

December 5, 2016

A regular meeting of the City Council was held on Monday, December 5, 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 November 21, 2016 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

### **NON-MOTORIZED TRANSPORTATION COMMITTEE REPORT**

Assistant City Manager for Development Services Brad Kaye introduced David Waite, Chair of the Non-Motorized Transportation (NMT) Committee, who reported on NMT activities in the community.

### **2016-17 PLANNING DEPARTMENT BUDGET AMENDMENT – WAYFINDING SIGNS**

Assistant City Manager for Development Services Brad Kaye presented information on an amendment to the 2016-17 Planning Department budget for the purpose of receiving funds from the Midland Area Community Foundation for the installation of non-motorized wayfinding signs. A public hearing opened at 7:30 p.m., recognizing no public comments, the hearing closed at 7:30 p.m. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

WHEREAS, the City Planning & Community Development Department, in cooperation with the Entranceways Initiatives Task Force of the Midland Area Community Foundation, has undertaken a project for wayfinding signage along area non-motorized pathways; and

WHEREAS, the Foundation has allocated \$95,400.00 in funds to be granted to the City of Midland to cover the costs of fabrication and installation of these signs; and

WHEREAS, the approved funds are not included in revenue of the current City Planning Department budget for fiscal year 2016-17; and

WHEREAS, the additional expenditure of \$95,400.00 for the fabrication and installation of the signs is not provided for in the current fiscal year 2016-17 budget; and

WHEREAS, it is necessary to amend the FY 2016-17 Planning Department budget for the purpose of receiving the Midland Area Community Foundation funding for the fabrication and installation of new non-motorized wayfinding signs and allowing for the expenditure thereof; now therefore

RESOLVED, that the FY 2016-17 Planning Department budget is hereby amended by increasing revenues and expenditures in the amount of \$95,400.00 being funding from the Midland Area Community Foundation for the fabrication and installation of new non-motorized wayfinding signs. (Motion ADOPTED.)

### **PUBLIC COMMENTS**

No public comments were made.

### **MEMO OF UNDERSTANDING & RESTRICTIVE COVENANT – DIOXIN REMEDIATION**

Assistant City Manager for Development Services Brad Kaye presented information on a Memorandum of Understanding with The Dow Chemical Company and the enactment of a Declaration of Restrictive Covenant in support of dioxin remediation activities. The following

resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) requires certain dioxin remediation activities of the Dow Chemical Company (Dow) in an area known as the Midland Resolution Area (MRA); and

WHEREAS, Dow has analyzed more than 1,600 soil samples and remediated over 100 residential properties in the MRA; and

WHEREAS, Dow has attempted but has been unable to sample and analyze other residential properties within the MRA; and

WHEREAS, Dow is required by MDEQ to sample and analyze any properties proposing to convert from non-residential use to residential use in the MRA; and

WHEREAS, the City of Midland and Dow wish to enter into a Memorandum of Agreement governing city activities within the MRA, including notice to Dow of proposals to change land uses within the MRA; and

WHEREAS, the City of Midland and Dow wish further to voluntarily establish a Declaration of Restrictive Covenant on 19 city-owned and Agricultural zoned properties; now therefore

RESOLVED, that Midland City Council hereby approves the proposed Memorandum of Agreement with the Dow Chemical Company and the proposed Declaration of Restrictive Covenant; and

RESOLVED FURTHER, that the Mayor and City Clerk be authorized to execute both the Memorandum of Agreement and the Declaration of Restrictive Covenant subject to final technical review of the property listings and legal descriptions by the City Attorney. (Motion ADOPTED.)

#### **2016 ANNUAL CONSTRUCTION PROGRESS REPORT**

City Engineer Brian McManus presented an update on the 2016 Annual Construction Progress. 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; now therefore

RESOLVED, that City Council hereby receives and files the 2016 Construction Progress Report. (Motion ADOPTED.)

#### **QUARTERLY FINANCIAL REPORT – SEPTEMBER 30, 2016**

Assistant City Manager David Keenan presented the quarterly financial report for quarter ending September 30, 2016. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

RESOLVED, that the quarterly financial information of the City of Midland, for the quarter ended September 30, 2016, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

#### **GRANTS RECEIVED – LIBRARY FASCIA RESTORATION**

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

WHEREAS, the City of Midland has received a grant in the amount of \$250,000 from the Alden and Vada Dow Family Foundations and a grant from The Herbert H. and Grace A. Dow Foundation in the amount of \$190,000 to fund the restoration of the exterior fascia on the Grace A. Dow Memorial Library; and

WHEREAS, the funding from these grants will enhance the appearance and preserve the architectural heritage of the library and its importance to the community; now therefore  
RESOLVED, that the City Council of the City of Midland hereby accept grants of \$440,000 from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to fund the restoration of the exterior fascia on the Grace A. Dow Memorial Library. (Motion ADOPTED.)

#### **PROPOSED 2016-17 LIBRARY FUND BUDGET AMENDMENT – FASCIA RESTORATION**

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

WHEREAS, the City of Midland has received grants in the amount of \$440,000 from the Alden and Vada Dow Family Foundations and The Herbert H. and Grace A. Dow Foundation to fund the restoration of the fascia on the library; and  
WHEREAS, it is necessary to amend the 2016-2017 budget of the Grace A. Dow Memorial Library to include these funds; now therefore  
RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. on Monday, January 9, 2017 in the Council Chambers of City Hall on a proposal to amend the 2016-2017 budget of the Grace A. Dow Memorial Library to increase revenues by \$166,000 and to increase expenditures by \$166,000 to fund the restoration of the building fascia on the library; and  
RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

#### **CHOW CHOW HOLDINGS INC. LIQUOR LICENSE**

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

WHEREAS, Chow Chow Holdings Inc. is submitting application to the Michigan Liquor Control Commission for an on premise Class C liquor license issued under PA 501 of 2006; and  
WHEREAS, it is necessary that Chow Chow Holdings Inc. be located within a development district as defined in PA 501 of 2006; and  
WHEREAS, the Michigan Liquor Control Commission has determined that in addition to being located in a development district as defined by PA 501 of 2006, it is also necessary to certify that the development district is a redevelopment project area; now therefore  
RESOLVED, that the Midland City Council hereby recommends that the request for an on premise Class C liquor license issued pursuant to Section 501 a (1) (b) of PA 501 of 2006 submitted by Chow Chow Holdings Inc. for a business to be located at 416 E. Ellsworth Street, Midland, Michigan be considered for approval by the Michigan Liquor Control Commission; and  
RESOLVED FURTHER, that the City Council hereby certifies that the Downtown Development Authority, of the City of Midland, Michigan is a redevelopment project area and that the license to be located at 416 E. Ellsworth Street, Midland, Michigan is within the Downtown Development Authority and the redevelopment project area. (Motion ADOPTED.)

#### **BROWNFIELD REDEVELOPMENT FINANCE AUTHORITY – REAPPOINT DUNN & COX**

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

RESOLVED, that David Dunn and Rebecca Cox are hereby reappointed to the Brownfield Redevelopment Financing Authority for terms expiring December 1, 2019. (Motion ADOPTED.)

### **SCOUR PROTECTION – WACKERLY ROAD BRIDGE OVER STURGEON CREEK**

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

WHEREAS, the City Engineer has indicated the need for erosion protection on the Wackerly Road Bridge over Sturgeon Creek; and

WHEREAS, Wonsey Tree Service has provided a written proposal in the amount of \$74,000 to do this labor intensive work; and

WHEREAS, Section 2-18 of the Code of Ordinances provides that when sealed proposals are impractical, standard purchasing provisions may be waived upon four-fifths vote of the City Council; now therefore

RESOLVED, that the City Manager is hereby authorized to accept the proposal from Wonsey Tree Service in the amount of \$74,000 for said erosion protection work and directs the Assistant City Manager to provide necessary funding from the Major Street Fund including any currently funded Major Street Projects with excess reserves. (Motion ADOPTED.)

### **UTILITY POLE EMERGENCY REPAIR – WATER TREATMENT PLANT**

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

WHEREAS, in late August, Water Treatment Plant (WTP) staff noticed that a wood utility pole carrying the high-voltage electric service lines to the WTP was beginning to lean; and

WHEREAS, after receiving quotes to make the repair, staff scheduled with The Hydaker-Wheatlake Company of Caro to make repairs, and a purchase order in the amount of \$16,780.00 was administratively approved; and

WHEREAS, before the repairs could begin, Hydaker crews were summoned to southern states and the east coast in early October due to Hurricane Mathew, and were not able to begin the work; and

WHEREAS, on Sunday, October, 2016, the leaning wooden utility pole had a catastrophic failure, causing the top of the pole and four 4160 volt service lines to fall to the ground; and

WHEREAS, Hydaker dispatched emergency crews that had just arrived back in Michigan, to stabilize the remaining utility poles, while repairs were made over the next few days at a cost of \$28,472.04, requiring an increase to the existing purchase order of \$11,692.04; and

WHEREAS, Windemuller Inc. of Midland was also called in to make emergency repairs to conductors located on the same utility pole, which supplies power and control to an adjacent treatment service building, at a cost of \$5,345.00; and

WHEREAS, the pole replacement was not specifically budgeted, and requires an intra-fund budget transfer in the amount of \$33,817.04 (\$28,472.04 + \$5,345.00) to cover the emergency repairs made by both contractors; now therefore

RESOLVED, that an intra-fund budget transfer in the amount of \$33,817.04 is hereby authorized from the 2016/17 Water Enterprise Fund account #591.8990.98.000 - Reserve for Contingencies, to an operations account for the emergency repairs performed by Hydaker-Wheatlake and Windemuller; and

RESOLVED FURTHER, that an increase of \$11,692.04 to an existing purchase order with The Hydaker-Wheatlake Company for its portion of the emergency repairs, bringing the total amount to \$28,472.04 (\$16,780.00 + \$11,692.04). (Motion ADOPTED.)

### **WWTP ULTRAVIOLET DISINFECTION DESIGN ENGINEERING SERVICES – PO INCREASE**

Utilities Director Joe Sova presented information on the purchase order increase to Moore & Bruggink, Inc. for Ultraviolet Disinfection Design Engineering Services at the Wastewater Treatment Plant. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the Wastewater Treatment Plant (WWTP) desires a process change to its current chlorine disinfection system to an ultraviolet (UV) disinfection process, which has become a more cost-effective alternative, while reducing risk to employees, the public, and the environment; and

WHEREAS, this past summer, City Council authorized WWTP staff to hire Moore and Bruggink, Inc. (M&B) of Grand Rapids to conduct a feasibility study to determine whether the City's WWTP would be a good candidate for the effective use of an ultraviolet (UV) disinfection process in the amount of \$24,000.00; and

WHEREAS, the results of the feasibility study indicated that the WWTP would be a good candidate for UV disinfection; and

WHEREAS, to proceed with the changeover to a UV disinfection system, the existing purchase order will need to be increased to provide for the expanded scope for the design engineering and construction bid documents phase of the project; and

WHEREAS, funding for the construction and bid document phase is budgeted in Capital Project WW1701 - Ultraviolet Disinfection System; now therefore

RESOLVED, that an increase of \$91,000.00 to an existing purchase order with Moore and Bruggink, Inc. of \$24,000.00, bringing the total amount of the purchase order to \$115,000.00 for design and construction document engineering services to change the Wastewater Treatment Plant's current chlorine disinfection system to an ultraviolet (UV) disinfection process; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$15,000.00. (Motion ADOPTED.)

#### **WATER SERVICE FITTINGS PURCHASE**

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

WHEREAS, the City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and

WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and

WHEREAS, sealed bids for Bid No. 3834 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 lone 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 Account #591.13.031 – Water Parts Inventory; now therefore

RESOLVED, that a purchase order is hereby authorized to ETNA Supply of Grand Rapids in the amount of \$35,904.80 for inventory purchases of water service fittings; and

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

#### **MANHOLE REHABILITATION – WASTEWATER**

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

WHEREAS, using data collected for the City's Geographic Information System (GIS) implementation, and the Wastewater Department's routine sewer maintenance, staff identified manholes throughout the City that are in need of rehabilitation; and

WHEREAS, staff observed some deterioration of the block and mortar due to age and/or hydrogen sulfide (H<sub>2</sub>S), which is a corrosive acid created from the decomposition of the sewage,

and determined that the manholes could be rehabilitated without the use of excavation and replacement; and

WHEREAS, sealed bids for Bid No. 3831, Manhole Rehabilitation, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the low unit price bid submitted by Advanced Underground Inspections, LLC of Westland, Michigan to be the most cost-effective in providing for the rehabilitation of approximately 75 sanitary manholes; and

WHEREAS, funding for the rehabilitation work is available in the 2016/17 Wastewater Enterprise Fund account #590.9120.97.050 – Capital Outlay Sewer System; now therefore

RESOLVED, that a purchase order is hereby authorized in the amount of \$100,000.00 to Advanced Underground Inspections, LLC, based on bid unit prices for the rehabilitation of approximately 75 sanitary sewer manholes; and

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

### **UNLEADED AND DIESEL FUEL PURCHASE**

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

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the 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 13,394 gallons of E10 ethanol blend unleaded and 12,003 gallons of Winter Blend diesel fuel from Super Flite Oil of Saginaw, Michigan for \$35,539.31 executed by the Senior Procurement Accountant on November 9, 2016, is hereby approved. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:45 p.m.

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Selina Tisdale, City Clerk