

January 24, 2022

A regular meeting of the City Council was held on Monday, January 24, 2022, 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, Pamela Hall

Councilmen absent: Marty Wazbinski

NOTE: MAYOR DONKER REMOVED AGENDA ITEMS #6 FROM THE AGENDA DUE TO THE ABSENCE OF COUNCILMAN WAZBINSKI AND CITY MANAGER BRAD KAYE. THE MINUTES WERE TRANSCRIBED IN THE ORDER THE ITEMS WERE ORIGINALLY PLACED ON THE AGENDA, BUT WITHOUT THE ITEMS LISTED ON THE AGENDA WHICH WERE NOT ACTUALLY PRESENTED FOR CONSIDERATION.

MINUTES

Approval of the minutes of the January 8, 2022 special meeting and the January 10, 2021 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Hall. (Motion ADOPTED.)

MICHIGAN STRATEGIC FUND DESIGNATED RENAISSANCE ZONE AND PAYMENT IN LIEU OF TAX AGREEMENTS FOR DOW I-PARK PROPERTIES

City Assessor, Kayla Ripley presented information on the request to establish a Michigan Strategic Fund Designated Renaissance Zone and Payment in Lieu of Taxes agreement. A public hearing opened at 7:15 p.m. Paul Barbeau and Jamie Sneed, Dow Chemical, John McGown, 2502 Jamestown Dr., Tony Stamas and Nicole Wilson, Midland Business Alliance, and Sharon Mortensen, Midland Area Community Foundation commented on the request. The public hearing closed at 7:29 p.m. The following resolution was offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, the City of Midland desires to expand economic activity and increase employment within the community; and

WHEREAS, the City of Midland is committed to the economic growth and well-being of its residents; and

WHEREAS, The Dow Chemical Company and Dow Silicones Corporation, has requested designation of a Michigan Strategic Fund Renaissance Zone within the City of Midland; and

WHEREAS, the designation of a Michigan Strategic Fund Renaissance Zone will increase economic development, expand business opportunities and retain employment opportunities in the City of Midland and surrounding communities for years to come; and

WHEREAS, The Dow Chemical Company and Dow Silicones Corporation estimates that they will invest at least \$150,000,000 in new construction and renovations within the City of Midland by December 31, 2027, and retain 800 employees; and

WHEREAS, the City of Midland wishes to establish the boundaries of the Michigan Strategic Fund Renaissance Zone to include the properties owned by The Dow Chemical Company and Dow Silicones as described in the property description(s) attached hereto as Attachment A; and

WHEREAS, should the area be designated as a Michigan Strategic Fund Renaissance Zone, property will be exempt from taxes including those levied by the City of Midland, the County of Midland and other local units of government as provided under the Michigan Renaissance Zone Act, Public act 376 of 1996, as amended; and

WHEREAS, Section 12 of the Act requires the State of Michigan to reimburse intermediate school districts, community college districts, public libraries, and the school aid fund for all revenues lost as the result of establishment of renaissance zones; and

WHEREAS, The Dow Chemical Company and Dow Silicones Corporation has agreed to execute a Local Development Agreement and payment in lieu of tax agreement with the City of Midland entailing the above said commitments, subject to approval by the City Attorney and the City Manager; and now therefore

RESOLVED, that the Midland City Council, in accordance with Public Act 376 of 1996, as amended, approves a Michigan Strategic Fund Renaissance Zone for The Dow Chemical Company and Dow Silicones to include the parcels and land as described in attached hereto as Attachment A and consents to the exemption of all taxes levied against all property located within the Renaissance Zone boundaries for 15 years beginning January 1, 2027 through December 31, 2041; and

RESOLVED FURTHER, that the City Administration is authorized to submit an application for creating a Michigan Strategic Fund designated Renaissance Zone to the Michigan Strategic Fund; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized and directed to execute the appropriate Local Development Agreement and payment in lieu of tax agreement subject to review and approval by the City Attorney and City Manager. (Motion ADOPTED.)

WASHINGTON WOODS BUDGET AMENDMENT AND PURCHASE ORDER

Director of Planning & Community Development, Grant Murschel presented regarding the proposed amendment and purchase. A public hearing opened at 7:41 p.m. and hearing no public comments, the public hearing closed at 7:42 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, the east side chiller at Washington Woods is over 30 years old and is currently being kept in service by emergency repairs and stopgap measures; and

WHEREAS, Washington Woods has been awarded generous grants and recognized by City Council from the CDBG-CV fund, the Hemlock Semiconductor Community and Regional Empowerment (CARE) Fund, the Midland Area Community Foundation and the Alden and Vada Dow Family Foundation to assist in the replacement of the east side chiller; and

WHEREAS, it is necessary to amend the FY 2021-22 Washington Woods budget to include additional funds from the Washington Woods working capital to complete the project; and

WHEREAS, that in accord with Section 11.6 of the Charter of the City of Midland, after having given proper legal notice and having conducted a public hearing on Monday, January 24, 2022, on the proposal to amend the FY 2021-22 Washington Woods budget for the purpose of replacing the east end chiller; now therefore

RESOLVED, that the FY 2021-22 Washington Woods budget is hereby amended to increase revenues and expenditures by \$112,000 for the purpose of increasing the FY 2021-22 Washington Woods budget and authorizing expenditure thereof. (Motion ADOPTED.)

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

WHEREAS, the east side chiller at Washington Woods is over 30 years old and is currently being kept in service by emergency repairs and stopgap measures; and

WHEREAS, Washington Woods has been awarded generous grants and recognized by City Council from the CDBG-CV fund, the Hemlock Semiconductor Community and Regional Empowerment (CARE) Fund, the Midland Area Community Foundation and the Alden and Vada Dow Family Foundation to assist in the replacement of the east side chiller; and

WHEREAS, the FY 2021-22 Washington Woods budget has been amended to include additional funds from the Washington Woods working capital to complete the project; and

WHEREAS, on December 14, 2021 sealed proposals were opened for the project and W. Soule of Saginaw, Michigan was the lowest bidder; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order in the amount of \$470,000 to W. Soule of Saginaw, Michigan in accord with this resolution and City of Midland specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$47,000 (10%); and

RESOLVED FURTHER, that the City Manager is authorized to execute any associated documents in accordance with the proposal and City of Midland specifications once prepared and/or approved by the City Attorney. (Motion ADOPTED.)

PUBLIC COMMENT

Donald Medema, 4621 Forestview Dr. commented regarding the proposed sewer ordinance amendments, John McGown, 2502 Jamestown Dr. commented regarding the proposed sewer ordinance amendments.

RECREATION FEE ORDINANCES

Director of Public Services Karen Murphy presented information on the two proposed ordinances to amend fees for various recreation offerings. The following resolutions and ordinances were then offered by Councilman Arnosky and seconded by Councilman Hall:

RESOLVED, that in accordance with Section 6.2 of the Charter of the City of Midland, the attached ordinances amending the Recreation and Swimming fees found in Section 21-73 of Division 4 of Article II of Chapter 21 and Section 21-72 of Division 3 of Article II of Chapter 21 of the Midland Code of Ordinances are given second reading and adoption. (Motion ADOPTED.)

ORDINANCE NO. 1852

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-73 OF DIVISION 4 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-73 of Division 4 of Article II of Chapter 21 is amended to read as follows:

Sec. 21-73. General recreation fees

(1)	Adult softball player	\$ 35.00	per player
(2)	Adult softball player (2 nd team)	\$ 35.00	per player
(3)	Adult softball player - Fall League	\$ 25.00	per player
(4)	Each softball team in individual tournaments – Fee set on per event basis in conjunction with Midland Softball Association		per event
(5)	Youth softball player	\$ 14.00	per player
(6)	Beach volleyball		
	2 Person Team	\$ 70.00	per team
	4 Person Team	\$140.00	per team
	6 Person Team	\$200.00	per team
(7)	Adult kickball (10 player minimum per team)		
	Recreation League	\$ 30.00	per player
	Competitive League	\$ 35.00	per player
(8)	Ski rental (rental 2 hours or part thereof)		
	Classic skis	\$ 10.00	per rental
	Skate skis	\$ 15.00	per rental

(9)	Toboggan rental (per hour two-hour maximum)	\$ 10.00	per hour
(10)	Skate and sled rental	\$ 5.00	per two hours
(11)	Snow shoe rental	\$ 10.00	per two hours
(12)	City Forest winter packages		
	Warming House package	\$ 175.00	for two hours
		\$ 100.00	per each additional hour
	Winter Fun package	\$ 275.00	for two hours
		\$ 125.00	per each additional hour
	Toboggan Adventure package	\$ 375.00	for two hours
		\$ 175.00	per each additional hour
	Clean up if needed	\$ 100.00	per occurrence
(13)	Chalet building rental (2 hour minimum)	\$ 50.00	per hour
	Chalet Rental Cancellation Deposit	\$ 50.00	per occurrence
(14)	Ball field rental – private tournament		
	Tournament field deposit –	\$ 75.00	per event
		or full fee,	
		whichever	
		is less	
	2 hour rental	\$ 50.00	per field
	4 hour rental	\$ 75.00	per field
	Full day rental	\$ 125.00	per field
	Daily complex – New Redcoats fields 9-13	\$ 450.00	per complex
	Daily complex – Old Redcoats fields 4-8	\$ 400.00	per complex
	Daily complex – Emerson fields 1-3	\$ 250.00	per complex
	Daily complex – Optimist fields	\$ 350.00	per complex
	Clean up fee if needed	\$ 200.00	per occurrence
(15)	Ball diamond lights – private tournament use	\$ 25.00	per hour
(16)*	Ball diamond grooming/maintenance – private tournament	\$ 25.00	per grooming
(17)*	Ball diamond grooming/maintenance – private tournament – Overtime	\$ 75.00	per hour
(18)*	Ball diamond grooming/maintenance – private tournament - Double time	\$ 100.00	per hour
(19)**	Picnic shelter reservations		
	Emerson C, Emerson E	\$ 40.00	per use
	Plymouth F(south), F(north), G, H	\$ 40.00	per use
	Barstow Woods A	\$ 40.00	per use
	Stratford Woods J	\$ 40.00	per use
	Chippewassee B	\$ 40.00	per use
	Emerson D	\$ 60.00	per use
	Plymouth F (entire shelter)	\$ 70.00	per use
	Unsheltered areas	\$ 30.00	per use
	Addition of a canopy	\$ 25.00	per request
(20)	Band shell reservation	\$ 80.00	per use
(21)	Delivery of bleachers	\$ 20.00	per section
(22)	Delivery of portable grill	\$ 10.00	per use

(23)***	City stage rental – for community events only	
	Non-profit group inside city limits	\$ 125.00 per use
	For profit group inside city limits	\$ 275.00 per use
	Non-profit group outside city limits	\$ 200.00 per use
	For profit group outside city limits	\$ 475.00 per use
(24)	Metal event fencing rental – for community non-profit events only	\$ 100.00 per trailer \$ 20.00 for 5 sections \$ 30.00 cleaning fee
(25)	Delivery of picnic tables (up to 5 tables) – Fee is non-refundable. For community events only.	\$ 40.00 per use
	Additional tables (if available up to maximum of 10 tables) – fee is non-refundable	\$ 8.00 per table
(26)	Trash receptacles – up to 10 receptacles delivered to non-park locations for community events only	\$ 20.00 per use
(27)	Community Garden Plot	\$ 35.00 per season

*Note: Fees for private tournament ball field maintenance effective starting with the 2010 softball season. All field rentals include initial field preparation (grooming and chalk lines). For private tournaments requesting special amenities or enhanced field maintenance, the director of public services may charge additional fees on a special recreation event basis to cover costs incurred.

**Note: Fees paid for shelter reservations are non-refundable.

Exceptions to (21) Picnic shelter reservation fees are as follows:

- a) Donors of shelters shall be allowed one rent free use per year in the respective donated structure.
- b) Daytime reservations which begin after 8:00 a.m. and end before 3:00 p.m. Monday – Friday from April 15 – June 30 are exempt from fees.

***Note: Stage rental is intended for community events held with the City limits or Midland County only. Stage rental fees are non-refundable.

****Note: The director of public services is authorized with the approval of the city manager to implement rates for special recreation events according to the recreation fee philosophy to recover programming costs for such offerings.

Section 2. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

RESOLVED, that in accordance with Section 6.2 of the Charter of the City of Midland, the attached ordinances amending the Recreation and Swimming fees found in Section 21-73 of Division 4 of Article II of Chapter 21 and Section 21-72 of Division 3 of Article II of Chapter 21 of the Midland Code of Ordinances are given second reading and adoption. (Motion ADOPTED.)

ORDINANCE NO. 1853

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-72 OF DIVISION 3 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-72 of Division 3 of Article II of Chapter 21 is amended to read as follows:

Sec. 21-72. Swimming pool fees

The fees for use of the city's swimming pools are as follows:

- (1) Public Swimming – Adult \$ 6.00 per session

	Public Swimming – Youth & Senior	\$ 5.00	per session
(2)	Limited Pass – 15 Admissions, Adult	\$ 60.00	per pass
	Limited Pass – 15 Admissions, Youth	\$ 45.00	per pass
(3)*	Swimming Lessons	\$ 45.00	per session
(4)	Individual Swim Pass, unlimited use – Adult	\$ 90.00	per pass
	Individual Swim Pass, unlimited use – Youth	\$ 75.00	per pass
(5)	Family Swim Pass – 2 members	\$ 130.00	per pass
(6)	Family Swim Pass – each additional member	\$ 45.00	per member
(7)	Family Swim Pass – maximum per family	\$ 220.00	per pass
(8)	Competitive Swim Pool Rental	\$ 65.00	per hour
(9)	Aquasize – per session	\$ 25.00	per session
(10)	Aquasize – daily drop-in	\$ 5.00	per day
(11)	Large Group Fee (for groups of 25 or more)	Use Limited Pass Rate	per session
(12)	Midland Dolphins season contract: The director of public services is authorized with the approval of the city manager to enter into a cost recovery agreement with the Midland Dolphins consistent with the recreation fee philosophy for use of Plymouth Pool. The agreement will be reviewed and adjusted annually as needed.		

* THERE SHALL BE A \$10.00 SERVICE FEE FOR REFUNDS.

Section 2. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

WARD AND PRECINCT BOUNDARIES AND CITY POLLING LOCATIONS

Erica Armstrong, City Clerk, presented information regarding the second reading and adoption of the ordinances that would establish new ward and precinct boundary lines to conform to the 2020 Census of the United States and provided information regarding polling locations for the proposed precincts.

WARD BOUNDARIES ORDINANCE

The following ordinance was then offered by Councilman Arnosky and seconded by Councilman Hall:

ORDINANCE NO. 1854

AN ORDINANCE TO ESTABLISH THE WARD BOUNDARIES OF THE FIVE (5) WARDS IN THE CITY OF MIDLAND TO CONFORM TO THE 2020 DECENNIAL CENSUS OF THE UNITED STATES AND PUBLIC ACT 182 OF THE PUBLIC ACTS OF 1966 (MSA 117.27A). STATE OF MICHIGAN.

The City of Midland Ordains:

Section 1. The First Ward

The ward boundaries of the First Ward are established as follows:

Beginning at the intersection of Jefferson Ave. and Eastlawn Dr., thence east on Eastlawn Dr. to Washington St., thence north on Washington St. to Wyllys St., then east on Wyllys St. to Swede Ave., thence north on Swede Ave. to E. Ashman St., thence east on E. Ashman St. to Waldo Ave., thence north on Waldo Ave. to E. Wheeler St. (south of US10), thence following the city limits north and easterly to the eastern city limits on Mid-Bay County Line Rd. (Rockwell Dr.), thence south on Mid-Bay County Line Rd. (Rockwell Dr.) following the eastern city limits with its various jogs, including those portions of the City of Midland in Bay County to the intersection of Mid-Bay County Line Rd. (Rockwell Dr.) and Bailey Bridge Rd., thence starting west following the city limits with its various jogs to the west line of the M.C.V. Cooling Pond, thence continuing to following the city limits north and east to the Tittabawassee River, thence following the Tittabawassee River south and east to Salzburg St. if extended west, thence east on Salzburg St. to Waldo Ave., thence north on Waldo Ave. to E. Patrick Rd., thence west on E. Patrick Rd.

to Jefferson Ave., thence north on Jefferson Ave. to Eastlawn Dr. and the point of beginning.

Section 2. The Second Ward

The ward boundaries of the Second Ward are established as follows:

Beginning at the intersection of W. Wheeler St. and Jefferson Ave., thence west W. Wheeler St. to N. Saginaw Rd., thence west on N. Saginaw Rd. to Dublin Ave., thence south on Dublin Ave., to the Tittabawassee River, thence following the city limits southerly with its various jogs to the Chippewa River, thence following the city limit easterly to the Tittabawassee River, thence southeasterly along the Tittabawassee River to Salzburg St. if extended west, thence east on Salzburg St. to Waldo Ave., thence north on Waldo Ave. to E. Patrick Rd., thence west on E. Patrick Rd. to Jefferson Ave., thence north on Jefferson Ave. to E. Ashman St., thence east on E. Ashman St. to Jefferson Ave., thence north on Jefferson Ave. to W. Wheeler St. and the point of beginning.

Section 3. The Third Ward

The ward boundaries of the Third Ward are established as follows:

Beginning at the intersection of Eastman Ave. and N. Saginaw Rd., thence west on N. Saginaw Rd. to Dublin Ave., thence south on Dublin Ave. to the Tittabawassee River, thence west following the Tittabawassee River to Lambert Rd. if extended, thence northerly following the city limits with its various jogs to the intersection of the western city limits and US10, thence easterly following the city limits with its various jogs to Eastman Ave., thence south on Eastman Ave. maintaining the city limits to the intersection of N. Saginaw Rd. and Eastman Ave. and the point of beginning.

Section 4. The Fourth Ward

The ward boundaries of the Fourth Ward are established as follows:

Beginning at the intersection of Eastman Ave. and N. Saginaw Rd., thence east on N. Saginaw Rd. to W. Wheeler St., thence east along W. Wheeler Street and then E. Wheeler St. to Washington St., thence north on Washington St. to Whispering Oak Dr., thence east on Whispering Oak Dr. to Claremont St., thence north on Claremont St. to Avalon St., thence east on Avalon St. to Swede Ave., thence south on Swede Ave. to Vine St., thence east on Vine St. to Plainfield St., thence south on Plainfield St. to Westbury Dr., thence east on Westbury Dr. to Birchwood Dr., thence south on Birchwood Dr. to E. Wheeler St., thence east on E. Wheeler St. to the city limits, thence northerly following the city limits with its various jogs to the intersection with Eastman Ave., thence south on Eastman Ave. maintaining the city limits to the intersection of N. Saginaw Rd. and Eastman Ave. and the point of beginning.

Section 5. The Fifth Ward

The ward boundaries of the Fifth Ward are established as follows:

Beginning at the intersection of E. Wheeler St. and Jefferson Ave., east on E. Wheeler St. to Washington St., thence north on Washington St. to Whispering Oak Dr., thence east on Whispering Oak Dr. to Claremont St., thence north on Claremont St. to Avalon St., thence east on Avalon St. to Swede Ave., thence south on Swede Ave. to Vine St., thence east on Vine St. to Plainfield St., thence south on Plainfield St. to Westbury Dr., thence east on Westbury Dr. to Birchwood Dr., thence south on Birchwood Dr. to E. Wheeler St., thence east on E. Wheeler St. to the city limits, thence southerly following the city limits with its various jogs to Waldo Ave., thence south on Waldo Ave. to E. Ashman St., thence west on E. Ashman St. to Swede Ave., thence south on Swede Ave. to Wyllys St., thence west on Wyllys St. to Washington St., thence south on Washington St. to Eastlawn Dr., thence west on Eastlawn Dr. to Jefferson Ave., thence north on Jefferson Ave. to E. Ashman St., thence east on E. Ashman St. to Jefferson Ave., thence north on Jefferson Ave. to E. Wheeler St. and the point of beginning.

Section 6. Ordinance 1728 is hereby repealed.

Section 7. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

PRECINCT BOUNDARIES AMENDMENT

The following ordinance was then offered by Councilman Arnosky and seconded by Councilman Hall:

ORDINANCE NO. 1855

AN ORDINANCE TO ESTABLISH NEW ELECTION PRECINCTS WITH RELATED MATTERS FOR THE CITY OF MIDLAND.

The City of Midland Ordains:

Section 1. The First Ward of the City of Midland is hereby divided into four election precincts, the boundaries of which shall be as follows:

First Ward – Precinct One – Beginning at the intersection of Jefferson Ave. and Eastlawn Dr., thence east on Eastlawn Dr. to Washington St., thence north on Washington St. to Wyllys St., thence east on Wyllys St. to Swede Ave., thence south on Swede Ave. to E. Patrick Rd., thence west on E. Patrick Rd. to Jefferson Ave., thence north on Jefferson Ave. to Eastlawn Dr. and the point of beginning.

First Ward – Precinct Two – Beginning at the intersection of Swede Ave. and E. Ashman St., thence east on E. Ashman St. to Waldo Ave., thence south on Waldo Ave. to E. Patrick Rd., thence west on E. Patrick Rd. to Swede Ave., thence north on Swede Ave. to E. Ashman St. and the point of beginning.

First Ward – Precinct Three – Beginning at the intersection of E. Patrick Rd. and Waldo Ave. thence north on Waldo Ave. following the city limits to E. Wheeler St. (south of US10), thence following the city limits north and easterly to the eastern city limits on Mid-Bay County Line Rd. (Rockwell Dr.), thence south on Rockwell Dr. to E. Patrick Rd., thence west on E. Patrick Rd. to Waldo Ave. and the point of beginning.

First Ward – Precinct Four – Beginning at the intersection of Waldo Ave. and E. Patrick Rd., thence east on E. Patrick Rd. to Rockwell Dr., thence south on Rockwell Dr. (Mid-Bay Co Line Rd.) following the eastern city limits with its various jogs, including all portions of the City of Midland within Bay County to the intersection of Mid-Bay County Line Rd. (Rockwell Dr.) and Bailey Bridge Rd., thence starting west following the city limits with its various jogs to the west line of the M.C.V. Cooling Pond, thence continuing to follow the city limits north and east to the Tittabawassee River, thence following the Tittabawassee River south and east to Salzburg St. if extended west, thence east on Salzburg St. to Waldo Ave., thence north on Waldo Ave. to E. Patrick Rd. and the point of beginning.

Section 2. The Second Ward of the City of Midland is hereby divided into four election precincts, the boundaries of which shall be as follows:

Second Ward – Precinct Five - Beginning at the intersection of N. Saginaw Rd. and Dublin Ave., thence south on Dublin Ave. to the Tittabawassee River, thence south along the city limits with its various jogs to the Chippewa River, thence easterly along the Chippewa River to the intersection with the Tittabawassee River, thence north along the Tittabawassee River to the intersection with Currie Pkwy, thence northeast on Currie Pkwy to W. Main St., thence northwest on W. Main St. to Orchard Dr., thence north on Orchard Dr. to N. Saginaw Rd., thence west on N. Saginaw Rd. to Dublin Ave. and the point of beginning.

Second Ward – Precinct Six – Beginning at the intersection of Orchard Dr. and N. Saginaw Rd., thence east on N. Saginaw Rd. to Eastman Ave. (BR10), thence south on Eastman Ave. (BR10) to W. Indian St. (BR10), thence southeast on W. Indian St. (BR10) to E. Indian St. (BR10), thence easterly on E. Indian St. to Patrick Rd., thence east on Patrick Rd. to E. Patrick Rd., thence east on E. Patrick Rd. to Waldo Ave., thence south on Waldo Ave. to Salzburg St., thence west on Salzburg St. to the Tittabawassee River, thence northwest along the Tittabawassee River to the intersection with the city limits, thence west and north following the city limits to the intersection with the Chippewa River, thence east along the Chippewa River to the intersection with the Tittabawassee River, thence north on the Tittabawassee river to Currie Pkwy, thence northeast on Currie Pkwy to W. Main St., thence

northwest on W. Main St. to Orchard Dr., thence north on Orchard Dr. to N. Saginaw Rd. and the point of beginning.

Second Ward – Precinct Seven – Beginning at the intersection of N. Saginaw Rd. and Eastman Ave. (BR10), thence east on N. Saginaw Rd. to W. Wheeler St., thence east on W. Wheeler St. to Jefferson Ave., thence south on Jefferson Ave. to E. Ashman St., thence west on E. Ashman St. to Ashman St., thence southwest on Ashman St. to Harrison St., thence northwest on Harrison St. to Noeske St., thence south on Noeske St. to Elizabeth St., thence west on Elizabeth St. to Eastman Ave. (BR10), thence north on Eastman Ave. (BR10) to N. Saginaw Rd. and the point of beginning.

Second Ward – Precinct Eight – Beginning at the intersection of Eastman Ave. (BR10) and Elizabeth St., thence south on Eastman Ave. (BR10) to W. Indian St. (BR10), thence southeast on W. Indian St. (BR10) to E. Indian St. (BR10), thence easterly on E. Indian St. to Patrick Rd., thence east on Patrick Rd. to Jefferson Ave., thence north on Jefferson Ave. to Ashman St., thence southwest on Ashman St. to Harrison St., thence northwest on Harrison St. to Noeske St., thence south on Noeske St. to Elizabeth St., thence west on Elizabeth St. to Eastman Ave. (BR10) and the point of beginning.

Section 3. The Third Ward of the City of Midland is hereby divided into three election precincts, the boundaries of which shall be as follows:

Third Ward – Precinct Nine – Beginning at the intersection of Perrine Rd. and N. Saginaw Rd., thence west on N. Saginaw Rd. to Dublin Ave., thence south on Dublin Ave. to the Tittabawassee River, thence west along the Tittabawassee River to Lambert Rd. if extended, thence northerly following the city limits to the intersection of the western city limits and US10, thence easterly following the city limits with its various jogs to Dublin Ave. if extended north, thence south on Dublin Ave. to Warblers Way Dr., thence east on Warblers Way Dr. to Pine Meadow Dr., thence north on Pine Meadow Dr. to Moorland Dr., thence east on Moorland Dr. to Perrine Rd., thence south on Perrine Rd. to N. Saginaw Rd. and the point of beginning.

Third Ward – Precinct Ten – Beginning at the intersection of Dublin Ave. and Warblers Way Dr., thence north on Dublin Ave. to the intersection of US10 with Dublin Ave. if extended north, thence northeasterly following the city limits to the intersection with Sturgeon Ave., thence south along Sturgeon Ave. and following the city limits to N. Saginaw Rd., thence west on N. Saginaw Rd. to Perrine Rd., thence north on Perrine Rd. to Moorland Dr., thence west on Moorland Dr. to Pine Meadow Dr., thence south on Pine Meadow Dr. to Warblers Way Dr., thence east on Warblers Way Dr. to Dublin Ave. and the point of beginning.

Third Ward – Precinct Eleven – Beginning at the intersection of Eastman Ave. (BR10) and N. Saginaw Rd., thence west on N. Saginaw Rd. to Sturgeon Ave., thence north on Sturgeon Ave. maintaining the city limits with its various jogs to E. Monroe Rd., thence continue following the city limits east to Eastman Ave., thence south on Eastman Avenue maintaining the city limits with its various jogs to N. Saginaw Rd. and the point of beginning.

Section 4. The Fourth Ward of the City of Midland is hereby divided into four election precincts, the boundaries of which shall be as follows:

Fourth Ward – Precinct Twelve – Beginning at the intersection of US10 and Eastman Ave. (BR10), thence east on westbound US10 to Foster Rd. if extended north, thence starting north following the city limits with its various jogs southeasterly, thence northwesterly, to Eastman Ave., thence south on Eastman Ave. maintaining the city limits to US10 and the point of beginning.

Fourth Ward – Precinct Thirteen – Beginning at the intersection of US10 and Eastman Ave. (BR10), thence east on westbound US10 to Jefferson Ave., thence south on Jefferson Ave. to W. Wackerly St., thence west on W. Wackerly St. to Northgate Dr., thence southeast on Northgate Dr. to Summerset Dr., thence east and south on Summerset Dr. to W. Chapel Ln., thence west on W. Chapel Ln. to Wanetah Dr., thence south and east on Wanetah Dr. to Jefferson Ave., thence south on Jefferson Ave. to W. Wheeler St., thence west on W.

Wheeler St. to N. Saginaw Rd., then west on N. Saginaw Rd. to Eastman Ave. (BR10), thence north on Eastman Ave. (BR10) to US10 and the point of beginning.

Fourth Ward – Precinct Fourteen – Beginning at the intersection of Jefferson Ave. and W. Wheeler St., thence north on Jefferson Ave. to Wanetah Dr., thence west and north on Wanetah Dr. to W. Chapel Ln., thence east on W. Chapel Ln. to Summerset Dr., thence north and east on Summerset Dr. to Northgate Dr., thence northwest on Northgate Dr. to W. Wackerly St., thence east on W. Wackerly St. to Whiffletree Ln., thence south on Whiffletree Ln. to Shirewood Ln., thence west on Shirewood Ln. to Stillwater Ln., thence south on Stillwater Ln. to Scenic Dr., thence east on Scenic Dr. to Woodview Pass, thence south on Woodview Pass to Adams Dr., thence west on Adams Dr. to Washington St., thence south on Washington St. to E. Wheeler St., thence west on E. Wheeler St. to Jefferson Ave. and the point of beginning.

Fourth Ward – Precinct Fifteen – Beginning at the intersection of Washington St. and Whispering Oak Dr., thence east on Whispering Oak Dr. to Claremont St., thence north on Claremont St. to Avalon St., thence east on Avalon St. to Swede Ave., thence south on Swede Ave. to Vine St., thence east on Vine St. to Plainfield St., thence south on Plainfield St. to Westbury Dr., thence east on Westbury Dr. to Birchwood Dr., thence south on Birchwood Dr. to E. Wheeler St., thence east on E. Wheeler St. to the intersection with the city limits, thence northwesterly following the city limits to the intersection with US10, thence west following westbound US10 to Jefferson Ave., thence south on Jefferson Ave. to E. Wackerly St., thence east on E. Wackerly St. to Whiffletree Ln., thence south on Whiffletree Ln. to Shirewood Ln., thence west on Shirewood Ln. to Stillwater Ln., thence south Stillwater Ln. to Scenic Dr., thence east on Scenic Dr. to Woodview Pass, thence south on Woodview Pass to Adams Dr., thence west on Adams Dr. to Washington St., thence south on Washington St. to Whispering Oak Dr. and the point of beginning.

Section 5. The Fifth Ward of the City of Midland is hereby divided into four election precincts, the boundaries of which shall be as follows:

Fifth Ward – Precinct Sixteen – Beginning at the intersection of Jefferson Ave. and E. Sugnet Rd., thence east on E. Sugnet Rd. to Lancaster St., thence south on Lancaster St. to Love St., thence west on Love St. to Washington St., thence south Washington St. to Eastlawn Dr., thence west on Eastlawn Dr. to Jefferson Ave., thence north on Jefferson Ave. to E. Ashman St., thence east on E. Ashman St. to Jefferson Ave., thence north on Jefferson Ave. to E. Sugnet Rd. and the point of beginning.

Fifth Ward – Precinct Seventeen – Beginning at the intersection of Jefferson Ave. and E. Wheeler St., thence east on E. Wheeler St. to Swede Ave., thence south on Swede Ave. to Wyllys St., thence west on Wyllys St. to Washington St., thence north on Washington St. to Love St., thence east on Love St. to Lancaster St., thence north on Lancaster St. to E. Sugnet Rd., thence west on E. Sugnet Rd. to Jefferson Ave., thence north on Jefferson Ave. to E. Wheeler St. and the point of beginning.

Fifth Ward – Precinct Eighteen – Beginning at the intersection of E. Wheeler St. and Washington St., thence north on Washington St. to Whispering Oak Dr., thence east on Whispering Oak Dr. to Claremont St., thence north on Claremont St. to Avalon St., thence east on Avalon St. to Swede Ave., thence south on Swede Ave. to Vine St., thence east on Vine St. to Plainfield St., thence south on Plainfield St. to Westbury Dr., thence east on Westbury Dr. to Birchwood Dr., thence south on Birchwood Dr. to E. Wheeler St., thence east on E. Wheeler St. to the intersection with the city limits, thence south following the city limits with its various jogs to the intersection with Waldo Ave., thence south on Waldo Ave. to Whitewood Dr., thence westerly on Whitewood Dr. to Georgetown Dr., thence west on Georgetown Dr. to Forestview Dr., thence north on Forestview Dr. to Wilmington Dr., thence west on Wilmington Dr. to Melody Ln., thence south on Melody Ln. to Laurel Ln., thence west on Laurel Ln. to Sharon Rd., thence south on Sharon Rd. to Hillgrove Pkwy., thence west on Hillgrove Pkwy. to Swede Ave., thence north on Swede Ave. to E. Wheeler St., thence west on E. Wheeler St. to Washington St. and the point of beginning.

Fifth Ward – Precinct Nineteen – Beginning at the intersection of Waldo Ave. and Whitewood Dr., thence westerly on Whitewood Dr. to Georgetown Dr., thence west on Georgetown Dr. to Forestview Dr., thence north on Forestview Dr. to Wilmington Dr., thence west on Wilmington Dr. to Melody Ln., thence south on Melody Ln. to Laurel Ln., thence west on Laurel Ln. to Sharon Rd., thence south on Sharon Rd. to Hillgrove Pkwy., thence west on Hillgrove Pkwy. to Swede Ave., thence south on Swede Ave. to E. Ashman St., thence east on E. Ashman St. to Waldo Ave., thence north on Waldo Ave. to Whitewood Dr. and the point of beginning.

Section 6. Ordinance 1729 is hereby repealed.

Section 7. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

POLLING LOCATION REASSIGNMENT

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

WHEREAS, Michigan Election law, MCL 168.662, designates that the legislative body of each city shall designate and prescribe the place of holding an election; and

WHEREAS, Michigan Election law, MCL 168.662, provides the following with respect to the establishment of polling places:

- Whenever possible, a polling place must be located in a publicly owned or controlled facility such as a school building, fire station or police station;
- The same polling location may be used to accommodate up to six precincts;
- A polling place is not required to be located within the precinct boundaries, but each precinct must have its own precinct board within the shared polling place; and

WHEREAS, the City of Midland has consolidated precincts after the reapportionment of the City's wards following the 2020 Census allowing for and necessitating the consolidation and relocation of polling locations; and

WHEREAS, Midland Public Schools suggested alternative polling locations in order to reduce the number of elementary schools utilized on Election Day; and

WHEREAS, these alternative polling locations are larger, provide more parking, are more convenient, and provide additional polling locations to be hosted in publicly owned buildings, as preferred under the law; and

WHEREAS, the recommended polling locations meet the requirements set forth in Michigan election law, MCL 168.662, with respect to the establishment of polling places; and

WHEREAS, Dow High School, 3901 N. Saginaw Rd., is recommended as the new Ward 3 Precincts 9, 10, and 11, polling location; and

WHEREAS, Midland High School, 1301 Eastlawn Dr., is recommended as the new Ward 1 Precincts 1 and 2 as well as Ward 2 Precincts 6 and 8; and

WHEREAS, Midland Civic Arena, 405 Fast Ice Dr., is recommended as the New Ward 1 Precinct 4 polling location; and

WHEREAS, Jefferson Middle School, 800 W. Chapel Ln., is recommended to remain a polling location but be reassigned as the new Ward 4 Precincts 13 and 14 polling location; and

WHEREAS, Northeast Middle School, 1305 E. Sugnet Rd., is recommended to remain a polling location and be reassigned as the new Ward 5 Precincts 18 and 19 polling location; and

WHEREAS, New Life Vineyard Church, 1014 E. Ashman St., is recommended to remain a polling location and be reassigned as the new Ward 5 Precincts 16 and 17 polling location; and

WHEREAS, Davenport University, 3555 E. Patrick Rd., is recommended to remain a polling location and be reassigned as the new Ward 1 Precinct 3 polling location; and

WHEREAS, City Hall, 333 W. Ellsworth St., is recommended to remain a polling location and be reassigned as the new Ward 2 Precinct 5 polling location; and

WHEREAS, Midland County Educational Services Agency (MCESA) building, 3917 Jefferson Ave., is recommended to remain a polling location and be reassigned as the new Ward 2 Precinct 7 polling location; and

WHEREAS, Seibert Elementary School, 5700 Siebert St., is recommended to remain a polling location and be reassigned as the new Ward 4 Precincts 12 and 15 polling location; now therefore

RESOLVED, that the above stated polling locations are hereby assigned or reassigned, beginning with the August 2, 2022 Primary Election based on the relative size, location, accessibility, availability for voting activities; and

RESOLVED FURTHER, that copies of this resolution and the information therein shall be transmitted to the Michigan Bureau of Elections and the Midland County Clerk's office, and that the City Clerk's office will notify voters of the changes utilizing local media, social media and the mailing of new voter identification cards as required by law. (Motion ADOPTED.)

DOWNTOWN MIDLAND PEDESTRIAN PLAZAS

Director of Community Affairs Selina Tisdale presented information regarding the proposed extension of the pedestrian plazas, related street closures, and other provisions. Larry Carbery, 3960 E. Johns Ln, Julia Kepler, 4603 Cruz Dr., Tony Stamas, Midland Downtown Business Association, and Renee Smith, DDA Events Coordinator commented in favor of the proposed resolution. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Hall:

RESOLVED, that the recommendation from the Downtown Development Authority for the Downtown Midland Pedestrian Plaza is hereby approved from the first full week of June through the first full week of October 2022 and includes the two-block closure of Main Street, from Ashman to Rodd Street, including portions of McDonald Street, utilizing the public right-of-way, amplified sound, and the addition of event signage given the following conditions:

- The responsible party and contact number for the Pedestrian Plaza is Selina Crosby Tisdale 989-837-3304.
- Event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The updated certificate must be submitted to the City Engineer's Office. You may fax it to 989-837-5708.
- Engineering will issue the Traffic Control Order for street closures.
- Department of Public Services barricades will remain for the street closures per Engineering's TCO.
- A minimum 15' fire lane shall be maintained on one side of the street.
- A minimum 3' clearance shall be maintained around fire hydrants, with clear access from the hydrants to the street.
- Any barricades shall be easily removable to facilitate the passage of emergency vehicles should access be required; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event through 2025 provided it is conducted in substantially the same manner. (Motion Adopted.)

DESHANO PILOT AND LIHTC REQUEST

Director of Planning & Community Development, Grant Murschel presented regarding the request from DeShano Development Corporation. Boone DeShano and Heather Arnold of DeShano Development spoke in favor of the request. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, the City has received a request for a Payment In Lieu of Taxes (PILOT) from DeShano Development Corporation to develop a new Low Income Housing Tax Credit development to be known as Lincoln Park Residences; and

WHEREAS, Act 3436 of the Michigan State Housing Development Authority (MSHDA) Act of 1966 and Article XIII, Section 2-260 of the City of Midland Code of Ordinances recognize the

importance of PILOTs as a tool to facilitate affordable housing for persons of low and moderate income; and

WHEREAS, City Council has previously granted PILOT exemptions to projects that meet MSHDA requirements, and additional criteria as adopted by City Council on April 14, 2003; and WHEREAS, on November 22, 2010, City Council received and filed a report from staff that recommends that no assignment, refinancing, or sale would be permitted without submission of a new PILOT application, and said application should be submitted directly to City Council for initial acceptance and referral to the Housing Commission for study and recommendation; now therefore

RESOLVED, that the PILOT request from DeShano Development Corporation to develop Lincoln Park Residences is hereby accepted and referred to the Housing Commission for study and recommendation. (Motion ADOPTED.)

ANNEXATION JL – 21-01

Director of Planning & Community Development, Grant Murschel presented regarding the requested annexation. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Mayor Donker:

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described property to the City of Midland:

DESCRIPTION OF PIN #090-031-100-475-00, AS SURVEYED:

SEC 31 T15N R2E COM 105 FT N OF CEN OF SEC, TH N 105 FT, E 220 FT, S 105 FT, W 220 FT.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Larkin Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors, other than the petitioners, presently reside, with said annexation to the City of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Larkin Township; and;

RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED.)

ANNEXATION JL – 21-04

Director of Planning & Community Development, Grant Murschel presented regarding the requested annexation. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described property to the City of Midland:

DESCRIPTION OF PIN #090-031-100-471-00, AS SURVEYED:

SEC 31 T15N R2E COM 210 FT N OF CEN OF SECTION, TH N 156 FT, E 220 FT, S 156 FT, W 220 FT.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Larkin Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors, other than the petitioners, presently reside, with said annexation to the City of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Larkin Township; and;

RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED.)

PARKS AND RECREATION COMMISSION APPOINTMENT

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

RESOLVED, that Weikang “Ken” Wang is hereby appointed as a citizen-at-large member of the Parks and Recreation Commission for an unexpired term ending June 30, 2023. (Motion ADOPTED.)

BOARD OF REVIEW MEMBER RESIGNATIONS

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

RESOLVED, that the resignation of Dasia Barnhart as a member of the Board of Review is hereby accepted, effective immediately, and the Administration is directed to convey the Council’s appreciation to Mrs. Barnhart for her service on this important Board; and RESOLVED FURTHER, that the resignation of Jeremy Wagner as a member of the Board of Review is hereby accepted, effective immediately, and the Administration is directed to convey the Council’s appreciation to Mr. Wagner for his service on this important Board. (Motion ADOPTED).

VECTOR TRUCK PURCHASE FOR WATER DISTRIBUTION

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

WHEREAS, competitive bids for specialty equipment are solicited by the CoPro+ Collaborative Procurement program on an annual basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and WHEREAS, sufficient funding for the purchase of one truck-mounted vector is included in the FY 2021/22 Water Distribution budget as a new unit that will become part of the Equipment Revolving fund for future replacement; now therefore RESOLVED, that the Accounting Manager is authorized to issue a purchase order to CoPro+ Collaborative Procurement program’s selected vendor, MTech Company of Cleveland Ohio, in the amount of \$306,995.00 for the purchase of one truck-mounted vector, all in accordance with the associated cooperative purchasing programs’ proposals and specifications; and RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase orders not to exceed 5% of the total cost for any unforeseen issues that arise during the truck build process. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:47 p.m.

Erica Armstrong, City Clerk