

October 10, 2016

A regular meeting of the City Council was held on Monday, October 10, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was led by Boy Scout Troop 767 – American Legion Post 165 and Boy Scout Troop 768 – St. Brigid Catholic Church School.

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

Councilmen absent: None

MINUTES

Approval of the minutes of the September 19, 2016 regular and October 3, 2016 special meetings was offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

GREAT LAKES LOONS – 2016 MIDWEST LEAGUE CHAMPIONSHIP

Community Affairs Director Selina Tisdale introduced Paul Barbeau, President of the Great Lakes Loons. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation of Recognition congratulating the Great Lakes Loons on their winning the 2016 Midwest League championship, the first in team history. (Motion ADOPTED.) Mayor Donker presented Mr. Barbeau with the proclamation.

CITY COUNCIL ELECTIONS – MOVE TO EVEN YEARS

Community Affairs Director Selina Tisdale presented information on changing City Council elections from odd years to even years. A public hearing opened at 7:20 p.m. Eric Anders, 1416 Lee Street, spoke regarding E-City Hall. The public hearing closed at 7:25 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

WHEREAS, the city of Midland regularly conducts its City Council elections in November of each odd number year per Section 10.4 of the City Charter; and

WHEREAS, at each regular City Council odd-year November election the City's five council members are elected for two-year terms per Section 3.3 of the City Charter; and

WHEREAS, a primary is held through nominating petition in August of each odd year per Section 10.3 of the City Charter; and

WHEREAS, Section IV (4) (2) (a) (4) of the Michigan Election Code MCL 168.642(a)(4), as added by 2012 PA 523, authorizes a city that holds elections for city officers at the odd-year November election to change its regular election schedule to future years to even-year city November elections by the adoption of a resolution in compliance with the requirements of Section 642 of the Michigan Election Code, MCL 168.642, provided that the terms of the City's elected officers elected hereto for and at the last off-year November city election in November of last year (2015) are not shortened and that those terms of elected city officers continue until their successors are elected and qualified at the next regular city election (MCL 168.644 (g)(1); and

WHEREAS, there has been interest expressed in the consideration of holding regular city elections in November of each even-number year and for continuing the terms of the five councilmen for two years; and

WHEREAS, the City Council has held a public hearing regarding this resolution pursuant to the published notice of the public hearing; now therefore

RESOLVED, that the date of the regular city election is changed from the first Tuesday after the first Monday in November of each odd-numbered year to the first Tuesday after the first Monday in November of each even-numbered year commencing with the regular city election in November 2018 resulting in the last city regular odd-year November election being held on November 3, 2015; and

RESOLVED FURTHER, that a primary through nominating petitions shall be held, at the August primary for each year in which there is a city regular November election pursuant to Section 10.3 of the City Charter; and

RESOLVED FURTHER, that the term of the Mayor duly elected at the odd-year November election on November 3, 2015 shall continue until the election in November 2018; and

RESOLVED FURTHER, that the terms of the five (5) council members duly elected on November 3, 2015 whose terms would otherwise expire in November 2017 shall continue until the election in November 2018; and

RESOLVED FURTHER, that the city clerk is hereby instructed to file this resolution with the County Clerk of Midland County and the elections division of the Secretary of State of the State of Michigan. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 57

Assistant City Manager for Community Development Brad Kaye presented information on Conditional Use Permit No. 57 – a request for a drive-thru lane serving the Live Oak Coffeehouse in a Regional Commercial zoning district located at 711 Ashman Street. A public hearing opened at 7:40 p.m. Lisa Miller, 613 Ashman, inquired about the drive thru configuration. The public hearing closed at 7:45 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Aaron Deckrow submitted a request for a conditional land use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district, located at 711 Ashman Street; and

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

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

1. Approval is granted to the proposed drive-thru restaurant in compliance with the accompanying site plan. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 57, in accord with documents provided and submitted at the meeting of September 12, 2016. (Motion ADOPTED.)

BUDGET AMENDMENT AND MADISON STREET PAVING PROJECT

Assistant City Manager David Keenan presented information on the 2016-17 Currie Municipal Golf Course Fund budget amendment to increase revenues and capital expenses for Madison Street paving and authorizing issuance of purchase order for said paving. A public hearing opened at 7:50 p.m., recognizing no public comments, the hearing closed at 7:50 p.m. The following two resolutions were then presented for consideration.

2016-17 CURRIE GOLF COURSE FUND BUDGET AMENDMENT

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

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, October 10, 2016, on the proposal to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenue by \$5,000 to recognize the gift from Mary Currie, and increase expenses by \$15,000 to provide budgetary authorization to pave Madison Street; now therefore RESOLVED, that the 2016-17 Currie Municipal Golf Course Fund budget shall be amended as discussed in the aforementioned paragraph. (Motion ADOPTED.)

MADISON STREET PAVING PURCHASE ORDER

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

WHEREAS, the City requested quotes for partially paving Madison Street, Quote No. 1831; and WHEREAS, upon request by the City, the low bidder submitted a modified quote to pave all of Madison Street; and WHEREAS, sufficient funds are included in the 2016-17 Currie Municipal Golf Course Fund budget; and WHEREAS, the quote received from Pyramid Paving and Contracting of Bay City has been found to be in compliance with specifications and advisable for execution; now therefore RESOLVED, that the quote meeting City specifications submitted by Pyramid Paving and Contracting of Bay City for the paving of Madison Street in the response for Quote No. 1831, as modified, is hereby accepted; and RESOLVED FURTHER, that a purchase order for \$22,967 to Pyramid Paving and Contracting of Bay City in accord with this resolution and City specifications is hereby authorized; and RESOLVED FURTHER, that the City Manager is authorized to approve change orders relating to the paving project not to exceed \$1,200 in total. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

ORDINANCE AMENDMENT – ADDING SECTION 3-48 TO ARTICLE III FARM ANIMALS

Assistant City Manager for Community Development Brad Kaye presented information on an ordinance amendment adding Section 3-48 to Chapter 3 Article III – Farm Animals. Introduction and first reading of the following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 3-48 OF ARTICLE III OF CHAPTER 3 THEREOF

The City of Midland Ordains:

Section 1. Section 3-48 of Article III of Chapter 3 is hereby added to read as follows:

SEC. 3-48. NOTICE TO MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY RELIES ON THIS ARTICLE TO HELP ADDRESS POTENTIAL RISKS TO PUBLIC HEALTH THAT COULD BE ASSOCIATED WITH HISTORIC DIOXIN CONTAMINATION FOUND IN SURFACE SOIL. THE COUNCIL SHALL NOTIFY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AT LEAST THIRTY DAYS PRIOR TO AMENDMENT OR LAPSING OF THIS ARTICLE OR ANY PORTION THEREOF.

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

SITE PLAN NO. 353

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

WHEREAS, the City Council has received the recommendation of the City Planning Commission for approval of Site Plan No. 353, the request of Wahlack, LLC for site plan review and approval for the construction of Larkin Village, a development containing 28 two family dwellings, located at 204 Commerce Drive; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 353 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. 353, contingent upon the following:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Temporary turnaround provisions during the phasing of construction shall be provided to the satisfaction of the City Fire Marshal and City Engineer.
4. An emergency access driveway shall be provided to the connection point of Driveway B on the Redwood development site, to the satisfaction of the City Fire Marshal and City Engineer.
5. Sign provisions to prohibit parking on one side of the street shall be provided to ensure compliance with Fire Code. Such signs must be approved by the City Fire Marshal.
6. A refuse collection agreement shall be provided to facilitate curb-side collection to the satisfaction of the City Department of Public Services.
7. Public sanitary sewer and water utility easements shall be provided to the satisfaction of the City Utilities Department, Engineering Department and City Attorney.

(Motion ADOPTED.)

POKEMON GO! FOOD DRIVE EVENT

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

RESOLVED, that the request from Sean VanEvery seeking permission to conduct a Pokemon Go! Food Drive in the area of the couple statue near the Tridge on Friday, October 14, 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 Sean VanEvery, 989-513-4598.
- Use of this area is non-exclusive and this event cannot block access to the Tridge or flow of traffic on any of the surrounding trails.
- Organizer must clean up the area after the event is over.
- Organizer must coordinate fencing request with Parks Department.

; 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.)

2016 CENTER CITY SIGNAL POLE PAINTING

The following resolution was offered by Councilman Arnosky 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 the traffic signal pole painting of various signal poles within the Center City District; and

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

RESOLVED, that the low sealed proposal submitted by J. Ranck Electric Company of Mt. Pleasant, Michigan, for the "2016 Center City Signal Pole Painting; Contract No. 24", in the indicated amount of \$127,820.00, 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.)

TRAFFIC SIGNAL HEAD DEVICES & PARTS – CENTER CITY

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

WHEREAS, bids for traffic signal devices and parts are solicited by the State of Michigan's MiDEAL Extended Purchasing Program, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, traffic signal devices and parts will be replaced at various intersections within the Center City District; and

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

RESOLVED, that a purchase order is hereby authorized to the State of Michigan's selected vendor, Carrier & Gable Inc., in the indicated amount of \$55,000.00, based upon City estimated quantities for traffic signal devices and parts, all in accordance with the State of Michigan's MiDEAL Extended Purchasing Program's proposal and specifications. (Motion ADOPTED.)

FIRE STATION NO. 1 RENOVATIONS – ASBESTOS ABATEMENT SERVICES

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

WHEREAS, during the construction phase of the remodel of Fire Station Number 1, asbestos was discovered, requiring immediate abatement; and

WHEREAS, given the timing of the asbestos discovery it was not practical to stop construction for a prolonged period to undergo a formal bidding process; and

WHEREAS, staff selected Quality Environmental Company of Gladwin, MI, to perform the asbestos abatement services and the cost of these services totaled \$46,049; and

WHEREAS, the 2016-17 General Fund budget includes additional funding for these unanticipated expenses; now therefore

RESOLVED, that the sum of \$46,049 is authorized to be paid to Quality Environmental Company for completion of the asbestos abatement for Fire Station Number 1. (Motion ADOPTED.)

FIRE STATION NO. 1 RENOVATIONS – CHANGE ORDER

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

WHEREAS, the City underwent a major renovation to Fire Station Number 1, with the main contractor being Three Rivers Corporation; and

WHEREAS, the City Council approved limit to the contract with Three Rivers Corporation of Midland is currently \$671,527.50; and

WHEREAS, the final costs for services rendered by the Three Rivers Corporation related to the renovation of Fire Station Number 1 was \$690,103.28; now therefore

RESOLVED, that a change order to the contract with Three Rivers Corporation for the renovation of Fire Station Number 1 in the amount of \$18,575.78 is approved. (Motion ADOPTED.)

WASHINGTON WOODS WEST WING MOVING SERVICES

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Washington Woods west wing renovations moving services, Bid No. 3822; and

WHEREAS, sufficient funds are included in account # 536.9010.97.002 Capital Outlay and Construction of the approved Washington Woods 2016/17 budget; now therefore

RESOLVED, that the low-sealed bid proposal meeting City specifications submitted by Two Men and a Truck of Midland for moving services for the Washington Woods west wing internal resident moves for Bid No. 3822 is hereby accepted; and

RESOLVED FURTHER, that a purchase order in the amount of \$20,900.00 to Two Men and a Truck is hereby authorized in accord with this resolution and City Specifications. (Motion ADOPTED.)

BARSTOW AIRPORT – MDOT GRANT AGREEMENT

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

WHEREAS, a grant agreement has been submitted to the City of Midland by the Michigan Department of Transportation 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 \$4,654; now therefore

RESOLVED, that the City Council hereby approves the proposed grant agreement with the Michigan Department of Transportation and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City of Midland. (Motion ADOPTED.)

UNLEADED FUEL PURCHASE

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

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 13,403 gallons of E10 ethanol blend unleaded fuel from Tri-Lakes Petroleum of Alma, Michigan for \$20,486.49 executed by the Senior Procurement Accountant on September 27, 2016, is hereby approved. (Motion ADOPTED.)

WATER SERVICE FITTINGS – WATER DISTRIBUTION

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

WHEREAS, sealed bids for Bid No. 3821 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and
WHEREAS, staff considers the low bid received from Michigan Pipe and Valve of Saginaw to be acceptable, and recommends award for inventory purchases of water service fittings; and
WHEREAS, the purchases will be made from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory; now therefore
RESOLVED, that a purchase order is hereby authorized to Michigan Pipe and Valve of Saginaw in the amount of \$30,246.90; 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.)

DESKTOP AND NOTEBOOK COMPUTERS – PURCHASE

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

WHEREAS, 55 desktop and 16 notebook computers are scheduled for replacement; and
WHEREAS, pricing for new computer equipment has been obtained from the MiDEAL Extended Purchasing Program and the National Intergovernmental Purchasing Alliance (NIPA) contract administered by CDW-Government; and
WHEREAS, sufficient funding exists in the Information Services Operations Fund, and its 2016-17 budget includes sufficient appropriations to pay the 2016-17 expenditures; now therefore
RESOLVED, that the City Council hereby approves payment to CDW-Government in the amount of \$45,453.76 for desktop and notebook computers. (Motion ADOPTED.)

PROPOSED 2016-17 MIDLAND POLICE DEPARTMENT FUND BUDGET AMENDMENT

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

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, November 14, 2016, in the Council Chambers of City Hall on the proposal to amend the FY 2016-2017 budget of the Midland City Police Department to recognize an additional \$33,894 of revenue from the Midland Area Community

Foundation Community Investment Grant to provide for Critical Incident Response equipment, 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 8:25 p.m.

Selina Tisdale, City Clerk