

January 25, 2021

A regular electronic meeting of the City Council was held on Monday, January 25, 2021, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 897 1434 7806 ~ Password: 882943. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky (remote – Midland, MI), Diane Brown Wilhelm (remote – Midland, MI), Maureen Donker (remote – Midland, MI), Pamela Hall (remote – Midland, MI), Marty Wazbinski (remote – Midland, MI)

Councilmen absent: None

MINUTES

Approval of the minutes of the January 9, 2021 special meeting and January 11, 2021 regular meeting were offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 CURRIE GOLF SEASON REVIEW

Assistant City Manager Dave Keenan introduced Nick Bednar, Vice President of Central Operations from Indigo Golf Partners who presented a review of the Currie Golf Course season.

STORES REVOLVING FUND BUDGET AMENDMENT FY 2020-21

Director of Public Services Karen Murphy presented information on the proposed budget amendment. The public hearing opened at 7:32 p.m., recognizing no public comments, the hearing closed at 7:33 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, the fueling system at the Municipal Service Center is scheduled for replacement in FY2021/22 as the underground storage tanks are nearing the end of their 30-year warranty; and WHEREAS, funds have been saved from fuel surcharges in the Stores Revolving Fund budget for this purpose and a request to utilize these funds will be included in the Stores Revolving Fund's FY2021/22 Capital Outlay budget; and

WHEREAS, staff believe it prudent to hire an engineering consulting firm to assist with project design, regulatory compliance and project oversight; and

WHEREAS, in order to start the project in July to ensure completion by the fall it is necessary to start the design process with the engineering firm in February and obtain initial permits for the project but funds for this are not included in the current fiscal year budget; and

WHEREAS, the FY2020/21 Stores Revolving Fund's budget needs to be amended by \$30,000 to allow for the hiring of a consultant and obtaining permits for the project with the funds coming from the existing fund balance; now

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, January 25, 2021, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, on the proposal to amend the FY2020-21 Stores Revolving Fund's Capital Outlay budget by increasing expenditures by \$30,000 to hire an engineering consultant to begin design work and obtain initial permits for the fuel system replacement project. (Motion ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENT

Kathleen Curell, 1907 Laurel Lane from Mask Up Midland County requested that City Council show support for compliance with MDHHS Face Mask Order.

COMPREHENSIVE ANNUAL FINANCIAL AND SINGLE AUDIT REPORTS – JUNE 30, 2020

Assistant City Manager David Keenan introduced David Youngstrom from Yeo and Yeo, who presented the Comprehensive Annual Financial Report and Single Audit Report for the year

ended June 30, 2020. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

RESOLVED, that the Comprehensive Annual Financial Report and the Single Audit Report of the City of Midland for the year ended June 30, 2020 are hereby received and ordered filed for public examination. (Motion ADOPTED by a Roll Call Voice Vote.)

LOCAL GOVERNMENT RETIREMENT SYSTEM ANNUAL REPORT

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

WHEREAS, pursuant to PA 202 of 2017, a local unit of government that sponsors a defined-benefit retirement system is required to submit an annual report that includes information for each of its defined-benefit retirement systems; and

WHEREAS, the City of Midland sponsors three defined-benefit retirement plans, each covered by Public Act 202 of 2017; and

WHEREAS, each local unit required to submit an annual report shall first have the governing budget approve said report; now therefore

RESOLVED, the City Council of the City of Midland hereby approves the 2020 Local Government Retirement System Annual Report and directs Staff to submit it to the Michigan Department of Treasury as compliance with the annual reporting requirements under PA 202 of 2017. (Motion ADOPTED by a Roll Call Voice Vote.)

DEFICIT ELIMINATION PLAN FOR HOMELAND SECURITY FUND

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

WHEREAS, the Michigan Department of Treasury (Treasury) requires that local units of government that end their fiscal year-end reporting a fund deficit must submit a deficit elimination plan to resolve the deficit situation; and

WHEREAS, the City of Midland reported a year-end unassigned fund deficit of \$14,824 in its Homeland Security Grand Fund as of June 30, 2020, requiring the City to submit a deficit elimination plan to Treasury to resolve the deficit; and

WHEREAS, receipt of the delayed reimbursement in October 2020 causes that portion of the unassigned deficit that existed at June 30, 2020 to be eliminated, and

WHEREAS, amortization of the prepaid expenses during the 2020-21 fiscal year, in accordance with Generally Accepted Accounting Principles will eliminate the remaining portion of the unassigned deficit that existed at June 30, 2020; and

WHEREAS, the Deficit Elimination Worksheet that is part of this plan illustrates how the deficit will be eliminated by June 30, 2021, in accordance with the City's amended 2020-21 Homeland Security Grand Fund budget; now, therefore

RESOLVED, the Deficit Elimination Plan as presented, including the Deficit Elimination Worksheet, is approved by City Council, staff is directed to resubmit this plan to Treasury to meet the their deficit elimination plan requirements. (Motion ADOPTED by a Roll Call Voice Vote.)

BUTTLES STREET ROAD DESIGN

City Manager Brad Kaye reintroduced the topic and presented an overview for City Council. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the Michigan Department of Transportation (MDOT) has been reviewing the design of Buttles Street since 2015; and

WHEREAS, the City of Midland is an active partner in the review process that will ultimately culminate in the reconstruction of Buttles Street; and
WHEREAS, on December 18, 2017 City Council supported the concept of converting the three-lane vehicular traffic section of BR-10 (Buttles Street) into two lanes of vehicular traffic in the section from Jerome Street to State Street; and
WHEREAS, MDOT proposed and subsequently conducted a lane reduction trial on Buttles Street, between May 14, 2018 and December 20, 2019, to assess the impacts of a lane reduction on traffic volume, speed and safety; and
WHEREAS, MDOT presented the results of the trial lane disclosure to City Council on November 23, 2020, concluding that the data collected indicated no adverse or beneficial impact on safety; and
WHEREAS, MDOT now requires a final position from City Council on the preferred alternative for the pending reconstruction of Buttles Street; now therefore
RESOLVED, that City Council hereby supports converting the three-lane vehicular traffic section of BR-10 (Buttles Street) into two lanes of vehicular traffic in the section from Jerome Street to State Street; and further
RESOLVED, that City staff be directed to work with MDOT staff to address and incorporate design concerns expressed by local officials and the public, including but not limited to vehicular turning radii, intersection safety and design, turning flares/lanes, pedestrian connectivity and context sensitive design; and further
RESOLVED, that MDOT be requested to conduct public workshops as part of their design process and provide regular design updates to Midland City Council prior to final design approval. (Motion ADOPTED by a Roll Call Voice Vote. YEAS: Brown Wilhelm, Donker, Wazbinski NAYS: Arnosky, Hall.)

2020 STORM & SANITARY STUDY – PHASE 2 REVIEW AND RECOMMENDATIONS ADDENDUM REPORT

City Manager Brad Kaye presented an overview of the topic for City Council and the proposed resolution. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, on January 9, 2021 the City Council conducted a planning retreat for the purpose of discussing the recommendations of the 2020 Storm & Sanitary Study – Phase 2 Review and Recommendations; and
WHEREAS, at the conclusion of that session Council expressed their expectations regarding certain components of the report and specific flood response activities to be undertaken; and
WHEREAS, during their regular meeting of January 25th the City Council reviewed and affirmed those expectations embodied in a report of January 25, 2021 titled: 2020 Storm & Sanitary Study – Phase 2 Review and Recommendations Addendum Report; and
WHEREAS, City Council discussed and provided additional direction on the sanitary sewer system improvements included in a variety of concept approaches, now therefore
RESOLVED, that the report 2020 Storm & Sanitary Study – Phase 2 Review and Recommendations Addendum Report is hereby received; and further
RESOLVED, that City Council adopts the directives outlined in the Addendum Report. (Motion ADOPTED by a Roll Call Voice Vote.)

CODE OF CONDUCT FOR CITY COUNCIL AND BOARDS AND COMMISSIONS.

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

WHEREAS, the citizens of Midland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; and

WHEREAS, this further requires that public officials be independent, impartial and fair in their judgment and actions, that the public office be used for the public good, not for personal gain and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility; and

WHEREAS, the proposed Code of Conduct is hereby presented to City Council to ensure public confidence in the integrity of local government in its effective, open, and fair operation and, in addition, it is to apply the idea that what any one member does has an impact on the effectiveness and actions of the whole in both positive and negative ways; now therefore RESOLVED, that the Code of Conduct is hereby adopted, the "Member Statement of Acknowledgment" shall be signed by each member, and the Code of Conduct shall be applicable to all members of the City Council and members of the City's boards and commissions. (Motion ADOPTED by a Roll Call Voice Vote.)

DART – TRANSPORTATION COORDINATOR & APPLICATION FOR ASSISTANCE

The following resolution was offered by Councilman Brown Wilhelm 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 2022 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 \$2,406,462 for Dial-A-Ride operations in FY2022 with the intent to apply for an estimated \$928,266 in state operating assistance and capital preventive maintenance funds, and an estimated \$870,000 in federal 49 USC 5307 operating assistance and capital preventive maintenance funds, with the remaining revenues coming from an estimated \$125,743 from fare box fees, an estimated \$25,904 in federal 5303 planning funds and an estimated \$456,549 in local general fund support to balance the budget for the State's FY2022; 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 FY2022; 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 by a Roll Call Voice Vote.)

EAST CLUB HOUSE RESTORATION CONTRACT CHANGE ORDER

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

WHEREAS, the West Clubhouse at the Currie Golf Course flooded throughout the building as a result of the dam failures of May 2020, causing there to be an immediate need for additional remediation, cleaning, and repair to the crawlspace; and

WHEREAS, City Staff requested quotes to complete the necessary work to the crawl space and received only one response, and this response was significantly higher than the engineering estimate for the work; and

WHEREAS, Great Lakes Bay Construction was awarded separate contracts to restore the East Clubhouse and Equipment Storage Barn, and is currently on-site performing these tasks; and

WHEREAS, Great Lakes Bay Construction submitted a quote to perform the necessary work to the West Clubhouse crawlspace at an amount of \$31,222; and

WHEREAS, staff desires to award this West Clubhouse crawlspace work to Great Lakes Bay Construction by issuing a change order for the work to the existing contract for East Clubhouse restoration work; now, therefore

RESOLVED, that a change order for West Clubhouse crawlspace remediation, cleaning, and repair in the amount of \$31,222 to the existing agreement with Great Lakes Bay Construction for East Clubhouse restoration is hereby approved. (Motion ADOPTED by a Roll Call Voice Vote.)

WASHINGTON WOODS CONNECTOR BUILDING AIR HANDLER REPLACEMENT

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

WHEREAS, Washington Woods Senior Living Community is in need of replacing the connector building air handlers; and

WHEREAS, Washington Woods has been approved to use up to \$225,646.00 of Community Development Block Grant (CDBG) funding for energy efficiency upgrades/air handler replacement during fiscal year 2020-2021; and

WHEREAS, sufficient funds are included in the approved 2020-2021 Washington Woods budget; now therefore

RESOLVED, that the low sealed bid proposal meeting City specifications submitted by Remer Plumbing, Heating & Air Conditioning of Saginaw, MI for the connector building air handler unit replacement in their response to Bid No. 4130 is hereby accepted; and

RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$137,000.00 to Remer Plumbing, Heating & Air Conditioning, Inc. of Saginaw, MI 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 \$6,850.00.

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 by and/or approved by the City Attorney. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 9:55 p.m.

Erica Armstrong, City Clerk