

May 8, 2023

A regular meeting of the City Council was held on Monday, May 8, 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 April 24, 2023 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED)

2023 MAKE MIDLAND BEAUTIFUL ART CELEBRATION

Public Services Manager Melissa Farley presented information on the 2023 Make Midland Beautiful Art Celebration and introduced Tricia Jendretzke, a representative of the Beautification Advisory Committee. City Council then recognized elementary and middle school children for outstanding work in creating posters for the 2023 Make Midland Beautiful Art Celebration.

MU ALPHA OMEGA CHAPTER OF ALPHA KAPPA ALPHA SORORITY, INC. 45-YEAR ANNIVERSARY

Director of Community Affairs Selina Harris presented information on Mu Alpha Omega Chapter of Alpha Kappa Alpha Sorority, Inc.'s 45-Year Anniversary and introduced Elisa Malone, President of the Mu Alpha Omega Chapter. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor is authorized to issue a proclamation recognizing Mu Alpha Omega Chapter of Alpha Kappa Alpha Sorority, Inc. and its 45 years of service to the Midland community and the Great Lakes Bay Region. (Motion ADOPTED)

PUBLIC SERVICE RECOGNITION WEEK

Director of Community Affairs Selina Harris presented information on a proclamation designating May 7-13, 2023 as Public Service Recognition Week. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation designating the week of May 7 – 13, 2023 as “Public Service Recognition Week” in the City of Midland to recognize the accomplishments and contributions of government employees at all levels – federal, state, county, city, and township. (Motion ADOPTED)

NATIONAL PUBLIC WORKS WEEK

Director of Community Affairs Selina Harris presented information on a proclamation designating May 21-27, 2023 as National Public Works Week and introduced Karen Murphy, Director of Public Services. 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 week of May 21 – 27, 2023 as “National Public Works Week” in the City of Midland to pay tribute to our public works professionals, engineers, managers, and employees and to recognize

the substantial contributions they make to protecting our national health, safety, and quality of life. (Motion ADOPTED)

ZONING PETITION NO. 650

Director of Planning & Community Development Jacob Kain presented information on Zoning Petition No. 650 to rezone a portion of property located at 3903 Letts Street from township zoning to RD Mobile Home Park. A public hearing opened at 7:28 p.m. receiving no public comment, public hearing closed at 7:29 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. 1883

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 HEREFTER 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 ¼ 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. (Ordinance ADOPTED)

MIDLAND POLICE DEPARTMENT GENERAL FUND BUDGET AMENDMENT FY 2022/23

Chief of Police Nicole Ford presented information on the proposed amendment to the FY 2022-23 Midland Police Department General Fund Budget. A public hearing opened at 7:32 p.m. receiving no public comment, public hearing closed at 7:33 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, in accordance with section 11.6 of the Charter of the City of Midland, and after having given proper legal notice, a public hearing was conducted on Monday, May 8, 2023 on the proposal to amend the FY 2022/23 Midland Police Department General Fund budget to recognize additional revenues and additional expenditures for the Midland Police Department; and

WHEREAS, additional revenue of \$41,925.21 has been awarded from the US Department of Homeland Security for the purchase of in-car computer systems; and

WHEREAS, the purchase of these items, will greatly enhance the vital services performed by the Midland Police Department to help to ensure the safety and security of the employees of the Midland Police Department as well as the citizens of the City of Midland and Midland County as a whole, now therefore;

RESOLVED, that the FY 2022/23 Midland Police Department General Fund budget is amended to increase revenue by \$41,925.21 and to increase corresponding expenditures by \$41,925.21 in acceptance of US Department of Homeland Security Grant funding awarded to the department. (Motion ADOPTED)

2023-24 CITY OF MIDLAND PROPOSED BUDGET

Assistant City Manager David Keenan presented information on the proposed 2023-24 City of Midland budget. A public hearing opened at 8:08 p.m. John Elsen 6106 Sturgeon Creek Pkwy spoke regarding budget line items with regard to storm water and waste water, public hearing closed at 8:11 p.m.

2022-23 CITY OF MIDLAND FORESTRY BUDGET AMENDMENT

Assistant City Manager David Keenan presented information on the proposed 2022-23 City of Midland Forestry budget. A public hearing opened at 8:13 p.m. receiving no public comment, public hearing closed at 8:14 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Soler:

WHEREAS, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted on Monday, May 8, 2023, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 General Fund Forestry Department budget by increasing expenditures by \$20,000 to restore spending authorization for the Michigan Department of Natural Resources Grant that was received in February of 2023, but inadvertently removed from the budget during the 2023-24 budget process; now therefore,

RESOLVED, that the 2022-23 General Fund Forestry Department budget is hereby amended to increase expenditures by \$20,000 to restore spending authorization for the Michigan Department of Natural Resources Grant that was received in February of 2023, but inadvertently removed from the budget during the 2023-24 budget process. (Motion ADOPTED)

PUBLIC COMMENT

John Elsen 6106 Sturgeon Creek Pkwy spoke regarding oak wilt as well as the Ashman and Rodd Street conversion discussions.

GARBAGE REFUSE AND LITTER ORDINANCE

Director of Public Services Karen Murphy presented information on the Chapter 10 Garbage, Refuse and Litter Ordinance. The following Ordinance was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski.

ORDINANCE NO. 1884

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 10-2 OF ARTICLE I AND SECTIONS 10-42, 10-43, 10-44 and 10-45 OF ARTICLE III OF CHAPTER 10 AND ADDING SECTION 10-46 TO ARTICLE III OF CHAPTER 10 THEREOF.

The City of Midland Ordains:

Section 1. Section 10-2 of Article I of Chapter 10 is amended to read as follows:

Sec. 10-2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

Aircraft is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle is a litter storage and collection receptacle as required and authorized in the garbage collection regulations.

Bulky or heavy items are all individual wastes or filled containers weighing more than fifty (50) pounds or having any one (1) dimension greater than three (3) feet and which cannot be loaded into a city collection vehicle by hand. These wastes include, but are not limited to, appliances; furniture; mattresses; carpeting; moving boxes, lumber, drywall, windows, shingles and other building products; bathroom and kitchen fixtures; tires and wheels; scrap metal; tree stumps; logs; cut tree branches; and brush.

Commercial handbill is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced originals or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license where such exhibition is or may be required by any law of this state or under any ordinance of this city;
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage is putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

Handbill distributor shall mean and include any person engaging or engaged in the business for hire or gain of publishing and distributing commercial and noncommercial handbills, other than newspapers distributed to subscribers thereof, any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills other than newspapers to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Household refuse is all putrescible and nonputrescible solid wastes (except body waste, yard wastes, and bulky or heavy items), including garbage; paper; wrapping; cardboards; tin, glass, and plastic containers; bedding; clothing; crockery and similar materials generated by a private premise that can be placed in a container suitable for loading into a city collection vehicle by hand.

Litter is garbage, refuse, rubbish, bulky or heavy items, household refuse, recyclables, and yard wastes as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

Noncommercial handbill is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced originals or copies of any matter of literature not included in the definition of a "commercial handbill" or "newspaper."

Park is a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Recyclable are those items of household refuse that can be collected separately for reuse or remanufacture. These items include newspapers; magazines; corrugated cardboard; aluminum; tin and aluminum food cans; No. 2 plastic containers and plastic milk jugs; and clear, green or brown glass containers.

Refuse is all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish is nonputrescible solid wastes consisting of paper, wrapping, cigarettes, cardboards, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including devices used exclusively upon stationary rails or tracks.

Yard wastes are grass clippings, garden wastes, leaves, twigs and trimmed branches two (2) inches and under in diameter that can be placed into a container suitable for loading into a city collection vehicle by hand. (Ord. No. 807, § 1, 2-19-73; Ord. No. 1276, § 1, 9-20-93) Section 2. Sections 10-42, 10-43, 10-44 and 10-45 of Article III of Chapter 10 are amended to read as follows:

Sec. 10-42. Abatement of nuisance by city--Household refuse or yard waste.

In the event the owner or occupant or any person or persons, agent, firm or corporation having control or management of any lot, place or parcel of land within the city fails, refuses or neglects to comply with the provisions of this article, the city and its authorized representatives are hereby empowered to remove and properly dispose of the improperly placed household refuse or yard waste. Improperly placed refuse or yard waste includes materials set at the curb outside of the scheduled collection time as well as materials that are improperly prepared for collection as outlined in the Garbage Collection Rules and Regulations. In the latter case, the owner or occupant must correct the violation prior to the city returning to collect the materials. The first removal of the improperly placed household refuse or yard waste and the first posting of a notice of violation pursuant to section 10-44 at an individual premises shall be considered as an informational warning to the owner or occupant. Each subsequent violation at the same individual premises by the same owner or occupant shall mandate that all expenses incurred by the city in the abatement process described in this section, together with a ten-percent

administrative charge (with a minimum charge of fifty dollars (\$50.00)), be reimbursed by the owner or owners of such parcel of land to the city and, in cases where not paid, the city shall have a lien for the same in the manner hereinafter provided. Should the same owner or occupant of an address violate this section of the ordinance more than twice, each subsequent violation may be subject to a municipal civil infraction as outlined in section 10-46. (Ord. No. 1276, § 2, 9-20-93)

Sec. 10-43. Same--Stumps, logs, cut tree branches, cut brush, bulky or heavy items.

In the event the owner or occupant or any person or persons, agent, firm or corporation having control or management of any lot, place or parcel of land within the city fails, refuses or neglects to comply with the provisions of this article, the city and its authorized representatives are hereby empowered to remove and properly dispose of the improperly placed stumps, logs, cut tree branches, cut brush, bulky or heavy items. The owner or occupant shall be given a forty-eight-hour period after the notice of violation is posted pursuant to section 10-44 to remove the improperly placed materials. If the materials are not removed within the forty-eight-hour period, then the city's director of public services shall direct city forces to remove the same. All expenses incurred by the city in the abatement process described in this section, together with a ten-percent administrative charge (with a minimum charge of one-hundred-fifty dollars (\$150.00)) for improperly placed stumps, logs, cut tree branches, cut brush, bulky or heavy items, shall mandate that the city be reimbursed by the owner or owners of such parcel of land and, in cases where not paid, the city shall have a lien for the same in the manner hereinafter provided. Owner or owners of such parcel of land may also be subject to a municipal civil infraction pursuant to section 10-46. (Ord. No. 1276, § 2, 9-20-93)

In the event the owner or occupant or any person or persons, agent, firm or corporation having control or management of any lot, place or parcel of land within the city violate the brush and heavy item rules as outlined in the Garbage Collection Rules and Regulations by setting out in excess of ten (10) cubic yards of materials for once a month collection, the city shall be reimbursed by the owner or owners of such parcel of land for collection of the additional volume at a rate of two-hundred-fifty dollars (\$250.00) for every ten (10) cubic yards beyond the limit and may be subject to a municipal civil infraction pursuant to section 10-46.

Sec. 10-44. Specific notice by posting.

It is hereby made the duty of the city's public services division to attach a notice of violation to the improperly placed household refuse, yard waste, stumps, logs, cut tree branches, cut brush, bulky or heavy items. (Ord. No. 1276, § 2, 9-20-93)

Sec. 10-45. Reimbursement to city; assessment of costs.

Whenever the city's public services division or its authorized representatives accomplish abatement of an existing violation pursuant to the provisions of this article, the city's director of public services is hereby authorized and directed to keep an accurate account of all expenses incurred, and, based on the same, to issue a certificate determining and certifying the costs involved for such work with respect to each parcel of property. The director is also authorized to add to such costs a ten-percent administrative charge to cover the cost of administering the work performed, overhead and other contingent expenses. The minimum charge for city forces to accomplish the abatement of household refuse or yard wastes shall be fifty dollars (\$50.00) and the minimum charge for city forces to accomplish the abatement of stumps, logs, cut tree branches, cut brush, bulky or heavy items shall be one-hundred-fifty dollars (\$150.00) for improperly placed or prepared materials or two-hundred-fifty dollars (\$250.00) for volumes exceeding ten (10) cubic yards.

Within ten (10) days after receipt of such certificate from the director of public services, the city finance director shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll, and such assessment shall be payable to the city treasurer within thirty (30) days from the date such

statement was forwarded. If not paid within the prescribed thirty-day period, such statement shall be filed by the city finance director with the city assessor, and shall thereupon be assessed against the land in question and become a lien on such property.

The amount so charged may be discharged at any time by the payment of the amount specified in the statement, together with interest at the rate of twelve (12) percent per annum compiled from the time of the filing of such statement with the city assessor by the city finance director.

(Ord. No. 1276, § 2, 9-20-93)

Section 3. Section 10-46 shall be added to Article III of Chapter 10 to read as follows:

Sec. 10-46. Penalty.

- (a) Any owner or occupant, or person or persons, agent, firm or corporation having control or management of any lot, place, or parcel of land within the City of Midland who shall violate any of the provisions of this Code hereby adopted or fails to comply therewith, may be responsible for a municipal civil infraction. Upon being found responsible of such violation, such owner or occupant, or person or persons, agent, firm or corporation having control or management of any lot, place, or parcel of land within the City of Midland shall be assessed a fine as provided in Chapter 34 of the Code of Ordinances. The imposition of one (1) municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue and all such owner or occupant, or person or persons, agent, firm or corporation having control or management of any lot, place, or parcel of land within the City of Midland shall be required to correct or remedy such violations or defects within a reasonable time.
- (b) The imposition of the above fine shall not be held to prevent the enforced removal of prohibited conditions. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation having control or management of any lot, place, or parcel of land within the City of Midland to subsequent civil infraction violations.

Section 4. This ordinance shall take effect July 1, 2023 (Ordinance ADOPTED. YEAS: Brown Wilhelm, Donker, Soler, Wazbinski NAYS: Arnosky).

LANDFILL DISPOSAL FEE ORDINANCE

Director of Public Services Karen Murphy presented information on the Landfill Disposal Fee Ordinance. Introduction and first reading of the following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Soler:

RESOLVED, that in accordance with Section 6.2 of the Charter of the City of Midland, the attached ordinance amending the Sanitary Landfill Disposal Fees found in Section 21-34 of Article I of Chapter 24 of the Midland Code of Ordinances is given introduction and first reading; and

RESOLVED FURTHER, that the ordinances shall be placed on the agenda for second reading and proposed adoption at the regular City Council meeting scheduled for Monday, May 22, 2023 at 7:00 p.m., in the Council Chambers of City Hall.

ORDINANCE NO. _____

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	\$ 14.00 per cubic yard
(4)	Compacted waste – residential/commercial	\$ 9.75	\$ 10.50 per cubic yard
(5)	Tires		
	Passenger vehicle tire	\$ 10.00	per each
	Heavy equipment/commercial tire	\$ 30.00	per each
(6)	Yard waste	\$ 4.00	\$ 4.25 per cubic yard
(7)	Freon Appliances	\$ 15.00	per each
(8)	Contaminated soil	\$ 16.00	\$ 21.00 per cubic yard
(9)	Asbestos	\$ 18.00	\$ 22.00 per cubic yard
(10)	Foundry sand	\$ 13.00	\$ 17.50 per cubic yard
(11)	Grit and rags	\$ 13.00	\$ 17.50 per cubic yard
(12)	Industrial waste – includes compacted	\$ 13.00	\$ 17.50 per cubic yard
(13)	Main break soils	\$ 11.00	\$ 13.00 per cubic yard
(14)	Sanitary sewer debris	\$ 13.00	\$ 17.50 per cubic yard
(15)	Stormwater catch basin debris	\$ 13.00	\$ 17.50 per cubic yard
(16)	Street dirt	\$ 11.00	\$ 13.00 per cubic yard
(17)	Medical waste sharps container	\$ 10.00	per each
(18)	Wastewater and Water plant sludge	\$ 13.00	\$ 17.50 per cubic yard
(19)	Bulk medical waste - includes compacted	\$ 12.00	\$ 14.00 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		
Pull off service	\$ 20.00	
Scrape out service	\$ 30.00	
Minimum fee for asbestos, contaminated soils, industrial waste	\$ 40.00	Cubic yards
Minimum fee for demolition, commercial waste	2.0	Cubic yards
No minimum fee for self-haul Midland County residents	1.0	

- (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 42 30 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, 2023 for all Landfill customers. (Motion ADOPTED. Considered first reading)

PILOT REFERRAL TO HOUSING COMMISSION

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

WHEREAS, the City has received a request for a Payment In Lieu of Taxes (PILOT) from Andy's Place Midland LDHA LP to develop a new Low Income Housing Tax Credit development to be known as Andy's Place; and

WHEREAS, Act 3436 of the Michigan State Housing Development Authority (MSHDA) Act of 1966 and Article XIII, Section 2-260 of the City of Midland Code of Ordinances recognize the

importance of PILOTs as a tool to facilitate affordable housing for persons of low and moderate income; and

WHEREAS, City Council has previously granted PILOT exemptions to projects that meet MSHDA requirements and additional criteria as adopted by City Council on April 14, 2003; and WHEREAS, on November 22, 2010, City Council received and filed a report from staff that recommends that no assignment, refinancing, or sale would be permitted without submission of a new PILOT application, and said application should be submitted directly to City Council for initial acceptance and referral to the Housing Commission for study and recommendation; now therefore

RESOLVED, that the PILOT request from Andy's Place Midland LDHA LP to develop Andy's Place is hereby received and referred to the Housing Commission for study and recommendation. (Motion FAILED YEAS: Brown Wilhelm, Wazbinski NAYS: Arnosky, Donker, Soler).

PROTECTING MI PENSION GRANT

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

WHEREAS, the State of Michigan has initiated the Protecting MI Pension Grant Program and included \$750 million in its Fiscal Year 2022-23 budget to provide grants to pension plans of local units of government within the State that sponsor defined-benefit pension plans with a funding ratio of below 60%, as measured by the most current pension report (Form 5572) that the Michigan Department of Treasury (Treasury) has on file as of 12/31/2021; and

WHEREAS, the most recent Form 5572 of the City of Midland on file with the Treasury as of 12/31/2021 reported that the MERS defined-benefit retirement system had a funding ratio of 54.5%; and

WHEREAS, it is the City's intent to apply for a grant for the balance of funds needed to get the City's MERS plan to a 60% funded ratio, calculated to be \$8,283,181; and

WHEREAS, Treasury requires that the local governing body of each unit applying for a grant provide, by resolution, authorization to the chief administrative officer to file a claim for a grant payment from the Protecting MI Pension Grant Program; now therefore,

RESOLVED, that City Council hereby authorizes the City Manager to complete the required forms to apply for a claim for a grant from the Protecting MI Pension Grant Program in the amount of \$8,283,181. (Motion ADOPTED)

APPOINT CITY AND COUNTY OF MIDLAND JOINT BUILDING AUTHORITY

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

WHEREAS, the Articles of Incorporation of the City and County of Midland Joint Building Authority provide that the Authority shall be directed and governed by a Commission of the Authority consisting of three members, one to be appointed by the Midland City Council, one to be appointed by the Midland County Board of Commissioners, and one to be appointed by the joint action of the City Council and the County Board of Commissioners; and

WHEREAS, the four-year term of Jenee Velasquez, as the jointly appointed member of said Commission expired on February 7, 2021; and

WHEREAS, Jenee Velasquez has expressed a willingness to continue on in the capacity of the jointly appointed member of the Board; and

WHEREAS, the Authority has a need to meet to conduct Authority business and desires to do so with a full board; now therefore

RESOLVED, that Jenee Velasquez is hereby reappointed to the office of Commissioner of the City and County of Midland Joint Building Authority for the remainder of the four-year term ending February 7, 2025. (Motion ADOPTED)

NELSON PUMP STATION REPAIR PARTS – WATER RECLAMATION

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

WHEREAS, the Nelson Pump Station is designed to serve as an assist station during wet weather events; and
WHEREAS, one of the 3 pumps at Nelson Pump station is in need of repair; and
WHEREAS, Kennedy Industries is the sole provider of Flygt pump parts in Michigan; and
WHEREAS, funding has been budgeted for this purpose in the 2022/23 Water Reclamation 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 2-17 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$36,216.00 be issued to Kennedy Industries, Inc., of Wixom, for the purchase of Flygt centrifugal pump repair parts, 3306.745-0171126, for the Nelson Pump Station for the Water Reclamation Facility; 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)

REAR PACKER TRUCK – PUBLIC WORKS

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

WHEREAS, the Department of Public Services routinely purchases good condition used rear packer refuse trucks for use as back-up vehicles for refuse collection and for short-term programs including fall leaf collection; and
WHEREAS, funding for two used rear packer refuse trucks was appropriated in the FY 2022-23 Equipment Revolving Fund budget for Capital Outlay, Vehicles but pandemic-related pressures on the new vehicle industry has resulted in very limited supplies of used vehicles available at a much higher price than anticipated meaning the City can afford to purchase only one truck at this time; and
WHEREAS, competitive bids for used vehicles is impractical due to the limited supply of vehicles and the timeline within which the unit needs to be secured for purchase once identified as a viable option; and
WHEREAS, the Fleet Manager has found a 2020 demo unit rear packer truck from the Bell Equipment Company of Lake Orion, Michigan that meets the needs of Public Services; now therefore
RESOLVED, that the City Council hereby determines that competitive bids are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived; and
RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order to the Bell Equipment Company of Lake Orion, Michigan in the amount of \$210,000 for the purchase of one demo rear packer refuse truck; and
RESOLVED FURTHER, that staff is authorized to sell the existing City unit via online auction. (Motion ADOPTED)

SET A PUBLIC HEARING TO AMEND VARIOUS 2022/23 BUDGETS

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

RESOLVED, 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 22, 2023, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 budgets of the General, MCTV, Landfill, and Water Reclamation Funds to correct items that were omitted from the 2023-24 budget process. (Motion ADOPTED)

Being no further business the meeting adjourned at 9:33 p.m.

Lacey Todd, City Clerk