

July 18, 2016

A regular meeting of the City Council was held on Monday, July 18, 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, Maureen Donker, Marty Wazbinski
Councilmen absent: Diane Brown Wilhelm

MINUTES

Approval of the minutes of the June 27, 2016 regular meeting was offered by Councilman Adams and seconded by Councilman Wazbinski. (Motion ADOPTED.)

AMERICA IN BLOOM DAY

Director of Public Services Karen Murphy presented information on the America in Bloom Program and introduced Gina Pederson, Committee Chair for the America in Bloom Group. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating Thursday, July 21, 2016, as America in Bloom Day in the City of Midland. (Motion ADOPTED.) Mayor Donker presented Gina Pederson with the proclamation.

DOWNTOWN MIDLAND STREETScape REDEVELOPMENT PLAN UPDATE

Community Affairs Director Selina Tisdale introduced Bob Doyle of SmithGroupJJR who provided an update on the Downtown Midland Streetscape Redevelopment, process and preliminary draft. Ann Ward, 5712 Windy Gyle, part owner of Imagine That!, commented on the streetscape redesign project. Chelsea Rowley, Michigan Baseball Foundation – Momentum Midland Initiative, commented on the streetscape redevelopment.

ZONING PETITION NO. 607

Assistant City Manager for Development Services Brad Kaye presented information on Zoning Petition No. 607 – rezoning property at 204 Commerce Drive from Residential A-2 Single-Family Residential zoning to Residential A-4 One and Two-Family Residential zoning. A public hearing opened at 8:22 p.m. Mark Wahl, 1397 Linwood Road, Linwood, commented on the rezoning. The hearing closed at 8:24 p.m. The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. 1789

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 ½ OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 1, T14N-R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN BEING FURTHER

KNAPWEED (CENTAUREA MACULOSA), JAPANESE KNOTWEED (FALLOPIA JAPONICA), GIANT KNOTWEED (FALLOPIA SACHALINESIS), AUTUMN OLIVE (ELAEAGNUS UMBELLATA), GLOSSY BUCKTHORN (RHAMNUS FRANGULA), COMMON BUCKTHORN (RHAMNUS CATHARTICA) or any other varieties, species or plants designated by the city forester as poisonous or injurious. The presence of such weeds upon any lot or parcel of land within the city limits is hereby declared to be a public nuisance.
(Ord. No. 1014, § 2, 2-22-82)

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

SITE PLAN NO. 350

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

WHEREAS, the City Council has received the recommendation of the city Planning Commission for approval of Site Plan No. 350, the request of Primrose Retirement Communities, LLC for site plan review and approval for a 118,416 square foot retirement community, located at 5900 Waldo Avenue; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 350 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. 350, contingent upon the following:

1. 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. A private stormwater easement through the abutting parcel shall be submitted for review and approval by the City Engineering and City Planning Departments, and executed and recorded at the Midland County Register of Deeds upon approval.

(Motion ADOPTED.)

SITE PLAN NO. 351

Assistant City Manager for Development Services Brad Kaye presented information on Site Plan No. 351 – Fred Eddy Jr. for improvements to both Dow Gardens and Whiting Forest, located at 2303 Eastman Avenue. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Adams:

WHEREAS, the City Council has received the recommendation of the city Planning Commission for approval of Site Plan No. 351, the request of Fred Eddy, Jr. for site plan review and approval for improvements at both Dow Gardens and Whiting Forest, located at 2303 Eastman Avenue; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 351 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. 351, 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. Final approval from the Michigan Department of Transportation for the driveway modifications.

4. A license agreement for the pedestrian bridge access to the Grace A. Dow Memorial Library property to the satisfaction of the City Library Director, City Engineer and the City Attorney.
5. A license agreement for the pedestrian bridge access to Dow Gardens over St. Andrews Road to the satisfaction of the City Engineer and the City Attorney.
6. A license agreement for the creek bank restoration activity to take place on the City-owned property to the satisfaction of the City Engineer and the City Attorney.
7. Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

(Motion ADOPTED.)

DART TRANSPORTATION COORDINATOR & FINANCIAL ASSISTANCE

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

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), the City of Midland provides a local transportation program for the state fiscal year 2017 and, therefore, it is necessary to apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the City of Midland to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators for Dial-A-Ride have been reviewed and approved by the City of Midland staff; and

WHEREAS, staff has submitted to the State of Michigan a proposed balanced budget of approximately \$2,211,757 for Dial-A-Ride operations in FY2017 with the intent to apply for an estimated \$781,974 in state operating assistance funds; an estimated \$559,621 in federal 49 USC 5307 operating assistance funds; an estimated \$105,380 from fare box fees; an estimated \$31,648 in federal 5303 planning funds; and an estimated \$733,134 in local general fund support to balance the budget for state fiscal year 2017; now therefore

RESOLVED, that the City Manager is hereby named as Transportation Coordinator for all public transportation matters; and

RESOLVED FURTHER, that the City of Midland hereby makes its intentions known to provide public transportation services and to apply for state and federal financial assistance in accordance with Act 51 and the City Clerk is hereby directed to provide a certified copy of the resolution for submittal to the Michigan Department of Transportation as part of the annual budget application packet. (Motion ADOPTED.)

PLANNING COMMISSION – STAMAS APPOINTMENT

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

RESOLVED, that Tony Stamas is hereby appointed as a citizen-at-large member of the Planning Commission for an unexpired term ending June 30, 2019. (Motion ADOPTED.)

MIDLAND RALLY FOR GUN CONTROL EVENT

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

RESOLVED, that the request from Joe Saba seeking permission to conduct the Midland Rally for Gun Control in the grassy area between the H Hotel and the Tridge on Sunday, August 7, 2016, utilizing the public right-of-way, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Joe Saba, 989-708-8907.
- Provide special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured. The certificate must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.
- Provide copy of driver's license to City Engineer one week prior to event.
- Midland police will patrol the area during the event.
- The attached map indicates your approved location.

; 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.)

WOW SERIES CONCERT KICK-OFF

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

RESOLVED, that the request from the Midland Center for the Arts to hold the WOW Series Concert Kick-Off, a free outdoor concert, in the grassy area between the H Hotel and the Tridge on Friday, August 12, 2016, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Heath Hetherington, 989-631-5930, ext. 1280.
- A Certificate of Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.
- The City stage is already reserved and not available on this date. You may set a stage the day before, on Thursday, August 11, 2016.
- Organizer must have the area completely cleared out by late Friday night as the Farmers Market is in session the next morning and they arrive about 4:00 a.m.
- The Gus Macker tournament is this weekend and there will be some street closures downtown for their set-up.
- Organizer is allowed to furnish portable toilets. They must be removed Saturday morning.

; 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.)

MEMBERS FIRST CREDIT UNION 80TH BIRTHDAY PARTY CELEBRATION

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

RESOLVED, that the request from Members First Credit Union to conduct an 80th birthday celebration to be held on Saturday, September 10, 2016 in Chippewassee Park including a beer tent and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Rachel Finney, 855-835-6328.
- A Certificate of Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.

- A tent permit is required. Contact Fire Marshal Josh Mosher at 989-837-3413.
- Please note, there is another event already booked in the Chippewassee Park pavilion on this date and that group is aware of this event. You are required to make contact with the responsible party for that event, Khara St. Croix at 248-396-5163, and coordinate.
- The City stage and picnic tables are already booked on this date for other community events and will not be available for use. Public Services can provide additional trash receptacles.
- Set-up should be off from Golfside Drive as the Farmers Market is operating.
- Midland Police will provide extra patrol during this event.

; 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.)

RIVERSIDE PLACE OUTDOOR PATIO AND PERGOLA

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for an outdoor patio and pergola at Riverside Place, Bid No. 3788; and

WHEREAS, sufficient funds are included in account # 537.8110.95.099, Miscellaneous Special Projects of the approved 2016/17 Riverside Place budget; now therefore

RESOLVED, that the low sealed proposal meeting City specifications submitted by KJP Sales, Inc. of Midland, Michigan for an outdoor patio and pergola at Riverside Place in their Response for Bid No. 3788 is hereby accepted; and

RESOLVED FURTHER, that the Senior Procurement Accountant is authorized to issue a purchase order for \$25,662.00 in accord with this resolution and City specifications; and

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

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

2016 CRANE COURT RECONSTRUCTION & WATER MAIN

The following resolution was offered by Councilman Adams 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 and water main replacement of Crane Court from Eastman Avenue to the end of court; 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 Crawford Contracting, Inc. of Mt. Pleasant, Michigan, for the "2016 Crane Court Reconstruction & Water Main; Contract No. 14", in the indicated amount of \$222,604.60, 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 JEROME STREET RECONSTRUCTION

The following resolution was offered by Councilman Adams 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 Jerome Street from Pine Street to Carpenter Street; and

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

RESOLVED, that the low sealed proposal submitted by Pat's Gradall Service of Midland, Michigan, for the "2016 Jerome Street Reconstruction; Contract No. 12", in the indicated amount of \$210,069.50, 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.)

BARSTOW AIRPORT – SOUTHEAST APRON RECONSTRUCTION & EXPANSION DESIGN

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

WHEREAS, a design services agreement has been submitted to the City of Midland by Mead & Hunt, Inc. for work related to the design of asphalt apron repairs at Jack Barstow Municipal Airport; and

WHEREAS, the City of Midland supports having said design services rendered at an estimated City cost share of \$4,444.31; now therefore

RESOLVED, that the City Council hereby approves the proposed design services agreement with Mead & Hunt, Inc. of Lansing, Michigan, and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City of Midland; and

RESOLVED FURTHER, the City of Midland approval is based on funding through a state and federal grant whereas the City cost share for all phases of this project is 5% in accordance with Federal, State, and local cost sharing formulas. (Motion ADOPTED.)

UNLEADED FUEL PURCHASE

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

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next 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 13,401 gallons of E10 ethanol blend unleaded fuel from Paxson Oil of Saginaw, Michigan for \$21,413.46 executed by the Senior Procurement Accountant on July 6, 2016, is hereby approved. (Motion ADOPTED.)

LEASE AGREEMENT – PLACEMENT OF COMMUNICATIONS TOWER FACILITY

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

WHEREAS, in 2015 Skyway Towers, LLC, of Tampa, Florida, approached the City of Midland about erecting a Communications Tower Facility on property located at the City's Landfill; and WHEREAS, Skyway's representative, Telecad Wireless of Hixson, Tennessee has worked with the City Attorney, Planning, and Utilities to work out the details, the site will be minimally invasive to the City of Midland and its citizens, and the Landfill will benefit financially for allowing this access; and

WHEREAS, the initial term of the agreement will be five years at a revenue to the City of \$9,600.00 per year, with the tenant having rights to five successive five-year extensions where each renewal includes an increase of five percent (5%) from the rent during the previous term; now therefore

RESOLVED, that authorization is hereby given to the Mayor and City Clerk to execute a lease agreement, subject to document approval by the City Attorney, with Skyway Towers, LLC for the leasing and placement of a Communications Tower Facility on vacant property at the north end of the City's Landfill, contingent on Skyway meeting all planning, zoning, and building requirements, as a height variance, site plan approval, and construction permits will all be required to erect the tower, with the indicated first year annual rental rate of \$9,600.00. (Motion ADOPTED.)

ULTRAVIOLET LIGHT DISINFECTION FEASIBILITY STUDY - WWTP

Utilities Director Joe Sova presented information on engineering services for an Ultraviolet Light Disinfection Feasibility Study for the Wastewater Treatment Plant. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

WHEREAS, the Wastewater Division is looking to have a feasibility study conducted to determine whether to replace the existing chlorine disinfection process with an ultraviolet (UV) disinfection process; and

WHEREAS, after an extensive process to select the most qualified consulting engineering firm to evaluate the UV system and components, Moore & Bruggink, Inc. of Grand Rapids was given the highest overall rating by Wastewater Division staff; and

WHEREAS, Moore & Bruggink has submitted an engineering design study proposal for the replacement of the existing chlorination disinfection system, in the amount of \$24,000.00; and

WHEREAS, funding for this study has been budgeted in the 2017 Wastewater Enterprise Fund Capital Project #590.9010.97.002; and

WHEREAS, Section 2-19 of the Code of Ordinances states that sealed proposals are not required for contracts for professional services such as those offered by M & B; now therefore

RESOLVED, that the City Council authorizes a purchase order not to exceed \$24,000.00 to Moore & Bruggink, Inc. of Grand Rapids for engineering services related to a feasibility study to replace the existing chlorine disinfection system with ultraviolet system components at the Wastewater Treatment Plant; and

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

JANITORIAL SERVICES AGREEMENT – WATER PLANT

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

WHEREAS, the Water Treatment Plant (WTP) has over 100,000 square feet of floor space that is cleaned and maintained, including open and treatment areas of the plant, office spaces, the laboratory, shop area, locker rooms, and restrooms; and

WHEREAS, for the past 22 years WTP staff has been pleased with the reliability, commitment, and cost-effective service that the Arnold Center of Midland special needs employees have provided, and would like to continue that business relationship; and
WHEREAS, the new rate requested has increased approximately 3% from last year at \$2,771.05 per month, for a total annual cost of \$33,252.60; and
WHEREAS, the service contract between the City and the Arnold Center has been approved by the City Attorney as to form; and
WHEREAS, funds are available for said purpose in the 2016/17 Water Fund account #591.8272.93.004 – Janitorial Service; now therefore
RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the service agreement with the Arnold Center of Midland for janitorial services at the City of Midland Water Treatment Plant, with a total annual amount not to exceed \$33,252.60. (Motion ADOPTED.)

WATER SERVICE FITTINGS – INVENTORY PURCHASES

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

WHEREAS, the City's Water Division repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system, and as many of these items require immediate attention when discovered, it is necessary to have an inventory of fittings and parts available; and
WHEREAS, sealed bids for Bid No. 3784 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and
WHEREAS, the low bid submitted by Michigan Meter Technology Group was incomplete, therefore eliminating it from consideration; and
WHEREAS, staff considers the compliant total low bid received from ETNA Supply of Grand Rapids to be acceptable, and recommends award for inventory purchases of water service fittings; and
WHEREAS, the purchases will be made from Water Enterprise Fund Inventory Account #591.13.031; now therefore
RESOLVED, that a purchase order is hereby authorized to ETNA Supply of Grand Rapids in an amount not to exceed \$23,548.30; and
RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:30 p.m.

Selina Tisdale, City Clerk