfer funds to cover additional expenses for OpenGov implementation.	5,125
	11	Water	Reserve for Contingencies	Construction	Transfer funds to Project WD1702- 2017 Crane Ct Water Main Replace to cover higher than expected bids.	20,000

BUDGET TRANSFERS

Quarter ending September 30, 2016

MONTH	XFR #	FUND	FROM ACCT	TO ACCT	DESCRIPTION	TRANSFER AMOUNT
	12	Water	Buildings and Additions	Land Improvements	Transfer funds to the Water Plant paving project to cover additional expenses.	15,000
	13	General	Contributed Project Expense	Grounds Maintenance	Transfer funds from donation for a park bench.	700
July Total						282,093
August	1	Equipment Revolving	Equipment	Purchased Services	Transfer funds to lease a parts washer.	1,500
	2	Storm Water Management	Construction	Misc Contractual Services	Transfer funds to hire contractor to clean up an open ditch along St. Andrews as part of Dow Gardens project.	20,000
	3	Health Insurance	Health Insurance - Blue Cross	Health Claim - Retiree	Transfer funds for the retiree medical claims associated with the transition to Medicare Advantage.	45,000
	4	General	Contributed Project Expense	Grounds Maintenance	Transfer funds from donation for a park bench.	700
	5	Water	Budget Process Adjustment	Budget Process Adjustment	Transfer funds to cover overlap of elect/maint retiring supervisor and new hire.	24,000
	6	Local Street	Operating Supplies	Misc Contractual Services	Transfer funds for the Jefferson overpass brush and tree removal contracted out.	2,000
August Total						93,200
September	1	Municipal Service Center	Buildings and Additions	Major Maintenance	Transfer funds to replace the exterior overhead door #9.	4,745
	2	Equipment Revolving	Wrecker Service	Education and Training	Transfer funds to cover the costs for employees to attend the Faster Fleet Software Conference.	2,000
	3	Renewable Energy Services	Equipment	Repair Parts	Transfer funds to purchase valve actuator for heat recovery process.	4,650
	4	General	Trees	Misc Contractual Services	Transfer funds for additional trees to be purchased and installed by Agroscaping.	5,000
	5	Equipment Revolving	Buildings and Additions	Buildings and Additions	Transfer funds to replace exterior overhead door #11.	5,579

BUDGET TRANSFERS
Quarter ending September 30, 2016

MONTH	XFR #	FUND	FROM ACCT	TO ACCT	DESCRIPTION	TRANSFER AMOUNT
	6	General	Hazardous Material Equip Supply	Construction	Transfer Funds to Project GG1607- Fire Station #1 Renovations for additional renovation expenses.	1,600
	7	General	Building Maintenance/Communications / Operating Equipment Supplies	Construction	Transfer Funds to Project GG1607- Fire Station #1 Renovations for additional renovation expenses.	5,093
	8	Water	Reserve for Contingencies	Misc Contractual Services	Transfer funds for the emergency repair and replacement of utility pole.	16,800
September Total						45,467
Grand Total						420,760

CITY OF MIDLAND
BUDGET AMENDMENT FOR ENCUMBRANCES
June 30, 2016

	Approved Amount
101 - General Fund	
Revenue	
Engineering	
Other revenues	(12,534)
General Revenue	
Grants	342,430
General Fund Total Revenues	329,896
 Expenditures	
General Government	
Finance	
Misc Contractual Services	4,000
Education and training	11,000
Human Resources	
Education and Training	3,500
Wellness Program	3,500
Police & Fire Pension Admin	
Actuary Contracted Services	10,000
City Hall	
Capital outlay	208,065
 Public Safety	
Police Administration	
Education and Training	3,000
Fire Training	
Firefighter Physicals	2,593
Planning	
College Tuition Reimbursement	1,100
Capital outlay	342,430
	343,530
 Public Works	
Public Works Activities	
Fringe Benefits	14,511
Sidewalk Maintenance	
Contracted Sidewalk Construction	31,418

CITY OF MIDLAND
BUDGET AMENDMENT FOR ENCUMBRANCES
June 30, 2016

	Approved Amount
Sanitation	
Rubbish & Garbage Collection	
Misc Contractual Services	6,100
Parks and Recreation	
Parks	
Other services/charges	5,049
Capital outlay	88,607
	93,656
Forestry	
Other services/charges	84,841
Misc Contractual Services	23,640
	108,481
Recreation	
Major Maintenance	14,373
Plymouth Park Pool	
Major Maintenance	3,150
Capital outlay	28,650
	31,800
Cemetery	
Road Maintenance	25,000
Other Functions	
Tax Appeals	
Tax Roll Adjustments	143,451
Miscellaneous	
Misc Contractual Services	21,889
Airport	
Capital outlay	6,000
Capital projects	1,055,645
Total Expenditures	2,141,512
General Fund Total - Net	1,811,616

CITY OF MIDLAND
BUDGET AMENDMENT FOR ENCUMBRANCES
June 30, 2016

	Approved Amount
202 - Major Street Fund	
Expenditures	
Capital projects	3,197,039
203 - Local Street Fund	
Capital projects	1,529,277
247 - Center City Authority Fund	
Purchased Services	32,081
250 - Storm Water Management Fund	
Capital outlay	16,000
Capital projects	411,605
Total Expenses	427,605
271 - Grace A Dow Library Fund	
Revenue	
Contributions - Outside Sources	124,000
Expenditures	
Misc Contractual Services	26,000
Building Maintenance	25,000
Capital outlay	124,000
	175,000
Grace A Dow Library Fund Total - Net	51,000
296 - MCTV Fund	
Capital outlay	59,111
297 - DDA	
Other services/charges	127,818
508 - Civic Arena Fund	
Capital outlay	152,500
517 - Landfill Fund	
Capital outlay	499,304
Capital project	800,000
Total Expenses	1,299,304

CITY OF MIDLAND
BUDGET AMENDMENT FOR ENCUMBRANCES
June 30, 2016

	Approved Amount
536 - Washington Woods Fund	
Other services/charges	3,700
Capital projects	1,235,548
Total Expenses	1,239,248
537 - Riverside Place Fund	
Revenue	
Contributions - Outside Sources	20,000
Expenditures	
Special projects	20,000
Riverside Place Fund Total - Net	-
584 - Currie Municipal Golf Course Fund	
Revenue	
Contributions - Outside Sources	30,000
Expenditures	
Capital outlay	47,444
Riverside Place Fund Total - Net	17,444
590 - Wastewater Fund	
Capital outlay	345,761
Capital projects	485,519
Total Expenses	831,280
591 - Water Fund	
Revenue	
Other Revenue	263,994
Expenditures	
Other services/charges	214,078
Capital outlay	409,150
Capital projects	2,080,428
Total Expenses	2,703,656
Wastewater Fund Total - Net	2,439,662
640 - Equipment Revolving Fund	
Capital outlay	811,101

CITY OF MIDLAND
BUDGET AMENDMENT FOR ENCUMBRANCES
June 30, 2016

	Approved Amount
641 - Municipal Service Center	
Capital outlay	58,441
Capital projects	<u>68</u>
Total Expenses	58,509
642 - Municipal Service Annex	
Capital outlay	36,100
645 - Renewable Energy Fund	
Capital outlay	63,384
Summary of All Funds:	
Total Revenues	767,890
Total Expenditures/Expenses	<u>14,951,969</u>
Net Encumbrances All Funds	<u><u>14,184,079</u></u>



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

RESOLVED, that the quarterly financial information of the City of Midland, for the quarter ended September 30, 2016, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

7. * Approving resolutions for Grace A. Dow Memorial Library: BARNARD
 - a. * Accepting grants from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to restore the exterior fascia on the Grace A. Dow Memorial Library.
 - b. * Setting a public hearing to amend the 2016-2017 Library Fund budget to increase revenues and expenditures by \$166,000 to fund the restoration of the building fascia on the Library (1/9/17).

**SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016**

SUBJECT: Accept grants from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to restore the exterior fascia on the Grace A. Dow Memorial Library and set a public hearing to amend the 2016-2017 Grace A. Dow Memorial Library budget.

INITIATED BY: Melissa Barnard

RESOLUTION SUMMARY:

Resolutions:

- a. Accept grants from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation in the amount of \$440,000 to fund the Grace A. Dow Memorial Library fascia restoration project.
- b. Set a public hearing for Monday, January 9, 2017 at 7:00 p.m. in the Council Chambers on a proposal to amend the 2016-2017 Grace A. Dow Memorial Library budget to increase revenues and expenditures by \$166,000 to restore the exterior fascia on the library.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolutions

COUNCIL ACTION:

3/5 vote required to approve resolutions

Melissa Barnard
Library Director



*Grace A. Dow Memorial Library ♦ 1710 West Saint Andrews Road ♦ Midland, MI 48640-2698
989.837.3430 ♦ 989.837.3468 Fax ♦ www.cityofmidlandmi.gov/library*

November 30, 2016

TO: Jon Lynch, City Manager

SUBJECT: Accept Grants and Amend the Grace A. Dow Memorial Library Budget

The City of Midland received a grant from the Alden and Vada Dow Family Foundations in the amount of \$250,000 and a grant from The Herbert H. and Grace A. Dow Foundation in the amount of \$190,000 to fund the fascia restoration project. The project goal is to preserve the architectural heritage of the library and its importance to the community.

We are very thankful to the Trustees of the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation for awarding these very generous grants and appreciate the opportunity to restore the fascia and enhance the architectural appearance of the library.

In anticipation of the grants, the 2016-2017 Grace A. Dow Memorial Library budget includes revenues and expenses of \$274,000 towards this project. The cost of the project based on the bids received required an increase in the grant amounts resulting in a total construction cost of \$440,000. Because only \$274,000 has been included in the budget, it is necessary to increase the revenue and expenditures by \$166,000.

Two resolutions are provided. The first would accept the grants from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to fund the restoration of the fascia on the Grace A. Dow Memorial Library. The second would set January 9, 2017 as the date for holding a public hearing to amend the 2016-2017 Grace A. Dow Memorial Library budget by increasing revenues and expenditures by \$166,000.

Respectfully Submitted,

Melissa Barnard, Library Director



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, the City of Midland has received a grant in the amount of \$250,000 from the Alden and Vada Dow Family Foundations and a grant from The Herbert H. and Grace A. Dow Foundation in the amount of \$190,000 to fund the restoration of the exterior fascia on the Grace A. Dow Memorial Library; and

WHEREAS, the funding from these grants will enhance the appearance and preserve the architectural heritage of the library and its importance to the community; now therefore

RESOLVED, that the City Council of the City of Midland hereby accept grants of \$440,000 from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to fund the restoration of the exterior fascia on the Grace A. Dow Memorial Library.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, the City of Midland has received grants in the amount of \$440,000 from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to fund the restoration of the fascia on the library; and

WHEREAS, it is necessary to amend the 2016-2017 budget of the Grace A. Dow Memorial Library to include these funds; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. on Monday, January 9, 2017 in the Council Chambers of City Hall on a proposal to amend the 2016-2017 budget of the Grace A. Dow Memorial Library to increase revenues by \$166,000 and to increase expenditures by \$166,000 to fund the restoration of the building fascia on the library; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

8. * Recommending approval of the request from Chow Chow Holdings, Inc. for an on premise Class C liquor license. TISDALE

**SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016**

SUBJECT: Request from Chow Chow Holdings Inc. for a PA 501 Liquor License

INITIATED BY: Selina Tisdale, Community Affairs Director

**RESOLUTION
SUMMARY:**

This resolution recommends approval of the request from Chow Chow Holdings, Inc. for an on premise Class C liquor license issued pursuant to Section 521 a(1)(b) of PA 501 of 2006 to be located at 416 E. Ellsworth Street and further certifies that the Downtown Development Authority (DDA) is a redevelopment project area and that said address is located within the DDA and redevelopment project area.

ITEMS ATTACHED:

1. Letter of transmittal
2. Liquor License Application Chow Chow Holdings Inc.
3. City Assessor Affidavit of DDA District Investment
4. City of Midland Resolution
5. State of Michigan Resolution

CITY COUNCIL ACTION

3/5 affirmative vote required to approve the resolution



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

November 30, 2016

Jon Lynch, City Manager
City of Midland
Midland, Michigan 48640

Dear Mr. Lynch:

Public Act 501 of the Michigan Public Acts of 2006 provides for on premise liquor licenses in a downtown or redevelopment district that are not subject to a municipality's quota for Class C licenses. A municipality may be eligible for one license for each \$200,000 of public and private investment in the district for the preceding five years prior to the license application.

Attached you will find an application for a PA 501 liquor license from Chow Chow Holdings Inc. for the restaurant, Basil Thai Bistro, to be located at 416 E. Ellsworth Street in downtown Midland.

The Redevelopment Liquor License application process requires the municipality to submit an affidavit from the City Assessor, certified by the City Clerk, stating the amount of money invested in the district in the previous five years and adopt a resolution recommending the applicant for the license.

In order to qualify for a Redevelopment License the owners of Chow Chow Holdings Inc. must meet certain criteria including:

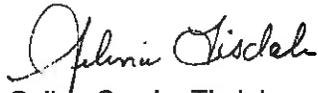
1. The subject business must be located within an established Development District, which in this case, is the City's Downtown Development Authority (DDA) district.
Chow Chow Holdings Inc. is applying for a license that will be located at 416 E. Ellsworth Street, within the Downtown Development Authority District which is also a redevelopment project area as identified by City Council resolution dated October 1, 2007.
2. The applicant must have expended at least \$75,000 for the rehabilitation or restoration of the building, or committed the same amount for capital investment.
The owners of the property at 416 E. Ellsworth Street have represented to the DDA that they are/will be investing more than \$236,000 of redevelopment capital in the property including new roofing, exterior building improvements, interior building improvements and signage.
3. The applicant must demonstrate that the business has a seating capacity of not less than 50 persons.
The restaurant at 416 E. Ellsworth has submitted a business plan that calls for a seating capacity of 80 patrons.

4. The total private/public investment in the Development Authority District is at least \$200,000 over the preceding five-year period.

The City Assessor has submitted the attached affidavit stating that the public/private investment in the city's identified Development District was confirmed by the city assessor and is \$65,647,036 in the preceding five years (2011-2015).

Attached is a resolution that will recommend approval to the Michigan Liquor Control Commission for an on premise Class C liquor license for Chow Chow Holdings Inc. to be located at 416 E. Ellsworth and further certifies that the DDA is a redevelopment project area and that the license will be located within the redevelopment project area.

Respectfully,



Selina Crosby Tisdale
City of Midland
Director of Community Affairs



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free (866) 813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License
(Retail License Applicants)

PLEASE READ! Complete this form in its entirety and return it, along with corresponding documents and fees, to the address listed at the top of this form. You may provide a copy of this application to your local municipal board for review, if applicable.

Part 1 - If you are requesting a license as a part of your application please answer the questions below:

- Are you requesting a new license as a part of your application? [X] Yes [] No
Are you buying an existing license as a part of your application? [] Yes [X] No
Is this license being transferred as a result of a default or court action? [] Yes [X] No
Do you intend to actively use this license or hold it in escrow? [X] Active [] Escrow
Have you ever been licensed by the Michigan Liquor Control Commission? [] Yes [X] No

Part 2 - Application Information:

Name(s) of current licensee: _____
Current licensed address: _____
What city/township/village is this license currently issued in? _____
What county is this license currently issued in? _____
Name of entity/person that will hold the license (if different from above): _____

Notes for unlicensed entities:

Corporations/Limited Liability Company(s) - State the name as it is filed with the State of Michigan Corporation Division and provide a copy of your articles.

Please give a brief description of what you are requesting:

We are requesting a Class C liquor license for daily use in our full menu restaurant in Midland.

Are you proposing to to move this license to a different location as a part of your application? [] Yes [X] No

If yes, what is the new address? (Include street address, city/township/village, along with the zip code and county)

Note: If you are applying for a new on-premises liquor license you will need to obtain and provide a copy of the resolution from the local legislative body as a part of your application.

Fees and Permits: Check the type of license and permits that you need to complete your request

MCL 436.1522(1) provides that license fees shall be paid at the time of filing applications. (All checks/money orders should be made payable to the State of Michigan).

MCL 436.1529(4) requires that a nonrefundable inspection fee of \$70.00 shall be paid to the Commission by an applicant or licensee at the time of filing any of the following: (a) An application for a new license or permit. (b) A request for approval of a transfer of ownership or location of a license. (c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar. (d) A request for approval of the transfer in any licensing year of any of the shares of stock in a corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another. (Also applies to Limited Liability Companies) **Submit a \$70.00 inspection fee for each license type with your application.**

To avoid a delay in processing, include your payment of both an inspection fee and the license fee with your application. For a complete description of the license and permits listed below, please refer to Retail Licensing FAQ on our website.

Off Premise License Type:	Base Fee:
<input type="checkbox"/> SDM License	\$100.00
<input type="checkbox"/> SDD License	\$150.00
<input type="checkbox"/> Resort SDD License	Upon Licensure
<input type="checkbox"/> Transfer Resort SDD license	\$150.00

On Premise License Type:	Base Fee:
<input type="checkbox"/> B-Hotel License	\$600.00
<input type="checkbox"/> A-Hotel License	\$250.00
<input type="checkbox"/> Brewpub license	\$100.00
<input checked="" type="checkbox"/> Class C License	\$600.00
<input type="checkbox"/> Club License	\$300.00
<input type="checkbox"/> Resort License	Upon Licensure
<input type="checkbox"/> Redevelopment License	Upon Licensure
<input type="checkbox"/> Tavern License	\$250.00
<input type="checkbox"/> G-1 License	\$1,000.00
<input type="checkbox"/> G-2 License	\$500.00
<input type="checkbox"/> Aircraft License	\$600.00
<input type="checkbox"/> Watercraft License	\$100.00
<input type="checkbox"/> Train	\$100.00
<input type="checkbox"/> Continuing Care License	\$600.00

On/Off Premise Permission Type:	Base Fee:
<input type="checkbox"/> Off-premise Storage	No charge
<input type="checkbox"/> Direct Connection(s)	No charge
<input type="checkbox"/> Gas Pumps	No charge

Warning!

Licenses and permits checked on this form will be investigated as part of your request. Verify your information prior to submitting your application as some permits/licenses cannot be added once the application is sent for investigation.

*Fees requested above are the estimated base license fee assessed. More charges may be applied based upon the number of rooms to be licensed (for hotel licenses) or the prior years sales (for off-premise licenses)

On Premise Permit Type:	Base Fee:
<input type="checkbox"/> Sunday Sales Permit (AM)	\$160.00
<input type="checkbox"/> Sunday Sales Permit (PM)	15% of license fee
<input type="checkbox"/> Catering Permit	\$100.00
<input type="checkbox"/> Outdoor Service	No charge
<input type="checkbox"/> Entertainment Permit	No charge
<input type="checkbox"/> Dance Permit	No charge
<input type="checkbox"/> Topless Activity Permit	No charge
<input type="checkbox"/> Living Quarters	No charge

Specific Purpose Permit (list activity below):
Hours requested: _____

Extended Hours Permit (check type below): No charge
 Dance Entertainment
Hours requested: _____

Additional Bar Permit (s)** Indicate # of bars: _____ x \$350.00
 **You get 1 bar with your license. \$350.00 is due for each additional bar requested above and beyond the one that you have. This fee must also be included when calculating the total amount due for Sunday Sales Permit (PM).

New Banquet Facility Permit \$600.00
 Address of proposed banquet facility: _____

A Banquet facility permit is an extension of your license and is different from a banquet room in your facility.

Off Premise Permits:	Base Fee:
<input type="checkbox"/> Sunday Sales Permit (AM)	\$160.00
<input type="checkbox"/> Sunday Sales Permit (PM) (Held with SDD license)	\$22.50
<input type="checkbox"/> Catering Permit	\$100.00
<input type="checkbox"/> Beer and Wine Sampling	No charge
<input type="checkbox"/> Living Quarters	No charge

Each individual stockholder/member/partner must complete Parts 4a and 4b of the application. For companies with multiple stockholders/members/partners, please make copies of this section for each person/entity to complete.

Corporate/LLC Members - Complete 4a only, sign at the bottom of the page and provide filed articles and a completed form LCC-3010.

Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission.

Follow instructions for completing and submitting fingerprint information for Michigan and out of state applicants. These instructions can be found at www.michigan.gov/lcc. You must provide a copy of the attached "Livescan Fingerprint Background Request" with your application.

This section is not required if you are only requesting to add new permits or permission to your license.

Name: BouaVanh Miller
Home address: 4480 Coit Ave NE Grand Rapids, MI 49525-1106
Business Phone: 616-364-1857 Cell Phone: [REDACTED] E-mail address: [REDACTED]

As a proposed stockholder/member/partner, are you currently licensed by the Commission or do you hold an interest in any other licenses issued by the Michigan Liquor Control Commission?

Yes No

If you checked 'yes' - List the business ID numbers you are affiliated with below. If you hold interest at two or more locations under the same name, please write "chain" below.

Part 4b - Personal Information (Individuals)

Date of Birth: July 6, 1965 Social Security Number: [REDACTED] Drivers License Number: [REDACTED]

Are you a citizen of the United States of America? Yes No

Have you ever legally changed your name? Yes No List maiden names, or name changes due to naturalization or court order

If you answered yes, please state your prior name(s) (including maiden): _____

If you are currently married, what is your spouse's full name? Not Married (first, middle, last)

Spouse's date of birth: _____ (first, middle, last)

Is your spouse a citizen of the United States of America? Yes No

(If you answered "no", you will be asked to provide documentation to verify your spouse's legal status)

Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan (civil defense volunteer policeman, mayors, village presidents, and members of city councils are not considered to be law enforcement officers).

Yes No

Do you or your spouse hold a manufacturer or wholesale license in Michigan?

Yes No

Arrest Segment: R 436.1105 (2)(g) provides that the Commission shall consider any past convictions of the applicant:

Do you have any past or current convictions? *Yes No

Does your spouse have any past or current convictions? *Yes No

(If yes for either question, please obtain and provide a copy of your Secretary of State record along with an ICHAT history and submit both with this application.) An ICHAT history can be obtained at <https://apps.michigan.gov/IC/IAT>

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing false or fraudulent information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains)

11/4/10 Date BouaVanh Miller Individual, print name and title B. Vanh Miller Individual signature

Note: This section is not required if your entity is already licensed and you are only requesting additional permits or permissions.

Corporation

R 436.1109 (1) provides that a corporation applying for a license shall file with the commission all of the following, as applicable:

- (a) If incorporated outside of this state, a copy of its current articles of incorporation, a current certificate of good standing from the state of incorporation, and a copy of the authorization to do business in this state issued by the Michigan Department of Labor and Economic Growth. (LARA)
- (b) If a Michigan Corporation, a copy of the current articles of incorporation as approved by the Michigan Department of Labor and Economic Growth. (LARA)
- (c) A certified copy of the minutes of a meeting of its board of directors or a statement signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the Commission.
- (d) A signed statement providing the identity of its current corporate officers and the members of the board of directors.
- (e) A signed statement indicating whether or not the corporation is a privately held corporation. If the corporation is a privately held corporation, then it shall also file with the commission, a signed statement which includes all of the following information:
 - (i) The number of shares of stock that it has issued.
 - (ii) To whom the stock was issued.
 - (iii) The amount of stock issued to each stockholder.
 - (iv) The date of the issuance of the stock.
 - (v) The individual certificate numbers of the stock issued.

*In lieu documentation required in subrules (d) and (e) referenced above, a copy of form LCC-3010 - Report of Stockholders/Members/Partners may be completed and submitted.

Limited Liability Company

R 436.1110 (1) provides that a limited liability company applying for a license shall file all of the following items with the commission, as applicable:

- (a) If a foreign limited liability company, a copy of the certificate of authority issued by the Michigan Department of Labor and Economic Growth. (LARA)
- (b) If a domestic limited liability company, a copy of the articles of organization filed with the Michigan Department of Labor and Economic Growth. (LARA)
- (c) A copy of the operating agreement or agreements or bylaws entered into by the members under 1993 PA 23, MCL 450.4101 et seq.
- (d) A copy of any amendments to its articles of organization.
- (e) A copy of the most recent annual statement, if filed, with the Michigan Department of Labor and Economic Growth. (LARA)
- (f) A signed statement that includes the full names and addresses of its current members, managers, and assignees of membership interest.
- (g) A statement signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the Commission. If a foreign limited liability company, a person who has the authority to sign under the laws of jurisdiction of its organization shall sign the statement and shall indicate the capacity in which the person signs the statement.

*In lieu documentation required in subrules (f) and (g) referenced above, a copy of form LCC-3010 - Report of Stockholders/Members/Partners may be completed and submitted.

Limited Partnership

R 436.1111 - Application for license by partnership; requirements:

- (1) Each general partner of a partnership shall sign the application, bond, and other papers filed in connection with securing a new license or transferring an existing license. This requirement may be waived by the Commission upon a showing of good cause - which must be submitted in writing.
- (2) A limited partnership applying for a license shall furnish a copy of the partnership agreement.

What is your preferred method of contact for licensing questions? Mail E-Mail Phone

Provide information on the point of contact for this request below. Please note that you will have to provide authorization (as outlined in part 5 sections (c) or (g) for corporations and limited liability companies of this form) for anyone other than the applicant or an attorney of record to be your point of contact. If an authorization is not provided, your contact person will not be acknowledged if they are anyone other than the applicant or attorney.

Contact Name: BouaVanh Miller Relationship: _____
 Mailing Address: 4480 Coit Ave NE Grand Rapids, MI 49525-1106
 Fax Number: 616-554-5167 Phone: 616-364-1857 E-mail address: _____

Part 7 - Attorney Information

Do you have an attorney representing you in this matter? Yes No

Attorney Name: Joseph M. Infante Member Number: P-68719
 Street Address, City, State, Zip Code: 99 Monroe Ave. NW Suite 1200 Grand Rapids, MI 49503
 Fax Number: 616-776-6322 Phone: 616-776-6310 E-mail address: infante@millercanfield.com

Would you prefer that we contact your attorney for all licensing matters related to your request? Yes No

Would you prefer any closing packages or notices be sent directly to your attorney? Yes No

What is your preferred method for receiving a Commission Order? Mail E-Mail Fax

What is your preferred method for receiving your license, if approved? Mail E-Mail Fax

Be advised that the information contained in this application will only be used for this request. This section will need to be completed for each subsequent request you make with this office.

Signature of Applicant:

Notice: When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business. Sellers can make a request for the tax clearance certificate through the Michigan Department of Treasury.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

11/4/14
Date

Chow Chow Holdings Inc. / BouaVanh Miller President
Print name of applicant/licensee and title

B. Vanh Miller
Signature of applicant/licensee

To check the status of your request, visit www.michigan.gov/lcc and click on "Online Services." Scroll down to Liquor Control Commission and click on "Online Status Check." Enter your request id number (RID) (which will be provided to you by our office) to check on your application 24 hours a day.

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION

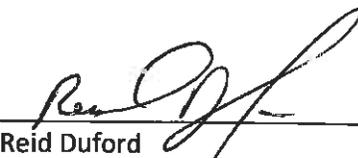
AFFIDAVIT OF REID DUFORD, CITY OF MIDLAND ASSESSOR,
AS TO INVESTMENT MADE IN THE
DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

Reid Duford, City of Midland Assessor, being duly sworn, deposes and says as follows:

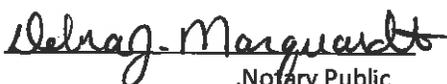
1. That I am the City of Midland Assessor.
2. That I have reviewed applicable information from the Downtown Development Authority, the City of Midland Engineering, Assessing and Building departments, including assessment records and permits, for the period beginning January 1, 2011 thru December 31, 2015 and have estimated that the following investments have been made to the Downtown Development Authority District:

• Private real property additions, remodeling and maintenance:	\$60,006,863
• Public investment:	<u>\$5,640,173</u>
TOTAL	\$65,647,036

Further your affiant sayeth not.


 Reid Duford
 Assessor, City of Midland

Subscribed and sworn to before me
this 5 day of July, 2016


 ,Notary Public

Midland County, Michigan
My Commission Expires: 7-25-16

DEBRA J. MARQUARDT
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF MIDLAND
 MY COMMISSION EXPIRES Jul 25, 2016
 ACTING IN COUNTY OF

DDA REAL PROPERTY
PRIVATE/PUBLIC INVESTMENT AMOUNTS
5 YEARS 2011-2015

Parcel	Owner	AddNo	Dir	Street Name	Type of Improvement	Investment
14-16-50-292	AT&T (fka Michigan Bell Telephone)	217	E	ELLSWORTH ST	2011 Building Addition	\$138,900
14-21-80-172	Ace Hardware & Sports Inc	419	E	MAIN ST	2011 Widen Masonry Openings	\$30,000
14-17-40-004	AMA - Arbury Insurance	115		JEROME ST	2011 Addition / Remodel	\$200,000
14-16-50-214	Commerce Center Management Corp	300		RODD ST	2011 Basement Finish	\$35,000
14-21-80-296	Chemical Bank & Trust Company	333	E	MAIN ST	2011 Remodel for Reception Area	\$10,963
14-16-50-340	Chemical Financial Corporation	235	E	MAIN ST	2011 2nd Floor Remodel	\$158,900
14-21-80-222	Allen, Richard W Trust	240	E	MAIN ST	2012 New Platform & Steps	\$5,600
14-16-50-506	Midland County Santa House	315	W	MAIN ST	2012 Remodel & Addition	\$75,000
14-16-50-554	Adjacent Properties LLC	130	W	MAIN ST	2012 2nd Fir Apartment	\$15,000
14-16-50-560	H Hotel	111	W	MAIN ST	2012 New Windows	\$8,500
14-16-50-672	MIDLAND REAL ESTATE LLC	409		ASHMAN ST	2013/14/15- New Office Bldg	\$3,978,000
14-16-50-560	H Hotel	111	W	MAIN ST	2013 Remodel	\$5,855,500
14-16-50-350	DOWNTOWN MIDLAND DEVELOPMENT LLC	219	E	MAIN ST	2014 Barrier Free Restroom Addition	\$1,500
14-16-50-355	TOM MCCANN FAMILY LLC	120		MCDONALD ST	2014 Interior/Exterior Remodel	\$193,000
14-16-50-462	GSB PROPERTIES LLC	147	E	MAIN ST	2014 Reroof	\$14,000
14-21-80-226	TRI-STAR REAL ESTATE HOLDING CO	200	E	MAIN ST	2014 Interior Remodel	\$500,000
14-21-80-220	ALLEN, RICHARD W TRUST NO 1	244	E	MAIN ST	2014 Interior/Exterior Remodel and Exterior Stairway	\$189,000
14-16-50-476	MIDLAND DTH LLC	102	E	MAIN ST	2014/15 Midland Mixed Use Bldg Project	\$8,152,800
14-16-50-376	FRYE, CECIL L TRUST	315		MCDONALD ST	2014 Reroof	\$3,600
14-16-50-214	COMMERCE CENTER MANAGEMENT COR	300		RODD ST	2014 Interior Remodel	\$25,000
14-16-50-294	TURTLE COVE PROPERTIES	233	E	LARKIN ST	2014 Interior Vestibule and Barrier Free Chair Lift Addition	\$190,000
14-16-50-560	H HOTEL	111	W	MAIN ST	2014 Interior Remodel of Office and Food/Beverage Room	\$10,000
14-21-80-064	MIDLAND DOWNTOWN PARTNERS LLC	715	E	MAIN ST	2013/14- New East End Building	\$40,000,000
14-16-50-554	ADJACENT PROPERTIES LLC	128	W	MAIN ST	2014 Interior Remodel and Cold Storage Addition	\$10,000
14-16-50-452	SSP ASSOCIATES INC	117	E	MAIN ST	2014 Interior/Exterior Remodel	\$146,600
14-16-50-456	BETTER GROUNDS LLC	131	E	MAIN ST	2014 Detached Pre-Engineered Garage Addition	\$8,500
14-21-80-162	SPAGNUOLO, MARK & SARAH	130		TOWNSEND ST	2015 Interior Remodel - Restaurant	\$15,000
14-21-80-164	SPAGNUOLO, MARK M TRUST	126		TOWNSEND ST	2015 Interior Remodel - Restaurant	\$6,500
14-16-50-340	CHEMICAL FINANCIAL CORPORATION	235	E	MAIN ST	2015 Interior Remodel	\$30,000
Total Investment of Private Improvements						\$60,006,863

DDA REAL PROPERTY
PRIVATE/PUBLIC INVESTMENT AMOUNTS
5 YEARS 2011-2015

Owner	AddNo	Dir	Street Name	Type of Improvement	Investment
PUBLIC			DDA DISTRICT	2011 Tridge Repairs	\$258,825
PUBLIC			DDA DISTRICT	2011 Tridge Improvements	\$49,976
PUBLIC			DDA DISTRICT	2011 Tridge Improvements	\$14,098
PUBLIC			DDA DISTRICT	2011 DDA River Access	\$156,336
PUBLIC			DDA DISTRICT	2011 DDA Street Maintenance	\$6,000
PUBLIC			DDA DISTRICT	2012 DDA Improvements	\$35,000
PUBLIC			DDA DISTRICT	2012 Farmers Market Improvement	\$23,500
PUBLIC	220	W	ELLSWORTH ST	2012/2013 4th Floor Renovation	\$646,438
PUBLIC			DDA DISTRICT	2013 East End Development	\$1,100,000
PUBLIC	301	W	MAIN ST	2013 Jail Demo	\$350,000
PUBLIC	301	W	MAIN ST	2013 Addition Sally Port/Holding	\$1,000,000
PUBLIC			DDA DISTRICT	2014 Underground Electrical/Utility Improvement	\$1,000,000
PUBLIC			DDA DISTRICT	2014 Complete Road Reconstruction/Beautification	\$1,000,000
Total Investment of Public Improvements					\$5,640,173
Total Investment of Private and Public Real Property					\$65,647,036



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, Chow Chow Holdings Inc. is submitting application to the Michigan Liquor Control Commission for an on premise Class C liquor license issued under PA 501 of 2006; and

WHEREAS, it is necessary that Chow Chow Holdings Inc. be located within a development district as defined in PA 501 of 2006; and

WHEREAS, the Michigan Liquor Control Commission has determined that in addition to being located in a development district as defined by PA 501 of 2006, it is also necessary to certify that the development district is a redevelopment project area; now therefore

RESOLVED, that the Midland City Council hereby recommends that the request for an on premise Class C liquor license issued pursuant to Section 501 a (1) (b) of PA 501 of 2006 submitted by Chow Chow Holdings Inc. for a business to be located at 416 E. Ellsworth Street, Midland, Michigan be considered for approval by the Michigan Liquor Control Commission; and

RESOLVED FURTHER, that the City Council hereby certifies that the Downtown Development Authority, of the City of Midland, Michigan is a redevelopment project area and that the license to be located at 416 E. Ellsworth Street, Midland, Michigan is within the Downtown Development Authority and the redevelopment project area.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ regular _____ meeting of the _____ Midland City Council _____ council/board
(regular or special) (township, city, village)
 called to order by _____ Mayor Maureen Donker _____ on _____ December 5, 2016 _____ at _____ 7:00 p.m. _____
(date) (time)
 the following resolution was offered:

Moved by _____ and supported by _____
 that the application from _____ Chow Chow Holdings Inc. _____
(name of applicant)

for the following license(s): _____ on premise Class C Liquor License, Redevelopment License PA 501 Section 521 a(1)(b) _____
(list specific licenses requested)

to be located at: _____ 416 E. Ellsworth Street, Midland, MI _____

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
 approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
 council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

Backup material for agenda item:

9. * Reappointing David Dunn and Rebecca Cox to the Brownfield Redevelopment Finance Authority. LYNCH

SUMMARY REPORT
for City Council Meeting of December 5, 2016

SUBJECT: REAPPOINTMENTS TO THE BROWNFIELD REDEVELOPMENT
FINANCING AUTHORITY

RESOLUTION SUMMARY: This resolution reappoints David Dunn and Rebecca Cox to the Brownfield Redevelopment Financing Authority for terms expiring December 1, 2019.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

3/5 vote required to approve resolution

Jon Lynch, AICP ICMA-CM
City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

November 30, 2016

Honorable Mayor and City Council
City of Midland
Midland, MI 48640

Dear Councilmen:

The Brownfield Redevelopment Financing Authority is comprised of five members who have staggered three-year terms that expire on December 1. Attached for your consideration is a resolution that reappoints David Dunn and Rebecca Cox to the Brownfield Redevelopment Financing Authority for terms expiring on December 1, 2019.

Please contact me if you have any questions.

Sincerely,

Jon Lynch, AICP ICMA-CM
City Manager

JL:pw

Attachment



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

RESOLVED, that David Dunn and Rebecca Cox are hereby reappointed to the Brownfield Redevelopment Financing Authority for terms expiring December 1, 2019.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

T:BRFA reappt Res-Dunn and Cox

Backup material for agenda item:

10. * Scour Protection - Wackerly Road Bridge over Sturgeon Creek (4/5 vote required). MCMANUS

SUMMARY REPORT TO THE CITY MANAGER
for Council Meeting of December 5, 2016

SUBJECT: Scour Protection – Wackerly Bridge over Sturgeon Creek

INITIATED BY: City of Midland Engineering Department

RESOLUTION SUMMARY: This resolution accepts the proposal from Wonsey Tree Service to install scour protection for the Wackerly Road Bridge over Sturgeon Creek.

ITEMS ATTACHED:

1. Cover Letter
2. Resolution
3. Location Map
4. Rip-Rap Detail
5. City Owned Bridge Locations Map

CITY COUNCIL ACTION: 4/5 Vote Required for Purchase

SUBMITTED BY: Brian P. McManus, City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

To: Jon Lynch, City Manager
From: Brian McManus, City Engineer
Date: November 29, 2016

Subject: Bridge Scour Protection – Wackerly Road Bridge over Sturgeon Creek

The State of Michigan and the Federal Highway Administration (FHWA) have placed a high emphasis on bridge safety. FHWA requires that bridges in Michigan receive biannual inspections of all elements including the driving surface, structural supporting elements, walls, and foundations. Our bridge engineering consultant performs those inspections and the data is reported to MDOT who subsequently reports to the Federal Highway Administration.

The City is responsible for 12 structures qualifying as “bridges,” with spans of 20 feet or more as well as several culverts at smaller waterway crossings of roadways. The bridges as shown on the attached map are:

- Poseyville Road over the Tittabawassee River
- Currie Parkway Bridge over the Tittabawassee River
- St. Andrews Road over Snake Creek
- N. Saginaw Road over Sturgeon Creek
- Wackerly Road over Sturgeon Creek
- Airport Road over Sturgeon Creek
- Main Street over Snake Creek
- W. Sugnet Road over Sturgeon Creek
- W. Main over Sturgeon Creek
- N. Saginaw Road over State Drain
- Emerson Parkway over Sturgeon Creek
- Crescent Drive over Meadowbrook Drain

Our bridge and culvert system is in good overall condition and you have seen several projects over the past few years including the 2014 Wackerly Culvert replacement near Stark Road, the 2014 Currie Parkway Bridge Upgrades, the 2015 Poseyville Bridge Rehabilitation, the 2016 St. Andrews Bridge Replacement, and the 2016 Letts Road Culvert and 2016 Culvert Repairs near the 555 Wackerly Building.

The bridge carrying Wackerly Road over Sturgeon Creek is supported by relatively shallow footings which classifies it as scour critical within the MDOT reporting system. See attached drawing. Scour critical bridges have the long-term potential for deep scouring or an erosion of supporting soil at or below the footings. Scour critical bridges require close examination and in addition to the biannual bridge inspections, the bridges’ foundations are monitored after both low and high level flooding events. Newer regulations require that the bridge be closed to traffic after a high level flooding

event that would completely fill the bridge channel opening, until such time as the bridge is inspected. We have not seen an event of that size since 1986.

Erosion protection will eliminate the need for the increased inspection cycle and will protect the bridge's foundation system for the life of the bridge, which was built in 1981. This bridge is otherwise structurally sound and should be effective for another 25 years with proper maintenance.

In 2014 we advertised and sought bids from contractors to add scour protection consisting of rocks along the channel below the bridge adjacent to the foundations. The rocks, called rip-rap, would provide the needed protection against erosion. No bids were received for the work and follow-up discussions with contractors indicated that the work involves specialized equipment, difficult site conditions, and excessive hand labor as reasons for not providing a bid.

Wonsey Tree Service is in the final stages of work on the 2016 St. Andrews Bridge replacement. They are MDOT prequalified and have over the last decade become specialized in this type of work that includes small bridge and culvert replacements. We have discussed the need for scour protection on the Wackerly Road Bridge and they have provided a bid of \$74,000 to do the work.

The work involves a large amount of labor and the use of a small floating barge to move stone product below the bridge. The stone is unloaded by hand and put into place below the water line. Their proposal appears to be reasonable based on the amount of specialty work.

We are recommending that further competitive bidding be waived and the proposal from Wonsey Tree Service be accepted in the best interest of the City. With the amount of hand labor and difficult site conditions involved on this project, we do not see it as a project that would attract other local vendors. Wonsey is currently finishing up work on the St. Andrews project and we would realize some pricing benefit from less mobilization costs. Wonsey has done a nice job on the St. Andrews Bridge and were selected for that project through our standard competitive bidding process. They are experienced at this type of work.

This work will afford protection to the bridge's foundations, eliminate the risk of closing the bridge during high level flood events and reduce labor intensive monitoring after flooding events.

Attached for your consideration is a resolution that authorizes the City Manager to accept the proposal from Wonsey Tree Service for the Wackerly Road Bridge over Sturgeon Creek scour protection project. Funding is available from the 2016 St. Andrews Bridge Replacement Project and the Major Street Fund.



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, the City Engineer has indicated the need for erosion protection on the Wackerly Road Bridge over Sturgeon Creek; and

WHEREAS, Wonsey Tree Service has provided a written proposal in the amount of \$74,000 to do this labor intensive work; and

WHEREAS, Section 2-18 of the Code of Ordinances provides that when sealed proposals are impractical, standard purchasing provisions may be waived upon four-fifths vote of the City Council; now therefore

RESOLVED, that the City Manager is hereby authorized to accept the proposal from Wonsey Tree Service in the amount of \$74,000 for said erosion protection work and directs the Assistant City Manager to provide necessary funding from the Major Street Fund including any currently and prior year budgeted funded Major Street Projects with excess reserves.

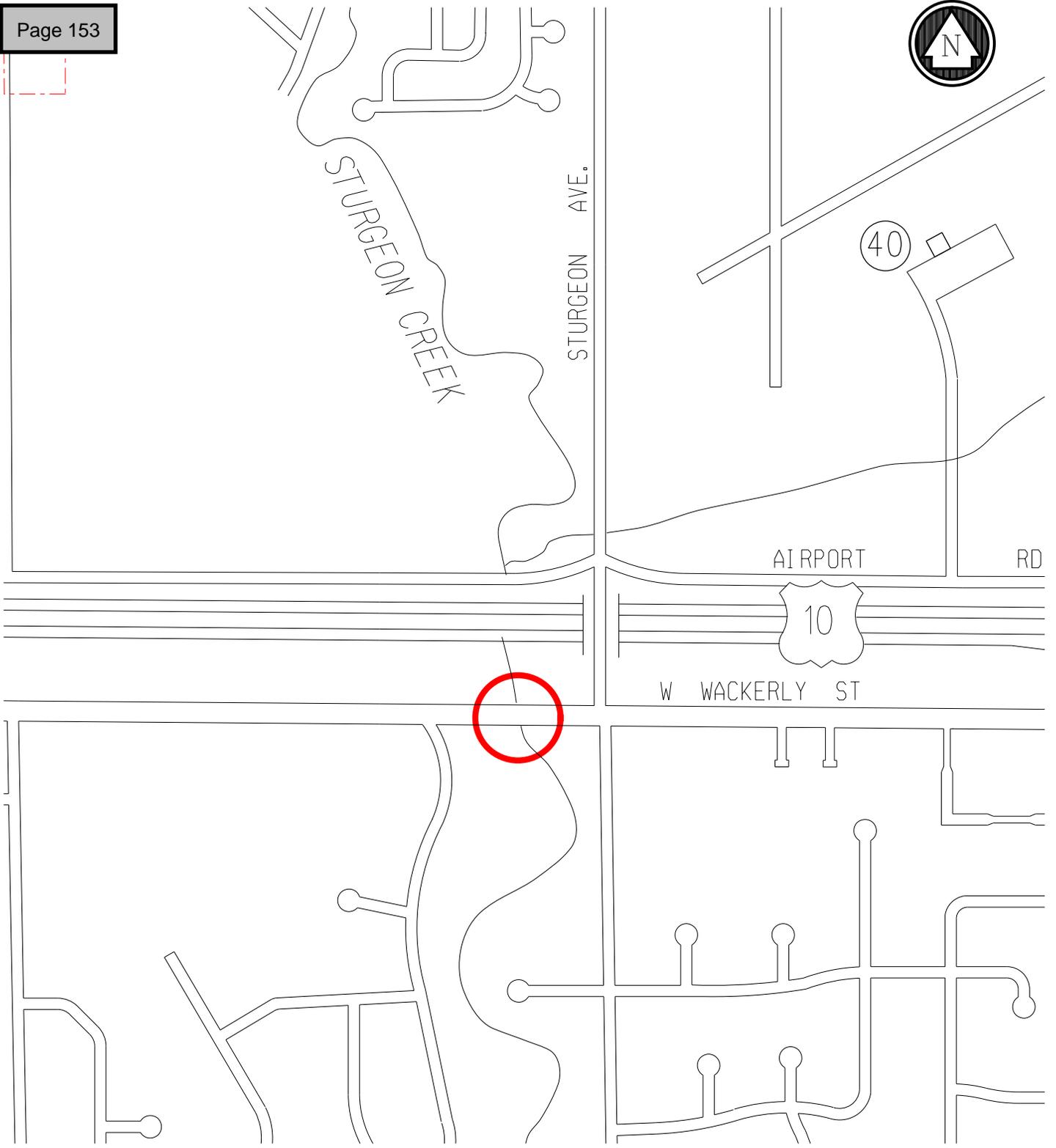
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

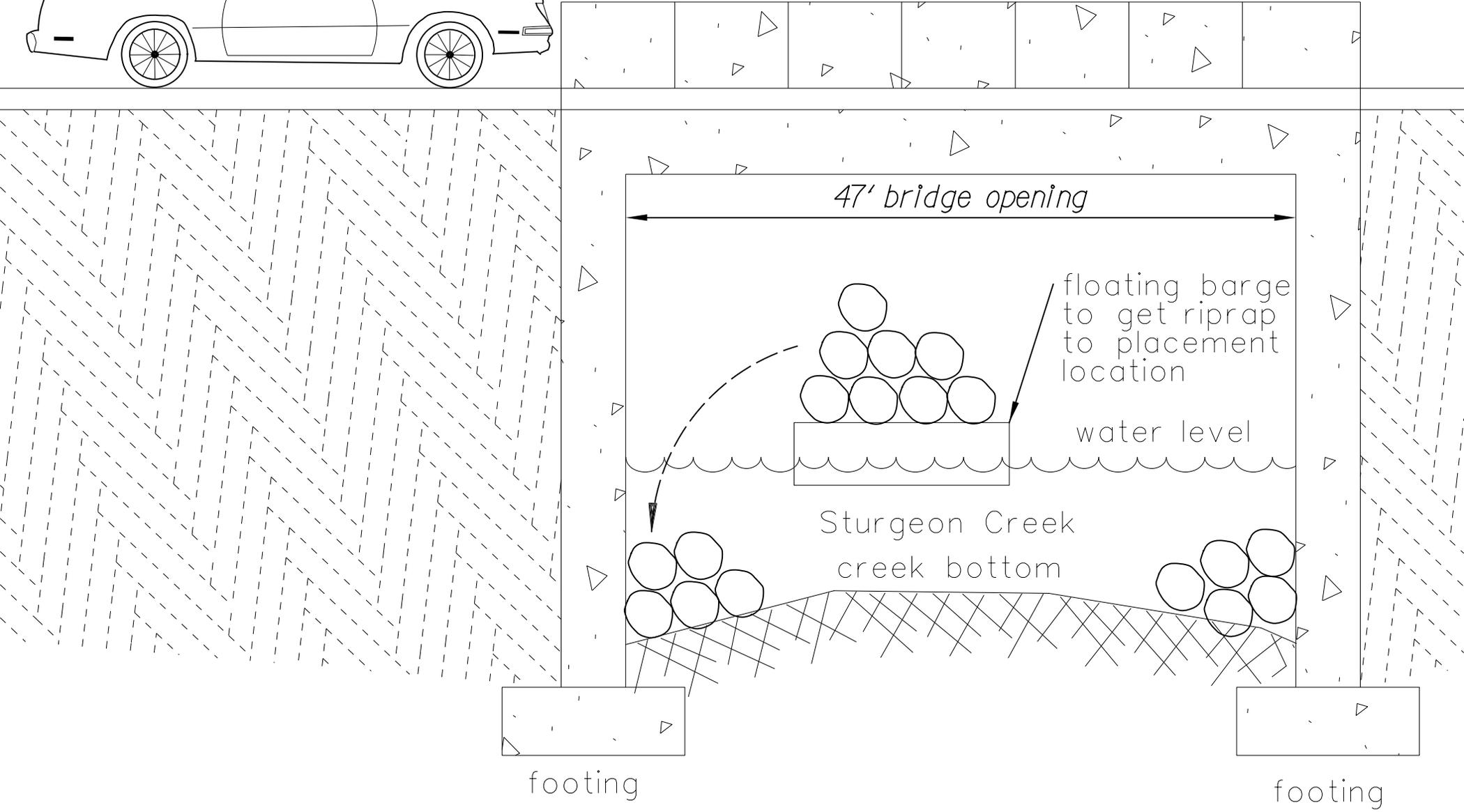
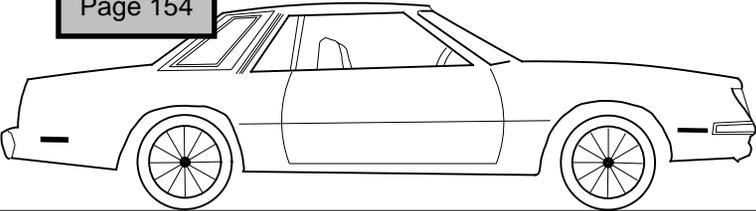
Selina Tisdale, City Clerk



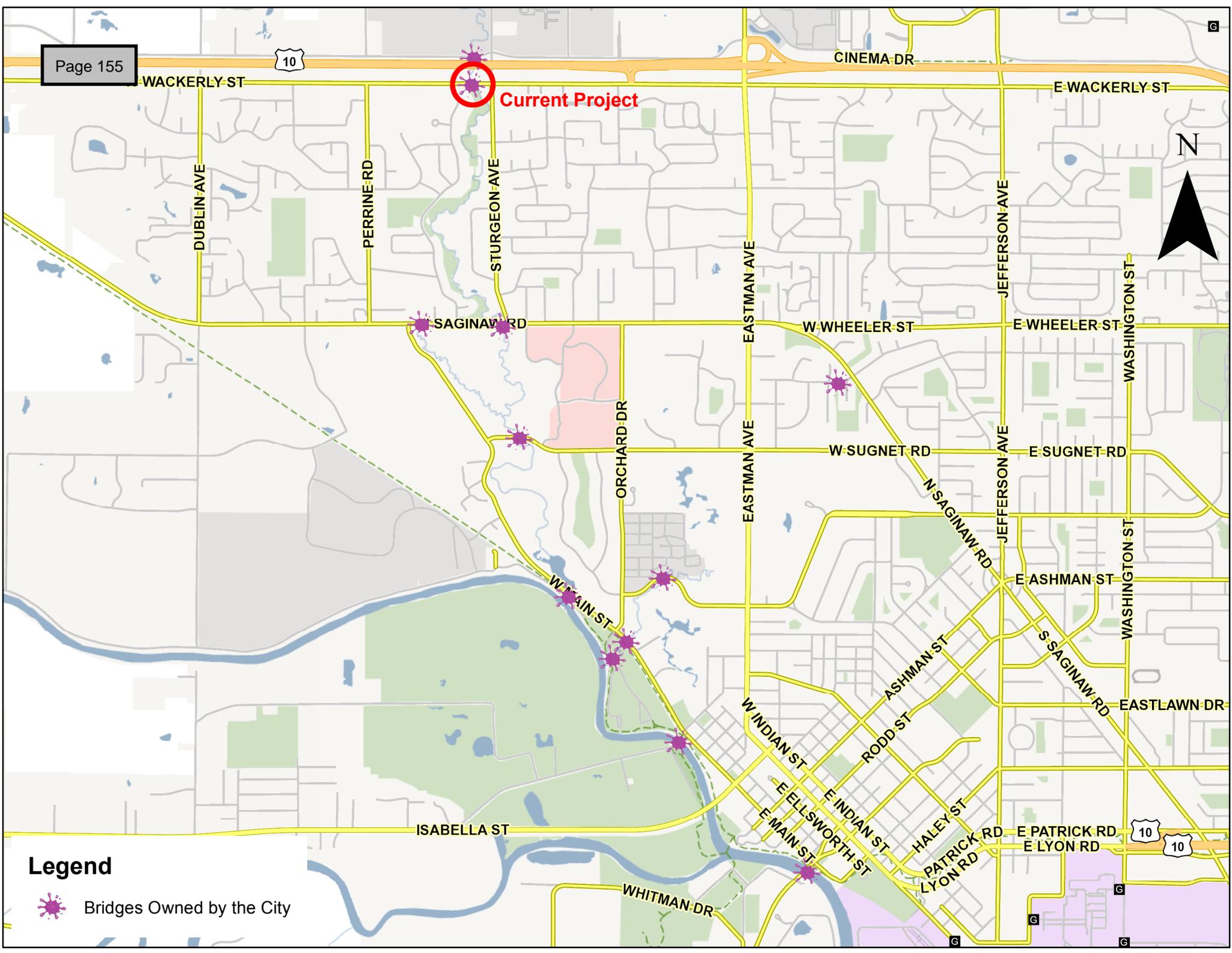
RIPRAP INSTALLATION FOR SCOUR PROTECTION

WACKERLY OVER STURGEON CREEK

Wackerly Road



SCOUR PROTECTION DETAIL



Legend

 Bridges Owned by the City

Backup material for agenda item:

11. * Emergency Repair of Utility Pole - Water Treatment Plant. SOVA

SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016

SUBJECT: WATER TREATMENT PLANT – BUDGET TRANSFER FROM
CONTINGENCIES AND PURCHASE ORDER INCREASE FOR HIGH
VOLTAGE ELECTRIC POLE REPLACEMENT

INITIATED BY: Joseph Sova, Utilities Director

RESOLUTION SUMMARY: This resolution authorizes an intra-fund budget transfer in the amount of \$33,817.04 for emergency repairs to a wood utility pole carrying high-voltage electric service lines to the Water Treatment Plant, and further authorizes an increase of \$11,692.04 to the existing purchase order to Hydaker-Wheatlake of Caro, bringing the total amount to \$28,472.04, for the emergency repairs, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

November 30, 2016

Jon Lynch, City Manager
Midland, Michigan

**Re: WATER TREATMENT PLANT – BUDGET TRANSFER FROM CONTINGENCIES
AND PURCHASE ORDER INCREASE FOR HIGH VOLTAGE ELECTRIC POLE
REPLACEMENT**

Dear Mr. Lynch:

In late August, Water Treatment Plant (WTP) staff noticed that a wood utility pole carrying high-voltage electric service lines to the WTP was beginning to lean. Quotes were requested from Consumers Energy and The Hydaker-Wheatlake Company of Caro to make repairs to the utility pole. Quotes were received at the end of September.

Consumer's Energy quoted \$22,250.00 to support and straighten the existing pole, reconnect the existing conductors, and install a pole cap. Hydaker quoted \$16,780.00 to replace the pole and reconnect the conductors. The quote from Hydaker was accepted and a purchase order to replace the failing utility pole was administratively approved in the amount of \$16,780.00. The repair work was added to Hydaker's work schedule. However, Hydaker crews were summoned to southern states and the east coast in early October due to Hurricane Matthew, and were not able to immediately begin the work.

On Sunday, October 16, 2016, before the repair work was started, the existing pole had a catastrophic failure. The top of the pole broke off and the four 4160 volt service lines fell to the ground. Fortunately, power to the WTP was not interrupted, but having high voltage power lines on the ground over an access drive made for a very dangerous situation. During this time, the WTP was fully staffed preparing for a power outage in case the repairs to the pole could not be completed while the power lines were charged.

Hydaker dispatched emergency crews that had just arrived back in Michigan, to stabilize the remaining utility poles, while repairs were made over the next few days. The corrective actions were completed without a loss of power to the WTP. The emergency response and additional repair work by Hydaker resulted in a cost of \$28,472.04.

Windemuller Inc. of Midland was also called in to make emergency repairs to conductors located on the same utility pole which supplies power and control to an adjacent treatment service building. The emergency repairs performed by Windemuller Inc. amounted to \$5,345.00, and is being paid separate from the Hydaker invoice. The total combined cost for contractor emergency repairs is \$33,817.04 (\$28,472.04 + \$5,345.00).

In addition to the contractors making repairs, representatives from The Dow Chemical Company, Dow Corning Corp., Consumers Energy, Midland Fire Department, Midland Police Department, and the City's Utilities Departments were on site providing expertise and assistance while the repairs were being made over several days.

As the pole replacement was not specifically budgeted, an intra-fund budget transfer in the amount of \$33,817.04 is necessary, from the 2016/17 Water Enterprise Fund account #591.8990.98.000 - Reserve for Contingencies, to an operations account for the emergency repairs performed by both contractors. The resolution will also authorize an increase of \$11,692.04 to the existing purchase order to Hydaker-Wheatlake, bringing the total amount to \$28,472.04. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

Joseph Sova, Utilities Director

Tiffany Jurgess, Sr. Procurement Accountant



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, in late August, Water Treatment Plant (WTP) staff noticed that a wood utility pole carrying the high-voltage electric service lines to the WTP was beginning to lean; and

WHEREAS, after receiving quotes to make the repair, staff scheduled with The Hydaker-Wheatlake Company of Caro to make repairs, and a purchase order in the amount of \$16,780.00 was administratively approved; and

WHEREAS, before the repairs could begin, Hydaker crews were summoned to southern states and the east coast in early October due to Hurricane Mathew, and were not able to begin the work; and

WHEREAS, on Sunday, October, 2016, the leaning wooden utility pole had a catastrophic failure, causing the top of the pole and four 4160 volt service lines to fall to the ground; and

WHEREAS, Hydaker dispatched emergency crews that had just arrived back in Michigan, to stabilize the remaining utility poles, while repairs were made over the next few days at a cost of \$28,472.04, requiring an increase to the existing purchase order of \$11,692.04; and

WHEREAS, Windemuller Inc. of Midland was also called in to make emergency repairs to conductors located on the same utility pole, which supplies power and control to an adjacent treatment service building, at a cost of \$5,345.00; and

WHEREAS, the pole replacement was not specifically budgeted, and requires an intra-fund budget transfer in the amount of \$33,817.04 (\$28,472.04 + \$5,345.00) to cover the emergency repairs made by both contractors; now therefore

RESOLVED, that an intra-fund budget transfer in the amount of \$33,817.04 is hereby authorized from the 2016/17 Water Enterprise Fund account #591.8990.98.000 - Reserve for Contingencies, to an operations account for the emergency repairs performed by Hydaker-Wheatlake and Windemuller; and

RESOLVED FURTHER, that an increase of \$11,692.04 to an existing purchase order with The Hydaker-Wheatlake Company for its portion of the emergency repairs, bringing the total amount to \$28,472.04 (\$16,780.00 + \$11,692.04).

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

12. * Purchase Order Increase to Moore & Bruggink, Inc. for Ultraviolet Disinfection Design Engineering Services - Wastewater Treatment Plant. SOVA

SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016

SUBJECT: WASTEWATER TREATMENT PLANT – INCREASE PURCHASE ORDER
FOR ULTRAVIOLET DISINFECTION DESIGN ENGINEERING SERVICES

INITIATED BY: Utilities Department – Wastewater Division

RESOLUTION SUMMARY: Having completed a feasibility study to determine the viability of the Wastewater Treatment Plant (WWTP) using ultraviolet (UV) disinfection as an alternative to the WWTP's current process of chlorine disinfection, this resolution authorizes an increase of \$91,000.00 to an existing purchase order to Moore & Bruggink, Inc. of Grand Rapids for the design and bid document phase to construct a UV disinfection system, bringing the total amount of the purchase order to \$115,000.00, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes to the purchase order in an aggregate amount not to exceed \$15,000.00.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution



Midland

Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

November 30, 2016

Jon Lynch, City Manager
Midland, Michigan

Re: WASTEWATER TREATMENT PLANT – INCREASE PURCHASE ORDER FOR
ULTRAVIOLET DISINFECTION DESIGN ENGINEERING SERVICES

Dear Mr. Lynch:

This past summer, City Council authorized Wastewater staff to hire Moore and Bruggink, Inc. (M&B) of Grand Rapids to conduct a feasibility study to determine whether the City's Wastewater Treatment Plant (WWTP) would be a good candidate for the effective use of an ultraviolet (UV) disinfection process, to replace the Plant's current process of chlorine disinfection.

The existing disinfection system uses two chemicals, chlorine and sodium bisulfite. The WWTP has daily, weekly and monthly discharge limits on both fecal coliform bacteria and residual chlorine. In the current system, chlorine is added as a disinfectant to reduce bacteria populations followed by the addition of sodium bisulfite which removes excess chlorine from the effluent. The use of chlorine for disinfection of sewer exposes the area surrounding the WWTP to the hazard of potential accidental releases of chlorine gas and sodium bisulfite, a corrosive acid.

The chlorine disinfection system has been aging to the point where on-going operating costs are higher than they need to be, and the time has come to either invest capital into the disinfection operations or look to improving the process, while reducing risk to employees, the public, and the environment.

UV technology is a proven technology that is endorsed by the Environmental Protection Agency. UV disinfection has numerous advantages over chemical disinfection. Among these advantages are: safety for both the public and employees, lower long term costs to run UV systems, reduced chlorinated byproducts being generated in the plant effluent, and the increased ability to destroy bacteria and viruses, and virtually all other waterborne pathogens.

The results of the feasibility study indicated that the WWTP would be a good candidate for UV disinfection. Advances in technology have allowed UV disinfection to compete in cost, while providing high factors of safety and low on-going maintenance costs.

It is projected that the design phase will be completed in late spring 2017, with the subsequent construction phase to begin sometime after July 1, 2017. Funding for the construction phase of the project will be requested in the 2017/18 Capital Budget. The initial cost estimate of the construction phase is in the ballpark of \$2.1 MM.

To proceed with the changeover to a UV disinfection system, the attached resolution will authorize the existing purchase order to M&B, in the amount of \$24,000.00, to be increased by \$91,000.00, bringing the total amount of the purchase order to \$115,000.00 to complete the design engineering and construction bid documents phase of the UV disinfection project. Staff believes the quote for work to be done by M&B is reasonable, and that M&B is in the best position to provide the engineering services.

Funding has been made available for this phase in Capital Project WW1701 - Ultraviolet Disinfection System. The resolution also gives the City Manager the authority to approve changes to the purchase order in an aggregate amount not to exceed \$15,000.00. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

Joseph Sova, Utilities Director

Tiffany Jurgess, Sr. Procurement Accountant



Midland

Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, the Wastewater Treatment Plant (WWTP) desires a process change to its current chlorine disinfection system to an ultraviolet (UV) disinfection process, which has become a more cost-effective alternative, while reducing risk to employees, the public, and the environment; and

WHEREAS, this past summer, City Council authorized WWTP staff to hire Moore and Bruggink, Inc. (M&B) of Grand Rapids to conduct a feasibility study to determine whether the City’s WWTP would be a good candidate for the effective use of an ultraviolet (UV) disinfection process in the amount of \$24,000.00; and

WHEREAS, the results of the feasibility study indicated that the WWTP would be a good candidate for UV disinfection; and

WHEREAS, to proceed with the changeover to a UV disinfection system, the existing purchase order will need to be increased to provide for the expanded scope for the design engineering and construction bid documents phase of the project; and

WHEREAS, funding for the construction and bid document phase is budgeted in Capital Project WW1701 - Ultraviolet Disinfection System; now therefore

RESOLVED, that an increase of \$91,000.00 to an existing purchase order with Moore and Bruggink, Inc. of \$24,000.00, bringing the total amount of the purchase order to \$115,000.00 for design and construction document engineering services to change the Wastewater Treatment Plant’s current chlorine disinfection system to an ultraviolet (UV) disinfection process; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$15,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

13. * Water Service Fittings - Water Distribution. SOVA

SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016

SUBJECT: WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER SERVICE FITTINGS, BID NO. 3834

INITIATED BY: Joseph Sova, Utilities Director

RESOLUTION SUMMARY: This resolution accepts the sole bid submitted by ETNA Supply of Grand Rapids for inventory purchases of water service fittings, and authorizes a purchase order in an amount not to exceed of \$35,904.80, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



November 30, 2016

Jon Lynch, City Manager
Midland, Michigan

Re: WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER SERVICE
FITTINGS, BID NO. 3834

Dear Mr. Lynch:

The City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system. As many of these items require immediate attention when discovered, it is necessary to have an inventory of fittings and parts available. Periodic solicitations for bids are necessary as prices for much of the Department's inventory needs are only held by the vendor for a short period of time.

On Tuesday, November 22, 2016, sealed bids were received and opened for Bid No. 3834, Water Service Fittings. The bids received were for 31 individual items, based on estimated quantities to be purchased. ETNA Supply of Grand Rapids was the sole bidder.

Staff considers the lone bid from ETNA Supply to be acceptable, and recommends award for inventory purchases of water service fittings from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory.

The attached resolution will authorize a purchase order to ETNA Supply in the amount of \$35,904.80, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

Joseph Sova, Utilities Director

Tiffany Jurgess, Sr. Procurement Accountant



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, the City’s Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and

WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and

WHEREAS, sealed bids for Bid No. 3834 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the lone bid received from ETNA Supply of Grand Rapids to be acceptable, and recommends award for inventory purchases of water service fittings; and

WHEREAS, the purchases will be made from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory; now therefore

RESOLVED, that a purchase order is hereby authorized to ETNA Supply of Grand Rapids in the amount of \$35,904.80 for inventory purchases of water service fittings; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

14. * Manhole Rehabilitation - Wastewater. SOVA

SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016

SUBJECT: WASTEWATER – MANHOLE REHABILITATION, BID NO. 3831

INITIATED BY: Joseph Sova, Utilities Director

RESOLUTION SUMMARY: This resolution authorizes a purchase order in the amount of \$100,000.00 to Advanced Underground Inspections, LLC of Westland based on Bid No. 3831 unit costs for the purpose of rehabilitating approximately 75 sanitary manholes, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes to the purchase order in an aggregate amount not to exceed \$10,000.00.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution.

November 30, 2016

Jon Lynch, City Manager
 Midland, Michigan

RE: WASTEWATER – MANHOLE REHABILITATION, BID NO. 3831

Dear Mr. Lynch:

The City's sanitary sewer system collects and conveys wastewater from residential, commercial, and industrial facilities to the Wastewater Treatment Plant for treatment prior to discharge. Extraneous storm water enters the sanitary system by direct inflow from improper or illegal storm water connections, through breaches in the collection system, or by infiltrating pipe and manhole joints, collectively called Inflow and Infiltration (I&I).

Using data collected for the City's Geographic Information System (GIS) implementation and the Wastewater Department's routine sewer maintenance, staff identified manholes throughout the city that are in need of rehabilitation. Groundwater infiltrates the sanitary sewer through deteriorated block and mortar construction of the aging manholes, and/or hydrogen sulfide (H₂S), which is a corrosive acid created from the decomposition of the sewage.

The identified manholes have been prioritized based on infiltration, structural integrity, and flow characteristics. These manholes will be rehabilitated as part of the City's ongoing effort to prevent I&I and improve structural integrity of the manholes, without the use of excavation and replacement, which is intrusive and more costly. Over the past 14 years, 550 manholes have been successfully rehabilitated, effectively increasing the overall collection system capacity and structural integrity of the sanitary sewer system.

On November 8, 2016, sealed bids were received and opened for Bid No. 3831, Manhole Rehabilitation. The bids received were as follows:

Contractor	Cost Per Vr. Ft.	Bench Repair	Chimney Seal
Advanced Underground Inspections, LLC; Westland, MI	\$115.00	\$450.00	\$275.00
Front Range Environmental, LLC; McHenry, IL	128.00	800.00	300.00
Culy Contracting, Inc.; Winchester, IN	148.50	350.00	275.00
Lake County Sewer Co, Inc.; Willowick, OH	190.00	650.00	350.00
Advanced Rehabilitation Technology; Bryan, OH	197.50	500.00	400.00
National Power Rodding Corp.; Chicago, IL	225.00	950.00	725.00
R & A Environmental Rehab; Clare, MI	275.00	1,250.00	N/A

The bid specifications include work, materials, and equipment required for rehabilitating concrete and masonry manholes and other underground vaults by applying cementitious products over the existing block and mortar structures to form a smooth finish of a monolithic spray application of a high-build, solvent-free epoxy coating. This eliminates infiltration, provides corrosion protection, repairs voids, and enhances structural integrity of the manholes.

The predominate cost of the rehabilitation process is the cementitious coating, which is based on a 4-foot diameter manhole and a per vertical foot price. The low bid unit price of \$115.00 per vertical foot, submitted by Advanced Underground Inspections, LLC of Westland, Michigan, was used to determine the most cost-effective bid.

Funding for this work is budgeted in the 2016/17 Wastewater Enterprise Fund account #590.9120.97.050 – Capital Outlay Sewer System. Staff therefore requests that a purchase order in the amount of \$100,000.00 be made to Advanced Underground Inspections, LLC for manhole rehabilitation services, as part of the City's I&I removal initiative. Staff further requests that the City Manager be given authority to approve changes to the purchase order in an aggregate amount not to exceed \$10,000.00. A 3/5 vote is required to approve.

Sincerely,

Joseph Sova, Utilities Director

Tiffany Jurgess, Sr. Procurement Accountant



BY COUNCILMAN

WHEREAS, using data collected for the City’s Geographic Information System (GIS) implementation, and the Wastewater Department’s routine sewer maintenance, staff identified manholes throughout the City that are in need of rehabilitation; and

WHEREAS, staff observed some deterioration of the block and mortar due to age and/or hydrogen sulfide (H₂S), which is a corrosive acid created from the decomposition of the sewage, and determined that the manholes could be rehabilitated without the use of excavation and replacement; and

WHEREAS, sealed bids for Bid No. 3831, Manhole Rehabilitation, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the low unit price bid submitted by Advanced Underground Inspections, LLC of Westland, Michigan to be the most cost-effective in providing for the rehabilitation of approximately 75 sanitary manholes; and

WHEREAS, funding for the rehabilitation work is available in the 2016/17 Wastewater Enterprise Fund account #590.9120.97.050 – Capital Outlay Sewer System; now therefore

RESOLVED, that a purchase order is hereby authorized in the amount of \$100,000.00 to Advanced Underground Inspections, LLC, based on bid unit prices for the rehabilitation of approximately 75 sanitary sewer manholes; and

RESOLVED FURTHER, that the City Manager has the authority to approve changes to the purchase order in an aggregate amount not to exceed \$10,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a ye a vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

15. * E10 Ethanol Blend Unleaded and Winter Blend Diesel Fuel purchases from November 5 (4/5 vote required). MURPHY

SUMMARY REPORT TO MANAGER
For City Council Meeting of December 5, 2016

SUBJECT: Approve Fuel Purchase from November 9, 2016

RESOLUTION SUMMARY: This resolution waives the requirement for sealed proposals and approves the purchase of 13,394 gallons of E10 ethanol blend unleaded and 12,003 gallons of Winter Blend diesel fuel from Super Flite Oil for \$35,539.31 that was executed by the Senior Procurement Accountant on November 9, 2016.

ITEMS ATTACHED:

1. Transmittal letter to City Manager
2. Resolution

CITY COUNCIL ACTION:

1. 4/5 vote required to approve resolution

Karen Murphy
Director of Public Services

MMR



Midland

Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ www.cityofmidlandmi.gov
November 28, 2016

Jon Lynch
City Manager
Midland, Michigan

RE: Approve fuel purchase made on November 9, 2016

At their December 17, 2007 meeting, City Council adopted a resolution that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting. Fuel is ordered on an as needed basis to maintain an adequate supply to meet the demand of the city fleet as well as to keep a reserve on hand to cover any unanticipated increase in usage. This process was reviewed by City Council on December 21, 2009 and is still deemed to provide significant cost savings to the City.

Fuel is purchased through a competitive bid process whereby the Senior Procurement Accountant faxes out a request for a price per gallon for unleaded and/or diesel fuel to a list of fuel suppliers. Interested suppliers fax back their prices the following morning. Due to the volatility of the fuel market, pricing is only valid for the remainder of that day. The fuel purchase is awarded to the lowest price supplier, and the fuel delivery is scheduled for that same day.

It should be noted that approval of fuel purchases will require a 4/5 vote due to the need to waive the requirement for sealed proposals as a result of the above-described bidding process.

Bids were received using this process on November 9, 2016 for 13,394 gallons of E10 ethanol blend unleaded and 12,003 gallons of Winter Blend diesel fuel. Bids were received as follows:

Super Flite Oil, Saginaw, MI	E10 Ethanol Blend Unleaded Fuel	\$1.3450/gallon
Hirschman Oil, Reese, MI	E10 Ethanol Blend Unleaded Fuel	\$1.3490/gallon
Tri-Lakes Petroleum, Alma, MI	E10 Ethanol Blend Unleaded Fuel	\$1.3500/gallon
Foster Blue Water Oil, Bay City, MI	E10 Ethanol Blend Unleaded Fuel	\$1.3690/gallon
Michigan Petroleum, Port Huron, MI	E10 Ethanol Blend Unleaded Fuel	\$1.4250/gallon
Super Flite Oil, Saginaw, MI	Winter Blend Diesel	\$1.4600/gallon
Hirschman Oil, Reese, MI	Winter Blend Diesel	\$1.4900/gallon
Tri-Lakes Petroleum, Alma, MI	Winter Blend Diesel	\$1.4900/gallon
Foster Blue Water Oil, Bay City, MI	Winter Blend Diesel	\$1.5170/gallon
Michigan Petroleum, Port Huron, MI	Winter Blend Diesel	\$1.5290/gallon

Super Flite Oil of Saginaw, Michigan was the low bidder for E10 ethanol blend unleaded at \$1.345 per gallon and for Winter Blend diesel at \$1.46 per gallon. The unit prices include the delivery charge, and the total purchase price was \$35,539.31 for 13,394 gallons of E10 ethanol blend unleaded and 12,003 gallons of Winter Blend diesel fuel delivered.

We are requesting that Council waive the requirements for sealed bids, and approve the purchase of 13,394 gallons of E10 ethanol blend unleaded and 12,003 gallons of Winter Blend diesel fuel from Super Flite Oil for \$35,539.31 that was executed by the Senior Procurement Accountant on November 9, 2016.

Respectfully submitted,

Karen Murphy
Director of Public Services

Tiffany Jurgess
Senior Procurement Accountant



BY COUNCILMAN

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,394 gallons of E10 ethanol blend unleaded and 12,003 gallons of Winter Blend diesel fuel from Super Flite Oil of Saginaw, Michigan for \$35,539.31 executed by the Senior Procurement Accountant on November 9, 2016, is hereby approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeave vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 5, 2016.

Selina Tisdale, City Clerk