

April 25, 2022

A regular meeting of the City Council was held on Monday, April 25, 2022, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,
Marty Wazbinski
Councilmen absent: None

NOTE: MAYOR DONKER REMOVED AGENDA ITEM #8 FROM THE AGENDA TO BE BROUGHT BACK FOR CONSIDERATION AT A LATER DATE.

MINUTES

Approval of the minutes of the April 11, 2022 regular meeting, the April 18, 2022 special meeting, and the April 20, 2022 special meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

RIVERSIDE PLACE PEDESTRIAN HANDRAIL

Director of Public Services Karen Murphy presented information regarding the installation of a pedestrian handrail along the trail behind Riverside Place. A public hearing opened at 7:11 p.m. and hearing no comments, the public hearing closed at 7:12 p.m.

ACCEPTED A GRANT FROM THE MIDLAND AREA COMMUNITY FOUNDATION

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

WHEREAS, the City sought a grant from the Midland Area Community Foundation for the installation of a pedestrian handrail system for the paved trail behind Riverside Place that connects the Rail Trail to East Main Street to improve the safety and accessibility of the trail; and

WHEREAS, the City was awarded the grant in full from the Midland Area Community Foundation; now therefore

RESOLVED, that City Council accepts this generous grant from the Midland Area Community Foundation in the amount of \$40,000 for the installation of the handrail system. (Motion ADOPTED.)

AMEND THE FY 2021-22 GENERAL FUND BUDGET

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

WHEREAS, City Council accepted a generous grant of \$40,000 from the Midland Area Community Foundation for the installation of a pedestrian handrail system for the paved trail behind Riverside Place that connects the Rail Trail to East Main Street to improve the safety and accessibility of the trail; and

WHEREAS, it is necessary to amend the FY 2021-22 General Fund budget to increase revenue and to allocate expenses in the Parks Capital Outlay budget to properly account for the recently awarded grant funds; 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, April 25, 2022, on the proposal to amend the FY 2021-22 General Fund Budget to recognize the funds from the Midland Area Community Foundation grant for this project; now therefore

RESOLVED, that the FY 2021-22 General Fund Budget is hereby amended to increase revenues and expenditures by \$40,000 to recognize the funds received from the Midland Area Community Foundation for the pedestrian handrail installation. (Motion ADOPTED.)

AUTHORIZED A PURCHASE ORDER TO PURCHASE THE PEDESTRIAN HANDRAIL SUPPLIES

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

WHEREAS, City Council accepted a generous grant of \$40,000 from the Midland Area Community Foundation for the installation of a pedestrian handrail system for the paved trail behind Riverside Place that connects the Rail Trail to East Main Street to improve the safety and accessibility of the trail; and

WHEREAS, the FY 2021-22 General Fund budget has been amended to increase revenue and to allocate expenses in the Parks Capital Outlay budget to allow the project to move forward; and

WHEREAS, Parks staff recommend using the same pedestrian handrail system that has been installed successfully at several upstream locations along the riverfront and has withstood major flooding events with minimal damage; and

WHEREAS, Section 2-20 of Chapter 2 of the City of Midland's Code of Ordinances states that with approval of City Council, purchases may be made or contracts awarded for the furnishing of material, equipment, labor, or a combination thereof involving the expenditure of funds received as gifts, and therefore not public funds, without the necessity of soliciting quotations or sealed bids by the City; now therefore

RESOLVED, that City Council authorizes the Accounting Manager to issue a purchase order not to exceed \$40,000 to Bay Farm Services, Inc. of Bay City, Michigan for the purchase of the pedestrian handrail materials for this project with installation of the handrail to be provided by the Parks staff. (Motion ADOPTED.)

2022 DOWNTOWN ECONOMIC REVITALIZATION PUBLIC IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

Director of Community Affairs Selina Tisdale presented information regarding determining a special assessment district to be designated the "2022 Downtown Economic Revitalization Public Improvement Special Assessment District". A public hearing opened at 7:21 p.m. and hearing no comments, the public hearing closed at 7:22 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, the City Council has given due notice of its intention to provide a revitalization program in a certain district, said improvement being more particularly described in a resolution dated April 11, 2022, said district being:

That area located in the Southwest $\frac{1}{4}$ of Section 16, the Southeast $\frac{1}{4}$ of Section 17, the Northwest $\frac{1}{4}$ of Section 21, and the Northeast $\frac{1}{4}$ of Section 20, bounded by West Main Street, Ripley Street, Eastman Avenue, Buttles Street, Cronkright Street, the Tittabawassee River, the "Tridge", and all lands within 100 feet of the structure, the Tittabawassee River, and Isabella Street (M-20) excepting the Southeasterly 10 feet of Lot 4, and all of Lots 9, 10, 11 and 12 of Block 35, Carpenter and Hines Addition, all within the City of Midland, Midland County, Michigan.

and has heretofore established one special assessment district designated:

"2022 DOWNTOWN ECONOMIC REVITALIZATION PUBLIC IMPROVEMENT
SPECIAL ASSESSMENT DISTRICT"

in conjunction with said improvement and has heretofore given due notice it would meet on Monday, April 25, 2022, for the purpose of hearing and considering any objections or

suggestions on the necessity of the proposed improvement; and

WHEREAS, the City Council has met pursuant to said notice on said day at the time specified in said notice and has heard and considered all objections and suggestions to the proposed improvement; now therefore

RESOLVED, that the City Council finds and determines that the revitalization program is a necessary public improvement, conducive to the public health and general welfare of the people of the City of Midland, and that the City Council proceed forthwith to authorize said improvement in accordance with the report of the City Manager and the assessment district adopted for the same; and

RESOLVED FURTHER, that the detailed estimate of cost of said improvement is hereby approved in the amount of ninety thousand dollars (\$90,000) and that the proportion of the cost and expense to be borne and paid by the City at large, County, and/or DDA shall be zero (0) and that all other costs and expenses of said improvements amounting ninety thousand dollars (\$90,000) shall be borne and paid by special assessment on all lands and premises in said 2022 Downtown Economic Revitalization Improvement Special Assessment District; and RESOLVED FURTHER, that the City Assessor of said City be and hereby is directed to prepare and report to the City Council a special assessment roll for the:

"2022 DOWNTOWN ECONOMIC REVITALIZATION PUBLIC IMPROVEMENT
SPECIAL ASSESSMENT DISTRICT"

and to assess and levy upon the several lots and premises in said district said sums of money in proportion to the estimated benefits resulting thereto from said improvement, computed as near as practicable on a front foot basis. (Motion ADOPTED.)

PLANNED UNIT DEVELOPMENT NO. 20

Director of Planning and Community Development Grant Murschel presented information regarding Planned Unit Development No. 20 – initiated by Greater Midland Community Center for Concept and Detail Plan review and approval for a redevelopment of 2205 & 2009 Jefferson Avenue and 1614, 1610, 1602, & 1514 State Street. A public hearing opened at 7:46 p.m. Fred Eddy, Project Manager, spoke on behalf of the Greater Midland Community Center in favor of the proposal. The public hearing closed at 7:53 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Greater Midland Community Center submitted a request for approval of a Concept and Detailed Plan of Planned Unit Development (PUD), No. 20, proposed redevelopment for a new community center to contain indoor recreation, fitness, early childhood education, and general community access facilities located at 2205 & 2009 Jefferson Avenue and 1614, 1610, 1606, 1602, & 1514 State Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 24.06(A) of the Zoning Ordinance of the City of Midland on said PUD Concept Plan; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the request, in accord with Section 24.06 of the Zoning Ordinance of the City of Midland; and

WHEREAS, the City Clerk notified property owners and occupants within three hundred (300) feet of the subject properties by transmitting notice on April 14, 2022 and publishing said notice on April 16, 2022 of the proposed public hearing on April 25, 2022; and

WHEREAS, a public hearing was held by the City Council in Council Chambers of City Hall on April 25, 2022 at 7:00 p.m.; now therefore

RESOLVED, that the City Council finds the request for the Planned Unit Development to be in accord with Section 24.06 of the Zoning Ordinance, and hereby approves a Concept and Detailed Plan for Planned Unit Development No. 20, in accord with documents provided and submitted at the meeting of April 25, 2022 with the following contingencies:

1. A detailed utility demolition plan is required to the satisfaction of the City Engineering Department.
2. Final approval of a stormwater management plan and permit is required to the

satisfaction of the City Engineering Department.

3. Public easements are required for the proposed sidewalks along Jefferson and State Streets to the satisfaction of the City Engineering Department.
4. A PUD Agreement to the satisfaction of the City Attorney and City Planning Department. (Motion ADOPTED.)

CDBG BUDGET 2022-23

Director of Planning and Community Development, Grant Murschel presented to City Council regarding the FY 2022-23 CDBG proposed budget. The public hearing opened at 8:05 p.m., hearing no comments, the hearing closed at 8:06 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Hall:

WHEREAS, the City of Midland is estimated to receive an annual entitlement award of \$210,000 in Community Development Block Grant (CDBG) funds for fiscal year 2022-23 from the U.S. Department of Housing & Urban Development; and
 WHEREAS, additional special revenues of \$336,317 in Coronavirus relief funds (CDBG-CV), and \$5,476,035 in CDBG Declared Disaster Recovery (CDBG-DDR) funds have been received; and
 WHEREAS, the City will have a carry-over balance of \$220,399 and it is expected that the City will receive a total of \$20,000 in program income during the 2022-23 fiscal year; and
 WHEREAS, CDBG revenues totaling \$6,262,751 must be programmed to activities that meet the federal statutory goals and the City’s objectives of the CDBG program, as outlined in the 2020-25 Consolidated Plan as amended; and
 WHEREAS, on March 14, 2022, the Housing Commission unanimously recommended approval of the proposed 2022-23 CDBG budget, which meets said goals and objectives of the CDBG program; and
 WHEREAS, the required thirty (30) day public comment period has been held; now therefore
RESOLVED, a public hearing was held by the Midland City Council on April 25, 2022 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed 2022-23 CDBG budget; and
RESOLVED FURTHER, that the City Council hereby adopts the proposed 2022-23 Community Development Block Grant budget and associated Annual Action Plan, as set forth in the attached table (Attachment A), for the proposed 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 agreements as approved by the City Attorney.

Attachment A | Proposed 2022-2023 CDBG Budget

Entitlement Community Development Block Grant (CDBG)	
Revenue	Proposed Budget
HUD 2022-2023 Entitlement (estimated)	\$ 210,000
Program Income	\$ 20,000
Prior Year Carry-Forward	\$ 220,399
REVENUE TOTAL	\$ 450,399
Expenditures	Proposed Budget
Planning and Administration	
General Planning and Administration	\$46,000
Affordable Housing	
Midland County Habitat for Humanity - Vacant Property Acquisition	\$30,000
Housing Rehabilitation	
Home To Stay - Accessibility Modification and Mobile Home Repair Program	\$15,000
Midland County Habitat for Humanity - Home Repair	\$60,000
Subtotal	\$75,000

Public Facility Improvements	
Washington Woods – Lock replacement	\$57,000
Washington Woods – Steam table	\$10,000
Washington Woods – Range	\$15,000
Cleveland Manor Downspout and Gutter Installation	\$40,000
Subtotal	\$122,000
Public Services	
Legal Services of E. MI - Fair Housing Testing	\$4,500
Neighborhood Improvements	
Central Park Improvements	\$156,399
Cleveland Park Improvements	\$11,500
Subtotal	\$167,899
Contingency	\$5,000
EXPENDITURES TOTAL	\$450,399
Community Development Block Grant – Coronavirus Relief (CDBG-CV)	
Revenue	Proposed Budget
HUD Special CDBG-CV Allocation	\$336,317
REVENUE TOTAL	\$336,317
Expenditures	Proposed Budget
General Planning and Administration	\$21,317
Washington Woods – Eastside Chiller Replacement	\$315,000
EXPENDITURES TOTAL	\$336,317
Community Development Block Grant – Declared Disaster Recovery (CDBG-DDR)	
Revenue	Proposed Budget
HUD Special CDBG-DDR Allocation	\$5,476,035
REVENUE TOTAL	\$5,476,035
Expenditures	Proposed Budget
General Planning and Administration	\$326,035
Hazard Mitigation Grant Program (FEMA) Local Match	\$1,250,000
Hazard Mitigation Grant Program 1:1 Housing Replacement	\$1,700,000
Riverside Place Flooding Restoration	\$1,000,000
Sewer Improvement & Pump Station Flood Mitigation	\$1,000,000
City Modern Sustainability & Resiliency Planning	\$200,000
EXPENDITURES TOTAL	\$5,476,035

(Motion ADOPTED.)

PROPOSED 2022-23 CITY OF MIDLAND BUDGET

Assistant City Manager David Keenan presented an overview of the City Manager’s proposed 2022-23 Budget. A public hearing opened at 8:34 p.m., hearing no comments, the hearing closed at 8:35 p.m.

PUBLIC COMMENT

No public comments were made.

LANDFILL DISPOSAL FEE ORDINANCE

Director of Public Services Karen Murphy presented information regarding Landfill Disposal Fee Ordinance. The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. 1857

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-34 OF ARTICLE I OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-34 of Article I of Chapter 21 is amended to read as follows:

Sec. 21-34. Sanitary landfill disposal fees.

(a) Landfill disposal fees. Before being permitted to dispose of refuse, all vehicles seeking to discharge refuse at the city's sanitary landfill shall present the proper identification to the landfill gatehouse attendant indicating that the refuse was generated within the City of Midland or Midland County and pay the attendant a fee as follows:

Type of Refuse	Disposal Fee	
(1) Refuse (except tires) – Self-haul from personal residence. Residential only. *Midland County residents hauling from their personal residence get one load per month per address of three cubic yards or less of household rubbish, demolition debris (excludes renters), tires if cut in half, and yard waste may be disposed at no charge to the resident, which shall be compensated by the city's general fund. One Freon appliance and one approved sharps container may be included as part of the three free yards. Additional loads and refuse in excess of three yards, and whole tires, shall be charged according to the disposal fee schedule.	No Charge	
(2) Midland County residence self-haul material after first monthly visit and/or above three cubic yards; added fee for each tire, Freon appliance and sharps container	\$ 12.00	per cubic yard
(3) Construction and Demolition material	\$ 12.00	per cubic yard
(4) Compacted waste – residential/commercial	\$ 9.75	per cubic yard
(5) Tires Passenger vehicle tire Heavy equipment/commercial tire	\$ 10.00	per each
(6) Yard waste	\$ 4.00	per cubic yard
(7) Freon Appliances	\$ 15.00	per each
(8) Contaminated soil	\$ 16.00	per cubic yard
(9) Asbestos	\$ 18.00	per cubic yard
(10) Foundry sand	\$ 13.00	per cubic yard
(11) Grit and rags	\$ 13.00	per cubic yard
(12) Industrial waste – includes compacted	\$ 13.00	per cubic yard
(13) Main break soils	\$ 11.00	per cubic yard

(14)	Sanitary sewer debris	\$ 13.00	per cubic yard
(15)	Stormwater catch basin debris	\$ 13.00	per cubic yard
(16)	Street dirt	\$ 11.00	per cubic yard
(17)	Medical waste sharps container	\$ 10.00	per each
(18)	Wastewater and Water plant sludge	\$ 13.00	per cubic yard
(19)	Bulk medical waste - includes compacted	\$ 12.00	per cubic yard
(20)	Scrap metal - excludes Freon appliances	\$ 3.00	per cubic yard
(21)	Service Fees		
	Dependent on availability of staff and equipment. Requires signed waiver of liability form.		
	Battery pack service	\$ 20.00	
	Pull off service	\$ 30.00	
	Scrape out service	\$ 40.00	
	Minimum fee for asbestos, contaminated soils, industrial waste	2.0	Cubic yards
	Minimum fee for demolition, commercial waste	1.0	Cubic yards
	No minimum fee for self-haul Midland County residents		

- (b) The disposal fees above shall be doubled for refuse collected outside Midland County, but authorized by the city manager to be disposed at the city's landfill, or for local units of government in Midland County not having a solid waste disposal agreement with the city.
- (c) Landfill disposal fee calculation. The landfill disposal fee is based upon the generating location of the refuse, the type of material and the size of the load, as determined by landfill personnel.
- (d) Construction and Demolition material. Construction and demolition material are hereby defined as broken concrete, brick, masonry, pavement, roofing, drywall, wood, paneling, used building materials, carpet/pad, furniture and other materials designated by the director of public services or his/her agent.
- (e) Yard waste. Yard waste is hereby defined as grass clippings, leaves, brush, garden waste, trees and branches smaller than 12 inches in diameter and 8 feet long.
- (f) Special handling fees for bulky item disposal: landfill superintendent or his/her agent shall determine fee to accept RV trailer, boat, or mobile home based on volume of unit and number of tires based on demolition disposal rate. Must call ahead to schedule drop off and to determine pricing. Proof of ownership, title or registration is required if applicable.
- (g) Landfill disposal fee billing administration. Regular landfill users with an account in good standing may be issued a charge account and shall be billed monthly for their disposal fees. A penalty of two (2) percent of the bill, with a minimum of five dollars (\$5.00), shall be added to bills not paid to the city treasurer within thirty (30) days of the date of the billing. Access to the landfill for disposal shall

be prohibited if the bill remains unpaid for more than sixty (60) days of the date of billing. To regain access to the landfill all outstanding invoices (including those less than 60 days old) shall be paid in full. Customers with an account not in good standing shall pay cash, certified check, credit card or money order for each load.

Section 2. This Ordinance shall take effect July 1, 2022 for all Landfill customers with the exception of the Township curbside collection materials where the rates will take effect January 1, 2023. (Ordinance ADOPTED.)

PLANNING COMMISSION APPOINTMENT

The following resolution was offered by Councilman Arnosky:

RESOLVED, that John Elsen is hereby appointed as a citizen-at-large member of the Planning Commission for an unexpired term ending June 30, 2022. (Motion FAILED for lack of a second.)

MDOT ANNUAL PERMIT 2022

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

WHEREAS, the Michigan Department of Transportation (MDOT), is requesting that the City of Midland renew the MDOT Performance Resolution for Municipalities and related annual extensions to allow the City of Midland to operate within the State Rights of Way using an annual State permit instead of individual State permits; and

WHEREAS, the Midland City Council has previously approved similar annual performance resolutions; and

WHEREAS, the resolution approved in 2017 has been modified by MDOT; and

WHEREAS, the latest resolution includes a list of staff positions which are allowed to apply for permits; and

WHEREAS, the City Attorney has reviewed the MDOT Performance Resolution for Governmental Agencies; now therefore

RESOLVED, that the attached MDOT Performance Resolution for Municipalities is hereby adopted to facilitate processing State Right of Way Permits; and

RESOLVED FURTHER, that the City Clerk is hereby authorized to execute the MDOT Performance Resolution for Municipalities on behalf of the City of Midland. (Motion ADOPTED.)

LANDFILL – PURCHASE ORDER INCREASE FOR GENERAL ENGINEERING

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

WHEREAS, on November 8, 2021 City Council approved a purchase order increase to a total of \$100,000 for engineering and regulatory support at the Landfill to be provided by CTI and Associates, Inc. of Farmington Hills, Michigan; and

WHEREAS, increased expenses in the areas of special waste evaluation, gas collection system expansion support, waste fill sequencing calculations for the new cell and baseline PFAS testing in landfill leachate have resulted in a need to increase the PO to finish the current fiscal year; and

WHEREAS, the Landfill Superintendent has worked with CTI to determine the anticipated needs for the remainder of this fiscal year to continue utilizing CTI's contracted professional services to assist the Landfill with the provision of routine engineering and compliance support including responses to regulatory inquiries as well as assistance with cyclical permitting and reporting requirements; and

WHEREAS, staff recommends an additional \$20,000 be approved to provide funds for these engineering services through the end of the fiscal year and adequate funds are included in the FY 2021/22 Landfill operational budget for this purpose; now therefore
RESOLVED, that the Accounting Manager is authorized to increase PO # 2022-00000028 to CTI and Associates, Inc. of Farmington Hills, Michigan by \$20,000 bringing the total purchase order amount to \$120,000 to cover engineering and compliance support at the Landfill through the end of FY 2021/22. (Motion ADOPTED.)

PESTICIDE AND APPLICATOR SUPPLIES FOR EMERALD ASH BORER TREATMENT

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

WHEREAS, the City has undertaken an Emerald Ash Borer Treatment Program in order to save as many of its ash trees as possible through systemic treatment with a pesticide; and
WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of the pesticide and application plugs necessary to perform such treatment; and
WHEREAS, sufficient funding for the purchase of these supplies is included in the FY 2021/22 Forestry budget for the Emerald Ash Borer Treatment Program; now therefore
RESOLVED, that the Accounting Manager is authorized to issue a purchase order to SiteOne Landscape Supply of Cleveland, Ohio, in the amount of \$46,654.20 for the purchase of pesticide and applicator supplies for the treatment of Emerald Ash Borer in City ash trees, all in accordance with the City's proposal and specifications. (Motion ADOPTED.)

VALVE AND FLOW METER REPLACEMENT PROJECT

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

WHEREAS, sealed bids for Bid No. 4194, East Plant Valve and Flow Meter Replacement, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and
WHEREAS, the low bid was accepted, a contract was awarded and a purchase order was issued to John E. Green of Saginaw, MI, in an amount not to exceed \$464,000.00, for the replacement of valves and flow meters and associated work at the Water Treatment Plant; and
WHEREAS, additional piping modifications are needed to complete this project and a change order request for this work has been submitted by John E. Green Company of Saginaw, in a total amount of \$25,119.00; and
WHEREAS, City staff and our engineering consultants have determined that this change order meets the City specifications and is acceptable; and
WHEREAS, the funds for this work are available in the 2021/22 Fiscal Water Fund budget; now therefore
RESOLVED, that authorization for this change order to increase the existing contract purchase order in the amount of \$25,119.00 to the John E. Green Company is approved. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:54 p.m.

Lacey Todd, City Clerk