

April 10, 2023

A regular meeting of the City Council was held on Monday, April 10, 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 March 20, 2023 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED)

ARBOR DAY 2023

Director of Public Services Karen Murphy presented information on a proclamation designating Friday, April 28, 2023 as Arbor Day. 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 Friday, April 28, 2023, as Arbor Day in the City of Midland. (Motion ADOPTED)

VACATION OF E. PINE STREET

Director of Planning & Community Development Jacob Kain presented information on the proposed vacation of E. Pine Street east of Ashman Street. A public hearing opened at 7:19 p.m. Jamie Broderick spoke regarding the street vacation, public hearing closed at 7:22 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Soler:

WHEREAS, Midland City Council, acting upon the request of Daniel and Jamie Broderick for vacation of E. Pine Street, referred the matter to the Midland City Planning Commission and affected departments for report and recommendation; and

WHEREAS, a report has been received from the Midland City Planning Commission recommending vacation of E. Pine Street subject to seven contingencies; and

WHEREAS, responses from each of the affected City Departments have been received indicating no objection to the vacation request subject to seven contingencies; now therefore

RESOLVED, that Midland City Council does hereby vacate E. Pine Street, subject to the following seven contingencies: (1) Limiting the portion of vacated right-of-way dedicated to the petitioner to no more than the complete depth of the northernmost row of parking; (2) The petitioner providing an easement to the City of Midland providing for public use of the sidewalk and parking; (3) The petitioner providing an easement to the City of Midland to maintain the parking and sidewalk and reconstruct such amenities, as determined by the City, in the future; (4) The petitioner sharing in the ongoing, annual expense of maintaining the parking and sidewalk and participating in the reconstruction costs of such amenities in the future; (5) The City providing an easement to the petitioner to access the existing parking lot at the rear of the petitioner's building; (6) Any change of use of the vacated right-of-way is made only upon express written consent of the City of Midland; (7) The agreement is binding upon the petitioner and all future owners of the property; and

RESOLVED FURTHER, that the vacation of E. Pine Street does not result in any change to Grove Park as described in Section 17-67 of the City of Midland Code of Ordinances; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized to execute documents prepared and approved by the City Attorney to convey the vacated portion of E. Pine Street to the adjoining property owners; and
RESOLVED FURTHER, that within thirty (30) days thereof, the City Clerk shall record a certified copy of this resolution with the Midland County Register of Deeds and send a copy to the state Treasurer. (Motion ADOPTED)

CONDITIONAL USE PERMIT NO. 82

Director of Planning & Community Development Jacob Kain presented information on Conditional Use Permit No. 82. A public hearing opened at 7:34 p.m. Renee Pettinger 2702 Ashman St spoke regarding the Conditional Use Permit, public hearing closed at 7:36 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, Midland's Open Door submitted a request for a conditional land use to permit transitional housing located at 1610 W. Carpenter Street; and
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on January 25, 2023 and publishing said notice on January 28, 2023 of the public hearing on February 14, 2023; 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. 82, in accord with documents provided and submitted at the meeting of April 10, 2023. (Motion ADOPTED)

ZONING PETITION NO. 649

Director of Planning & Community Development Jacob Kain presented information on Zoning Petition No. 649. A public hearing opened at 7:44 p.m., recognizing no public comment, the hearing closed at 7:45 p.m. The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. 1881

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. (Ordinance ADOPTED.)

ZONING TEXT AMENDMENT NO. 165

Director of Planning & Community Development Jacob Kain presented information on Zoning Text Amendment No. 165. A public hearing opened at 7:55 p.m., recognizing no public comment, the hearing closed at 7:56 p.m. The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1882

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	

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			
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	
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		

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			
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
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		

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			
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
Social service agencies	P		
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	

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			
Water and sewage treatment plants	P	P	
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. (Ordinance ADOPTED.)

PUBLIC COMMENT

John Elsen 6106 Sturgeon Creek Pkwy spoke regarding Concept 5, the Footing Drain Disconnect Program, and Mayor Donker's State of the City Address.

PROPOSED 2022-23 CITY OF MIDLAND BUDGET

Assistant City Manager David Keenan presented information on the City Manager's proposed FY 2023-24 City of Midland Budget. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, City Council has previously approved, at its regular Council meeting on December 5, 2022, that a preliminary public hearing shall be conducted at 7:00 p.m., Monday, April 24, 2023, in the Council Chambers of City Hall, on the proposed 2023-24 budget; and

WHEREAS, City Council has previously approved at the same meeting 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, May 8, 2023, in the Council Chambers of City Hall on the proposed 2023-24 budget; now therefore

RESOLVED, that the City Manager's proposed budgets and financial working plans for the 2023-24 fiscal year, prepared in accord with Section 11.3 of the City Charter, are hereby acknowledged as being received by the Midland City Council on this date, as required by Section 11.2 of the Charter, and are ordered placed on file for public examination; and RESOLVED FURTHER, that the City Clerk shall cause notice of said public hearings to be published in the Midland Daily News not less than seven days prior to the appointed date of each; and

RESOLVED FURTHER, that copies of the proposed 2023-24 budget of the City of Midland shall be placed on file for public examination during normal business hours at the City Clerk's office in City Hall, 333 W. Ellsworth Street, and posted to the City's website; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish once in the Midland Daily News a comparative summary of the 2022-23 adopted budget and the 2023-24 proposed budget. (Motion ADOPTED)

MIDLAND AREA COMMUNITY FOUNDATION GRANT – MIRACLE FIELD BATHROOM

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

WHEREAS, the Midland Area Community Foundation reached out to the City with a generous gift of \$10,000 in honor of the foundation's 50th anniversary to support a universal bathroom design project at the Miracle Field; and

WHEREAS, with the gift qualifying as donated funds from an outside agency, the City is able to utilize the funds without the requirement of the solicitation of competitive quotes or bids under Section 2-20 of the City's Code of Ordinances with City Council's approval; now therefore RESOLVED, that the City hereby accepts this very generous grant from the Midland Area Community Foundation to install an overhead hoist system in a restroom at the Miracle Field; and

RESOLVED FURTHER, that City Council waives the requirement for the solicitation of formal quotes, thus allowing staff to proceed with the project at this time. (Motion ADOPTED)

PURCHASE OF CHLORINE CONTACT PUMP – WATER RECLAMATION

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

WHEREAS, the final stage of treatment at the Water Reclamation Facility is the disinfection process; and

WHEREAS, replacement of an obsolete pump in the Chlorine Contact Chamber is necessary; and

WHEREAS, Kennedy Industries is the sole provider of Flygt pumps in Michigan; and

WHEREAS, installation of these specific pumps allows the City to stock one type of repair parts and assists staff in the familiarity of the equipment as they will be installing and maintaining it; and

WHEREAS, funding has been budgeted for this purpose in the 2022/23 Wastewater Enterprise Fund - Capital Budget for this purchase; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$54,067.00 be issued to Kennedy Industries, Inc., of Wixom, for one Flygt NP 3171.095-454 submersible pump; and RESOLVED FURTHER, that the City Manager has the authority to approve any change orders modifying or altering this contract in an aggregate amount not to exceed \$5,000. (Motion ADOPTED)

CONTRACT NO. 4

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 water main installation on Michigan St. and on Helen St.; and

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

RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2023 Michigan St. and Helen St. Water Main; Contract No. 04" project, in the amount of \$302,904.00, 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, subject to approval of the funds included in the FY23-24 budget; 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 \$25,000.00. (Motion ADOPTED)

2023 MICHIGAN ST. AND HELEN ST. WATER MAIN CONTRACT NO. 6

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 roadway reconstruction of Ashman St. from Swede Ave. to Waldo Ave.; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2023 Ashman St. Reconstruction; Contract No. 06" project, in the amount of \$1,384,790.00, 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, subject to approval of the funds included in the FY23-24 budget; 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 \$50,000.00. (Motion ADOPTED)

2023 TENNESSEE, KENTUCKY & HINES ST. RECONSTRUCTION CONTRACT NO. 7

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 roadway reconstruction of Tennessee and Kentucky Streets from Maryland St. to Ohio St., and of Hines St. from Ashman St. to Fitzhugh St.; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2023 Tennessee, Kentucky & Hines St. Reconstruction; Contract No. 07" project, in the amount of \$709,775.00, 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, subject to approval of the funds included in the FY23-24 budget; 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 \$30,000.00. (Motion ADOPTED)

2023 CANTERBURY DR. & DINA ST. RECONSTRUCTION CONTRACT NO. 8

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 roadway reconstruction of Canterbury Dr. from Greenbrier Ter. to Lawndale Dr., and of Dina St. from Rapanos Dr. to Wyllys St.; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2023 Canterbury Dr. & Dina St. Reconstruction; Contract No. 08" project, in the amount of \$458,932.00, 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, subject to approval of the funds included in the FY23-24 budget; 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 \$25,000.00. (Motion ADOPTED)

PARK MOWING SERVICES – BID NO. 4326

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing mowing services for various park and rights-of-way properties within the City of Midland; and
WHEREAS, the bid period covers a one year period with an option to extend the bid for an additional two years if staff are satisfied with the results; and
WHEREAS, there are adequate funds in the current fiscal year to provide for May and June mowing services with additional funds included in the proposed FY2023-24 budget for mowing in July – November; now therefore
RESOLVED, that the Mayor and City Clerk be authorized to execute a contract that will be reviewed and approved by the City Attorney with the selected bidder, Lawns and Mower LLC of Bay City, Michigan, for park mowing services for the 2023 season; and
RESOLVED FURTHER, that the Accounting Manager is hereby authorized to issue a purchase order to Lawns and Mower of Bay City, Michigan in the amount of \$17,142 for park mowing services for the remainder of FY2022-23; and
RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$42,855 for the months of July - November 2023, provided that funds are appropriated in the FY2023-24 Parks operating budget. (Motion ADOPTED)

COVID-RELIEF FUNDING AIRPORT RESCUE GRANT AGREEMENT

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

RESOLVED, that City Council hereby authorizes the City Manager to execute contract documents required to receive funding through the Airport Rescue Grant Agreement, a part of the American Rescue Plan Act of 2021, sub grant #IWK-1322; and
RESOLVED FURTHER, that City Council authorizes the City Manager to execute contract documents with the Federal Aviation Administration, Michigan Department of Transportation and contractors related to Federal grant funding and capital projects at Barstow Airport through June 30, 2028 in accordance with provisions and limits established in Chapter 4 of the code of Ordinances – Purchasing, Contracts & Sales. (Motion ADOPTED)

FLOORING REPLACEMENT – WASHINGTON WOODS

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

WHEREAS, Washington Woods needs to replace the public space/corridor flooring; and

WHEREAS, sufficient funds are included in the approved Washington Woods 2022/23 FY budget; and

WHEREAS, sealed bids were received on March 7, 2023 for Bid No. 4323, Washington Woods Senior Living Community Corridor Flooring, in accord with section 2-18 of the Midland Code of Ordinances; now therefore

RESOLVED, that the low sealed bid meeting City specifications submitted by Consumers Office Furniture, Inc. D/B/A Pinnacle Design of Saginaw, MI for the replacement of the public space/corridor flooring in their response to Bid No. 4323 is hereby accepted; and

RESOLVED FURTHER, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to execute the contract between the City of Midland and

Consumers Office Furniture, Inc. DBA Pinnacle Design for flooring at Washington Woods and

the Accounting Manager is authorized to issue a purchase order in the amount of \$182,391.00;

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in an aggregate amount not to exceed \$17,609.00. (Motion ADOPTED)

SET A PUBLIC HEARING TO AMEND THE 2022-23 CITY BUDGETS

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

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing on the proposal to amend 2022-23 budgets and financial working plans as outlined below, shall be conducted at 7:00 p.m., April 24, 2023, in the Council Chambers of City Hall.

	FY2023 Current	FY2023 Proposed
GENERAL FUND		
Property Taxes	\$ 30,990,596	\$ 31,055,277
Intergovernmental	15,464,052	16,428,833
Other revenues	6,345,175	8,076,265
Transfers from other funds	196,700	246,864
Sources of funds	<u>\$ 52,996,523</u>	<u>\$ 55,807,239</u>
General government	\$ 7,897,878	\$ 8,892,518
Public safety	25,911,679	25,834,581
Public works	3,361,220	3,316,835
Sanitation	4,701,781	4,660,423
Parks and recreation	8,028,724	8,182,484
Other functions	2,862,764	2,822,497
Capital projects	1,629,724	1,712,387
Contingency	302,597	250,000
Transfers to other funds	6,457,171	6,285,161
Total appropriations	<u>61,153,538</u>	<u>61,956,886</u>
<i>Change in fund balance</i>	<u>\$ (8,157,015)</u>	<u>\$ (6,149,647)</u>

	<u>Current</u>	<u>Proposed</u>
MAJOR STREET FUND		
Sources of funds	\$ 9,987,334	\$ 10,531,399
Total appropriations	<u>16,262,077</u>	<u>16,064,025</u>
<i>Change in fund balance</i>	<u>\$ (6,274,743)</u>	<u>\$ (5,532,626)</u>
LOCAL STREET FUND		
Sources of funds	\$ 4,607,420	\$ 4,739,390
Total appropriations	<u>7,305,268</u>	<u>7,176,274</u>
<i>Change in fund balance</i>	<u>\$ (2,697,848)</u>	<u>\$ (2,436,884)</u>
BROWNFIELD REDEVELOP AUTHORITY		
Sources of funds	\$ 410,100	\$ 400,000
Total appropriations	<u>410,000</u>	<u>400,000</u>
<i>Change in fund balance</i>	<u>\$ 100</u>	<u>\$ -</u>
SMARTZONE		
Sources of funds	\$ 123,000	\$ 114,136
Total appropriations	<u>100,500</u>	<u>100,500</u>
<i>Change in fund balance</i>	<u>\$ 22,500</u>	<u>\$ 13,636</u>
CENTER CITY AUTHORITY FUND		
Sources of funds	\$ 3,495,583	\$ 1,590,125
Total appropriations	<u>4,885,612</u>	<u>4,786,899</u>
<i>Change in fund balance</i>	<u>\$ (1,390,029)</u>	<u>\$ (3,196,774)</u>
STORM WATER MANAGEMENT FUND		
Sources of funds	\$ 3,074,524	\$ 2,280,779
Total appropriations	<u>4,715,414</u>	<u>4,621,805</u>
<i>Change in fund balance</i>	<u>\$ (1,640,890)</u>	<u>\$ (2,341,026)</u>
GRACE A. DOW LIBRARY FUND		
Sources of funds	\$ 5,370,755	\$ 4,946,941
Total appropriations	<u>5,915,075</u>	<u>5,166,658</u>
<i>Change in fund balance</i>	<u>\$ (544,320)</u>	<u>\$ (219,717)</u>
COMMUNITY DEVELOPMENT BLOCK GRANT FUND		
Sources of funds	\$ 6,443,242	\$ 6,297,038
Total appropriations	<u>6,443,830</u>	<u>6,297,038</u>
<i>Change in fund balance</i>	<u>\$ (588)</u>	<u>\$ -</u>

	<u>Current</u>	<u>Proposed</u>
HOMELAND SECURITY GRANT PROGRAM		
Sources of funds	\$ 1,142,694	\$ 1,230,759
Total appropriations	<u>1,221,161</u>	<u>1,142,694</u>
<i>Change in fund balance</i>	<u>\$ (78,467)</u>	<u>\$ 88,065</u>
SPECIAL ACTIVITIES FUND		
Sources of funds	\$ 141,050	\$ 11,204
Total appropriations	<u>141,000</u>	<u>9,929</u>
<i>Change in fund balance</i>	<u>\$ 50</u>	<u>\$ 1,275</u>
MIDLAND HOUSING FUND		
Sources of funds	\$ 377,660	\$ 328,400
Total appropriations	<u>386,299</u>	<u>328,000</u>
<i>Change in fund balance</i>	<u>\$ (8,639)</u>	<u>\$ 400</u>
DIAL-A-RIDE FUND		
Sources of funds	\$ 3,818,836	\$ 3,821,574
Total appropriations	<u>3,818,836</u>	<u>3,727,791</u>
<i>Change in fund balance</i>	<u>\$ -</u>	<u>\$ 93,783</u>
MIDLAND COMMUNITY TELEVISION FUND		
Sources of funds	\$ 632,380	\$ 611,000
Total appropriations	<u>847,499</u>	<u>706,156</u>
<i>Change in fund balance</i>	<u>\$ (215,119)</u>	<u>\$ (95,156)</u>
DOWNTOWN DEVELOPMENT AUTHORITY FUND		
Sources of funds	\$ 1,295,979	\$ 1,340,540
Total appropriations	<u>1,372,912</u>	<u>1,005,680</u>
<i>Change in fund balance</i>	<u>\$ (76,933)</u>	<u>\$ 334,860</u>
DEBT SERVICE FUND		
Sources of funds	\$ 1,553,450	\$ 1,552,926
Total appropriations	<u>1,553,450</u>	<u>1,553,450</u>
<i>Change in fund balance</i>	<u>\$ -</u>	<u>\$ (524)</u>
CIVIC ARENA FUND		
Sources of funds	\$ 1,817,000	\$ 1,860,180
Total appropriations	<u>2,134,705</u>	<u>2,076,836</u>
<i>Change in working capital</i>	<u>\$ (317,705)</u>	<u>\$ (216,656)</u>

	<u>Current</u>	<u>Proposed</u>
LANDFILL FUND		
Sources of funds	\$ 5,294,256	\$ 6,058,081
Total appropriations	<u>5,561,621</u>	<u>6,071,953</u>
<i>Change in working capital</i>	<u>\$ (267,365)</u>	<u>\$ (13,872)</u>
WASHINGTON WOODS FUND		
Sources of funds	\$ 2,367,620	\$ 2,327,191
Total appropriations	<u>2,825,324</u>	<u>2,869,927</u>
<i>Change in working capital</i>	<u>\$ (457,704)</u>	<u>\$ (542,736)</u>
RIVERSIDE PLACE FUND		
Sources of funds	\$ 3,509,569	\$ 3,038,322
Total appropriations	<u>4,773,180</u>	<u>4,277,889</u>
<i>Change in working capital</i>	<u>\$ (1,263,611)</u>	<u>\$ (1,239,567)</u>
CURRIE MUNICIPAL GOLF COURSE FUND		
Sources of funds	\$ 2,208,253	\$ 2,283,400
Total appropriations	<u>2,029,672</u>	<u>2,007,670</u>
<i>Change in working capital</i>	<u>\$ 178,581</u>	<u>\$ 275,730</u>
PARKING FUND		
Sources of funds	\$ 197,120	\$ 172,967
Total appropriations	<u>204,679</u>	<u>171,900</u>
<i>Change in working capital</i>	<u>\$ (7,559)</u>	<u>\$ 1,067</u>
WATER RECLAMATION FUND		
Sources of funds	\$ 23,684,208	\$ 21,193,656
Total appropriations	<u>24,359,589</u>	<u>23,101,745</u>
<i>Change in working capital</i>	<u>\$ (675,381)</u>	<u>\$ (1,908,089)</u>
WATER FUND		
Sources of funds	\$ 15,223,938	\$ 14,584,755
Total appropriations	<u>20,267,069</u>	<u>20,129,271</u>
<i>Change in working capital</i>	<u>\$ (5,043,131)</u>	<u>\$ (5,544,516)</u>
STORES REVOLVING FUND		
Sources of funds	\$ 814,195	\$ 1,261,378
Total appropriations	<u>821,206</u>	<u>1,258,308</u>
<i>Change in working capital</i>	<u>\$ (7,011)</u>	<u>\$ 3,070</u>
INFORMATION SERVICES FUND		
Sources of funds	\$ 1,068,960	\$ 1,073,500
Total appropriations	<u>1,437,305</u>	<u>1,402,261</u>
<i>Change in working capital</i>	<u>\$ (368,345)</u>	<u>\$ (328,761)</u>

	<u>Current</u>	<u>Proposed</u>
FACILITIES MAINTENANCE		
Sources of funds	\$ 200,000	\$ 210,750
Total appropriations	<u>197,130</u>	<u>181,694</u>
<i>Change in working capital</i>	<u>\$ 2,870</u>	<u>\$ 29,056</u>
EQUIPMENT REVOLVING FUND		
Sources of funds	\$ 6,295,694	\$ 6,324,434
Total appropriations	<u>7,303,962</u>	<u>7,404,100</u>
<i>Change in working capital</i>	<u>\$ (1,008,268)</u>	<u>\$ (1,079,666)</u>
MUNICIPAL SERVICE CENTER FUND		
Sources of funds	\$ 460,388	\$ 466,138
Total appropriations	<u>405,118</u>	<u>412,866</u>
<i>Change in working capital</i>	<u>\$ 55,270</u>	<u>\$ 53,272</u>
MUNICIPAL SERVICE ANNEX FUND		
Sources of funds	\$ 32,976	\$ 33,666
Total appropriations	<u>54,553</u>	<u>55,400</u>
<i>Change in working capital</i>	<u>\$ (21,577)</u>	<u>\$ (21,734)</u>
PROPERTY AND LIABILITY INSURANCE FUND		
Sources of funds	\$ 835,670	\$ 947,796
Total appropriations	<u>952,255</u>	<u>968,410</u>
<i>Change in working capital</i>	<u>\$ (116,585)</u>	<u>\$ (20,614)</u>
HEALTH INSURANCE FUND		
Sources of funds	\$ 11,205,000	\$ 11,115,000
Total appropriations	<u>11,500,980</u>	<u>11,469,107</u>
<i>Change in working capital</i>	<u>\$ (295,980)</u>	<u>\$ (354,107)</u>
SPECIAL ASSESSMENT REVOLVING FUND		
Sources of funds	\$ 45,700	\$ 14,200
Total appropriations	<u>45,700</u>	<u>98,864</u>
<i>Change in working capital</i>	<u>\$ -</u>	<u>\$ (84,664)</u>

(Motion ADOPTED)

[SET A PUBLIC HEARING TO APPROVE ZONING PETITION NO. 650](#)

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, March 21, 2023, for a portion of property located at 3903 Letts Street 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 RD Mobile Home Park where township 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, May 8, 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 April 14, 2023, and to publish said notice on April 14, 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 RD MOBILE HOME PARK WHERE TOWNSHIP 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-R20E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE S00°21'00"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 1304.31 FEET TO THE NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED; THENCE S89°28'20"E ALONG SAID 1/8 LINE 736.03 FEET; THENCE S00°20'36"E 180 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°20'36"E 150 FEET; THENCE N89°28'20"W 124 FEET; THENCE N00°20'36"W 150 FEET; THENCE S89°28'20"E 124 FEET TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to Residential D Mobile Home Park 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)

Being no further business the meeting adjourned at 8:23 p.m.

Lacey Todd, City Clerk