

March 20, 2023

A regular meeting of the City Council was held on Monday, March 20, 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 March 13 and the special meetings of March 13 and March 15 were offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED)

YWCA GREAT LAKES BAY REGION UNTIL JUSTICE JUST IS MONTH

Director of Community Affairs Selina Harris introduced Moira Branigan, Executive Director of the YWCA Great Lakes Bay Region, who was issued a proclamation by Mayor Donker designating the month of April, 2023 as Until Justice Just Is Month. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating the month of April 2023 as YWCA Great Lakes Bay Region Until Justice Just Is Month in the City of Midland and encouraging residents, local businesses, educators, and community and faith-based organizations to celebrate diversity and advocate for the elimination of racism. (Motion ADOPTED)

MIDLAND COUNTY INTERNET CONNECTIVITY COMMITTEE UPDATE

President and CEO Tony Stamas of the Midland Business Alliance along with Chair Helen Myers of the Midland County Internet Connectivity Committee gave an update on the information they have found out.

GRANT FUNDS FOR GROVE PARK RESTROOM

Director of Public Services Karen Murphy presented information on the grant funds raised by the Midland Rotary Foundation in the amount of \$475,000 and the proposed amendment to the FY2022/23 General Fund budget to increase revenues and expenditures by this amount to provide for construction of a restroom facility in Grove Park. She also introduced President Tim Dyste from the Midland Rotary Club. A public hearing opened at 7:47 p.m., John McGown of 2505 Jamestown Dr. spoke, the hearing closed at 7:48 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

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 and individuals 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; and

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 20, 2023, on the proposal to amend the FY2022/23 General Fund Budget to recognize the funds from the Midland Rotary Foundation to install a restroom facility at Grove Park; now therefore

RESOLVED, that City Council accepts this generous donation from the Midland Rotary Foundation for a restroom facility at Grove Park; and RESOLVED FURTHER, that FY2022/23 General Fund Budget is hereby amended to increase revenues and expenditures by \$475,000 to recognize the funds received from the Midland Rotary Foundation for the construction of the restroom facility at Grove Park. (Motion ADOPTED)

DIAL-A-RIDE FY 22/23 BUDGET AMENDMENT AND PURCHASE OF TWO TRANSIT VANS

Director of Public Services Karen Murphy presented information on the proposed amendment to recognize grant funds to cover an increase in pricing for the purchase of two electric transit vans as replacements for two existing buses. A public hearing opened at 8:00 p.m., John Lynn of 4604 Oakridge Dr. spoke, the hearing closed at 8:02 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

BUDGET AMENDMENT FY 2022/23

WHEREAS, Dial-A-Ride has received 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

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 20, 2023, on the proposal to amend the FY2022/23 Dial-A-Ride Budget recognize an increased cost to purchase two electric transit vans along with the related federal and state grant funds as revenue to cover the increased cost; now therefore

RESOLVED, that the FY2022/23 Dial-A-Ride budget is hereby amended to increase revenues and expenditures by \$16,118 to recognize the increased cost and associated revenue for the purchase of two electric transit vans. (Motion ADOPTED)

PURCHASE DIAL-A-RIDE TRANSIT VANS

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

WHEREAS, the FY2023/23 Dial-A-Ride budget has been amended to recognize the increased cost of purchasing two electric transit vans as replacement units for buses 18 and 19; and

WHEREAS, Dial-A-Ride has chosen to partner with Hoekstra Transportation, Inc. of Grand Rapids, Michigan as a condition of the Federal Low No Emission Grant process to purchase the electric transit vans; and

WHEREAS, the unit price for each electric transit van is \$103,059 and there are adequate funds in the FY2022/23 Dial-A-Ride Capital Outlay budget for the purchase of two vans; and

WHEREAS, given the unique nature of the federal grant application requirements, competitive bids are deemed impractical and are waived per Sec. 2-18 of the Code of Ordinances; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Hoekstra Transportation, Inc. of Grand Rapids, Michigan in the amount of \$206,118 for the purchase of two electric transit vans to replace existing buses 18 and 19, all in accordance with the Federal Transit Administration's Low or No Emission Grant proposal and specifications; and

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

PURCHASE OF PROPERTY FOR LANDFILL

Director of Public Services Karen Murphy presented information on the proposed amendment to the FY2022/23 Landfill Fund and General Fund budgets for property acquisition. A public hearing opened at 8:12 p.m., recognizing no public comments, the hearing closed at 8:13 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

BUDGET AMENDMENT FY22/23 FOR PROPERTY ACQUISITION

WHEREAS, a parcel of property adjacent to the Landfill has become available for purchase that would provide the Landfill with additional office space, a maintenance facility and 10 acres of land for future leachate pretreatment needs; and

WHEREAS, purchase of the property is in line with the City's history of purchasing property adjacent to the Landfill as it becomes available; and

WHEREAS, the purchase price of the property along with associated costs are estimated at \$875,000 of which the Landfill has \$462,500 available in fund balance to use toward the purchase; and

WHEREAS, City Council approved up to \$500,000 toward the purchase when the Council goals for this year were ratified at the January 9, 2023 goal setting meeting; and

WHEREAS, it is necessary to amend the FY2022/23 budgets for both the General Fund and the Landfill in order to allocate funds for the property acquisition; and

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 20, 2023, on the proposal to amend the FY2022/23 General Fund and Landfill Budgets to reflect the funding needed for the property acquisition; now therefore

RESOLVED, that the FY2022/23 General Fund budget is amended to move funds from the general reserve to the Landfill transfer out account in the amount of \$412,500 and that the Landfill budget is amended to accept \$412,500 in revenue from the General Fund while increasing expenses in total by \$875,000, utilizing the General Fund allocation and funds from the Landfill's working capital fund balance, for the property acquisition. (Motion ADOPTED.)

AUTHORIZE CITY MANAGER TO MAKE PURCHASE

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

WHEREAS, a parcel of property adjacent to the Landfill has become available for purchase that would provide the Landfill with additional office space, a maintenance facility and 10 acres of land for future leachate pretreatment needs and the purchase of the property is in line with the City's history of acquiring property adjacent to the Landfill as it becomes available; and

WHEREAS, the FY2022/23 Landfill budget has been properly amended to include \$875,000 for the purchase of the property along with any associated costs involved in the purchase process; and

WHEREAS, the City Manager has authority to purchase property on behalf of the City with City Council authorization and has to date entered into a purchase agreement with the property owner that was reviewed and approved by the City Attorney and the property owner's legal team for a purchase amount of \$825,000 contingent upon an acceptable baseline environmental assessment of the property; now therefore

RESOLVED, that City Council authorizes the City Manager to complete the purchase of the property upon completion of the environmental assessment to the satisfaction of the City Attorney. (Motion ADOPTED.)

AMEND FY2022/23 COMMUNITY DEVELOPMENT BLOCK GRANT AND ANNUAL ACTION PLAN

Director of Planning & Community Development Jacob Kain presented information on the proposed Community Development Block Grant Budget amendment for fiscal year 2022-23. The following resolution was then offered by Councilman Arnosky 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 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 began on February 17, 2023; and
 WHEREAS, a public hearing was held by Midland City Council 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; now therefore
 RESOLVED, that the City Council hereby adopts the amended 2022-23 Community Development Block Grant budget and associated Annual Action Plan, as set forth in the attached table (Attachment A), for the amended use of funds for the Community Development Block Grant program; and
 RESOLVED FURTHER, that the Mayor and City Clerk are approved to sign the subrecipient agreement as approved by the City Attorney. (Motion ADOPTED.)

PUBLIC COMMENT

No public comments were made.

CITY OF MIDLAND SEWER FEE ORDINANCE

Director of Water Reclamation Jared Driscoll presented information on the proposed amendment to Section 28-163 of Division 3 of Article III of Chapter 28 of the Code of Ordinances. A public hearing opened at 8:26 p.m., James McGown of 4604 Oakridge Dr., John Lynn of 4604 Oakridge Dr., Jim Johnson of 4712 Moorland Ct., and Dan Jasmund of 4408 Oakridge Dr. spoke, the hearing closed at 8:43 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. 1880

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-163 OF DIVISION 3 OF ARTICLE III OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-163 of Division 3 of Article III of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

Sec. 28-163. Amount of sewer charge.

The city's methodology of adjusting sewer rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant, and shall be in conformity with the findings set forth in Section 28-4 of this chapter.

The charges for sewer service shall be calculated according to the following schedule:

- (1) There shall be a readiness-to-serve charge per quarter on each metered water service as follows:

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

- (2) In addition to the readiness-to-serve charge set forth in subsection (1) of this section, there will be an additional charge for sewer service, which will be calculated as follows:

For each 1,000 gallons of water used per quarter:

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

However, bills for sewer services for two (2) summer quarters for domestic customers, schools and churches shall be based on the average consumption during two (2) winter quarters. In cases where there is no previous consumption upon which to base bills for sewer services in the summer quarters, twenty-five thousand (25,000) gallons or actual consumption, whichever is the least, shall be used.

- (3) Eligible property owners or other persons responsible for paying regular system rates identified and notified under section 28-249 by the city manager or its designee who fail to disconnect all footing drain stormwater inflow connections in the timeline outlined in section 28-249, shall be subject to an opt-out charge of \$96.38 per month.
- (4) The opt-out charge provided for in section (3) shall be discontinued upon verification by the city that all footing drain stormwater inflow connections have been disconnected in compliance with all applicable city standards.

Section 2. This ordinance shall take effect upon publication.

Introduced and given first reading March 13, 2023
Given second reading and adopted on March 20, 2023
(Ordinance ADOPTED.)

APPOINTMENT OF CHRISTOPHER G. KOMARA AS MIDLAND CITY ATTORNEY

Director of Human Resources and Labor Relations Becky Schaefer presented on Christopher G. Komara's appointment as City Attorney. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, the City Council directed the Mayor to enter into employment negotiations with Mr. Komara, and to prepare an employment agreement based upon those negotiations; and
WHEREAS, Mr. Komara is currently a Midland City Police Lieutenant with 18 years of service and will require transition from the Police pension to the Municipal Employees' Retirement System (MERS) defined benefit plan with full vesting; now therefore
RESOLVED, that the City Council hereby authorizes the Mayor to enter into an employment agreement with Christopher G. Komara as City Attorney; and
RESOLVED FURTHER, that City Council adopts the Administrative Services Agreement for MERS regarding Prior City of Midland Vesting and Eligibility Service and authorizes the Mayor to execute the same; and
RESOLVED FURTHER, that the effective date of Christopher G. Komara's employment as Midland City Attorney shall be Monday, October 16, 2023 at 12:01 a.m. (Motion ADOPTED.)

ANNUAL REVIEW OF LIQUOR LICENSES REPORT

The following resolution was offered by Councilman Brown Wilhelm 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 with the exception of two (2) licensees who are in violation of Section 15-253(9) of the Code of Ordinances by being delinquent in real property taxes due to the City; and

WHEREAS, the City Attorney recommends that said licensees shall be notified that a show cause hearing is scheduled for April 10, 2023 in accord with Section 12-254 of the Code of Ordinances to provide the licensees an opportunity to show cause as to why the City Attorney's recommendation for non-renewal or revocation of its liquor license should not be approved; 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; and

RESOLVED FURTHER, that a show cause hearing is hereby scheduled for Monday, April 10, 2023 at 7:00 p.m. in the Council Chambers in City Hall for the purpose of providing the licensee of Genji Midland, Inc. and Pi's Brothers, Inc. an opportunity to show cause as to why the City Attorney's recommendation for revocation of their liquor licenses should not be approved; and

RESOLVED FURTHER, that the City Attorney is hereby directed to notify said licensees of the show cause hearing in accord with Section 12-254 of the Code of Ordinances; and

RESOLVED FURTHER, that the City Attorney is hereby authorized to cancel the show cause hearing for the licensee upon receipt of the delinquent property taxes prior to April 10, 2023. (Motion ADOPTED)

CORRECTION OF ZONING PETITIONS 640 THROUGH 645

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

ORDINANCE NO. 1879

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RC REGIONAL COMMERCIAL, RA-4 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL, AND RA-1 SINGLE FAMILY RESIDENTIAL ZONING WHERE TOWNSHIP ZONING PRESENTLY EXISTS AT 6000 STARK ROAD; TO PROVIDE RC REGIONAL COMMERCIAL ZONING WHERE OS OFFICE SERVICE ZONING PRESENTLY EXISTS AT 3715 AND 3719 N. SAGINAW ROAD; TO PROVIDE RC REGIONAL COMMERCIAL ZONING WHERE TOWNSHIP ZONING PRESENTLY EXISTS AT 5828 AND 5910 N. SAGINAW ROAD; TO PROVIDE RA-4 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL ZONING WHERE TOWNSHIP ZONING PRESENTLY EXISTS AT 7110 AND 7114 N. PERRINE ROAD; TO PROVIDE RA-1 SINGLE FAMILY RESIDENTIAL ZONING WHERE TOWNSHIP ZONING PRESENTLY EXISTS AT 6917 N. PERRINE ROAD; AND TO PROVIDE D DOWNTOWN ZONING WHERE D DOWNTOWN AND D-O DOWNTOWN OVERLAY ZONING PRESENTLY EXISTS AT 124 AND 128 MCDONALD STREET AND 100 ASHMAN STREET.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE NORTHWEST 1 / 4 AND SOUTHWEST 1 / 4, SECTION 1, T14N -R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE N00°11' 45"E, 791.89' TO THE POINT OF BEGINNING; THENCE CONTINUING N00°11' 45"E, 50.00'; THENCE ALONG THE NORTH RIGHT-OF-WAY OF HERBERT ROAD S89°31'57"E, 462.01'; THENCE N00°11' 45"E, 216.26'; THENCE

N89°31'57"W, 132.00'; THENCE N00°11' 45"E, 85.00'; THENCE N00°11' 45"E, 34.67'; THENCE N00°11' 45"E, 59. 98'; THENCE N00°11' 45"E, 104. 72'; THENCE N89°31' 57"W, 330.00'; THENCE N00°11' 45"E, 72.00'; THENCE S89°31'57"E, 330.00'; THENCE N00°11' 45"E, 374.57'; THENCE S89°31' 57"E, 97.00'; THENCE S89°30'00"E, 19. 99'; THENCE S89°32'00"E, 877.47'; THENCE S00°21' 27"W, 469.66'; THENCE S89°41'11 "E, 923.80'; THENCE S00°29'20"W, 1323.24' TO THE EAST-WEST 1/4 LINE; THENCE ALONG THE EAST-WEST 1/4 LINE N89°30'53"W, 921.82' TO A FOUND PIPE WITH CAP #29241; THENCE CONTINUING ALONG THE EAST- WEST 1 / 4 LINE N89°29'12"W, 211.81'; THENCE S33°15'23"W, 161.69' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 210.06'; THENCE N30°48'42"E, 266.24'; THENCE N89°48'15"W, 211.00'; THENCE S00°11' 45"W, 180.00' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 403. 78'; THENCE N00°11' 45"E, 415.30'; THENCE S89°31' 57"E, 221.37'; THENCE N00°11' 45"E, 132.00'; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF HERBERT ROAD N89°31'57"W, 649.99' TO THE POINT OF BEGINNING.

EXCEPT PARCELS 040-001-200-390-00 AND 040-001-200-400-00 BEING DESCRIBED AS: PART OF THE NORTHWEST 1 / 4 SECTION 1, T14N - R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE S00°11' 45"W, 1608. 94; THENCE PERPENDICULAR TO SAID WEST SECTION LINE, S89° 45'15"E, 514.00' TO THE POINT OF BEGINNING; THENCE N00° 11' 45"E, 132.00'; THENCE S89° 48'15"E, 132.00'; THENCE S00° 11' 45"W, 132.00'; THENCE N89° 48'15"E, 132.00' TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to RC Regional Commercial, RA-4 Single Family and Two Family, and RA-1 Single Family zoning.

AND

COMMENCING AT THE NORTHEAST CORNER OF SECTION 7, T14N-R2E; THENCE N 87°55'19"W, 1334.83 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE EAST 1/8 LINE OF SAID SECTION; THENCE S03°07'17"W 75.00 FEET ALONG SAID EAST 1/8TH LINE TO THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10) AND THE POINT OF BEGINNING; THENCE CONTINUING S03°07'17"W 235.00 FEET ALONG SAID 1/8 LINE; THENCE N87°55'19"W 130.00 FEET, PARALLEL WITH THE NORTH SECTION LINE; THENCE N35°56'40"W 95.19 FEET; THENCE N03°07'17"E 160.00 FEET, PARALLEL WITH THE EAST 1/8 LINE, TO THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10); THENCE S87°55'19"E 190.00 FEET, ALONG THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10) TO THE POINT OF BEGINNING.

CONTAINING 0.75 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY, WHETHER USED, IMPLIED, OR OF RECORD.

Be, and the same is hereby changed to RC Regional Commercial zoning.

AND

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1490.44' TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH SAGINAW ROAD AND POINT OF BEGINNING; THENCE CONTINUING N00°29'13"E, 593.70'; THENCE S55°45'51"E, 1295.66' TO THE PERPETUATED SOUTH 1/8 LINE OF SAID SECTION; THENCE N89°55'17"W ALONG SAID PERPETUATED SOUTH 1/8 LINE, 871.81' TO SAID NORTHEASTERLY RIGHT-OF-WAY; THENCE N56°44'22"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, 244.45' TO THE POINT OF BEGINNING. CONTAINING 8.68 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

AND

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1356.65' TO THE PERPETUATED SOUTH 1/8 LINE; THENCE ALONG SAID PERPETUATED SOUTH 1/8 LINE, S89°55'17"E, 202.60' TO THE POINT OF BEGINNING; THENCE CONTINUING S89°55'17"E, 623.37'; THENCE S34°31'34"W, 341.88'; THENCE N56°40'11"W, 514.17' TO THE POINT OF BEGINNING. CONTAINING 2.02 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD. Be, and the same is hereby changed to RC Regional Commercial zoning.

AND

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. CONTAINING 0.530 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

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. CONTAINING 0.530 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RA-4 Single Family and Two Family Residential zoning.

AND

THE NORTH 28 FEET OF THE FOLLOWING DESCRIBED PARCEL: A PART OF THE SOUTHWEST 1/4 OF SECTION 31, T15N, R2E, DESCRIBED AS: BEGINNING SOUTH 00°00'00" WEST ALONG THE NORTH-SOUTH 1/4 LINE, 968.20 FEET AND NORTH 89°11'59" WEST 320 FEET FROM THE INTERIOR 1/4 CORNER OF SAID SECTION 31; THENCE NORTH 89°11'59" WEST 98 FEET; THENCE NORTH 00°00'00" EAST 200.2 FEET; THENCE SOUTH 89°11'59" EAST 98 FEET; THENCE SOUTH 00°00'00" WEST 200.2 FEET BACK TO THE PLACE OF BEGINNING.

CONTAINING 0.06 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS

AND

PART OF THE SOUTHWEST 1/4 OF SECTION 31, T15N, R2E, DESCRIBED AS: BEGINNING SOUTH 00°00'00" WEST, ALONG THE NORTH-SOUTH 1/4 LINE, 318.00 FEET FROM THE INTERIOR 1/4 CORNER OF SAID SECTION 31; THENCE CONTINUING SOUTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH 1/4 LINE, 28.00 FEET; THENCE NORTH 89°11'59" WEST, PARALLEL TO THE SOUTH 1/8 LINE, 250.00 FEET; THENCE NORTH 00°00'00" EAST, PARALLEL TO SAID NORTH-SOUTH 1/4 LINE, 28.00 FEET; THENCE SOUTH 89°11'59" EAST PARALLEL TO SAID SOUTH 1/8 LINE, 250.00 FEET BACK TO THE PLACE OF BEGINNING.

CONTAINING 0.16 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Be, and the same is hereby changed to RA-1 Single Family Residential zoning.

AND

LOTS 7,8, SW 5 FT OF LOT 1, SW 5 FT OF SE 40 FT OF LOT 2, LOTS 5 & 6 EXC NE 21 FT & EXC BEG AT W COR OF LOT 5, NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, ALL IN BLK 12 ORIGINAL PLAT OF MIDLAND & 1/2 VAC ANN ST ADJ & NW 4FT OF MCDONALD ST ADJ, EXC BEG 10 FT NW OF INT OF CL OF VAC ANN ST & NW LN OF MCDONALD ST, SE 14 FT, NE 1.5 FT, NW TO BEG.

AND

BEG AT W COR OF LOT 5 BLK 12 ORIGINAL PLAT OF MIDLAND NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, & 1/2 VAC ANN ST ADJ.

AND

SWLY 1/2 OF VAC ANN ST BETWEEN ASHMAN ST & MCDONALD.

Be, and the same is hereby changed to D Downtown zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

(Motion ADOPTED)

PLANNING COMMISSION RESIGNATION

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

RESOLVED, that the resignation of Aerial Fields as a member of the Planning Commission is hereby accepted, effective immediately, and the Administration is directed to convey the Council's appreciation to Ms. Fields for her service on this important Board. (Motion ADOPTED)

ACT 51 ACCEPTANCE OF PUBLIC STREETS

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

WHEREAS, the extension of Sugnet Road between Main Street and Northwood Drive has been constructed within the City of Midland; and

WHEREAS, Sugnet Road is constructed within the property warranty deed recorded in Liber 878 page 669 and Liber 899 page 903 at the Register of, County of Midland; and

WHEREAS, said street was constructed and open to traffic prior to December 31, 2022; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place said street within the City of Midland Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; now therefore

RESOLVED, that said street is located within public rights-of-way under the control of the City of Midland; and

RESOLVED FURTHER, that the City of Midland hereby accepts the above public street into the City of Midland Local Street System for public street purposes. (Motion ADOPTED)

DE-ESCALATION SIMULATOR

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

WHEREAS, sealed bids for Bid 4315, De-Escalation Simulator, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff has reviewed each of the bids and determined that neither one of the two low bids meet bid specifications; and

WHEREAS, staff considers the bid received from VirTra, Inc, of Chandler, AZ, to be acceptable, meeting the bid requirements, and therefore, recommends awarding the bid for the purchase of a de-escalation simulator and associated accessories; and

WHEREAS, funds are available in the 2022/23 Police Department budget; now therefore

RESOLVED, that the bid submitted by VirTra, Inc, of Chandler, AZ, in the amount of \$161,252.94, is hereby accepted;

RESOLVED FURTHER, the Accounting Manager is authorized to issue a purchase order in the amount of \$161,252.94. (Motion ADOPTED)

CURBSIDE RECYCLING CONTRACT

Director of Public Services Karen Murphy presented information on the proposed recycling agreement with GFL Environmental of Harrison, Michigan. Nancy Carney of 1002 W. Park Dr. asked about the lid color of the bin. The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 Section 2-18 of the Midland Code of Ordinances to provide monthly single-stream curbside recycling services in RFP No. 4317 dated February 14, 2023; and
WHEREAS, after a thorough evaluation process, staff selected the proposal offered by GFL Environmental (GFL) of Harrison, Michigan as offering the best service and value to the City meeting specifications; now therefore
RESOLVED, the City Council authorizes the Mayor and City Clerk to execute a contract, as reviewed and approved by the City Attorney, with GFL Environmental of Harrison, Michigan for a five-year agreement to provide curbside recycling services starting July 1, 2023; and
RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to GFL upon City Council approval of the FY2023/24 City Budget not to exceed \$671,000 to cover the cost of recycling services the first year of the new contract. (Motion ADOPTED)

ENGINEERING DESIGN SERVICES FOR PLYMOUTH POOL GUTTER REPLACEMENT

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 Section 2-18 of the Midland Code of Ordinances for RFQ No. 4327 "Plymouth Pool Renovations" on February 28, 2023; and
WHEREAS, one proposal was received from WTA Architects of Saginaw, Michigan in the amount of \$168,445 for engineering design services for repairs to the gutter system and other underground components at Plymouth Pool; and
WHEREAS, City Council has agreed in concept to fund the necessary repairs at Plymouth Pool with \$2.5MM included in the amended FY2022/23 budget that will be presented to Council in April; and
WHEREAS, the current budget for Plymouth Pool includes \$71,500 to support the initial design services for the project with the balance of the funds becoming available upon Council's approval of the amended budget in April; now therefore
RESOLVED, the City Council authorizes the Mayor and City Clerk to execute a contract, as reviewed and approved by the City Attorney, with WTA Architects of Saginaw, Michigan for the engineering design services for the Plymouth Pool project; and
RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to WTA for up to the current budgeted \$71,500 amount and upon City Council approval of the FY2022/23 amended budget to increase the purchase order to the full contract not to exceed the amount of \$168,445. (Motion ADOPTED)

SET PUBLIC HEARING ZP 649

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, March 14, 2023, for a portion of properties located at 3903 Letts Street and 7400 Perrine Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, to apply RA-4 Single Family and Two Family zoning where township zoning and RD Mobile Home Park zoning presently exists; and
WHEREAS, the Planning Commission has submitted its recommendation to approve the petition, in accord with Section 30.03(A) of the Zoning Ordinance of the City of Midland; now therefore
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, April 10, 2023, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before March 24, 2023, and to publish said notice on March 24, 2023.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RA-4 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL ZONING WHERE TOWNSHIP ZONING AND RD MOBILE HOME PARK ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE NORTHEAST 1/4 OF SECTION 31, T15N-R02E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH 1/8 LINE OF SAID SECTION, WHICH IS S00°21'00"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1304.31 FEET AND S89°28'20"E ALONG SAID NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED, A DISTANCE OF 340.03 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE CONTINUING ALONG SAID 1/8 LINE S89°28'20"E 79.00 FEET; THENCE S00°20'36"E 180.00 FEET; THENCE N89°28'20"W PARALLEL WITH SAID 1/8 LINE 79.00 FEET; THENCE N00°20'36"W 180.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 GROSS ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THAT PART NOW USED AS LETTS STREET, SO-CALLED AND BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

AND

PART OF THE NORTHEAST 1/4 OF SECTION 31, T15N-R02E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH 1/8 LINE OF SAID SECTION, WHICH IS S00°21'00"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1304.31 FEET AND S89°28'20"E ALONG SAID NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED, A DISTANCE OF 419.03 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE CONTINUING ALONG SAID 1/8 LINE S89°28'20"E 79.00 FEET; THENCE S00°20'36"E 180.00 FEET; THENCE N89°28'20"W PARALLEL WITH SAID 1/8 LINE 79.00 FEET; THENCE N00°20'36"W 180.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 GROSS ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THAT PART NOW USED AS LETTS STREET, SO-CALLED AND BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

AND

PART OF THE NORTHEAST 1/4 OF SECTION 31, T15N-R02E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH 1/8 LINE OF SAID SECTION, WHICH IS S00°21'00"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1304.31 FEET AND S89°28'20"E ALONG SAID NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED, A DISTANCE OF 498.03 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE CONTINUING ALONG SAID 1/8 LINE S89°28'20"E 79.00 FEET; THENCE S00°20'36"E 180.00 FEET; THENCE N89°28'20"W PARALLEL WITH SAID 1/8 LINE 79.00 FEET; THENCE N00°20'36"W 180.00 FEET TO THE POINT OF

BEGINNING, CONTAINING 0.33 GROSS ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THAT PART NOW USED AS LETTS STREET, SO-CALLED AND BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

AND

PART OF THE NORTHEAST 1/4 OF SECTION 31, T15N-R02E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH 1/8 LINE OF SAID SECTION, WHICH IS S00°21'00"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1304.31 FEET AND S89°28'20"E ALONG SAID NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED, A DISTANCE OF 577.03 FEET FROM THE NORTH 1/4 CORNER SAID SECTION 31; THENCE CONTINUING ALONG SAID 1/8 LINE S89°28'20"E 79.00 FEET; THENCE S00°20'36"E 180.00 FEET; THENCE N89°28'20"W PARALLEL WITH SAID 1/8 LINE 79.00 FEET; THENCE N00°20'36"W 180.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 GROSS ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THAT PART NOW USED AS LETTS STREET, SO-CALLED AND BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

AND

PART OF THE NORTHEAST 1/4 OF SECTION 31, T15N-R02E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH 1/8 LINE OF SAID SECTION, WHICH IS S00°21'00"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1304.31 FEET AND S89°28'20"E ALONG SAID NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED, A DISTANCE OF 656.03 FEET FROM THE NORTH 1/4 CORNER SAID SECTION 31; THENCE CONTINUING ALONG SAID 1/8 LINE S89°28'20"E 80.00 FEET; THENCE S00°20'36"E 180.00 FEET; THENCE N89°28'20"W PARALLEL WITH SAID 1/8 LINE 80.00 FEET; THENCE N00°20'36"W 180.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 GROSS ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THAT PART NOW USED AS LETTS STREET, SO-CALLED AND BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

Be, and the same is hereby changed to RA-4 Single Family and Two Family Residential zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED)

SET PUBLIC HEARING FOR ZONING TEXT AMENDMENT ARTICLE 23

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, March 14, 2023 to consider the advisability of amending Article 23.00 (Industrial Districts) to add social service agencies as a principal permitted use in the Industrial A zoning district; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the text amendment, in accord with Section 30.03(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, April 10, 2023, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on or before March 24, 2023.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND ARTICLE 23.00 INDUSTRIAL DISTRICTS BY ADDING SOCIAL SERVICE AGENCIES AS A PRINCIPAL PERMITTED USE IN THE INDUSTRIAL A DISTRICT.

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

Section 23.01 -- STATEMENT OF PURPOSE

The intent of the Industrial A and Industrial B Districts is to permit the use of land, buildings, and structures for the manufacturing, processing, fabricating, compounding, treatment, packaging and/or assembly of materials or goods, warehousing or bulk storage of goods, and related accessory uses. Related accessory uses may include, by way of example, research, design, and prototype development related to the industrial operations; the storage of goods in connection with or resulting from industrial operations; the sale of goods resulting from such operations; and, any work of administration or accounting in connection with the industrial operations.

The regulations in this Article provide for two industrial districts with the intent that the least intensive industrial operations having limited external off-site impacts should be located in the Industrial A District. More intensive industrial operations should be located in the Industrial B District, which is intended to be separated and buffered from residential and commercial districts.

Section 23.02 -- PERMITTED USES AND STRUCTURES

A. Table of Permitted Uses

In all areas zoned Industrial A or Industrial B, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the uses listed in the following Table of Permitted Uses.

B. Accessory Uses and Structures

Uses and structures accessory to principal uses and structures in the Industrial A and Industrial B Districts shall be permitted, subject to the provisions in Section 3.03.

C. Permitted Uses with Special Standards

In all areas zoned Industrial A or Industrial B, the uses indicated in the following table as permitted uses with special standards are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

D. Conditional Land Uses

The uses indicated in the following table as conditional land uses may be permitted by the City Council, upon recommendation from the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

E. Uses Not Cited by Name

The Director of the Planning and Community Development Department shall have the authority to determine if a use which is not cited by name as a permitted use in the Industrial A or Industrial B zoning district as specified in Section 3.08 of the Ordinance.

Table 23.1: TABLE OF PERMITTED USES

Use	Districts Where Permitted		Comments
	A	B	
P = Principal Permitted Use S = Principal Permitted Use with Site Development Standards, see Article 9.00 C = Conditional Land Use, see Article 28.00 C/S = Conditional Land Use with Special Standards, see Article 9.00 and Article 28.00 A = Accessory use, subject to the provisions in Section 3.03			
A. Manufacturing, processing, fabricating, compounding, treatment, packaging or assembly related to the following:			
Candy	P	P	
Chemicals	P	P	
Concrete mixing plants	P	P	
Cosmetics and toiletries	P	P	
Drugs and pharmaceuticals	P	P	
Dry cleaning and dyeing plants and laundries	P	P	
Electronics	P	P	
Food products	P	P	Does not include stockyards, slaughterhouses, and rendering plants
Metal working machine shops involving the use of grinding or cutting tools	P	P	
Musical instruments or appliances	P	P	
Painting and sandblasting	P	P	
Pottery and figurines	P	P	
Publishing, printing or forming of box, carton and cardboard products	P	P	
Tire vulcanizing and recapping	P	P	
Tool and die shops	P	P	
The manufacturing of products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, metal (excluding large stampings such as automobile bodies), paper, plastics, precious or semi-precious metals or stones, shell, textiles, wax, wire, wood (excluding saw and planing mills), and yarns	P	P	
B. Other Industrial Uses:			
Industrial wells	P	P	
Packaging of preprocessed and previously manufactured goods	P	P	
Printing and publishing establishments	P	P	

Use	Districts Where Permitted		Comments
	A	B	
P = Principal Permitted Use S = Principal Permitted Use with Site Development Standards, see Article 9.00 C = Conditional Land Use, see Article 28.00 C/S = Conditional Land Use with Special Standards, see Article 9.00 and Article 28.00 A = Accessory use, subject to the provisions in Section 3.03			
Truck terminals, including transfer and temporary storage of materials and servicing of vehicles and equipment	P	P	
C. Other Permitted Uses:			
Accessory uses and structures incidental to the primary use	A	A	
Animal shelters	P		
Auto and Auto parts sales	P		
Automobile repair garage	P		Any such use shall be subject to the provisions in Section 9.02, subsection C
Beverage bottling	P		
Bus and truck storage and repair	P		
Bus terminals, garages and storage	P	P	
Car Rental Establishments	P		
Commercial bakeries	P		
Commercial Greenhouses	P		
Composting center	P	P	
Contractor's yards	S	S	Any such use shall be subject to the provisions in Section 9.02.J
Day Care	P	P	
Dental, medical, and optical laboratories	P		
Dispatch Centers, tow service	P	P	
Electrical transformer and transmission stations	P	P	
Electrical Generating Stations		P	
Fire stations	P	P	
Fitness Centers	P	P	
Gas regulator stations	P	P	
Kennels	P		
Landscaping contractor's operation	S	S	Any such use shall be subject to the provisions in Section 9.02.J
Lumber processing	S	S	Any such use shall be subject to the provisions in Section 9.02.J

Use	Districts Where Permitted		Comments
	A	B	
P = Principal Permitted Use S = Principal Permitted Use with Site Development Standards, see Article 9.00 C = Conditional Land Use, see Article 28.00 C/S = Conditional Land Use with Special Standards, see Article 9.00 and Article 28.00 A = Accessory use, subject to the provisions in Section 3.03			
Mini-warehouses	S		Any such use shall be subject to the provisions in Section 9.02.H
Mobile and modular home sales and service	P		
Offices	A	A	
Off-street parking	A	A	Subject to the provisions in Article 5.00
Open storage yards	P	P	Subject to the provisions of Section 9.02.J
Parking lots and parking structures	A	A	
Places of Worship	P	P	
Public utility facilities	P	P	Any such use shall be subject to the provisions in Section 9.02.K
Radio and television studios and offices, with broadcasting towers	C	C	
Radio and television studios and offices, without broadcasting towers	P	P	
Recycling center	P	P	
Repair service establishments of all types	P	P	
Research and testing laboratories	P	P	
Restaurants	P	P	
Sanitary landfills	P	P	
Signs	A	A	Subject to the provisions in Article 8.00
<u>SOCIAL SERVICE AGENCIES</u>	<u>P</u>		
Solar Energy Generating Facilities	P	P	
Taxi and bus dispatch centers, not including storage or repair terminals	P		
Telephone exchange buildings, shops, and yards	P	P	
Truck and heavy equipment sales and service	P	P	
Vocational, technical and trade schools	P		
Veterinary clinics	P		Outdoor kennels are permitted as an accessory use
Warehousing	P	P	
Water and sewage treatment plants	P	P	

Use	Districts Where Permitted		Comments
	A	B	
P = Principal Permitted Use S = Principal Permitted Use with Site Development Standards, see Article 9.00 C = Conditional Land Use, see Article 28.00 C/S = Conditional Land Use with Special Standards, see Article 9.00 and Article 28.00 A = Accessory use, subject to the provisions in Section 3.03			
Wholesale and distributing establishments, distributing centers	P	P	
Wireless communication facilities	S	S	Any such use shall be subject to the provisions in Section 3.16

Section 23.03 -- DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 27.00.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect 7 days after publication. (Motion ADOPTED)

Being no further business the meeting adjourned at 9:21 p.m.

Shawn Sutter, Deputy City Clerk