

June 27, 2016

A regular meeting of the City Council was held on Monday, June 27, 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

Councilmen absent: Marty Wazbinski

### **MINUTES**

Approval of the minutes of the June 13, 2016 regular meeting was offered by Councilman Adams and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

### **MDOT – ROUNDABOUT PRESENTATION**

Bill Mayhew, Michigan Department of Transportation (MDOT) Manager, Mt. Pleasant Transportation Center, presented a report on the US10/BR10 Roundabout and other Midland-area MDOT projects. Don Yopp, 2021 Forestwood Court, spoke regarding the US10 Roundabout.

### **NOEL BUSH DAY**

City Manager Jon Lynch recognized Utilities Director Noel Bush upon his retirement from the City of Midland. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

RESOLVED, that the Mayor is authorized to issue a proclamation of recognition upon the retirement of Utilities Director Noel Bush for his 25 years of service to the City of Midland and proclaim June 30, 2016 as Noel Bush Day in the City of Midland. (Motion ADOPTED.) Mayor Donker presented Noel Bush with the proclamation.

### **2016 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT ROLL**

City Assessor Reid Duford presented the 2016 Sidewalk Improvement Special Assessment District Special Assessment Roll. A public hearing opened at 7:37 p.m. Julian Etienne, 2720 E. Wheeler, spoke regarding the front-foot calculation of his assessment. The public hearing closed at 7:45 p.m. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

WHEREAS, pursuant to due notice to all interested parties the City Council has duly met and reviewed the proposed Special Assessments to be assessed and levied in the Special Assessment Roll, prepared by the City Assessor to provide such part of the cost of certain sidewalk improvements on the "2016 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT", as heretofore established, as should be paid upon the property therein especially benefited and has heard and considered all objections made to said Assessment and has made such corrections in said roll as in its judgment ought to be made, and the City Assessor being present at said hearing; now therefore

RESOLVED, that the City Council does hereby determine that it is satisfied with said Special Assessment Roll; and

RESOLVED FURTHER, that the special assessment district is described as being that portion of frontage on the south side of Wheeler Street from Trotters Point Circle to Congress Drive; and further described as:

Commencing N98°38'15"E 1,101.65 feet from the North ¼ corner of Section 11, T.14 N., R. 2 E., City of Midland, being the Point of Beginning; thence 476.4 feet W; thence 100 feet S; thence 476.4 feet E; thence 100 N, to the Point of Beginning.

; and

RESOLVED FURTHER, that the City Council does hereby determine that said assessments are in proportion to benefits received; and

RESOLVED FURTHER, that said Special Assessment Roll be and the same is hereby approved and confirmed in all respects, in the amount of \$9,402.62 and that the total estimated cost of said improvements is \$18,235.74, and the City at large cost is \$8,833.12; and

RESOLVED FURTHER, that the amount of said roll shall be divided into five (5) annual installments with interest, one of which is to be collected during the year of 2017, and one during each succeeding year for four (4) years thereafter provided, however, each taxpayer shall have the opportunity of paying said assessment in full without interest or penalty within sixty (60) days from the date of notification to pay the same; and

RESOLVED FURTHER, that the said roll shall be filed in the Office of the City Clerk, and the Clerk is hereby directed to endorse on said roll the date of confirmation, and that said Clerk is hereby directed to attach the warrant to a certified copy within ten days, therein commanding the City Assessor to spread the various sums and amounts appearing therein on a Special Assessment Roll or upon the General Tax Roll of the City for the full amount or in annual installments as directed by the Council; and

RESOLVED FURTHER, that the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed, that said property owner shall have sixty (60) days from the date of such notification to pay said assessment in full and without interest or penalty, and that payments made thereafter shall be divided into equal annual installments as herein described bearing the interest rate of 1.50 percent; and

RESOLVED FURTHER, that upon the expiration of said sixty (60) day period the roll shall be closed for collection by the City Treasurer and forwarded to the City Assessor for spreading said roll on all unpaid assessments on an annual installments basis as herein described with interest. (Motion ADOPTED.)

#### **2015-16 CURRIE MUNICIPAL GOLF COURSE FUND BUDGET AMENDMENT**

Assistant City Manager David Keenan presented information on the 2015-16 Currie Municipal Golf Course Fund budget amendment to increase revenues and expenditures by \$8,000 for paving a portion of Madison Street. A public hearing opened at 7:50 p.m., recognizing no public comments, the hearing closed at 7:50 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, June 27, 2016, on the proposal to amend the 2015-16 Currie Municipal Golf Course Fund budget to increase revenue and expenses by \$8,000 to provide budgetary authorization to spend a gift received from the Mary C. Currie Foundation; now therefore

RESOLVED, that the 2015-16 Currie Municipal Golf Course Fund budget shall be amended as discussed in the aforementioned paragraph to allow spending of the gift received from the Mary C. Currie Foundation. (Motion ADOPTED.)

#### **2015-16 DDA BUDGET AMENDMENT – STREETSCAPE DESIGN**

Community Affairs Director Selina Tisdale presented information on an amendment to the 2015-16 Downtown Development Authority budget to provide funding for the Downtown Midland Streetscape Redevelopment and Conceptual Engineering Design Study. A public hearing opened at 8:10 p.m., recognizing no public comments, the hearing closed at 8:10 p.m. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

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; and WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, June 27, 2016, on the proposal to amend the 2015/16 DDA Budget; now therefore RESOLVED, that the 2015/16 DDA fund budget shall be amended as discussed in the aforementioned paragraphs to allow spending of fund balance for the Downtown Midland Streetscape Redevelopment Design Study. (Motion ADOPTED.)

### **PUBLIC COMMENTS**

No public comments were made.

### **WATER AND SEWER RATES ORDINANCE AMENDMENTS**

Utilities Director Noel Bush presented for second reading and adoption ordinances amending Section 28-52 of Division 3 of Article II of Chapter 28 – Water Rates and Section 28-163 of Division 3 of Article III of Chapter 28 – Sewer Rates. The following two ordinance amendments were then presented for consideration.

### **WATER RATES – ORDINANCE AMENDMENT**

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

#### ORDINANCE NO. 1787

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: \$1.48
- (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> |
|------------------------|---------------|
| 5/8" – 3/4"            | \$36.48       |
| 1"                     | \$47.42       |
| 1- 1/2"                | \$58.37       |
| 2"                     | \$94.85       |
| 3"                     | \$364.80      |
| 4"                     | \$474.24      |
| 6"                     | \$693.12      |
| 8"                     | \$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. (Ordinance ADOPTED.)

## **SEWER RATES – ORDINANCE AMENDMENT**

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

### ORDINANCE NO. 1788

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> |
|------------------------|---------------|
| 5/8" – 3/4"            | \$47.37       |
| 1"                     | \$61.58       |
| 1 – 1/2"               | \$75.79       |
| 2"                     | \$123.16      |
| 3"                     | \$473.70      |
| 4"                     | \$615.81      |
| 6"                     | \$900.03      |
| 8"                     | \$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: \$2.27

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. (Ordinance ADOPTED.)

## **LABOR AGREEMENT – UNITED STEELWORKERS LOCAL 14009**

Human Resources Director Carol Stone presented information on a three-year labor agreement with the United Steelworkers Local 14009. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and the United Steelworkers, Local 14009, for labor contract changes effective July 1, 2016 and expiring June 30, 2019; and

RESOLVED FURTHER, that the Assistant City Manager is hereby authorized to make appropriate transfers and modifications in the current budget to implement the wage and benefits changes identified in the contract. (Motion ADOPTED.)

**CABLE ACCESS ADVISORY COMMISSION – SHELOW APPOINTMENT**

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

RESOLVED, that Taitia Shelow is hereby appointed as an MCTV Access User of the Cable Access Advisory Commission for a term expiring June 30, 2017. (Motion ADOPTED.)

**TRAFFIC CONTROL ORDER NO. P-16-01**

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

RESOLVED, that Traffic Control Order No. P-16-01 filed April 27, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on both sides of Russell Street from Wheeler Street to 135 feet north.

is hereby made permanent. (Motion ADOPTED.)

**TRAFFIC CONTROL ORDER NO. P-16-02**

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

RESOLVED, that Traffic Control Order No. P-16-02 filed April 27, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on the south side of Hawks Nest from Dublin Avenue to 60 feet west.

is hereby made permanent. (Motion ADOPTED.)

**CUP NO. 52 – TIME EXTENSION**

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

WHEREAS, the City Council has received a request from Jennifer Chappel, Executive Director of Midland County Habitat for Humanity, for a one-year time extension for Conditional Use Permit No. 52 permitting a single family dwelling in an Office Service zoning district located at 2002 Jefferson Avenue; and

WHEREAS, the current approval of the Conditional Use Permit will expire on August 17, 2016; and

WHEREAS, the City Council has reviewed the request for the time extension of the Conditional Use Permit; now therefore

RESOLVED, that the City Council does hereby approve a one-year time extension to Midland County Habitat for Humanity effective August 17, 2016 until August 17, 2017, for Conditional Use Permit No. 52 for a single family dwelling in an Office Service zoning district located at 2002 Jefferson Avenue. (Motion ADOPTED.)

**CURRIE PARKWAY PEDESTRIAN BRIDGE WALKWAY RECONSTRUCTION**

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

WHEREAS, sealed proposals were advertised and received on June 7, 2016 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 3782, Currie Parkway Pedestrian Walkway; and

WHEREAS, the City has \$134,000 in the current budget to be used for renovations to the Currie Parkway bridge pedestrian walkway; and

WHEREAS, the project designer did additional research during the design phase to select the materials to be used for the decking and handrailing systems which eliminated the bidders' need to provide said recommendations; and

WHEREAS, as a result the low bid meeting specifications came in low enough to allow additional work to be done to replace the handrail system along the sidewalk leading up to the bridge walkway on both ends; and

WHEREAS, a quote requested from the low bidder for the additional work came in at \$19,170; now therefore

RESOLVED, that the Senior Procurement Accountant is hereby authorized to issue a purchase order to the low bidder J.R. Heineman & Sons of Saginaw, Michigan not to exceed \$102,170 for renovations to the pedestrian walkway and installation of the additional handrail along the bridge approaches; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes orders not to exceed \$18,000 for any repairs needed to the understructure of the walkway that are uncovered during the project. (Motion ADOPTED.)

### **PO INCREASE – CURRIE PARKWAY PEDESTRIAN BRIDGE WALKWAY PROJECT**

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

WHEREAS, the City's Parks Department has been working on three projects in the Chippewassee Park/Tittabawassee River corridor area between the M20 bridge and the Currie Parkway bridge; and

WHEREAS, Section 2-19 of the Code of Ordinances states that sealed proposals are not required for contracts for professional services; and

WHEREAS, staff chose to contract with landscape design architect PM Blough, Inc. for all three projects given the proximity of each project site and having worked with said designer on the nearby canoe/kayak launch project; 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 construction oversight work needed for the Currie Parkway pedestrian walkway project, City Council approval of the pending contract proposal is required; now therefore

RESOLVED, that City Council authorizes an increase to PO # 2016-00000433 to PM Blough, Inc. not to exceed \$3,800 for construction oversight work for the Currie Parkway pedestrian walkway project. (Motion ADOPTED.)

### **LIBRARY – ELECTRONIC ONLINE SERVICES**

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

WHEREAS, the Midwest Collaborative for Library Services is the sole vendor of group licensing of selected electronic online services, statewide interlibrary loan delivery services and staff training not available through other organizations; and

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

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of electronic online services, statewide interlibrary loan delivery services and staff training from the Midwest Collaborative for Library Services is hereby approved in an amount not to exceed \$55,000 and the necessary purchase order authorized. (Motion ADOPTED.)

### **LIBRARY – ELECTRONIC SERVICES AND MATERIALS**

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

WHEREAS, Gale/CENGAGE Learning is the sole vendor of the electronic services and materials that are necessary in the provision of library services; and

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

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of electronic services and materials from Gale/CENGAGE Learning is hereby approved in an amount not to exceed \$30,000 and the necessary purchase order authorized. (Motion ADOPTED.)

### **LIBRARY – AUTOMATION SERVICES**

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

WHEREAS, the Valley Library Consortium is unique in its provision of the automation services that the Grace A. Dow Memorial Library requires; and

WHEREAS, membership in the Valley Library Consortium offers the Grace A. Dow Memorial Library benefits from the shared costs with other members for automated services; and

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

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of the Grace A. Dow Memorial Library online automation services, including membership, staff training, system upgrades, and records database maintenance for the automated acquisition, catalog, and circulation modules from the Valley Library Consortium in the 2016/2017 fiscal year is hereby approved in an amount not to exceed \$78,000 and the necessary purchase order authorized. (Motion ADOPTED.)

### **LIBRARY – SERVICES**

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

WHEREAS, the Mideastern Michigan Library Cooperative is unique in the type and scope of the services provided to the library; and

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

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of services from the Mideastern Michigan Library Cooperative is hereby approved in an amount not to exceed \$35,000 and the necessary purchase order authorized. (Motion ADOPTED.)

### **LIBRARY – SUBSCRIPTION SERVICES AND EBOOKS**

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

WHEREAS, Overdrive Inc. provides subscription services, and eBooks and eAudiobooks for the Grace A. Dow Memorial Library; and

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

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of subscription services, and eBooks and eAudiobooks from Overdrive Inc. is hereby approved in an amount not to exceed \$50,000 and the necessary purchase order authorized. (Motion ADOPTED.)

### **MCTV – STUDIO LIGHTING**

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for studio lighting at Midland Community Television; and

WHEREAS, funds are available in the 2015-2016 MCTV budget; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Advanced Lighting & Sound, Inc of Troy, Michigan in the net amount of \$22,362 for studio lighting for Midland Community Television, in accordance with the proposal and City specifications. (Motion ADOPTED.)

### **WATER TREATMENT PLANT – RESIDUALS HAULING SERVICES**

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

WHEREAS, the impurities and spent chemicals from the drinking water treatment process are removed and piped to a series of sludge drying beds, and once the beds are dry the residuals are then removed and disposed of in a manner approved by the Michigan Department of Environmental Quality; and

WHEREAS, the City's method of disposal is to have the residuals agronomically applied to farm fields as a soils amendment; and

WHEREAS, on June 7, 2016 sealed bids were received and opened for Bid No. 3785, Water Treatment Residuals to Land Application, in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, funding has been budgeted for this purpose in the 2016/17 Water Fund account #591.8165.81.092 - Sludge Hauling, as well as in the 2017/18 and 2018/19 fiscal budgets; now therefore

RESOLVED, that the low sealed bid submitted by Earthmovers of Midland LLC., at the indicated price per cubic yard of \$13.88, for the removal and land application of up to 5,000 cubic yards per 12-month period, is hereby accepted and a purchase order in an amount not to exceed \$69,400.00 (\$13.88 x 5,000 cubic yards) is authorized; and

RESOLVED FURTHER, that upon mutual agreement of up to two 12-month extensions of the bid unit price, a purchase order is hereby authorized for each extension in an amount not to exceed \$69,400.00; and

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

### **LANDFILL – WHEEL LOADER PURCHASE**

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

WHEREAS, the Landfill utilizes three (3) articulated wheel loaders in its daily operations: 1) a John Deere 644K purchased in 2012, 2) a 2009 John Deere 644K purchased when its three-year lease ended in January 2012, and 3) a 2005 Komatsu WA380-5 purchased after its three-year lease ended in February 2008; and

WHEREAS, staff typically rotates out the least reliable unit when making a new purchase, and as the 2005 Komatsu unit is the oldest, has the highest hours, and has the most overall wear of the three loaders, it is deemed best to rotate out once the new unit is purchased; and WHEREAS, the two current John Deere loaders have worked well, continuity of operations and maintenance is also a benefit from continuity of having all three being the same model, staff therefore recommends using the State of Michigan low bid process to purchase the new generation of John Deere 644K, at a purchase price of \$260,000.00; and WHEREAS, funds are available for this purpose in the 2015/16 fiscal year Landfill Enterprise Fund, Account #517.9120.97.025 – Capital Equipment; now therefore RESOLVED, that the low bid obtained through the cooperative State of Michigan bid process for heavy equipment is hereby accepted, and a purchase order is authorized to our local distributor, AIS Construction Equipment of Bridgeport, in an amount not to exceed \$260,000.00 for the purchase of a new John Deere 644K wheel loader. (Motion ADOPTED.)

### **2016-17 SIDEWALK REPLACEMENT PROGRAM**

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

WHEREAS, sealed proposals were advertised and received on June 14, 2016 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 3786, 2016-17 Sidewalk Repair Program for sidewalk repair within the City of Midland; and WHEREAS, funding for this project is included in the FY 2016-17 General Fund budget for sidewalk repair in the amount of \$85,000; and WHEREAS, the low bidder meeting specifications, JKS, Inc. of Midland, Michigan, has provided sidewalk repair services in the past to the City of Midland with acceptable results; now therefore RESOLVED, that the Senior Procurement Accountant is hereby authorized to issue a purchase order to JKS, Inc. of Midland, MI not to exceed \$85,000 for sidewalk repair work for FY 2016-17. (Motion ADOPTED.)

### **DIESEL FUEL PURCHASE**

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

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 13,001 gallons of regular #2 diesel fuel from Paxson Oil of Saginaw, Michigan for \$20,775.60 executed by the Purchasing Agent on June 17, 2016, is hereby approved. (Motion ADOPTED.)

### **UNLEADED FUEL PURCHASE**

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

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 13,399 gallons of E10 ethanol blend unleaded fuel from Tri-Lakes Petroleum of Alma, Michigan for \$21,813.57 executed by the Purchasing Agent on June 17, 2016, is hereby approved. (Motion ADOPTED.)

### **ZONING PETITION NO. 607**

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, June 14, 2016 for property located at 204 Commerce Drive for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Residential A-2 Single-Family Residential zoning to Residential A-4 One and Two-Family Residential zoning; now therefore  
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, July 18, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and  
RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before July 1, 2016 and to publish said notice on July 2, 2016.

#### ORDINANCE NO. \_\_\_\_\_

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 A-4 ONE AND TWO-FAMILY RESIDENTIAL ZONING DISTRICT WHERE A RESIDENTIAL A-2 SINGLE-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:

PART OF THE SOUTH  $\frac{1}{2}$  OF THE NORTHWEST FRACTIONAL  $\frac{1}{4}$  OF SECTION 1, T14N-R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN BEING FURTHER DESCRIBED AS BEGINNING AT THE WEST  $\frac{1}{4}$  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 A-4 One and Two-Family Residential zoning.

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. (Motion ADOPTED. Considered first reading.)

### **ZONING TEXT AMENDMENT NO. 158**

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

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, July 18, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on July 2, 2016.

#### ORDINANCE NO. \_\_\_\_\_

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 ORDINANCE TO AMEND SECTION 8.09 BEING THE SIGN REGULATIONS FOR THE CENTER CITY OVERLAY DISTRICT.

The City of Midland Ordains:

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

See attached

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. (Motion ADOPTED. Considered first reading.)

Being no further business the meeting adjourned at 8:30 p.m.

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Selina Tisdale, City Clerk