

February 15, 2016

A regular meeting of the City Council was held on Monday, February 15, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

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

Councilmen absent: None

MINUTES

Approval of the minutes of the January 25, 2016 regular meeting was offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

MIDLAND TOMORROW PRESENTATION - "SOLARIZE" INITIATIVE

Assistant City Manager David Keenan introduced Taita Shelow, Midland Tomorrow, who introduced Stephen Wooden, program manager for Institute for Energy Innovation who presented on the Solarize Michigan initiative.

CONDITIONAL USE PERMIT NO. 56

Assistant City Manager for Development Services Brad Kaye presented Conditional Use Permit No. 56 – for a single family dwelling in a RB Multiple-Family Residential zoning district located at 309 Sam Street. A public hearing opened at 7:23 p.m. Jennifer Chappel, Executive Director of Midland Habitat for Humanity, 1703 S. Saginaw Road, spoke in favor of the request. The public hearing closed at 7:24 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, Midland County Habitat for Humanity submitted a request for a conditional land use permit for a single family dwelling in a RB Multiple-Family Residential zoning district, located at 309 Sam Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, contingent upon the following:

1. One (1) single-family dwelling shall be permitted on the property.
2. One (1) driveway shall be permitted to Sam Street.
3. Approval is granted to the proposed single family dwelling only. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 56, in accord with documents provided and submitted at the meeting of January 25, 2016. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

CENTER CITY AUTHORITY – ORDINANCE AMENDMENT (First Reading)

Community Affairs Director Selina Tisdale presented information on an ordinance amending Section 30-16 of Article II of Chapter 30 – to expand the Center City Authority Board from its present seven members to nine. Introduction and first reading of the following ordinance amendment was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

Ordinance No. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN BY AMENDING SECTION 30-16 (a) OF ARTICLE II OF CHAPTER 30 THEREOF.

The City of Midland Ordains:

Section 1. Section 30-16 (a) of Article II of Chapter 30 of the Code of Ordinances is hereby amended to read as follows:

Sec. 30-16. Board.

a) Except as otherwise provided in the Act, the authority shall be under the supervision and control of a **nine (9)** ~~seven (7)~~ member board consisting of the city manager or his or her designee and **eight (8)** ~~six (6)~~ members appointed by the city manager subject to approval by the council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the development area. At least one (1) of the members shall be a resident of the development area or of an area within one-half mile of any part of the development area. The board shall elect a chairperson from among its members.

Section 2. This ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

GENERAL RECREATION FEES – ORDINANCE AMENDMENT (First Reading)

Department of Public Services Director Karen Murphy presented information on an ordinance amending Section 21-73 of Division 4 of Article II of Chapter 21 – General Recreation Fees. Introduction and first reading of the following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-73 OF DIVISION 4 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-73 of Division 4 of Article II of Chapter 21 is amended to read as follows:

Sec. 21-73. General recreation fees

(1)	Adult softball player	\$ 27.00	\$ 28.00	per player
(2)	Adult softball player (2 nd team)	\$ 27.00	\$ 28.00	per player
(3)	Adult softball player - Fall League	\$ 17.00	\$ 18.00	per player
(4)	Each softball team in individual tournaments – Fee set on per event basis in conjunction with Midland Softball Association			per event
(5)	Youth softball player	\$ 8.00	\$ 9.00	per player
(6)	Rugby club	\$ 450.00		per club
(7)	Beach volleyball			
	Player fee – Recreation league	\$ 15.00		per player
	Player fee – 2 person Competitive league	\$ 27.00		per player
	Player fee – 4 & 6 person Competitive league	\$ 22.00		per player
(8)	Adult kickball (10 player minimum per team)	\$ 25.00		per player
(9)	Ski rental (rental 2 hours or part thereof)			
	Classic skis	\$ 10.00		per rental
	Skate skis	\$ 15.00		per rental
(10)	Toboggan rental (per hour two-hour maximum)	\$ 8.00		per hour
(11)	Skate and sled rental	\$ 4.00		per two hours
(12)	Chalet building rental (2 hour minimum)	\$ 40.00		per hour

(13)	Picnic kit deposit	\$ 15.00	per kit
(14)*	Ball field rental – private tournament		
	2 hour rental	\$ 35.00	per field
	4 hour rental	\$ 45.00	per field
	Full day rental	\$ 90.00	per field
	Daily complex – New Redcoats fields 9-13	\$ 400.00	per complex
	Daily complex – Old Redcoats fields 4-8	\$ 400.00	per complex
	Daily complex – Emerson fields 1-3	\$ 250.00	per complex
(15)	Ball diamond lights – private tournament use	\$ 25.00	per hour
(16)*	Ball diamond grooming – private tournament	\$ 15.00	per grooming
(17)*	Ball diamond grooming/maintenance – private tournament – Overtime	\$ 75.00	per hour
(18)*	Ball diamond grooming/maintenance – private tournament - Double time	\$ 100.00	per hour
(19)*	Diamond dry field drying material– private tournament	\$ 12.00	per bag
(20)**	Picnic shelter reservations		
	Emerson C, Emerson E	\$ 35.00	per use
	Plymouth F (south), F (north), G, H	\$ 35.00	per use
	Barstow Woods A	\$ 35.00	per use
	Stratford Woods J	\$ 35.00	per use
	Chippewassee B	\$ 35.00	per use
	Emerson D	\$ 55.00	per use
	Plymouth F (entire shelter)	\$ 65.00	per use
	Unsheltered areas	\$ 25.00	per use
	Addition of a canopy	\$ 25.00	per request
	Delivery of picnic tables (up to 5 tables) – Fee is non-refundable	\$ 40.00	per use
	Additional tables (if available up to maximum of 10 tables) – fee is non-refundable	\$ 8.00	per table
(21)	Band shell reservation	\$ 75.00	per use
(22)	Delivery of bleachers	\$ 20.00	per section
(23)	Delivery of portable grill	\$ 10.00	per use
(24)***	City stage rental		
	Non-profit group inside city limits	\$ 100.00	per use
	For profit group inside city limits	\$ 250.00	per use
	Non-profit group outside city limits	\$ 175.00	per use
	For profit group outside city limits	\$ 450.00	per use
(25)	Speaker system deposit	\$ 50.00	per system
(26)	Tennis lesson agreement: The director of public services is authorized with the approval of the city manager to enter into a cost recovery agreement with the Midland Community Tennis Center consistent with the recreation fee philosophy for administrative costs related to advertising and program registration for summer youth tennis lessons. The agreement will be reviewed and adjusted annually as needed.		

*Note: Fees for private tournament ball field maintenance effective starting with the 2010 softball season. All field rentals include initial field preparation (grooming and chalk lines). For private tournaments requesting special amenities or enhanced field maintenance, the director of public services may charge additional fees on a special recreation event basis to cover costs incurred.

**Note: Fees paid for shelter reservations are non-refundable.

Exceptions to (20) Picnic shelter reservation fees are as follows:

- a) Donors of shelters shall be allowed one rent free use per year in the respective donated structure.

b) Daytime reservations which begin after 8:00 a.m. and end before 3:00 p.m.

Monday – Friday from April 15 – June 30 are exempt from fees.

***Note: Stage rental is intended for community events held within the City limits or Midland County only. Stage rental fees are non-refundable.

****Note: The director of public services is authorized with the approval of the city manager to implement rates for special recreation events according to the recreation fee philosophy to recover programming costs for such offerings.

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

BRACKEN WOODS PILOT REQUEST – QUESTIONS FOR PUBLIC HEARING PROCESS

Assistant City Manager David Keenan presented a list of questions to be referred to the Housing Commission for the public hearing process on the PILOT request from Bracken Woods Apartments. Anna Maria Morgan, 807 Fournie, posed a series of questions regarding housing issues in Midland. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, on January 25, 2016 the City Council accepted a request for a “payment in lieu of taxes” exemption, or PILOT, for the property known as Bracken Woods Apartments, and referred said request to the Housing Commission for study and recommendation; and

WHEREAS, during their deliberation, City Council advised that there are some questions that they would like to have answered during the Housing Commission’s public hearing process for the PILOT request on Bracken Woods Apartments; now therefore

RESOLVED, that the questions listed on *EXHIBIT 1 – City Council Questions for the Housing Commission* is hereby approved to be referred to the Housing Commission for them to answer during their public hearing process on the PILOT request for Bracken Woods Apartments. (Motion ADOPTED.)

PUTNAM PARK – CITY CHARTER PROTECTION REPORT

Assistant City Manager David Keenan presented a staff report regarding how Putnam Park could be designated as an established park. Donald Yopp, 2120 Forestwood Court, spoke regarding the protection of Putnam Park under Section 5.7 of the City Charter. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, on November 23, 2015 the City Council requested information regarding how Putnam Park could be designated as an established park subject to provisions of Section 5.7 of the Midland City Charter; and

WHEREAS, a staff report dated February 9, 2016 and titled: *Putnam Park – City Charter Protection* has been prepared and presented to City Council; and

WHEREAS, during its meeting of February 15, the City Council reviewed that report; now therefore

RESOLVED, that the staff report *Putnam Park – City Charter Protection* is hereby received. (Motion ADOPTED.)

SITE PLAN NO. 344

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

WHEREAS, the City Council has received the recommendation of the city Planning Commission for approval of Site Plan No. 344, the request of Fisher Contracting Co. for site plan review and approval for a 16,400 square foot storage and shop addition, located at 3401 Contractor Drive; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 344 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 344, contingent upon the following:

1. A final stormwater management permit must be approved by the City Engineering Department.
2. A final soil and sedimentation control plan must be approved by the City Building Department.
3. Required water utility easement documents shall be submitted for review and approval by the City Engineering Department and the City Attorney.

(Motion ADOPTED.)

SALE OF BUILDING TRADES HOUSE – 1000 W. COLLINS

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

WHEREAS, the City of Midland constructed a single family dwelling at 1000 West Collins Street through a partnership with Midland Public Schools and the Building Trades Program; and

WHEREAS, the City of Midland has completed said construction and now desires to enter into a contract for the sale of the newly constructed house at 1000 West Collins Street in the city of Midland; and

WHEREAS, an agreement to purchase said property, dated February 10, 2016, was submitted by Ms. Nancy A. Coultrip in the amount of \$122,500, which is equal to the City's investment into the construction of the home; and

WHEREAS, the purchaser will complete this transaction by check at closing; now therefore

RESOLVED, that all terms and conditions of the attached purchase agreement are hereby approved; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized and directed to execute a warranty deed for the sale of this property on behalf of the City. (Motion ADOPTED.)

BACK-UP GENERATOR PURCHASE – SYLVAN SANITARY PUMP STATION

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

WHEREAS, as part of an on-going process to improve the sanitary sewer system reliability and to reduce the probability of sewer backups, staff recommends the purchase and installation of a fixed standby generator at the Sylvan sanitary pump station; and

WHEREAS, sealed bids for the Standby Generators, Bid No. 3755, have been advertised and received in accord with section 2-18 of the Midland Code of Ordinances; and

WHEREAS, the low bid submitted by Cummins Bridgeway of Saginaw for the purchase of an Onan 250 kW fixed standby generator to be installed at the Sylvan sanitary pump station meets the City's specifications; and

WHEREAS, funding has been budgeted in 2015/16 Wastewater Fund 590.9120.97.025 – Capital Equipment; now therefore

RESOLVED, that the low bid submitted by Cummins Bridgeway of Saginaw for the purchase of an Onan 250 kW fixed standby generator to be installed at the Sylvan sanitary pump station is hereby accepted and issuance of a purchase order in the amount of \$96,392.00 is authorized.

(Motion ADOPTED.)

BIERLEIN COMPANIES, INC. PO INCREASE – LANDFILL EMERGENCY ASSISTANCE

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

WHEREAS, on Saturday, January 2, Landfill employees observed a small area of smoke exiting the interior waste slope of Cell 15, so staff began excavating waste and applying truckloads of water to that area when the source was identified as being well beneath the surface; and
WHEREAS, by early Wednesday, January 6, staff concluded that the source of smoke was beyond the reach of the Landfill equipment, and since a subsurface fire can cause serious damage to the protective plastic liner beneath each cell, further and immediate action was necessary; and

WHEREAS, staff initiated an administrative purchase order in the amount of \$20,000.00 to Bierlein Companies, Inc. of Midland to bring adequate machines and manpower to the Landfill to accelerate the excavation to identify and eliminate the heat source in the waste; and

WHEREAS, with support from the Midland Fire Department, Bierlein crews spent three days working nearly around the clock to find the furthest extents of the subsurface fire, which was ultimately more than 30 feet safely above the plastic cell liner; and

WHEREAS, funds have been made available in the 2015/16 Landfill Enterprise Budget account 517.8110.94.011 – Outside Rental Equipment; now therefore

RESOLVED, that an increase of \$7,895.50 to the existing purchase order of \$20,000.00 to Bierlein Companies, Inc., is hereby authorized, bringing the total purchase order to \$27,895.50 for cost of the manpower and equipment to assist the City in identifying and eliminating the heat source in the landfill cell. (Motion ADOPTED.)

PARK MOWING SERVICES

The following resolution was offered by Councilman Arnosky 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 mowing services for various park properties within the City of Midland; and

WHEREAS, the bid period covers a one year period with an option to extend the bid for an additional two years if staff are satisfied with the results, and while sufficient funds have been appropriated for fiscal year 2015-16, extension of the bid is dependent on future funds being appropriated; now therefore

RESOLVED, that the Senior Procurement Accountant is hereby authorized to issue a purchase order to Lawns and Mower LLC of Midland, MI in the amount of \$9,286 for the purchase of park mowing services for the remainder of fiscal year 2015-16; and

RESOLVED FURTHER, that the Senior Procurement Accountant is authorized to issue a purchase order in the amount of \$23,215 for the months of July through November 2016, provided that funds are appropriated in the fiscal year 2016-17 parks budget. (Motion ADOPTED.)

PM BLOUGH PO INCREASE – GOLFSIDE DRIVE BOAT LAUNCH IMPROVEMENTS

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

WHEREAS, City Council approved \$25,000 for improvements to the boat launch located on Golfside Drive as part of the Chippewassee pathway and river overlook renovation project at their November 9, 2015 meeting; and

WHEREAS, in order to move forward with the improvements, it is necessary to have PM Blough, Inc., the landscape architect on the project, draw up plans for the contractor to use in the field; and

WHEREAS, PM Blough has submitted a proposal in the amount of \$1,950 for the design work;
and

WHEREAS, previous contracts with PM Blough, Inc. in total reached the administrative approval limit of \$20,000 allowed for one vendor in a year under the City's Purchasing Ordinance; and

WHEREAS, in order to continue to contract with PM Blough, Inc. for the remaining design work needed for this project, City Council approval to increase the current purchase order for design work is required; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to increase PO # 2016-00000433 to PM Blough, Inc. by \$1,950. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:20 p.m.

Selina Tisdale, City Clerk