

August 22, 2016

A regular meeting of the City Council was held on Monday, August 22, 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 August 15, 2016 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

PUBLIC COMMENTS

Marla Withers, 2813 Highbrook Drive, spoke regarding a freshly painted piece of city equipment ruining her shorts and seeking reimbursement. She also shared concerns regarding perceived Police Department speed traps in construction zones.

MIDLAND COMMUNITY TELEVISION – ORDINANCE AMENDMENT (first reading)

Manager of MCTV and Library Communications Ron Beacom presented information on an ordinance amending Sections 15-130, 15-132, 15-135 and 15-136 of Division 2 of Article V of Chapter 15 – Midland Community Television. Introduction and first reading of the following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTIONS 15-130, 15-132, 15-135, AND 15-136 OF DIVISION 2 OF ARTICLE V OF CHAPTER 15 THEREOF.

The City of Midland Ordains:

Section 1. Sections 15-130, 15-132, 15-135 and 15-136 of Division 2 of Article V of Chapter 15 are hereby amended to read as follows:

MIDLAND COMMUNITY TELEVISION (MCTV)*

Sec. 15-130. Purpose of MCTV.

(a) The Midland Community Television (MCTV) studio has been established at the Grace A. Dow Memorial Library to provide production equipment and support services necessary for the creation of locally produced television programs.

(b) It is the purpose of MCTV to provide the people and organizations in the Midland area with an opportunity to be involved in using the television medium to inform, communicate, educate and entertain. It is also the purpose of MCTV to provide the Midland community with locally produced programs of public interest.

(c) The following television channels shall be operated by MCTV:

- (1) ~~Channel 3. This channel shall be known as~~ The "public access channel" and shall be used solely to cablecast non-profit, non-commercial programming produced or sponsored by individuals or organizations in the Midland area. When the aforementioned programming is not scheduled, this channel may cablecast either an electronic message board to be known as the "public access electronic message board" or the ~~Channel 15 electronic message board~~ FROM THE MESSAGE BOARD CHANNEL. The public access electronic message board shall be used solely for promotion of the public access channel and shall not be used for "for-profit" commercials or advertisements. Messages cablecast on the public access electronic message board may not contain any of the following:

- a. Obscene material as the same is defined and regulated under Act No. 343 of the Public Acts of Michigan of 1984, being MCL 752.362 et seq.
 - b. Slanderous or libelous material.
- (2) ~~Channel 5.~~ This channel shall be known as The "government access channel" and shall be used solely to cablecast non-profit, non-commercial programs produced or submitted by government agencies. When the aforementioned programming is not scheduled, this channel shall cablecast an electronic message board containing only government related messages submitted by government agencies to be known as the "government electronic message board." As determined by the city administration, electronic messages advising of emergencies, including but not limited to weather emergencies, shall take precedence over all other programming on this channel.
- (3) ~~Channel 15.~~ The second public access channel SHALL BE KNOWN AS THE "MESSAGE BOARD CHANNEL" AND shall be used primarily to cablecast the electronic message board. Public access programming that would have been cablecast on the ~~Channel 3 PUBLIC ACCESS CHANNEL~~ but for scheduling constraints may also be cablecast on ~~Channel 15~~ THE MESSAGE BOARD CHANNEL.
- (4) THE EDUCATIONAL ACCESS CHANNEL SHALL BE USED PRIMARILY TO CABLECAST A MESSAGE BOARD AND PROGRAMMING PRODUCED FOR THE MIDLAND PUBLIC SCHOOLS, AS DETERMINED BY THE MIDLAND PUBLIC SCHOOLS ADMINISTRATION.

Sec. 15-132. ~~Channel 15 PUBLIC ACCESS~~ electronic message board restrictions.

- (a) The electronic message board cablecast on ~~Channel 15~~ MESSAGE BOARD CHANNEL is for informational purposes only and may be used for:
 - (1) The promotion of community activities, meetings or events by organizations or individuals.
 - (2) Editorial messages, the source of which shall be identified and included with the message.
- (b) The electronic message board shall not be used for "for-profit" commercials or advertisements.
- (c) No electronic message shall be cablecast that contains any of the following:
 - (1) Obscene material as the same is defined and regulated under Act No. 343 of the Public Acts of Michigan of 1984, being MCL 752.362 et seq.
 - (2) Slanderous or libelous material.

Sec. 15-135. Same--Membership.

Membership of the commission shall consist of five (5) voting members appointed by the city council. Three (3) members shall be current registered MCTV access users, one (1) member shall be a school representative as designated by the Midland Public Schools, and one (1) member shall be a citizen at large and must be a current cable television subscriber. Each member shall be a resident of the city. The person from the administrative staff of the city who has been designated by the city manager as the MCTV ~~coordinator~~ MANAGER shall be an ex officio member of the commission but without the right to vote.

Sec. 15-136. Same--Term of members.

Each member of the commission shall be appointed for a term of three (3) years commencing on July 1 except that the members first appointed shall begin their terms immediately. ~~with three (3) two (2) of said members being appointed for terms ending June 30, 2003, two (2) of said members being appointed for terms ending June 30, 2002, and two (2) one (1) members being appointed for terms ending June 30, 2001.~~

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

MCTV USER FEES – ORDINANCE AMENDMENT (first reading)

Manager of MCTV and Library Communications Ron Beacom presented information on an ordinance amending Section 21-121 of Division 4 of Article VII of Chapter 21 – MCTV Use Fees. Introduction and first reading of the ordinance amendment was then offered by Councilman Adams and seconded by Councilman Wazbinski:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-121 OF DIVISION 4 OF ARTICLE VII OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-121 of Division 4 of Article VII of Chapter 21 are hereby amended to read as follows:

Sec. 21-121. Use fees.

The use fees for MCTV services are as follows:

- | | | |
|-----|--|---------|
| (1) | Annual access user fee | \$25.00 |
| (2) | Training fees: | |
| | a. Access user training course (initial) | \$20.00 |
| | b. Access user training course (advanced) | 10.00 |
| | b. e. Video camp | 50.00 |
| (3) | Video duplication fees: | |
| | a. 0-60 90 minutes of content | \$10.00 |
| | b. 61-120 Over 90 minutes of content | 20.00 |
| | c. Over 120 minutes of content | 30.00 |
| (4) | VIDEO ON-LINE FEES | |
| | A. SINGLE PROGRAM | \$10.00 |
| | B. MULTIPLE PROGRAMS (SUBMITTED WITHIN 12 MONTHS) | |
| | 1. 1-15 PROGRAMS | 100.00 |
| | 2. 16-30 PROGRAMS | 200.00 |
| | 3. 31-45 PROGRAMS | 300.00 |
| | 4. 46-60 PROGRAMS | 400.00 |
| | +\$100 FOR EVERY ADDITIONAL 15 PROGRAMS | |
| (5) | VIDEO FILE TRANSFER FEE | 20.00 |
| (6) | FEES FOR SPECIAL TRAINING/SERVICES MAY BE CHARGED
AT THE DISCRETION OF THE MCTV MANAGER | |

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

2016 CONSTRUCTION SEASON PROGRESS REPORT

City Engineer Brian McManus presented a progress report on the 2016 Construction Season. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, the City Engineer reported the status of completion for projects in the 2016 Construction Program to date; now therefore
RESOLVED, that City Council hereby receives and files this midseason Construction Progress Report. (Motion ADOPTED.)

GRANT FOR NORTHWOOD DRIVE SIDEWALK CONSTRUCTION

City Engineer Brian McManus presented information on a grant from The Herbert H. and Grace A. Dow Foundation for sidewalk construction along Northwood Drive. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City of Midland has received a grant in the amount of \$78,000 from The Herbert H. and Grace A. Dow Foundation to fund sidewalk construction along Northwood Drive; and WHEREAS, The Herbert H. and Grace A. Dow Foundation has pledged funding for the sidewalk in order to relieve a community safety concern with students walking in traffic lanes; now therefore

RESOLVED, that the City Council of the City of Midland hereby accepts the grant of \$78,000 from The Herbert H. and Grace A. Dow Foundation to fund sidewalk construction along Northwood Drive. (Motion ADOPTED.)

MIDLAND PUBLIC SCHOOLS MCTV GRANT REQUEST

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

WHEREAS, the Midland Public Schools operate an educational access TV channel, MPS-TV, with annual financial support from the City of Midland's MCTV Fund; and

WHEREAS, the Midland Public Schools is requesting \$47,800 for new production equipment for MPS-TV; and

WHEREAS, funding is available in the 2016-17 MCTV Fund; now therefore

RESOLVED, that the City Council hereby approves the request from the Midland Public Schools and authorizes the City of Midland to disperse \$47,800 to the Midland Public Schools. (Motion ADOPTED.)

PURCHASE – FOUR RESIDENTIAL REFUSE TRUCKS

Department of Public Services Director Karen Murphy presented information on the purchase of four Residential Refuse Trucks. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, bids for medium and heavy duty vehicles are bi-annually solicited by the Texas Buy Board Purchasing Cooperative and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding for the purchase of four residential refuse trucks is included in the FY 2016-17 Equipment Revolving Fund for Capital Outlay - Equipment as replacement for existing equipment; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to the Texas Buy Board Purchasing Cooperative's selected vendor, Grande Truck Center C/O Standard Equipment Company of Chicago, Illinois, in the amount of \$1,179,100, for the purchase of four residential refuse trucks, all in accordance with the Texas Buy Board Purchasing Cooperative's proposal and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order up to 5% of the total cost to cover any unforeseen modifications that may come up during the vehicle build process. (Motion ADOPTED.)

DUMP TRUCK REFURBISHING

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

WHEREAS, competitive bids for dump truck body and equipment installation, were solicited by the City of Rochester Hills, Michigan on behalf of the City of Midland; and

WHEREAS, the net low bid meeting specifications for the dump body with installation was offered by Truck and Trailer Specialties of Dutton, MI; and

WHEREAS, sufficient funding exists in the FY 2016-17 Equipment Revolving Fund budget for Capital Outlay – Vehicles to retrofit City unit 365 with a new stainless steel dump body and associated equipment; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to Truck and Trailer Specialties of Dutton, MI in the amount of \$22,563.42 for the supply and installation of a stainless steel dump body and associated equipment on City unit 365; and RESOLVED FURTHER, that the City Manager be authorized to approve changes to the purchase order up to 5% of the total cost to cover any unforeseen modifications that may be necessary during the build process. (Motion ADOPTED.)

2016 WACKERLY ROAD CULVERT REPLACEMENT

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 the replacement of a portion of the culvert within the City of Midland right-of-way at Wackerly Street at the Siebert Drain; and WHEREAS, funding for this project is provided by the Storm Water Fund; now therefore RESOLVED, that the low sealed proposal submitted by Bourdow Contracting of Carrollton, Michigan, for the "2016 Wackerly Culvert Replacement; Contract No. 15", in the indicated amount of \$108,040, 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 ST ANDREWS ROAD BRIDGE OVER SNAKE CREEK

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 the replacement of the existing St. Andrews Road bridge crossing the Snake Creek with a precast concrete box structure; and WHEREAS, funding for this project is provided by the Major Street Fund; now therefore RESOLVED, that the low sealed proposal submitted by Wonsey Tree Service of St. Louis, Michigan, for the "2016 St. Andrews Road Bridge Over Snake Creek; Contract No. 10", in the indicated amount of \$364,050.10, 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 alternate bid of \$39,831 for decorative stone headwalls be approved should sufficient funding be obtained from private or other sources; 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 CAMBRIDGE STREET RECONSTRUCTION & 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 the reconstruction of Cambridge Street from Ashman Street to E. St. Andrews Road and water main installation from Vail Street to E. St. Andrews; and WHEREAS, funding for this project is provided by the Major Street Fund and the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Mid-State Earthworks of Freeland, Michigan, for the "2016 Cambridge Street Reconstruction & Water Main; Contract No. 09", in the indicated amount of \$282,020.50, 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.)

LANDFILL – EARTH MOVING SERVICES

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

WHEREAS, recent waste filling activities in Cell 15 at the City of Midland's Sanitary Landfill have brought sections of the outer slope to the maximum limit of waste; and

WHEREAS, these sections now require interim compacted clay cover 18 inches in depth, along with a vegetative growth layer of soil, and estimated volumes of material placement are 8,000 compacted-in-place cubic yards of clay, and 2,000 cubic yards of finished compost; and

WHEREAS, on August 9, 2016 sealed bids were received and opened for Bid No. 3808, Earth Moving Services; and

WHEREAS, staff has reviewed the bids and recommends the low bid submitted in the amount of \$35,000.00 by Eric Construction, Inc. of St. Charles be accepted, and funds are available for this purpose in the 2016/17 fiscal year Landfill Enterprise Fund, Account #517.9010.97.002 – Capital Construction; now therefore

RESOLVED, that a purchase order is hereby authorized to Eric Construction, Inc. in the amount of \$35,000.00 for earth moving services at the Landfill; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$7,000.00. (Motion ADOPTED.)

VALLEY DRIVE IMPROVEMENTS

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

WHEREAS, sealed proposals were received and opened for Bid No. 3799, Valley Drive Improvements for the reconstruction of the reservoir entrances, removal of abandoned piping, ladder replacement and vent replacement at the Valley Drive Pumping Station located at 3001 Valley Drive, in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff has reviewed the responses received and has determined that the low bid submitted by RCL Construction of Sanford in the total amount of \$379,900.00 to be acceptable; and

WHEREAS, funding has been budgeted for this purpose in Fiscal 2016/17 Water Enterprise Fund Account #591.9010.97.002 – Capital Outlay Construction; now therefore

RESOLVED, that the low bid submitted by RCL Construction of Sanford is accepted and a purchase order is hereby authorized in an amount not to exceed \$379,900.00 for reservoir rehabilitation; and

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

Being no further business the meeting adjourned at 8:05 p.m.

Selina Tisdale, City Clerk