

June 13, 2016

A regular meeting of the City Council was held on Monday, June 13, 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 May 23, 2016 special and regular and June 6, 2016 special meetings was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

SENESAC RECOGNITION – PLANNING COMMISSION

Assistant City Manager for Development Services Brad Kaye introduced Ray Senesac and recognized him for his years of service on the Midland Planning Commission. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue a Proclamation of Recognition recognizing Ray Senesac for his outstanding contributions to the City of Midland and the Midland community, and wishing him much happiness and success in his future endeavors. (Motion ADOPTED.) Mayor Donker presented Mr. Senesac with the proclamation.

CONSUMERS ENERGY SMART ENERGY PROGRAM

City Manager Jon Lynch introduced Dennis McKee, Communications Director for Consumers Energy, who presented information on updating meter technology as part of the Consumers Energy Smart Energy Program.

MIDLAND COUNTY VULNERABLE ADULT NETWORK (MCVAN)

Community Affairs Director Selina Tisdale introduced Midland Prosecuting Attorney JD Brooks. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue the attached resolution expressing City Council support for the Midland County Vulnerable Adult Network (MCVAN). (Motion ADOPTED.) Mayor Donker presented Mr. Brooks with the resolution.

ZONING PETITION NO. 605

Assistant City Manager for Development Services Brad Kaye presented information on Zoning Petition No. 605 – rezoning a portion of the property located at 5900 Waldo Avenue from Midland Township zoning to Residential B Multiple-Family zoning, subject to offered conditions. A public hearing opened at 7:45 p.m. Mark McNeary, General Council, Primrose Retirement Communities, spoke in regard to the project. The hearing closed at 7:49 p.m. The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. 1786

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 RESIDENTIAL B MULTIPLE-FAMILY ZONING DISTRICT WHERE A TOWNSHIP 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:

PART OF THE SOUTH ½ OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 1, T14N-R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN BEING FURTHER DESCRIBED AS BEGINNING AT THE WEST ¼ CORNER OF SAID SECTION 1; THENCE N 00D 00M 46S W 650.00 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE S 89D 59M 33S E 900.00 FEET PARALLEL WITH THE EAST-WEST ¼ LINE OF SAID SECTION 1; THENCE S 00D 00M 46S E 650.00 FEET TO SAID EAST-WEST ¼ LINE; THENCE N 89D 59M 33S W 900.00 FEET ALONG SAID ¼ LINE TO THE POINT OF BEGINNING, CONTAINING 13.43 ACRES, MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS AND OR RIGHTS-OF-WAY WHETHER USED, IMPLIED OR OF RECORD.

Be, and the same is hereby changed to Residential B Multiple-Family zoning with the following conditions:

1. Elimination of Multiple-Family dwellings from the list of permitted uses.

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.

WATER RATES ORDINANCE AMENDMENT – (1ST reading)

Utilities Director Noel Bush presented information on an ordinance amending Section 28-52 of Division 3 of Article II of Chapter 28 – Water Rates. Introduction and first reading of the following ordinance amendment was then offered by Councilman Adams and seconded by Councilman Arnosky:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-52 OF DIVISION 3 OF ARTICLE II OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-52 of Division 3 of Article II of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

Sec. 28-52. Filtered water rate generally.

The city's methodology of adjusting water rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant, presented to and approved by the council in 1993 and shall be in conformity with the findings set forth in section 28-2 of this chapter.

All filtered water bills shall be calculated according to the following:

- (1) For each one thousand (1,000) gallons used per quarter: \$1.44 \$1.48
- (2) In addition to the rate set forth in this section for the use of water, there shall be a readiness-to-serve charge per quarter on each metered service as follows:

<u>Metered Service</u>	<u>Amount</u>	<u>AMOUNT</u>
5/8" – 3/4"	\$35.95	\$36.48
1"	\$46.74	\$47.42

1- 1/2"	\$57.52	\$58.37
2"	\$93.47	\$94.85
3"	\$359.50	\$364.80
4"	\$467.35	\$474.24
6"	\$683.05	\$693.12
8"	\$970.65	\$984.96

(3) Gross rates shall be ten (10) percent greater than the above schedule of rates and shall be charged for water service paid for after the date shown on the bills.

Section 2. This ordinance shall take effect July 1, 2016. (Motion ADOPTED. Considered first reading.)

SEWER RATES ORDINANCE AMENDMENT – (1ST reading)

Utilities Director Noel Bush presented information on an ordinance amending Section 28-163 of Division 3 of Article II of Chapter 28 – Sewer Rates. 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, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-163 OF DIVISION 3 OF ARTICLE III OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-163 of Division 3 of Article III of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

Sec. 28-163. Amount of sewer charge.

The city's methodology of adjusting sewer rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant, presented to and approved by the council in 1993 and shall be in conformity with the findings set forth in Section 28-4 of this chapter.

The charges for sewer service shall be calculated according to the following schedule:

(1) There shall be a readiness-to-serve charge per quarter on each metered water service as follows:

<u>Metered Service</u>	<u>Amount</u>	<u>AMOUNT</u>
5/8" – 3/4"	\$46.25	\$47.37
1"	\$60.13	\$61.58
1 – 1/2"	\$74.00	\$75.79
2"	\$120.25	\$123.16
3"	\$462.50	\$473.70
4"	\$601.25	\$615.81
6"	\$878.75	\$900.03
8"	\$1,248.75	\$1,278.99

(2) In addition to the readiness-to-serve charge set forth in subsection (1) of this section, there will be an additional charge for sewer service, which will be calculated as follows:

For each 1,000 gallons of water used per quarter: \$2.24 \$2.27

However, bills for sewer services for two (2) summer quarters for domestic customers, schools and churches shall be based on the average consumption during two (2) winter quarters. In cases where there is no previous consumption upon which to base bills for sewer services in the summer quarters, twenty-five thousand (25,000) gallons or actual consumption, whichever is the least, shall be used.

Section 2. This ordinance shall take effect July 1, 2016. (Motion ADOPTED. Considered first reading.)

GOLF COURSE – GIFT FROM MARY C. CURRIE FOUNDATION

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

WHEREAS, the Mary C. Currie Foundation has given the Currie Municipal Golf Course a gift in the amount of \$8,000 to pave a portion of Madison Street; now therefore
RESOLVED, that the City Council of the City of Midland graciously accepts this gift of \$8,000 from the Mary C. Currie Foundation. (Motion ADOPTED.)

PROPOSED GOLF COURSE FUND BUDGET AMENDMENT

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

WHEREAS, the Mary C. Currie Foundation has given the Currie Municipal Golf Course a gift in the amount of \$8,000 to pave a portion of Madison Street; and
WHEREAS, the 2015-16 Currie Municipal Golf Course Fund budget does not currently include expenditures related to this project, and in order to spend this gift 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, June 27, 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 \$8,000 to provide authorization to spend the gift from the Mary C. Currie Foundation for the purpose 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.)

2016 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

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

WHEREAS, pursuant to the direction of the City Council, the City Assessor of said City of Midland has prepared and reported to the City Council the Assessment Roll covering and containing the proposed Special Assessments assessed and levied, respectively in the “2016 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT” as heretofore established for the proposed Sidewalk Improvement in said district, as designated in Resolutions heretofore adopted by the City Council; now therefore
RESOLVED, that the said Roll be accepted by the City Council and that it be filed in the office of the City Clerk for public examination, and that the City Clerk be and is hereby directed to give notice pursuant to the Ordinance that the Assessment Roll has been made and filed in the office of the City Clerk for public examination and that the City Council of the City of Midland will meet at the Council Chambers in the City Hall in said City at 7:00 o'clock p.m., on June 27, 2016, to review said Special Assessment Roll at which time and place, opportunity will be given to all persons interested to be heard; and
RESOLVED FURTHER, that the City Clerk give notice of said hearing by causing a copy of this Resolution to be published once in the Midland Daily News at least ten days prior to the date of June 27, 2016, and that the City Clerk also give notice of said hearing by letter to each property owner subject to Special Assessment by reason of said improvement, the addresses of said property owners to be taken from the latest Tax Assessment Roll in the City Assessor's Office in accordance with Act 162 of the Public Acts of Michigan of 1962. (Motion ADOPTED.)

JULY 2016 TAX LEVY – MIDLAND PUBLIC SCHOOLS

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland Public Schools has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the City of Midland for the year 2016; and

WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and

WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore

RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2016 Midland Public Schools summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and

RESOLVED FURTHER, that the City Treasurer is authorized to enter into agreements with the applicable taxing entities for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

JULY 2016 TAX LEVY – MIDLAND COUNTY EDUCATIONAL SERVICE AGENCY

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland County Educational Service Agency has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the City of Midland for the year 2016; and

WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and

WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore

RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2016 Midland County Educational Service Agency summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and

RESOLVED FURTHER, that the City Treasurer is authorized to enter into agreements with the applicable taxing entities for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

JULY 2016 TAX LEVY – BAY CITY PUBLIC SCHOOLS

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay City Public Schools has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the City of Midland for the year 2016; and

WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and

WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2016 Bay City Public Schools summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into agreements with the applicable taxing entities for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

JULY 2016 TAX LEVY – BAY-ARENAC INTERMEDIATE SCHOOL DISTRICT

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay-Arenac Intermediate School District has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the City of Midland for the year 2016; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2016 Bay-Arenac Intermediate School District summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into agreements with the applicable taxing entities for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

JULY 2016 TAX LEVY – DELTA COLLEGE

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, Delta College has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the City of Midland for the year 2016; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2016 Delta College summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and

RESOLVED FURTHER, that the City Treasurer is authorized to enter into agreements with the applicable taxing entities for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

JULY 2016 TAX LEVIES

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

RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the July 2016 tax roll, Special Assessments in the various amounts as indicated herein:

Street Improvement Rolls

1996 Street Improvement	\$ 625.65
2012 Street Improvement	\$ 1,350.00
2014 Street Improvement	\$ <u>2,330.06</u>
Subtotal Street Improvement Rolls	\$ 4,305.71

Sanitary Sewer Improvement Rolls

1996 Sanitary Sewer Improvement	\$ 147.15
2003 Sanitary Sewer Improvement	\$ 11,908.89
2009 Sanitary Sewer Improvement	\$ 31,044.67
2012 Sanitary Sewer Improvement	\$ 4,307.59
2014 Sanitary Sewer Improvement	\$ <u>2,059.93</u>
Subtotal Sanitary Sewer Improvement Rolls	\$ 49,468.23

Water Main Improvement Rolls

2014 Water Main Improvement	\$ <u>1,652.57</u>
Subtotal Water Main Improvement Rolls	\$ 1,652.57

Sidewalk Improvement Rolls

2015 Sidewalk Improvement	\$ <u>3,186.54</u>
Subtotal Sidewalk Improvement Rolls	\$ 3,186.54

2016 Downtown Economic Revitalization Roll (SARA)	\$ 45,005.90
Accounts Receivable Roll	\$ 28,261.05
TOTAL SPECIAL ASSESSMENT ROLL	\$ 131,880.00

; and

RESOLVED FURTHER, that the current accounts receivable listed herein be transferred to the 2016 General Fund Tax Roll Accounts Receivable. (Motion ADOPTED.)

GRANT FOR LIBRARY FASCIA REPLACEMENT

Grace A. Dow Memorial Library Director Melissa Barnard presented information on a grant of \$26,000 from the Alden and Vada Dow Family Foundations for architectural services related to the replacement of the exterior building fascia at the Grace A. Dow Memorial Library. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, WTA Architects provides the necessary architectural services for replacing the exterior building fascia at the Grace A. Dow Memorial Library; and

WHEREAS, funding is available in the 2015/2016 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that in accordance with Section 2-19 of the Code of Ordinances the requirement for sealed proposals for professional services is not required, and the Mayor and City Clerk are hereby authorized to execute an agreement for professional services from WTA Architects of Saginaw, Michigan in an amount not to exceed \$26,000. (Motion ADOPTED.)

SITE PLAN NO. 349

Assistant City Manager of Development Services Brad Kaye presented information on Site Plan No. 349 – Northwood University for North Village Housing, a 75,350 square foot student housing facility at 4203 West Sugnet Road. Theresa Vincent Dopp inquired about the location of the project. Northwood University President and CEO Keith Pretty spoke regarding this and potential future projects. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City Council has received the recommendation of the city Planning Commission for approval of Site Plan No. 349, the request of Prein&Newhof on behalf of Northwood University for site plan review and approval for the proposed North Village Housing development, a 75,350 square foot student housing facility, located at 4203 West Sugnet Road; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 349 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. 349, 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. Public water utility easement documents shall be submitted for review and approval by the City Engineering Department and the City Attorney, and executed and recorded at the Midland County Register of Deeds upon approval.
4. License agreements for the aboveground pedestrian crossing and underground sanitary sewer crossing of the Pere Marquette Rail-Trail shall be approved to the satisfaction of the City Public Services Department and the City Attorney.
5. The aboveground pedestrian connection and underground sanitary sewer crossing of the Pere Marquette Rail-Trail shall be coordinated with the City Public Services and Engineering Departments.

(Motion ADOPTED.)

PLANNING COMMISSION – KOEHLINGER APPOINTMENT

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

RESOLVED, that Andrew Koehlinger is hereby appointed as a citizen-at-large member of the Planning Commission for an unexpired term ending June 30, 2017. (Motion ADOPTED.)

LIBRARY BOARD – MOE & BRINK APPOINTMENTS

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

RESOLVED, that Ann Moe is hereby appointed as a citizen-at-large member of the Library Board for a term expiring June 30, 2017; and

RESOLVED FURTHER, that Maxine Brink is hereby reappointed as the Midland County Township Officials' Association representative on the Library Board for a term expiring June 30, 2019. (Motion ADOPTED.)

CABLE ACCESS ADVISORY COMMISSION – WIZDA APPOINTMENT

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

RESOLVED, that Cheryl Wizda is hereby appointed as an MCTV Access User of the Cable Access Advisory Commission for a term expiring June 30, 2018. (Motion ADOPTED.)

PARKS & RECREATION COMMISSION – JOHNS APPOINTMENT

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

RESOLVED, that Robert Johns is hereby appointed as a citizen-at-large member of the Parks and Recreation Commission for a term expiring June 30, 2019. (Motion ADOPTED.)

CABLE ACCESS ADVISORY COMMISSION – GRANSTRA RESIGNATION

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

RESOLVED, that the resignation of Bob Granstra as a member of the Cable Access Advisory Commission is hereby accepted, effective immediately, and the Administration is directed to convey the Council's appreciation to Mr. Granstra for his service on this important Commission. (Motion ADOPTED.)

GARDEN WALK BANNERS

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

RESOLVED, that the request from Maureen Donker, Executive Director, Reece Endeavor of Midland, to place temporary banners to advertise ticket sales for the 13th Annual Garden Walk being held on Wednesday, July 20, 2016, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Maureen Donker, 989-835-9700.
- The banners must not obstruct the clear vision area of motorists or pedestrians (see attached diagram).
- Banners can be placed mid-June until July 20.
- Engineering will write TCOs to restrict parking where needed.

; 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.)

LARKIN STREET FOOD VENDOR EVENT

City Engineer Brian McManus presented information on a request from the Michigan Baseball Foundation – Momentum Midland Initiative for a Larkin Street Food Vendor Event on Thursdays and Fridays during the summer, beginning on June 16. Program Manager Chelsea Rowley spoke regarding the project. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

RESOLVED, that the request from the Michigan Baseball Foundation – Momentum Midland Initiative seeking permission to add a Larkin Street Food Vendor Event as part of their Larkin Beer Garden on Thursdays and Fridays during the summer, beginning on Thursday, June 16, 2016, utilizing the public right-of-way, 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 as soon as possible. You may fax it to 989-837-5708.
- Food trucks are to be located on the north side of E. Larkin Street, with the vendors serving facing the sidewalks. This will eliminate street crossing and the need for a street closure.

; 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.)

JOB PERFORMANCE REVIEW – CITY MANAGER

Mayor Donker introduced Councilman Brown Wilhelm who presented the job performance review for City Manager Jon Lynch and a resolution for consideration adjusting the annual compensation for Mr. Lynch by two (2) percent. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

RESOLVED, that the salary of Jon Lynch, City Manager, is amended as follows – annual salary increased to \$165,240; and

RESOLVED FURTHER, that all other terms and conditions of the employment agreement shall remain in effect; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to execute an addendum to the employment agreement of Jon Lynch incorporating this and previous Council amendments once approved by the Human Resources Director as well as Jon Lynch. (Motion ADOPTED.)

JOB PERFORMANCE REVIEW – CITY ATTORNEY

Mayor Donker introduced Councilman Adams who presented the job performance review for City Attorney James O. Branson, III and a resolution for consideration adjusting the annual compensation for Mr. Branson by two (2) percent. The following resolution was then offered by Councilman Adams and seconded by Councilman Wazbinski:

RESOLVED, that the salary of James O. Branson III, City Attorney, is amended as follows - annual salary increased to 136,680; and

RESOLVED FURTHER, that all other terms and conditions of the employment agreement shall remain in effect; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to execute an addendum to the employment agreement of James O. Branson III incorporating this and previous Council amendments once approved by the Human Resources Director as well as James O. Branson III. (Motion ADOPTED.)

LIBRARY FASCIA REPLACEMENT – PROFESSIONAL SERVICES AGREEMENT

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

WHEREAS, WTA Architects provides the necessary architectural services for replacing the exterior building fascia at the Grace A. Dow Memorial Library; and

WHEREAS, funding is available in the 2015/2016 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that in accordance with Section 2-19 of the Code of Ordinances the requirement for sealed proposals for professional services is not required, and the Mayor and City Clerk are

hereby authorized to execute an agreement for professional services from WTA Architects of Saginaw, Michigan in an amount not to exceed \$26,000. (Motion ADOPTED.)

LIBRARY BOOK ORDERING & PROCESSING SERVICES

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for book ordering and processing services for the Grace A. Dow Memorial Library; and

WHEREAS, the proposal submitted by Baker & Taylor has been determined to be the lowest cost to the City with the purchasing and processing of books for the Library; and

WHEREAS, funding is available in the 2016/2017 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the sealed proposal for Bid No. 3771 submitted by Baker & Taylor for book ordering and processing services for the Grace A. Dow Memorial Library in an amount not to exceed \$225,000 is hereby accepted and the necessary purchase order authorized. (Motion ADOPTED.)

2016 N. SAGINAW ROAD RECONSTRUCTION

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction of North Saginaw Road from Eastman Avenue to approximately 1,200 feet east of Eastman Avenue; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Central Asphalt, Inc. of Mt. Pleasant, Michigan, for the "2016 N. Saginaw Road Reconstruction; Contract No. 03", in the indicated amount of \$498,553.83, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

2016 OHIO STREET RECONSTRUCTION AND WATER MAIN

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction, including water main replacement, of Ohio Street from Swede Avenue to Carolina Street; and

WHEREAS, funding for this project is provided by the Local Street Fund and the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Geiersbach Construction, Inc. of Freeland, Michigan, for the "2016 Ohio Street Reconstruction & Water Main; Contract No. 07", in the indicated amount of \$423,900.00, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

DIESEL FUEL PURCHASE

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

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the Purchasing Agent to purchase 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 12,005 gallons of regular #2 diesel fuel from Tri-Lakes Petroleum of Alma, Michigan for \$20,120.38 executed by the Purchasing Agent on May 18, 2016, is hereby approved. (Motion ADOPTED.)

UNLEADED FUEL PURCHASE

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

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the Purchasing Agent to purchase 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 13,405 gallons of E10 ethanol blend unleaded fuel from Hirschman Oil of Reese, Michigan for \$30,161.25 executed by the Purchasing Agent on May 24, 2016, is hereby approved. (Motion ADOPTED.)

2016-17 STUMP REMOVAL SERVICES

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

WHEREAS, the City has undertaken an Emerald Ash Borer Treatment Program in order to save as many of its ash trees as possible and remove those that cannot be feasibly saved; and
WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the removal of stumps; and
WHEREAS, we are satisfied with M & M Stump Removal's performance in regards to the stumps already removed; and
WHEREAS, sufficient funding for such expense is available in the Emerald Ash Borer Project; now therefore
RESOLVED, that City Council hereby authorizes a purchase order to M & M Stump Removal of Midland, Michigan up to the amount of \$80,000 for stump removal. (Motion ADOPTED.)

ANNUAL PURCHASE OF FERRIC CHLORIDE

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

WHEREAS, sealed bids for the contract of Water and Wastewater Treatment Chemicals - Ferric Chloride, Bid No. 16-0518 by the City of Bay City under a common purchase program on behalf of the City of Midland, City of Saginaw and City of Bay City, for a period of one year beginning July 1, 2016, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, the purchase of Ferric Chloride will be made from Water Fund Inventory Account #591.13.030 and from Wastewater Fund Operations Account #590.8142.76.056, in the fiscal year 2016/17; now therefore

RESOLVED, that the low sealed proposal submitted by PVS Technologies, Inc., of Detroit, for the indicated price per ton of \$358.00 for up to 400 tons (200 each for the Water and Wastewater Treatment Plants), at a total aggregate contract amount not to exceed \$143,200.00, for a period of one year beginning July 1, 2016, is hereby accepted and a purchase order is authorized in an amount not to exceed \$71,600.00 for each of the Water and Wastewater Enterprise Funds; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes in an aggregate amount not to exceed \$10,000.00 for each purchase order. (Motion ADOPTED.)

PROPOSED 2015-16 DDA BUDGET AMENDMENT - STREETScape

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

WHEREAS, SmithGroupJJR of Ann Arbor, Michigan has been awarded the contract for the Downtown Midland Streetscape Redevelopment Design Study and Conceptual Engineering Plan in an amount not to exceed \$150,000.00; and

WHEREAS, it is necessary to amend the FY 2015-16 Downtown Development Authority (DDA) budget to appropriate \$150,000.00 from the DDA Fund Balance to fund the expenditure; 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, June 27, 2016 in the Council Chambers of City Hall to amend the DDA budget, and direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:50 p.m.

Selina Tisdale, City Clerk