

February 13, 2023

A regular meeting of the City Council was held on Monday, February 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 January 9 and the regular meeting of January 23 were offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED)

PLANNED UNIT DEVELOPMENT NO. 19

Community Development Planner Ryan Smith presented information on a Detail Plan for Planned Unit Development No. 19. The following amended resolution was then offered by Mayor Donker and seconded by Councilman Brown Wilhelm:

WHEREAS, MNM Health submitted a request for approval of a Detail Plan for Planned Unit Development (PUD) No. 19, a proposal 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 January 27, 2023 and publishing said notice on January 27, 2023 of the proposed public hearing on February 13, 2023; now therefore

RESOLVED, that the City Attorney is directed to provide a full report on the current status of the property, ownership, and access for the March 13, 2023 meeting; and

RESOLVED FURTHER, that the scheduled public hearing was postponed and will be held by the City Council on March 13, 2023, at 7:00 p.m. in Council Chambers, City Hall for the purpose of considering the request for a Planned Unit Development; 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 February 17, 2023 and to publish said notice by February 17, 2023. (Motion ADOPTED)

CONDITIONAL USE PERMIT NO. 80

Community Development Planner Ryan Smith presented information on Conditional Use Permit No. 80. A public hearing opened at 7:51 p.m. Shawn Pnacek 7102 Windstream Cir., John Elsen 6106 Sturgeon Creek Pkwy, John Tarrant 4213 Oakridge Dr., and Tyler Carter 4809 Moorland Ct. commented on the permit. The public hearing closed at 7:56 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, Matthew Rapanos submitted a request for a conditional land use to permit a drive-through coffee shop located at 3715 and 3719 N. Saginaw Road; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on October 28, 2022 and publishing said notice on October 29, 2022 of the public hearing on November 16, 2022; 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 the City Council finds the request for the conditional use to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 80, in accord with documents provided and submitted at the meeting of February 13, 2023. (Motion ADOPTED. YEAS: Brown Wilhelm, Donker, Soler, Wazbinski NAYS: Arnosky)

COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN PARTICIPATION PLAN

Community Development Planner Ryan Smith presented information on the updated Community Development Block grant Citizen Participation Plan. A public hearing opened at 8:04 p.m. hearing no public comments, the public hearing closed at 8:05 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, in accordance with the requirements of the Community Development Block Grant Program (CDBG), the City of Midland must prepare a Citizen Participation Plan that details the community's procedures for involving the public in its program planning and implementation; and

WHEREAS, an updated CDBG Citizen Participation Plan has been prepared; and

WHEREAS, on February 6, 2023, the Housing Commission unanimously recommended approval of the proposed CDBG Citizen Participation Plan, which was prepared consistent with the requirements found in 24 CFR 91.105; and

WHEREAS, the required fifteen (15) day public comment period began on January 21, 2023 and ended on February 5, 2023.

WHEREAS, a public hearing was held by Midland City Council on February 13, 2023 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed CDBG Citizen Participation Plan; now therefore

RESOLVED, that the City Council hereby adopts the CDBG Citizen Participation Plan. (Motion ADOPTED.)

AMEND FY 2022-23 DIAL-A-RIDE BUDGET

Director of Public Services Karen Murphy presented information on the proposed amendment to the FY 2022/23 Dial-A-Ride budget. A public hearing opened at 8:09 p.m. hearing no public comments, the public hearing closed at 8:10 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Dial-A-Ride has received Section 5304 Federal Transit Planning funds to conduct a feasibility study on transit collaboration between the City of Midland's Dial-A-Ride and County Connection of Midland and it is necessary to amend the current fiscal year budget in order to utilize the funds for the intended purpose; now therefore

RESOLVED, that in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, February 13, 2023, on the proposal to amend the FY2022/23 Dial-A-Ride Budget to recognize \$65,000 in unanticipated revenue from a Section 5304 federal grant to fund a feasibility study on potential collaboration between City of Midland Dial-A-Ride and County Connection of Midland and to increase expenditures by the same amount to allow the study to move forward; now therefore

RESOLVED, that the FY2022/23 Dial-A-Ride Capital Budget is hereby amended to increase revenues and expenditures by \$65,000 to recognize the increased cost and associated revenue for the grant-funded feasibility study. (Motion ADOPTED.)

AMEND FY 2022-23 GENERAL FUND BUDGET

Director of Public Services Karen Murphy presented information on the proposed amendment to the FY 2022/23 General Fund budget. A public hearing opened at 8:13 p.m. hearing no public comments, the public hearing closed at 8:14 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the City's Forestry Division strives to replace one street tree for every tree removed due to safety concerns, structural defects or poor health and budgets \$25,000 annually for new trees; and

WHEREAS, due to more trees needing to be removed each year than what the Forestry budget can keep up with on replacements, City staff sought outside grant funding to augment the tree planting budget; and

WHEREAS, the Grant Coordinator was successful in applying for and receiving \$20,000 from the Michigan Department of Natural Resources Urban Forestry Grant program for the purpose of planting trees in the street rights-of-way; now therefore

RESOLVED, that the FY2022/23 General Fund budget is hereby amended to increase revenues and expenditures by \$20,000 to recognize the funds received from the Michigan Department of Natural Resources Urban Forestry Grant program to be used for planting trees in the street rights-of-way. (Motion ADOPTED.)

PUBLIC COMMENT

Nancy Carney, 1002 W. Park Dr. spoke regarding Councils procedures with regard to public comment. John Elsen, 6106 Sturgeon Creek Pkwy spoke regarding infrastructure and helping the community.

RECREATION FEE ORDINANCE

Director of Public Services Karen Murphy presented information on the ordinance to amend fees for various recreation offerings. The following ordinance amendment was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1877

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	\$ 37.00	per player
(2)	Adult softball player (2 nd team)	\$ 37.00	per player
(3)	Adult softball player - Fall League	\$ 27.00	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	\$ 16.00	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)		per rental
	Classic skis	\$ 10.00	
	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)	\$ 55.00	per hour
	Chalet rental cancellation deposit	\$ 50.00	per occurrence
(14)	Ball field rental – private tournament		
	Tournament field deposit –	\$ 75.00 or full fee, whichever is less	per event
	2 hour rental	\$ 50.00 weekday; \$ 75.00 weekend	per field
	4 hour rental	\$ 75.00 weekday; \$ 100.00 weekend	per field
	Full day rental	\$ 125.00 weekday; \$ 150.00 weekend	per field
	Daily complex – New Redcoats fields 9-13	\$ 500.00 weekday; \$ 550.00 weekend	per complex
	Daily complex – Old Redcoats fields 4-8	\$ 400.00 weekday; \$ 450.00 weekend	per complex
	Daily complex – Emerson fields 1-3	\$ 250.00 weekday; \$ 300.00 weekend	per complex
	Daily complex – Optimist fields	\$ 350.00 weekday; \$ 400.00 weekend	per complex
	Clean up fee if needed	\$ 200.00	per occurrence
(15)	Ball diamond lights – private tournament use	\$ 30.00	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	\$ 45.00	per use
	Plymouth F(south), F(north), G, H	\$ 45.00	per use
	Barstow Woods A	\$ 45.00	per use
	Stratford Woods J	\$ 45.00	per use
	Chippewassee B	\$ 45.00	per use
	Emerson D	\$ 65.00	per use
	Plymouth F (entire shelter)	\$ 75.00	per use
	Unsheltered areas	\$ 35.00	per use
	Addition of a canopy	\$ 30.00	per request
(20)	Band shell reservation	\$ 85.00	per use
(21)	Delivery of bleachers	\$ 30.00	per section
(22)***	City stage rental – for community events only		
	Non-profit group inside city limits	\$ 150.00	per use
	For profit group inside city limits	\$ 300.00	per use
	Non-profit group outside city limits	\$ 225.00	per use
(23)	Metal event fencing rental – for community non-profit events only	\$ 125.00	per trailer
		\$ 30.00	for 5 sections
		\$ 50.00	cleaning fee
(24)	Delivery of picnic tables (up to 5 tables) – Fee is non-refundable. For community events only.	\$ 50.00	per use
	Additional tables (if available up to maximum of 10 tables) – fee is non-refundable	\$ 10.00	per table
(25)	Trash receptacles – up to 10 receptacles delivered to non-park locations for community events only	\$ 25.00	per use
(26)	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
Introduced and given first reading January 23, 2023

Given second reading and adopted on February 13, 2023
(Ordinance ADOPTED.)

PAYMENT IN LIEU OF TAXES (PILOT) LINCOLN PARK RESIDENCES PHASE II

Community Development Planner Ryan Smith presented information a PILOT ordinance to be known as Lincoln Park Residences Phase II. Introduction and first reading of the following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that in accordance with Section 6.2 of the Charter of the City of Midland, the attached ordinance adding Section 2-260.23 and 2-264.21 and by amending Section 2-262, Article XIII of Chapter 2 of 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, February 27, 2023 at 7:00 p.m., in the Council Chambers of City Hall.

ORDINANCE NO. _____

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"W 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 177 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 PERCENT (9%) 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 100% OF THE UNITS OF THE NEW FACILITY WILL SERVE LOW-INCOME PERSONS.

Section 4. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading)

TENTATIVE PRELIMINARY PLAT AT 6000 STARK ROAD

Community Development Planner Ryan Smith presented information on a Tentative Preliminary Plat known as Westside subdivision located at 6000 Stark Road. The following resolution was then offered by Councilman Wazbinski and seconded by Mayor Donker:

WHEREAS, the City Council has reviewed the Tentative Preliminary Plat of Westside Subdivision; and

WHEREAS, a recommendation has been received from the City Planning Commission for the approval of said tentative preliminary plat in accord with Section 23-17 of the Code of Ordinances of the City of Midland; now therefore

RESOLVED, that the City Council hereby gives approval to the Tentative Preliminary Plat of Westside Subdivision. (Motion DENIED. YEAS: Brown Wilhelm, Soler NAYS: Arnosky, Donker, Wazbinski)

PURCHASE OF SIGNAL CONTROLLER CABINETS

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

WHEREAS, the City of Midland uses a standard Carrier & Gable brand traffic signal controller at signalized intersections around the City; and

WHEREAS, the Engineering Department's Traffic Services division is in need of two new traffic signal controller cabinets for replacement and emergency stock; and

WHEREAS, it is impractical to solicit sealed bids for this particular item for purchase of the lowest bid; and

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

RESOLVED, that in accordance with Section 2-17 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, sole-source purchasing of these traffic signal controller cabinets is authorized for FY2023, and the Accounting Manager is authorized to issue a purchase order to Carrier & Gable, Inc. of Farmington Hills, Michigan in the amount of \$38,262.80 for the purchase of two traffic signal controller cabinets. (Motion ADOPTED.)

CONSTRUCTION INSPECTION SERVICES

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for construction inspection services for the 2023 construction season; and

WHEREAS, OHM Advisors has submitted the low bid rate of \$90.00 per hour to the 2023 construction season; and

WHEREAS, funding for Fiscal Year 2023 City-initiated projects is provided by the Major Street Fund, Local Street Fund and Water Fund; and

WHEREAS, funding for Fiscal Year 2023 developer-initiated projects is provided by the estimated revenue budgeted in the general fund from inspection deposits; and

WHEREAS, funding for Fiscal Year 2024 City-initiated projects is provided by the Major Street Fund, Local Street Fund and Water Fund in the proposed FY2024 CIP and proposed FY2024 budget; and

WHEREAS, funding for Fiscal Year 2024 developer-initiated projects is provided by the estimated revenue budgeted in the proposed FY2024 general fund from inspection deposits; now therefore

RESOLVED, that the low sealed proposal submitted by OHM Advisors of Midland, Michigan for "2023 As-Needed Construction Inspection Services", in the amount of \$90.00 per hour, is hereby authorized based on an estimated 8,000 hours of construction inspection, contingent upon approval of the proposed projects contained within the Capital Improvement Plan for 2023/2024 Fiscal Year, and that the Mayor and City Clerk authorize contracts to be awarded for construction inspection to OHM Advisors for the 2023 construction season, in total not to exceed \$720,000.00. (Motion ADOPTED.)

PATRICK ROAD RECONSTRUCTION; CONTRACT NO. 3

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for roadway reconstruction on Patrick Road; and WHEREAS, funding for this project is provided by the Major Street Fund; now therefore RESOLVED, that the low qualifying sealed proposal submitted by Pyramid Paving Company of Essexville, Michigan for the "2023 Patrick Road Reconstruction; Contract No. 03" project, in the amount of \$866,627.50, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$16,500.00. (Motion ADOPTED.)

POSEYVILLE PEDESTRIAN WALKWAY

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

WHEREAS, the City of Midland in partnership with the Michigan Baseball Foundation have worked together to bring forward a project to renovate the site of the old 4D/Oldcastle concrete block manufacturing facility on the south side of the Tittabawassee River; and WHEREAS, adequate funds have been raised and are available in a project fund at the Midland Area Community Foundation to move forward with design work for Phase II of the Poseyville South Riverfront restoration project; and WHEREAS, Town & Country Group of Zeeland, Michigan has submitted a proposal for design services for the electrical, lighting control and security systems for the pedestrian walkway component of Phase II of the Poseyville South Riverfront Renovations, not to exceed \$76,150; and WHEREAS, Section 2-19 of the Code of Ordinances for the City of Midland states that sealed proposals are not required for professional services; now therefore RESOLVED, that City Council authorizes the Mayor and City Clerk to approve and execute a contract with Town & Country Group for Phase II design services for the electrical systems on the pedestrian walkway with a cost not to exceed \$76,150. (Motion ADOPTED.)

DIAL-A-RIDE BUS REPLACEMENT

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

WHEREAS, the City of Midland requested replacement of a bus in the Dial-A-Ride fleet under the FY 2019, 2020 and 2021 5339 Small Urban Capital federal grant program through the Federal Transit Administration; and

WHEREAS, the State of Michigan Department of Transportation and the Federal Transit Administration have approved said request and acquired the necessary state matching funds for the purchase of the replacement bus; and

WHEREAS, sufficient funding for the purchase of the bus is included in the FY2022/23 Dial-A-Ride budget along with the corresponding revenue from the Section 5339 capital grants; and WHEREAS, the bus will be purchased off the State of Michigan's Extended Purchasing program, MiDEAL; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to the State of Michigan's selected vendor, Hoekstra Transportation, Inc. of Grand Rapids, Michigan in the amount of \$142,490 for the purchase of a 8+2 passenger cutaway bus, all in accordance with the State of Michigan's Extended Purchasing Program, MiDEAL proposal and specifications; and

RESOLVED FURTHER, that after the new replacement bus is put into service, the old bus shall be sold in accordance with Code Sections 2-22 and 2-23, and the proceeds be used for Dial-A-Ride operational expenses. (Motion ADOPTED.)

SET A PUBLIC HEARING TO AMEND FY2022/23 COMMUNITY DEVELOPMENT BLOCK GRANT AND ANNUAL ACTION PLAN

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

WHEREAS, on April 25, 2022, the Midland City Council adopted the fiscal year 2022-23 Community Development Block Grant (CDBG) budget which included an allocation of \$15,000.00 for property acquisition; and

WHEREAS, Habitat for Humanity of Midland County has requested an amendment of the approved budget to reallocate \$15,000.00 from Affordable Housing (vacant property acquisition) to Housing Rehabilitation; and

WHEREAS, this reallocation requires an amendment to the adopted budget; and

WHEREAS, on February 6, 2023, the Housing Commission unanimously recommended approval of the proposed 2022-23 CDBG budget amendment, which meets said goals and objectives of the CDBG program; and

WHEREAS, the required thirty (30) day public comment period will begin on February 17, 2023; now therefore

RESOLVED, a public hearing will be held on March 20, 2023 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the amended 2022-23 CDBG budget. (Motion ADOPTED.)

SET A PUBLIC HEARING TO AMEND FY2022/23 GENERAL FUND BUDGET

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

WHEREAS, the Midland Noon Rotary's Grove Park committee on behalf of the Midland Rotary Foundation has raised \$475,000 in grant funding from local foundations to build a restroom facility in Grove Park; and

WHEREAS, it is necessary to amend the FY2022/23 General Fund budget to increase revenue and to allocate expenses to properly account for the grant funds to allow the project to move forward; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, February 27, 2023, in the Council Chambers of City Hall, on the proposal to amend the FY2022/23 General Fund budget to accept the grant funds raised by the Midland Rotary Foundation in the amount of \$475,000 from the Midland Area Community Foundation's Grove Park Project Fund to provide adequate budgetary authorization to build a restroom facility in Grove Park; and
RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

SET A PUBLIC HEARING TO AMEND FY2022/23 LANDFILL FUND AND GENERAL FUND BUDGET

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

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, February 27, 2023, in the Council Chambers of City Hall, on the proposal to amend the FY2022/23 Landfill Fund and General Fund budgets to provide adequate budgetary authorization for property acquisition; and
RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

SET A PUBLIC HEARING TO AMEND FY2022/23 DIAL-A-RIDE BUDGET

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

WHEREAS, Dial-A-Ride has received discretionary federal grant funds from the Federal Transit Administration's (FTA) FY2022 Low or No Emission Bus Program for the purchase of two electric transit vans to replace existing buses 18 and 19; and
WHEREAS, while Dial-A-Ride has funds budgeted to replace the two transit vehicles in FY2022/23 but the cost of the transit vans was quoted at higher than originally budgeted requiring an additional \$16,118 in funds to purchase the transit vans; and
WHEREAS, there is adequate grant funding available from the FTA and the State of Michigan to cover the increase in cost so there will be no net impact on the City financially; and
WHEREAS, it is necessary to amend the FY2022/23 Dial-A-Ride budget to recognize both the increase in grant funding as well as the purchase price of the transit vans; now therefore
RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 pm, Monday, February 27, 2023 in the Council Chambers of City Hall on the proposal to amend the FY2022/23 Dial-A-Ride Capital budget by increasing both revenue and expense by a total of \$16,118 in federal and state grant funds to cover the cost increase on the purchase of two electric transit vans to replace existing buses 18 and 19; and
RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

Being no further business the meeting adjourned at 10:21 p.m.

Lacey Todd, City Clerk