

March 13, 2023

A regular meeting of the City Council was held on Monday, March 13, 2023, 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: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Tim Soler, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the regular meeting of February 13 and the special meeting of March 8 were offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED)

MS AWARENESS WEEK 2023

Director of Community Affairs Selina Harris presented information on a proclamation designating the week of March 12-18, 2023 as MS Awareness Week. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating the week of March 12 – 18, 2023 as MS Awareness Week in the City of Midland and recognizing the contributions of the Walk MS Midland event to the National Multiple Sclerosis Society's mission to cure MS while empowering people affected by MS to live their best lives. (Motion ADOPTED)

PLANNED UNIT DEVELOPMENT NO. 19

Director of Planning & Community Development Jacob Kain presented information on Planned Unit Development No. 19. A public hearing opened at 7:38 p.m. hearing no public comments, the public hearing closed at 7:53. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, MNM Health submitted a request for approval of a Detail Plan for Planned Unit Development (PUD) No. 19, a proposed for an assisted living and memory care facility located at 5217 and 5221 Bay City Road; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 24.06(A) of the Zoning Ordinance of the City of Midland on said PUD Detail Plan; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the request, in accord with Section 24.06 of the Zoning Ordinance of the City of Midland; and

WHEREAS, the City Clerk notified property owners and occupants within three hundred (300) feet of the subject properties by transmitting notice on February 17, 2023 and publishing said notice on February 17, 2023 of the proposed public hearing on March 13, 2023; and

WHEREAS, a public hearing was held by the City Council in Council Chambers of City Hall on March 13, 2023 at 7:00 p.m.; now therefore

RESOLVED, that the City Council finds the request for the planned unit development to be in accord with Section 24.06 of the Zoning Ordinance, and hereby approves a Detail Plan for Planned Unit Development No. 19, in accord with documents provided and submitted at the meeting of March 13, 2023. (Motion ADOPTED)

PUBLIC COMMENT

No public comments were made.

PAYMENT IN LIEU OF TAXES – LINCOLN PARK RESIDENCES PHASE II

Director of Planning & Community Development Jacob Kain presented information on the second reading of a Payment in Lieu of Taxes ordinance for a 49-unit development to be known as Lincoln Park Residences Phase II. The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1878

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 2-260.23 AND 2-264.21 AND BY AMENDING SECTION 2-262, ARTICLE XIII OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Section 2-260.23 of Article XIII of Chapter 2 is hereby added to read as follows:

Sec. 2-260.23. Lincoln Park Residences Phase II.

The city acknowledges that Lincoln Park Residences II Limited Dividend Housing Association Limited Partnership (a sponsor, as defined herein) has offered, subject to receipt of financing from the authority, to erect or operate and maintain a housing development identified as Lincoln Park Residences Phase II located on the following described property:

221 E. Patrick Road, Midland, Michigan 48640

And further described as:

Part of the southwest one-quarter of Section 15, T.14N., R.2E, City of Midland, Midland County, Michigan described as: Commencing at the southwest corner of said Section 15; thence N00°41'48"E, along the west line of said Section 15, 34.05 feet to the occupied north right-of-way line of Patrick Road; thence N89°48'52"E, along said north right-of-way line, 572.64 feet to the true point of beginning of the following described parcel of land; thence 89°48'52"E, along said north right-of-way line, 552.06 feet; thence N00°41'10", along the west line of a previously surveyed parcel, 119.50 feet to the north-west corner of said previously surveyed parcel; thence S89°53'03"W, along the north line extended of said previously surveyed parcel, 125.60 feet; thence N00°42'05"E 360.44 feet; thence S89°50'32"W 120.16 feet; thence N00°37'39"E 120.12 feet to the south right-of-way line of Arbury Place; thence S89°50'17"W, along said south right-of-way line, 59.86 feet; thence S00°39'39"W 240.23 feet; thence S89°50'47"W 43.65 feet; thence S00°51'07"W, 210.29 feet; thence S89°52'09"W 201.64 feet; thence S00°50'45"S 150.01 feet back to the point of beginning.

Containing 3.55 acres, more or less, and being subject to restrictions, reservations, easements, zoning, governmental regulations, and matters visible, if any, upon or affecting said parcel.

In the city to serve low income persons, and that Lincoln Park Residences II Limited Dividend Housing Association Limited Partnership has offered to pay the city on account of said housing development an annual service charge for public services in lieu of all taxes.

Section 2. Section 2-262 of Article XIII of Chapter 2 is hereby amended to read as follows:

Sec. 2-262. Class of housing developments.

It is hereby determined that the class of housing developments to which the tax exemption shall apply, and for which a service charge shall be paid in lieu of such taxes, shall be that portion of a development which is for elderly persons or low-income persons and which is financed or assisted pursuant to the act. It is further determined that Grove Street Commons I, Grove Street Commons II, The Village At Joseph's Run,

Granite Club Acres #1, Chippewassee Court Phase I, Chippewassee Court Phase 11, Adams Acres Phase I, 606/608 Hemlock Street, 5004 Tucker Street, 1111 Franklin Street, 4301 Hancock Drive, 310 E. Pine Street, 1414 Lincoln Street, 1417 Mill Street, 2520 Charles Street and 528 Cottonwood Street, Bracken Woods 11 Apartments, Center City Lofts, Lincoln Park Residences, Lincoln Park Residences Phase II, and the elderly portions of Charter Square and Green Hill are of this class.

Section 3. Section 2-264.21 of Article XIII of Chapter 2 is hereby added to read as follows:

SEC. 2-264.21. Establishment of Annual Service Charge For Lincoln Park Residences Phase II.

- (A) *Annual service charge.* The housing development identified as Lincoln Park Residences Phase II and the property on which it is constructed shall be exempt from all property taxes from and after the enactment of the ordinance for which this section derives and for the year subsequent to timely notification of exemption by the Michigan State Housing Development Authority. The city, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of the ordinance from which this section derives and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in the ordinance from which this section derives, and in consideration of the sponsor's offer, subject to receipt of an allocation of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, to erect, operate, and maintain the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to nine (9) percent of the annual shelter rents less utilities. This exemption shall remain in effect so long as the housing development is subject to the affordability restrictions of Section 42 of the Internal Revenue Code of 1986, as amended, but not more than twenty (20) years.
- (B) *Limitation on the payment of annual service charge.* Notwithstanding subsection (a), the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low-income persons shall be equal to the full amount of taxes which would be paid on that portion of the housing development if the housing development were not exempt. However, it is agreed that one hundred (100) percent of the units of the new facility will serve low-income persons.

Section 4. This Ordinance shall take effect upon publication. (Ordinance ADOPTED)

CITY OF MIDLAND SEWER ORDINANCE

Director of Water Reclamation Jared Driscoll presented information on the proposed amendment to Section 28-163 of Division 3 of Article III of Chapter 28 of the Code of Ordinances. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

RESOLVED, that in accordance with Section 6.2 of the Charter of the City of Midland, the attached ordinance amending Article III to Chapter 28 to add a Footing Drain Disconnection Program non-participation surcharge to the Midland Code of Ordinances is given introduction and first reading; and

RESOLVED FURTHER, that the ordinance shall be placed on the agenda for second reading and proposed adoption at the regular City Council meeting scheduled for Monday, March 20, 2023 at 7:00 p.m., in the Council Chambers of City Hall.

****First Reading****

ORDINANCE NO. _____

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, 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>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Metered Service</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
5/8" – 3/4"	\$54.26	\$56.30	\$58.42
1"	\$76.68	\$86.50	\$97.57
1- 1/2"	\$110.84	\$146.85	\$194.55
2"	\$179.21	\$236.23	\$311.40
3"	\$554.45	\$587.91	\$623.38
4"	\$766.33	\$863.91	\$973.92
6"	\$1,243.34	\$1,555.99	\$1,947.26
8"	\$1,838.12	\$2,393.14	\$3,115.73

- (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:

<u>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
\$2.95	\$3.24	\$3.57

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.

- (3) ELIGIBLE PROPERTY OWNERS OR OTHER PERSONS RESPONSIBLE FOR PAYING REGULAR SYSTEM RATES IDENTIFIED AND NOTIFIED UNDER SECTION 28-249 BY THE CITY MANAGER OR ITS DESIGNEE WHO FAIL TO DISCONNECT ALL FOOTING DRAIN STORMWATER INFLOW CONNECTIONS IN THE TIMELINE OUTLINED IN SECTION 28-249, SHALL BE SUBJECT TO AN OPT-OUT CHARGE OF \$96.38 PER MONTH.
- (4) THE OPT-OUT CHARGE PROVIDED FOR IN SECTION (3) SHALL BE DISCONTINUED UPON VERIFICATION BY THE CITY THAT ALL FOOTING DRAIN STORMWATER INFLOW CONNECTIONS HAVE BEEN DISCONNECTED IN COMPLIANCE WITH ALL APPLICABLE CITY STANDARDS.

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

PURCHASE LAW ENFORCEMENT EQUIPMENT

Chief of Police Nicole Ford presented information on the purchase of law enforcement equipment. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Axon Enterprise, Inc. is a Sourcewell-approved vendor for body-worn cameras, TASER conducted energy weapons, and in-car camera systems; and
WHEREAS, staff has reviewed a further refined independent quote received from Axon Enterprise, Inc. of Scottsdale, AZ, and determined it to be competitive, acceptable and in the best interest of the City; and
WHEREAS City staff recommends awarding a contract for the purchase of body-worn cameras, TASER conducted energy weapons, in-car cameras, and related equipment and software to Axon Enterprise, Inc.; and
WHEREAS, adequate funds are available in the 2022/23 City Manager's contingency budget to meet the current budget year's obligations; now therefore
RESOLVED, the Mayor and the City Clerk are authorized to execute a five (5) year agreement, after review and approval by the City Attorney, and annual purchase orders in accordance with said agreement to Axon Enterprise, Inc. of Scottsdale, AZ, for an amount not to exceed of \$618,554.55; and
RESOLVED FURTHER, that City Council directs the City Manager to adequately budget for future years' obligations under the terms of this contract. (Motion ADOPTED)

BUDGET TRANSFER

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

WHEREAS, Axon Enterprise, Inc. is a Sourcewell-approved vendor for body-worn cameras, TASER conducted energy weapons, and in-car camera systems; and
WHEREAS, Midland City Council has authorized the execution of a five (5) year agreement and annual purchase orders in accordance with said agreement to Axon Enterprise, Inc. of Scottsdale, AZ, for an amount not to exceed of \$618,554.55; and; and
WHEREAS, funds for said agreement are currently available in the 2022/23 City Manager's contingency budget to meet the current budget year's obligations of \$63,588.16; and
WHEREAS, a transfer of said funds to the Police Department budget is required to meet the current year's obligations under the agreement; and
WHEREAS, the amount of \$63,588.16 is beyond the City Manager's financial limit to transfer and requires City Council approval; now therefore
RESOLVED, that City Council hereby approves a budget transfer from the General Fund City Manager's Contingency Fund to the Police Department budget in the amount of \$63,588.16 for the purpose of contract and purchase payment to Axon Enterprise, Inc. of Scottsdale, AZ in accordance with the authorized five (5) year agreement. (Motion ADOPTED)

2023-2028 CAPITAL IMPROVEMENT PLAN

Director of Planning & Community Development Jacob Kain presented information on the 2023-2028 Capital Improvement Plan. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Mayor Donker:

WHEREAS, Section 65 of the Michigan Planning Enabling Act requires that the City of Midland Planning Commission prepare a Capital Improvement Plan (CIP) to further the desirable development of the city; and

WHEREAS, a comprehensive listing of capital projects was presented to the Planning Commission for review on February 14, 2023; and

WHEREAS, the Planning Commission has reviewed the list of capital projects presented and concluded that all necessary projects are included in the project list; and

WHEREAS, a public hearing was held on February 28, 2023 following which the Planning Commission unanimously recommended approval of the CIP; and

WHEREAS, City Council review and adoption of the CIP is now required; and

WHEREAS, City Council has reviewed the proposed construction project list in the CIP and associated documents; now therefore

RESOLVED, that the City Council hereby adopts the City of Midland 2023-2028 Capital Improvement Plan; and

RESOLVED FURTHER, that City Council hereby approves said proposed construction projects listed for 2023-24 and directs the City Administration to include funding requests for the proposed projects in the 2023-24 budget. (Motion ADOPTED)

2022 PLANNING COMMISSION ANNUAL REPORT

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

WHEREAS, in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, the City Planning Commission has documented the activity the body handled during the 2022 calendar year in an annual report; and

WHEREAS, the annual report has been submitted to City Council; now therefore

RESOLVED, that City Council receives and files the 2022 Planning Commission Annual Report. (Motion ADOPTED)

STREET VACATION OF E. PINE STREET

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

WHEREAS, Midland City Council, acting upon the request of Daniel and Jamie Broderick for vacation of E. Pine Street, referred the matter to the Midland City Planning Commission and affected departments for report and recommendation; and

WHEREAS, a report has been received from the Midland City Planning Commission recommending vacation of E. Pine Street subject to seven contingencies; and

WHEREAS, responses from each of the affected City Departments have been received indicating no objection to the vacation request subject to seven contingencies; now therefore

RESOLVED, that the Midland City Council deems it advisable to consider the vacation of E. Pine Street; and

RESOLVED FURTHER, that April 10, 2023, at 7:00 p.m., is hereby appointed as the date and time the Midland City Council shall meet in the Council Chambers of City Hall in the City of Midland for the purpose of hearing any objections, suggestions, or recommendations concerning the vacation of said street, and that the City Clerk shall give notice of such hearing by causing a notice thereof, with a copy of this resolution, to be published in the Midland Daily News once each week for not less than three (3) weeks before the time appointed for such hearing with advertising dates on March 17, March 24, and March 31, 2023; and

RESOLVED FURTHER, that the City Clerk shall cause a copy of such notice and resolution to be sent by certified mail to each owner of property abutting the property proposed to be vacated, or whole access to their property would be prohibited thereby; and
RESOLVED FURTHER, that objections to such proposed action of the Council may be filed with the Clerk, in writing, at any time prior to the opening of the public hearing. (Motion ADOPTED)

FEBRUARY 27, 2023 CANCELLED CITY COUNCIL MEETING REPORT

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

WHEREAS, the City Council meeting scheduled for February 27, 2023 was cancelled due to inclement weather; and

WHEREAS, items for consideration on the agenda for the February 27, 2023 meeting will be considered at the meeting scheduled for March 13, 2023 with the exception of three public hearings; and

WHEREAS, due to posting requirements, the three public hearings included on the agenda for February 27, 2023 will be held on March 20, 2023.

RESOLVED, that City Council hereby receives and files the Assistant City Manager's report on cancellation of the February 27, 2023 Council meeting and rescheduling of public hearings for March 20, 2023. (Motion ADOPTED)

RULES AND REGULATIONS FOR DISPOSAL OF REFUSE

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

RESOLVED, that the Rules and Regulations for Disposal of Refuse adopted February 5, 1973 pursuant to Chapter 10 Section 10-5 of the Code of Ordinances are hereby revised as recommended by the Department of Public Services staff and issued by the City Manager. (Motion ADOPTED)

ANNUAL APPLICATION FOR DIAL-A-RIDE STATE FUNDING

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

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 2024 and, therefore, it is necessary to apply for state financial assistance under the 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 \$2,732,949 for Dial-A-Ride operations in FY2024 with the intent to apply for an estimated \$985,188 in state operating assistance and capital preventive maintenance funds, and an estimated \$1,046,798 in federal operating assistance and capital preventive maintenance funds, with the remaining revenues coming from an estimated \$120,000 from fare box fees, an estimated \$9,000 from the sale of surplus buses, an estimated \$16,370 in federal

5303 planning funds and an estimated \$555,593 in local general fund support to balance the budget for the State's FY2024; now therefore

RESOLVED, that the City Manager is hereby named as Transportation Coordinator 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 for FY2024; 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)

JACK BARSTOW MUNICIPAL AIRPORT RULES & REGULATIONS

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

RESOLVED, that City Council hereby adopts the 2023 Jack Barstow Municipal Airport Rules & Regulations as recommended by the Aviation Advisory Council and directs the City Clerk to publish the Rules & Regulations in accordance with Chapter 4 of the Code of Ordinances. (Motion ADOPTED)

SPECIAL EVENT – DIA DE MUERTOS

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

RESOLVED, that the request from Natasha Maxwell, an art teacher at Academic Career Education Academy, to set up a public art display of hand created sculptures by her students near the Tridge in celebration of Dia de Muertos from October 29 – November 1, 2023.

The Administrative Staff has reviewed the request and recommends approval subject to the following conditions:

- The responsible party and contact number for the event date is Natasha Maxwell, (989) 259-2156.
- Organizers must be aware that it is a nonexclusive space and risk vandalism. Organizers are encouraged to find their own security throughout the event.
- The City of Midland does not insure or attest to the artwork safety; therefore, the City of Midland is not responsible and will be held harmless for any and all damages.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED)

SPECIAL EVENT – BAILEE'S BOOTACULAR 5K

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

RESOLVED, that the request from Kim Kaleto on behalf of the Bailee Mantei Foundation to conduct the Bailee's BOOtacular 5K on October 21, 2023 with road closures and the use of the previous Farmers Market Circle and Tridge area. The Administrative Staff has reviewed the request and recommends approval subject to the following conditions:

- The responsible party and contact number for the event date is Kim Kaleto (989) 878-3316.

- The Engineering Department will write the Traffic Control Order.
- The Department of Public Services will provide barricades per Engineering's Traffic Control Order. There may be fees assessed for traffic control. DPS will reach out to the event organizer in advance if fees will be implemented.
- The Department of Public Services has tentatively reserved trash cans for this event. Please contact Melissa Farley (mfarley@midland-mi.org) to finalize and pay for the rental.
- The restrooms at the old farmer's market area will be open at this time. The Department of Public Services will ensure they are cleaned and stocked for this event.
- The Police Department suggests utilizing cones along the edge of the roadway on St. Charles to provide extra visibility.
- Provide a certificate of insurance for general liability coverage in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as certificate holder and additional insured with the event specified on the certificate. The certificate must be submitted to Renee Smith, Downtown Events Coordinator, one month prior to the event – rsmith@midland-mi.org.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED)

TRAFFIC CONTROL ORDER P-23-01

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

RESOLVED, that Traffic Control Order No. P-23-01 filed January 12, 2023 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That "No Parking 8 AM to 4 PM School Days" parking restrictions be posted on the east (northbound) side of Carolina Street between Eastlawn Drive and Haley Street. Further, that existing parking restrictions on the west (southbound) side of Carolina Street between Eastlawn Drive and Haley Street be removed.

Further, should this traffic control order become permanent, that previous Traffic Control Orders for parking restrictions along this segment be rescinded.

is hereby made permanent. (Motion ADOPTED)

TRAFFIC CONTROL ORDER S-22-03

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

RESOLVED, that Traffic Control Order No. S-22-03 filed December 30, 2022 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That a Stop sign (R1-1) be installed for the following locations:

- Northbound Red Tail Lane at the intersection with Falcon Way
- Southbound Falcon Way at the intersection with Hawks Nest Drive

Further, should this traffic control order become permanent, that previous Traffic Control Orders for stop control at these intersections be rescinded.

is hereby made permanent. (Motion ADOPTED)

SUGNET ROAD BRIDGE FUNDING

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

WHEREAS, the Sugnet Rd. culvert and bridge over Sturgeon Creek was inspected in 2022 as required, and was found to be in poor condition with many deficiencies and in need of repair; and

WHEREAS, the structure was recommended for replacement through the City's Bridge Asset Management Plan; and

WHEREAS, MDOT Local Bridge Program funding application requires a Council resolution stating support for the project and application; now therefore

RESOLVED, that the City Council recognizes the need for the replacement of the Structure (STR) 7011 bridge and for the application for funding for this work; and

RESOLVED FURTHER, that the City Council formally supports the submittal of STR 7011 to MDOT for consideration for Local Bridge Program funding for the 2026 fiscal year. (Motion ADOPTED)

MIDLAND COUNTY EMERGENCY OPERATIONS – BASIC PLAN

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

WHEREAS, Section 35-3 of the Code of Ordinances of the City of Midland designates the Midland County Emergency Operations Plan as the City's emergency operations plan; and WHEREAS, Section 35-8 of the Code of Ordinances requires the City Manager to review the effectiveness of the Midland County Emergency Operations Plan at least once every four years; and

WHEREAS, the Emergency Management Act (Public Act 390 of 1976, as amended) requires each county and every city over 25,000 in population to re-certify the emergency operations plan at least every four years; and

WHEREAS, the Midland County Emergency Services Director has requested that the City of Midland re-certify the County of Midland / City of Midland Emergency Operations Plan; now therefore

RESOLVED, that the City Council hereby approves the Basic Plan to the Midland County Emergency Operations Plan as submitted and authorizes and directs the City Manager to certify said plan by his signature. (Motion ADOPTED)

BID 4299 – CHEMICAL FEED MOTOR CONTROL CENTER

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

WHEREAS, the State of Michigan Department of Environment, Great Lakes and Energy National Pollution discharge Elimination System Permit requires the City's Water Reclamation Facility to produce a required level of water quality prior to being discharged back into the water environment; and

WHEREAS, one of the processes to achieve this is the chemical feed process that is controlled through a Motor Control Center (MCC); and

WHEREAS, the current MCC is approximately 50 years old and is now obsolete; and

WHEREAS, sealed bids for Bid No. 4299 Chemical Feed Motor Control Center were received and opened on January 24, 2023; and

WHEREAS, staff has determined that the low bid submitted by Medler Electric of Midland in the amount of \$47,514.00 meets City specifications; and

WHEREAS, funding has been budgeted for this purpose in the 2022/23 Water Reclamation Enterprise Fund - Capital Budget for this purchase; now therefore

RESOLVED, that a purchase order is hereby authorized to Medler Electric in the amount of \$47,514.00 for the Chemical Feed Motor Control Center, in accordance with Section 2-17 of the Code of Ordinances; and
RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders modifying the purchase order in an aggregate amount not to exceed \$5,000. (Motion ADOPTED)

PURCHASE INTERMEDIATE PUMP HOUSE – WATER RECLAMATION

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

WHEREAS, The Intermediate Pump House at the Water Reclamation Facility was constructed in 1962, and consists of eight pumps, running on variable frequency drives that have been in service for over 30 years; and
WHEREAS, staff has replaced six of eight and intends to replace all eight pumps by 2024; and
WHEREAS, City Council approved the issuance of a purchase order to Kennedy Industries, Inc. for the first six pumps; and
WHEREAS, installation of identical pumps allows the City to stock one type of repair parts and assists staff in the familiarity of the equipment as they will be installing and maintaining it; and
WHEREAS, Kennedy Industries is the sole provider of Flygt pumps in Michigan; and
WHEREAS, funding has been budgeted for this purpose in the 2022/23 Water Reclamation Enterprise Fund - Capital Budget for this purchase; now therefore
RESOLVED, that City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-17 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$47,415.00 be issued to Kennedy Industries, Inc., of Wixom, for one Flygt model 3202 dry pit submersible pump rated at 35 horsepower with a duty point of 2,200 gpm at 35' head pressure. (Motion ADOPTED)

BID 4290 – JULY 4 FIREWORKS DISPLAY

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the Annual July 4 Fireworks Display on Bid No. 4290 dated December 20, 2022 for a three-year contract; and
WHEREAS, the FY2022/23 proposed General Fund budget has adequate funds included to cover the cost of the 2023 fireworks display contingent upon appropriation, with City Council scheduled to approve the proposed budget at their May 22, 2023 meeting; now therefore
RESOLVED, that the bid meeting City specifications submitted by Wolverine Fireworks Display, Inc. of Kawkawlin, Michigan is hereby accepted; and
RESOLVED FURTHER, that the City Council approves a three-year contract to Wolverine per Section 2-18 of the City's Code of Ordinances, and authorizes for the Mayor and City Clerk to execute the contract after review by the City Attorney. (Motion ADOPTED)

EMERGENCY REPAIR OF SANITARY SEWER STRUCTURE – LANDFILL

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

WHEREAS, the City of Midland Landfill discharges a waste liquid called leachate into the sanitary sewer system for eventual treatment at the City's Water Reclamation facility; and

WHEREAS, in late December, a sewer backup was identified which required an emergent replacement of a manhole structure more than 20' deep adjacent to the Landfill roadway; and WHEREAS, after evaluating solution options staff ultimately hired the City's emergency sewer repair contractor, Johnston Contracting, Inc. of Midland, to perform the excavation and manhole replacement; and

WHEREAS, Johnston completed the work expeditiously and well below the not-to-exceed estimate of \$50,000; and

WHEREAS, funding is available for this repair in the FY 2023-24 Landfill Enterprise Fund's operating budget; now therefore

RESOLVED, that in accord with Section 2-17 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical due to the emergency nature of the repair, and authorization be given for the Accounting Manager to issue a purchase order after-the-fact in the amount of \$34,724 to Johnston Contracting, Inc. of Midland, Michigan for repairs already completed. (Motion ADOPTED)

PURCHASE EQUIPMENT FLUIDS – LANDFILL

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

WHEREAS, the City of Midland Landfill uses several equipment fluids throughout its operation, most significantly Caterpillar gas-to-energy (GTE) engine oil and coolant; and

WHEREAS, consistent use of the same oil is beneficial for landfill gas engines, and Chevron HDAX oil sold through the local vendor Northern Energy of Gaylord, Michigan has been more affordable and performed better than previous products; and

WHEREAS, at the start of FY 2022-23, staff administratively authorized a blanket purchase order to Northern Energy in the amount of \$29,500 for equipment fluids; and

WHEREAS, due to the nature of blanket purchase orders, buying small volumes of other products from the same vendor in addition to routine large GTE purchases led to a need to increase the purchase order beyond the administrative approval level; and

WHEREAS, funding is included for equipment fluids in the FY 2022-23 Landfill Enterprise Fund's operating budget; now therefore

RESOLVED, that in accord with Section 2-17 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, due to the need to run a consistent oil product, and a purchase order increase of \$10,500 is authorized to Northern Energy of Gaylord, Michigan, bringing the blanket purchase order to a total amount of \$40,000 for equipment fluids for the balance of FY 2022-23. (Motion ADOPTED)

CONTRACT EXTENSION PHASE II OF THE POSEYVILLE RIVERFRONT RESTORATION PROJECT

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

WHEREAS, City Council approved a contract with the Fisher Contracting Company of Midland, Michigan in June 2022 for the Poseyville Park Riverfront Restoration project with firm pricing for Phase I of the project and a pricing model for additional phases as mutually agreed upon by the City and the contractor; and

WHEREAS, Fisher Contracting has provided a contract extension to the City not to exceed \$500,000 for Phase II of work to be completed based on the terms and markup agreed upon in the original contract; and

WHEREAS, there are adequate funds available in the project fund at the Midland Area Community Foundation to move forward with Phase II of the project; now therefore

RESOLVED, that City Council authorizes the City Attorney to prepare an amendment to the contract to be executed by the Mayor and City Clerk for Fisher Contracting Company's Phase II contract extension in an amount not to exceed \$500,000 for continued construction on the Poseyville Park Riverfront Restoration project; and
RESOLVED FURTHER, that the City Manager is authorized to approve change orders to the contract extension not to exceed \$50,000 for any unanticipated issues that may arise during this phase of the construction. (Motion ADOPTED)

ADDITIONAL AUDIT COSTS FY2021-22

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

WHEREAS, the City contracts with Yeo and Yeo, P.C. to perform its annual financial and compliance audits, for which the agreed upon cost for the agreed upon scope of work for the June 30, 2022 audits was \$55,500; and
WHEREAS, it is common for some additional services to be required during these audits, the costs normally less than \$5,000, which do not require additional City Council approval; and
WHEREAS, additional charges in excess of \$5,000 require City Council approval; and
WHEREAS, on January 23, 2023 City Council authorized the payment of \$33,200 of additional fees for extra work performed related to the June 30, 2022 financial and compliance audits; and
WHEREAS, the City has received the final billing from Yeo and Yeo, PC related to the June 30, 2022 financial and compliance audits, in the amount of \$2,000, requiring additional authorization from City Council to pay; now therefore,
RESOLVED, that City Council hereby approves total additional expenditures in relation to the financial and compliance audits for the fiscal year that ended June 30, 2022 in the amount of \$2,000. (Motion ADOPTED)

PURCHASE RESCUE TOOLS

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

WHEREAS, on December 30, 2022 a quote was received for the purchase of Hurst eDraulic extrication equipment for the fire department; and
WHEREAS, The Midland Fire Department did extensive testing of multiple battery operated rescue tools and determined that the Hurst Jaws of Life eDRAULIC tools were the best fit for their operations; and
WHEREAS, The MacQueen Emergency Group is the only authorized Hurst Jaws of Life dealer whose sales territory for Hurst eDraulic rescue equipment includes the City of Midland; and
WHEREAS, the quote submitted is within budget for purchasing the specified equipment and that funds are available in the current FY23 budget; now therefore
RESOLVED, that in accord with Section 2-17 of the Code of Ordinances, the requirement for sealed proposals is hereby waived, and the Purchasing Agent is authorized to issue a purchase order in the amount of \$34,000 to The MacQueen Emergency Group for the purchase of the Hurst eDraulic extrication equipment. (Motion ADOPTED)

SET A PUBLIC HEARING TO APPROVE CONDITIONAL USE PERMIT NO. 82

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

WHEREAS, Midland's Open Door submitted a request for a conditional land use to permit transitional housing located at 1610 W. Carpenter Street; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on January 25, 2023 and publishing said notice on January 28, 2023 of the public hearing on February 14, 2023; 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 to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore RESOLVED, that a public hearing will be held by the City Council on April 10, 2023, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a Conditional Use Permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before March 17, 2023 and to publish said notice by March 17, 2023. (Motion ADOPTED)

Being no further business the meeting adjourned at 10:53 p.m.

Lacey Todd, City Clerk