

January 11, 2016

A regular meeting of the City Council was held on Monday, January 11, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Pro Tem Wazbinski presided. The Pledge of Allegiance to the Flag was recited in unison.

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

Councilmen absent: Maureen Donker

MINUTES

Approval of the minutes of the December 14, 2015 regular meeting was offered by Councilman Adams and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

ZONING PETITION NO. 603

Assistant City Manager for Development Services Brad Kaye presented information on Zoning Petition No. 603 – rezoning property located at 1517 Bayliss Street from Residential B Multiple-Family zoning to Community zoning. A public hearing opened at 7:15 p.m. Don Koster, architect representing Creative 360, spoke regarding the rezoning. The public hearing closed at 7:17 p.m. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

ORDINANCE NO. 1780

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A COMMUNITY ZONING DISTRICT WHERE A RESIDENTIAL B MULTIPLE-FAMILY ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

SITUATION IN THE CITY OF MIDLAND, COUNTY OF MIDLAND AND STATE OF MICHIGAN AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 880 FEET EAST AND 286.9 FEET SOUTH OF THE SOUTH 1/8 CORNER ON THE WEST LINE OF SECTION 15, T14N, R2E; THENCE SOUTH 206.39 FEET; THENCE EAST 120 FEET; THENCE SOUTH 13.3 FEET; THENCE EAST 120 FEET; THENCE SOUTH 120 FEET; THENCE EAST 158.13 FEET; THENCE NORTH 354 FEET; THENCE WEST 120 FEET; THENCE NORTH 120 FEET; THENCE WEST 37.43 FEET; THENCE SOUTH 147.33 FEET; THENCE WEST 60 FEET; THENCE 147.33 FEET; THENCE WEST 60 FEET; THENCE SOUTH 133.9 FEET; THENCE WEST 120 FEET TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to Community.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

CURRIE MUNICIPAL GOLF COURSE IMPROVEMENTS

Assistant City Manager David Keenan presented information on a gift of \$10,000 and \$20,000 from the Mary C. Currie Foundation for the Currie Municipal Golf Course and a proposed amendment to the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenditures by \$30,000 for tree removal and reforestation and the demolition of the old driving range building and restoration of the surrounding area. The following two resolutions were then presented for consideration.

CURRIE MUNICIPAL GOLF COURSE - \$30,000 GIFT

The following resolution was offered by Councilman Adams and seconded by Councilman Arnosky:

WHEREAS, the Mary C. Currie Foundation has given the Currie Municipal Golf Course gifts in the amount of \$10,000 for tree removal and reforestation, and \$20,000 for the demolition of the old driving range building and restoration of the surrounding area; now therefore
RESOLVED, that the City Council of the City of Midland graciously accepts these gifts of \$10,000 and \$20,000 from the Mary C. Currie Foundation. (Motion ADOPTED.)

PROPOSED 2015-16 CURRIE MUNICIPAL GOLF COURSE FUND BUDGET AMENDMENT

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

WHEREAS, the Mary C. Currie Foundation has given the Currie Municipal Golf Course gifts in the amount of \$10,000 for tree removal and reforestation, and \$20,000 for the demolition of the old driving range building and restoration of the surrounding area; and
WHEREAS, the 2015-16 Currie Municipal Golf Course Fund budget does not currently include expenditures related to these projects, and in order to spend these gifts for the purpose intended, it is necessary to amend the 2015-16 Currie Municipal Golf Course Fund budget; 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. Monday, January 25, 2016 in the Council Chambers of City Hall on the proposal to amend the 2015-16 Currie Municipal Golf Course Fund budget to increase revenues and expenses by \$30,000 to provide authorization to spend the gifts from the Mary C. Currie Foundation for the purposes described herein; 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. (Motion ADOPTED.)

FIRE DEPARTMENT RESCUE PROGRAM - \$15,000 GRANT

Midland Fire Chief Chris Coughlin presented information on a grant of \$15,000 from the Midland Area Community Foundation for the purchase of a new Technical Rescue Equipment Trailer. Midland Fire Lieutenant Bob Arnold spoke regarding the project. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the Midland Area Community Foundation has awarded a grant to the City in the amount of \$15,000 to support the Midland Fire Department Rescue program and will be used to purchase a trailer for the rescue equipment; now therefore
RESOLVED, that the City of Midland graciously accepts the generous donation totaling \$15,000 from the Foundation. (Motion ADOPTED.)

CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY AUDIT

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

RESOLVED, that the audit of the City and County of Midland Joint Building Authority for the year ended June 30, 2015 is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

WASHINGTON WOODS EAST END ELEVATORS MODERNIZATION

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for modernization of two (2) east end elevators at Washington Woods, Bid No. 3739; and

WHEREAS, sufficient funds are included in account # 536.9120.97.025, Capital Outlay Equipment of the approved 2015/16 Washington Woods budget; now therefore

RESOLVED, that the low sealed proposal meeting City specifications submitted by B&D Elevator Services, Inc. of Owosso, Michigan for modernization of two (2) east end elevators at Washington Woods in their Response for Bid No. 3739 is hereby accepted; and

RESOLVED FURTHER, that the Senior Procurement Accountant is authorized to issue a purchase order for \$116,650.00 in accord with this resolution and City specifications; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute any associated documents in accordance with the proposal and City of Midland specifications once prepared by and/or approved by the City Attorney; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

WASHINGTON WOODS DEMOLITION AND ABATEMENT OF 13 UNITS

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for demolition and abatement of 13 apartments at Washington Woods, Bid No. 3748; and

WHEREAS, sufficient funds are included in account # 536.9010.97.002, Capital Outlay Construction of the approved 2015/16 Washington Woods budget; now therefore

RESOLVED, that the sealed proposal meeting City specifications submitted by Quality Environmental Services, Inc. of Gladwin, Michigan for demolition and abatement of 13 apartments at Washington Woods in their Response for Bid No. 3748 is hereby accepted; and

RESOLVED FURTHER, that the Senior Procurement Accountant is authorized to issue a purchase order for \$56,250.00 in accord with this resolution and City specifications; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute any associated documents in accordance with the proposal and City of Midland specifications once prepared by and/or approved by the City Attorney; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

PAYMENT FOR LEGAL SERVICES – LARKIN TOWNSHIP COMPLAINT

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

WHEREAS, Larkin Charter Township filed a complaint under a declaratory action against the City of Midland in the 42nd Circuit Court for the County of Midland; and

WHEREAS, the law firm of Braun, Kendrick, Finkbeiner, P.L.C. has been retained in assisting the City of Midland in its legal defense of this lawsuit; and

WHEREAS, on March 23, 2015 City Council authorized payments to Braun, Kendrick, Finkbeiner, P.L.C. for the aforementioned services in a total amount not to exceed \$60,000; and

WHEREAS, the cost of said services is expected to exceed \$20,000 and, therefore, approval of the City Council is required under Section 2-18 of the Code of Ordinances; and

WHEREAS, sufficient budgetary funding exists within the 2015-2016 Legal Fees budget for the City Attorney's Office; now therefore

RESOLVED, that the above-referenced services are hereby determined to be professional services within the meaning of Section 2-19 of the Code of Ordinances and do not require sealed proposals; and

RESOLVED FURTHER, that authorization for payment to the legal firm of Braun, Kendrick, Finkbeiner, P.L.C. for their assistance in connection with the aforementioned lawsuit is hereby authorized in an amount not to exceed \$80,000. (Motion ADOPTED.)

PURCHASE OF POOL CHEMICALS

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of pool chemicals, on Bid No. 3741 dated December 8, 2015 for the 2016 and 2017 pool seasons; and

WHEREAS, the low bid meeting City specifications was submitted by Midland Pool & Recreation of Midland, Michigan; and

WHEREAS, staff has been satisfied with Midland Pool & Recreation's performance in supplying pool chemicals on an as needed basis in prior years; and

WHEREAS, sufficient funds are included in the Plymouth Pool budget in the Recreation Fund for the purchase of the pool chemicals; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Midland Pool & Recreation of Midland, Michigan in the amount up to \$29,585 for each of the 2016 and 2017 pool seasons. (Motion ADOPTED.)

ANNUAL PURCHASE OF BITUMINOUS MATERIALS

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing bituminous materials; and

WHEREAS, funds have been provided in the Local and Major Street Fund budgets; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Pyramid Paving & Contracting Co. of Bay City, Michigan for furnishing and loading onto City trucks approximately 800 tons of Bituminous Mixture #2 for hot mix patching at a cost of \$49.15 per ton in accordance with the proposal and City specifications. (Motion ADOPTED.)

ANNUAL PURCHASE OF CRUSHED LIMESTONE

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing 22A Crushed Limestone; and

WHEREAS, funds have been provided in the General Fund and Local and Major Street Fund budgets; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Anthony Gushow & Sons of Auburn, Michigan for delivering approximately 1,500 tons of 22A Crushed Limestone at a cost of \$16.50 per ton in accordance with the proposal and City specifications. (Motion ADOPTED.)

ANNUAL PURCHASE OF CONCRETE

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for concrete and related materials; and

WHEREAS, sufficient funds are included in the Operating Supplies line item in General Fund and Street Fund activities and the total amount of purchases will not exceed the funding; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Fisher Sand & Gravel Co. of Midland, Michigan for furnishing concrete and related materials at the unit prices contained in their December 15, 2015 response to Bid No. 3743 in accordance with the proposal and City specifications. (Motion ADOPTED.)

PURCHASE OF INVENTORY WATER SERVICE FITTINGS

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

WHEREAS, sealed bids for Bid No. 3747 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 low 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 Inventory Account #591.13.031; now therefore

RESOLVED, that a purchase order is hereby authorized to ETNA Supply in an amount not to exceed \$90,124.35; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

Being no further business the meeting adjourned at 7:35 p.m.

Selina Tisdale, City Clerk