

March 23, 2020

A regular meeting of the City Council was held on Monday, March 23, 2020, 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 (via phone), Maureen Donker, Pamela Hall (via phone), Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the March 16, 2020 special meeting and the March 16, 2020 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 FEDERAL CENSUS

Communications Coordinator Katie Guyer accepted the proclamation in support of the Census and spoke regarding the importance of an accurate count. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor is authorized to issue the attached proclamation hereby acknowledging the importance of the 2020 Federal Census and affirming Council's support of this endeavor to assure a fair and accurate count in the region and the city. (Motion ADOPTED by a Roll Call Voice Vote.)

ZONING PETITION NO. 629

Director of Planning and Community Development Grant Murschel presented information regarding the petition. A public hearing opened at 7:17 p.m., recognizing no public comments, the hearing closed at 7:17 p.m. The following ordinance amendment was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1834

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 AN IA INDUSTRIAL A ZONING DISTRICT, WHERE A RC REGIONAL COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

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:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED AS COM 198 FT E OF NW COR OF NE 1/4 OF SW 1/4 SEC 23,E 99 FT, S 445.5 FT, W 99 FT, N 445.5 FT TO POB

Be, and the same is hereby changed to IA Industrial A.

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. (Ordinance ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENTS

No public comments were made.

2020 SIDEWALK IMPROVEMENT PROGRAM

City Engineer Josh Fredrickson presented information on the 2020 Sidewalk Improvement. The following amended resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the City Manager has submitted his report to the City Council presenting certain information regarding the installation of sidewalks on certain streets in the City of Midland in conformance with the Code of Ordinances of the City of Midland, said streets being listed as:

Joe Mann Boulevard (North side)	fronting 850 Joe Mann Boulevard
W. Main Street (West side)	from W. Sugnet Road to 0.24 miles north
Waldo Avenue (East side)	from Ashman Street to 425 feet south

; and

WHEREAS, the City Council has reviewed and studied said report; now therefore

RESOLVED, that the Council finds and determines that the construction of said sidewalks, as before listed, appears to be necessary public improvements conducive to the general health, convenience and welfare of the people of the City of Midland and that the estimated period of usefulness of said improvements is twenty-five (25) years; and

RESOLVED FURTHER, that for the purpose of effecting a savings in cost, the several proposed improvements are combined into one project and that one special assessment district for the purpose of said combined improvements, be and is hereby established to be known as the "2020 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" and that said district comprises and includes the following described lands and premises, to wit:

Joe Mann Boulevard (North side) fronting 850 Joe Mann Boulevard

Beginning at a point 200 feet east of the north-south $\frac{1}{4}$ line of Section 33, T. 15 N., R. 2 E., City of Midland, Michigan and the centerline of Joe Mann Boulevard; thence north 100 feet; thence east to the centerline of T. Moore Drive; thence southerly along the centerline of T. Moore Drive to the intersection with the centerline of Joe Mann Boulevard; thence westerly along the centerline of Joe Mann Boulevard to the point of beginning; except right-of-way for T. Moore Drive and Joe Mann Boulevard.

W. Main Street (West side) from W. Sugnet Road to 0.24 miles north

Beginning at the intersection of the north $\frac{1}{8}$ line of Section 7, T. 14 N., R.2 E., City of Midland, Michigan and the centerline of W. Main Street; thence southeasterly to the intersection of the centerline of W. Main Street and the northerly right-of-way of W. Sugnet Road; thence west 50 feet along the northerly right-of-way of W. Sugnet Road; thence northwesterly parallel to the westerly right-of-way of W. Main Street to the intersection of the north $\frac{1}{8}$ line of Section 7; thence 50 feet east to the point of beginning; except the northerly 66 feet.

Waldo Avenue (East side) from Ashman Street to 425 feet south

Beginning at the Northwest corner of Section 13, T. 14 N., R.2 E., City of Midland, Michigan; thence 50 feet east along the north line of Section 13; thence south 450 feet; thence 50 feet west to the west line of Section 13; thence north 450 feet along the west line of Section 13; except right-of-way for E. Ashman Street and Waldo Avenue.

; and

RESOLVED FURTHER, that the proposed improvement and work to be done thereunder shall consist of constructing sidewalks, in said streets as before listed, and the total estimated cost and expense thereof is ninety-one thousand fifty-three dollars and sixty-three cents (\$91,053.63); and

RESOLVED FURTHER, that the proportion of the cost and expense of said improvement to be borne and paid for by the City at large shall be fifty-four thousand six hundred eleven dollars and seventy-three cents (\$54,611.73) and that all other costs and expenses of said improvement amounting to thirty-six thousand four hundred forty-one dollars and ninety cents (\$36,441.90) shall be borne and paid by special assessments on all lands and premises in said Special Assessment District as established above, in proportion to the estimated benefits

resulting thereto from the improvement, determined as near as practicable on a front foot basis; and

RESOLVED FURTHER, that the report concerning said improvement is hereby adopted and shall be placed on file in the office of the City Clerk, and the same shall be available for public inspection during regular business hours; and

RESOLVED FURTHER, that the City Council will meet in the City Hall in said City on Monday, April 27, 2020 at 7:00 p.m., or if unable to schedule for April 27 due to the COVID-19 virus, at the next feasible meeting, and then and there to hear any objections or suggestions on the proposed improvements; and

RESOLVED FURTHER, that the City Clerk shall give notice of said hearing on necessity by causing a notice of this resolution to be published once in the Midland Daily News at least one week prior to said hearing date, and that the City Clerk shall also give notice of said hearing date to each property owner subject to special assessment by reason of said improvement, at the address of said property owners to be taken from the latest tax assessment roll in the City Assessor's office in accordance with Act 162 of Public Acts of Michigan, 1962. (Motion ADOPTED by a Roll Call Voice Vote.)

MIDLAND STREET SYSTEM – ADDING A NEW STREET

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

WHEREAS, Contractor Dr. from Waldo Ave. to the end is constructed on property deeded to the City of Midland as recorded in Liber 1576 Page 728 at the Register of Deeds, County of Midland; and

WHEREAS, said street has a centerline description as listed below:

Described as commencing at the northwest corner of section 25; Thence S00°48'43"W along the west line of said section 25, 529.98' to the point of beginning; Thence N89°56'20"E, parallel with the north line of section 25, 818.00'; Thence N54°14'57.87"E 72.00'; terminating at the center point of a cul-de-sac with a radius of 72.00'

; and

WHEREAS, said street was constructed and open to traffic prior to December 31, 2019; 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 the City of Midland hereby accepts said street as a public street into the City of Midland Local Street System. (Motion ADOPTED by a Roll Call Voice Vote.)

MIDLAND STREET SYSTEM – DECERTIFYING THREE SEGMENTS

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

WHEREAS, the City of Midland has previously removed from public use various sections of streets throughout the City of Midland by formal street vacation, abandonment or other action; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan in order to decertify streets from the City of Midland Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

WHEREAS, the City does wish to decertify the portion of E. Indian St. from Third St. to Buttles St. for a total decertification length of 535 feet; and

WHEREAS, the City does wish to decertify the portion of Rhyne Ln. from Cook Rd. to the end for a total decertification length of 490 feet; and

WHEREAS, the City does wish to decertify the portion of Cook Rd. from W. Main St. to 225 feet north of Emerson Park Rd. for a total decertification length of 845 feet; now therefore

RESOLVED, that the City hereby accepts decertification of said portions of said streets from the City of Midland Street System for Act 51 funding purposes. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 MARK PUTNAM RD. & SCHUETTE RD. RECONSTRUCTION; CONTRACT NO. 03

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the street reconstruction of Mark Putnam and Schuette Roads; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore RESOLVED, that the low sealed proposal submitted by Geiersbach Construction, Inc. of Freeland, Michigan for the "2020 Mark Putnam Rd. & Schuette Rd. Reconstruction; Contract No. 03" project, in the amount of \$445,580.00, 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 \$40,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 INTERSECTION PAVEMENT MARKINGS; CONTRACT NO. 06

City Engineer Josh Fredrickson presented information on the proposed project and the history of similar contracts. Councilman Brown Wilhelm left the meeting due to phone service interruption at 8:08 pm. The following amended resolution was then offered by Councilman Wazbinski and seconded by Councilman Hall:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Intersection Pavement Markings; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore RESOLVED, that the low sealed proposal submitted by Advanced Pavement Marking of West Olive, Michigan for the "2020 Intersection Pavement Markings; Contract No. 06" project, in the amount of \$53,630.00, 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 \$10,000.00; and RESOLVED FURTHER, that award is contingent upon approval of available funding in the 2020/2021 Major Street Fund budget. (Motion ADOPTED by a Roll Call Voice Vote 4/0.)

Councilman Brown Wilhelm returned to the meeting via phone at 8:11 pm

2020 PAVEMENT MARKING PROGRAM; CONTRACT NO. 07

City Engineer Josh Fredrickson presented information on the proposed project and the history of similar contracts. The following amended resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Pavement Markings; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore RESOLVED, that the low sealed proposal submitted by M&M Pavement Markings, Inc. of Burton, Michigan for the "2020 Pavement Marking Program; Contract No. 07" project, in the amount of \$56,880.00, 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 \$10,000.00; and

RESOLVED FURTHER, that award is contingent upon approval of available funding in the 2020/2021 Major Street Fund budget. (Motion ADOPTED by a Roll Call Voice Vote.)

CIVIC ARENA VILTER COMPRESSOR REPLACEMENT; BID NO. 4083

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

WHEREAS, sealed proposals were advertised and received on March 17, 2020 for Bid No. 4083, Vilter Compressor Replacement; and

WHEREAS, sufficient funding for this project is included in the FY 2019-20 Civic Arena Capital Outlay budget; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to the lowest bidder, Serv-Ice Refrigeration of Northville, Michigan, in the amount of \$39,808.62 for the Vilter Compressor; and

RESOLVED FURTHER, that the City Manager is authorized to approve additional unanticipated costs associated with this project not to exceed \$5,000 in total. (Motion ADOPTED by a Roll Call Voice Vote.)

ENGINEERING AND INSPECTION SERVICES FOR REPAINTING TANK AND SILO

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

WHEREAS, the Elevated Storage Tank at Plymouth Park and Lime Storage Silo at the Water Treatment Plant are scheduled to undergo repainting; and

WHEREAS, sealed bids for Bid No. 4084 RFP Engineering and Inspection Services, to provide specifications and contract documents, project administration and inspections for the repainting project have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the bid received from Dixon Engineering, Inc. to be acceptable; and
WHEREAS, funds are available for this purpose in the FY 2019/20 Water Enterprise Fund operating budget; now therefore

RESOLVED, that a purchase order is hereby authorized to Dixon Engineering, Inc. of Lake Odessa, in the amount of \$66,800.00 for consulting and inspection services for the repainting of the elevated Storage Tank at Plymouth Park and Lime Storage Silo at the Water Treatment Plant; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 8:22 p.m.

Erica Armstrong, City Clerk