

March 14, 2022

A regular meeting of the City Council was held on Monday, March 14, 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, Marty Wazbinski
Councilmen absent: None

MINUTES

Approval of the minutes of the February 28, 2022 regular meeting was offered by Councilman Arnosky and seconded by Councilman Wazbinski. (Motion ADOPTED.)

EQUIPMENT REVOLVING FUND BUDGET

Director of Public Services Karen Murphy presented information on the proposed amendment to the FY 2021-22 Equipment Revolving Fund Budget and authorization of a purchase order to Sutphen Corporation for the purchase of three fire trucks. The public hearing opened at 7:24 p.m., recognized no public comments, the hearing closed at 7:25 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, the Midland Fire Department and Fleet Services have researched and selected a new fire engine for a current unit budgeted for replacement this fiscal year; and
WHEREAS, during the course of research, staff found the lead time for production and delivery of the fire truck is 24-26 months from the date of order which is over twice the normal lead time; and
WHEREAS, within that timeframe, two other fire trucks are scheduled for replacement in the Equipment Revolving Fund's (ERF) long range capital replacement plan; and
WHEREAS, the ERF has adequate funds in the amount of \$1,184,190 to replace these additional two fire trucks at this time with the funds currently held in the ERF's fund balance; and
WHEREAS, it is necessary to amend the current fiscal year's budget to move the funds from the ERF's fund balance into the FY 2021-22 ERF Capital Outlay expenditure budget in order to move forward with the purchase of the three fire trucks; now therefore
WHEREAS, 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, March 14, 2022, on the proposal to amend the FY 2021-22 ERF Budget to increase capital expenditures by \$1,184,190 for the purchase of three fire trucks; now therefore
RESOLVED, that the FY 2021-22 ERF Budget is hereby amended to increase expenditures by \$1,184,190 to allow for the purchase of three fire trucks as replacements for existing units.
(Motion ADOPTED.)

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

WHEREAS, pricing for heavy and medium duty trucks are solicited by the HGACBuy Cooperative Purchasing program and the City of Midland has confirmed the competitive pricing via comparison with other cooperative purchasing programs; and
WHEREAS, sufficient funding for the purchase of three fire trucks is included in the FY 2021-22 Equipment Revolving Fund Capital Outlay account as replacements for three existing units; and
WHEREAS, the Midland Fire Department's apparatus selection committee recommends the Sutphen brand of truck as the City has owned three Sutphen trucks to date with proven reliability records, Fleet Services has a good working relationship with the Sutphen

manufacturing plant in nearby Ohio with good access to parts and City fleet technicians who have been certified in Sutphen repair methods; now therefore RESOLVED, that the Accounting Manager is authorized to issue a purchase order to HGACBuy's selected vendor, Sutphen Corporation of Dublin, Ohio, in the amount of \$1,842,085 for the purchase of three fire trucks all in accordance with the associated cooperative purchasing program's proposals and specifications; and RESOLVED FURTHER, that City staff is authorized to issue payment of up to \$1,842,085 in advance of the expected delivery date of May 2024 to capitalize on the pre-payment discount provided by Sutphen Corporation of Dublin, Ohio; and RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order not to exceed 5% of the total cost for any unforeseen issues that arise during the production process. (Motion ADOPTED.)

PUBLIC COMMENT

John McGown, 2505 Jamestown Dr. commented regarding the footing drain disconnect program scheduling and goals.

Dave Anderson, 4609 Forestview Dr. commented regarding the footing drain disconnect program scheduling and goals.

Nick Kaczmarek, 4301 Forestview Dr. commented regarding the footing drain disconnect program scheduling and participation.

John Elsen, 6106 Sturgeon Creek Pkwy. commented regarding the Humane Society.

CURBSIDE RECYCLING PROGRAM

Director of Public Services Karen Murphy presented information on service delivery options for the future of the City's curbside recycling program ranging from continuation of contracted services to bringing the provision of service in-house. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

WHEREAS, at the City Council meeting held January 22, 2020, Council approved a three-year contract extension with Tri-County Refuse Services, Inc., dba Republic Services of Flint/Pinconning, to provide monthly single-stream curbside recycling services through June 30, 2023; and

WHEREAS, staff has been actively researching options to continue the provision of curbside recycling at the end of said contract extension; and

WHEREAS, these options include entering into another contract extension with the current vendor, seeking competitive bids for a new service provider or bringing the services in-house; and

WHEREAS, staff's initial consideration of providing the service in-house has merit and could fit into the operational budget with certain upfront capital investment needed; and

WHEREAS, staff has identified a grant opportunity through the State of Michigan to assist with the capital costs needed to consider bringing the service in-house; now therefore

RESOLVED, City Council authorizes staff to continue with a detailed financial analysis of in-house versus contracted services; and

RESOLVED FURTHER, that City Council authorizes staff to apply for grant funds to offset the cost of capital investments needed should Council decide in the future to bring the provision of curbside recycling services in-house. (Motion ADOPTED.)

ANNUAL REVIEW OF LIQUOR LICENSES REPORT

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

WHEREAS, Section 15-250 of the City of Midland Code of Ordinances directs the City Manager to cause an annual review of each liquor licensee to be submitted to the City Council; and

WHEREAS, said annual review has been prepared and reports that all licensees have complied with the provisions of Article VII of Chapter 15 of the Code of Ordinances; now therefore RESOLVED, that in accord with Section 15-250 of the City of Midland Code of Ordinances, the annual review of liquor licenses is hereby received and ordered placed on file in the office of the City Clerk. (Motion ADOPTED.)

2022 SIDEWALK IMPROVEMENT PROGRAM

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

WHEREAS, the City Council has had under consideration the construction of concrete sidewalks, to be financed in part by special assessment, located in certain streets in the City of Midland, said streets being:

- a) East side of N. Jefferson Avenue from Joseph Drive to Julie Ann Drive
- b) West side of Dublin Avenue from Saginaw Road to south of Amberwood Court
- c) East side of Waldo Avenue from E. Patrick Road to south of Eastlawn Drive
- d) South side of Saginaw Road from Dublin Avenue to H.H. Dow High School
- e) West side of Dublin Avenue at 6003 Dublin Avenue (residence)
- f) North side of E. Ashman Street at 3545 E. Ashman Street (residence)
- g) West side of W. Main Street at 4525 W. Main Street (residence)

; now therefore

RESOLVED, that the City Manager is directed to prepare a report which shall include estimates of the expense thereof, an estimate of the life of the improvement, and a description of the district benefited to enable the Council to decide the cost, extent and necessity of the improvement proposed and what part or portion thereof should be paid by special assessments upon property especially benefited, and what part, if any, should be paid by the City at large, of items b) through g) above, in conformance with the provisions of Chapter 20 of the Code of Ordinances of the City of Midland, Michigan. (Motion ADOPTED.)

PURCHASE OF SIGN PRINTER

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

WHEREAS, the existing sign printer located in the Signs and Signals shop within the Engineering Department is past its useful lifespan and in need of replacement; and WHEREAS, the fiscal year 21-22 budget, as approved, contained funds totaling \$50,000.00 allocated for this expense; and

WHEREAS, City staff has reached out to multiple potential providers regarding the necessary model and features, and received positive response of availability to provide this equipment from only one provider; and

WHEREAS, City staff has negotiated the make and model with necessary features with Grimco, Inc. and obtained a quote for a purchase order of the necessary equipment in the amount of \$47,747.00; now therefore

RESOLVED, that City Council determines that sealed bids are impractical, and in accordance with Section 2-17 of the Code of Ordinances, the requirement for sealed bids is hereby waived, and the Accounting Manager is authorized to execute the purchase order with Grimco, Inc. for the needed and budgeted sign printer. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 75

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

WHEREAS, Aby Group has submitted a request for a Conditional Use Permit to allow a drive-thru Popeye's Restaurant located at 1815 S. Saginaw Road; and
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on February 18, 2022 and publishing said notice on February 19, 2022 of the proposed public hearing on March 8, 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 a public hearing will be held by the City Council on April 11, 2022, at 7:00 p.m. in the Council Chambers of City Hall, 333 W. Ellsworth Street, Midland, Michigan, for the purpose of considering the request for a Conditional Use Permit; and
RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before March 25, 2022 and to publishing said notice by March 26, 2022. (Motion ADOPTED.)

NEW BUSINESS

Being no further business the meeting adjourned at 8:21 p.m.

Lacey Todd, Deputy City Clerk