

May 22, 2023

A regular meeting of the City Council was held on Monday, May 22, 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, Maureen Donker, Tim Soler, Marty Wazbinski
Councilmen absent: Diane Brown Wilhelm

MINUTES

Approval of the minutes of the May 8, 2023 regular meeting were offered by Councilman Arnosky and seconded by Councilman Wazbinski. (Motion ADOPTED)

PRIDE MONTH

Director of Community Affairs Selina Harris presented information on a proclamation designating June 2023 as Pride Month and introduced Scott Ellis, Executive Director of Great Lakes Bay Pride. 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 June 2023 as Pride Month in the city of Midland and urging residents to celebrate with our members of the LGBTQ+ community. (Motion ADOPTED)

NATIONAL GUN VIOLENCE AWARENESS DAY

Director of Community Affairs Selina Harris presented information on a proclamation designating June 2, 2023 as National Gun Violence Awareness Day and introduced Chris Klykken of Great Lakes Bay Region Moms Demand Action. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating June 2, 2023 as National Gun Violence Awareness Day in the city of Midland and encouraging all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives. (Motion ADOPTED)

CONDITIONAL USE PERMIT NO. 83

Director of Planning & Community Development Jacob Kain presented information on Conditional Use Permit No. 83 to permit a single family dwelling at 7101 W. Wackerly St. A public hearing opened at 7:24 p.m. Reid Dufford 412 E. Saginaw Rd. Sanford spoke on behalf of the property owner, public hearing closed at 7:25 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Mayor Donker:

WHEREAS, Wackerly Development, LLC submitted a request for a conditional land use to permit a single family dwelling located at 7101 W. Wackerly 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 March 25, 2023 and publishing said notice on March 25, 2023 of the public hearing on April 11, 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. 83, in accord with documents provided and submitted at the meeting of May 22, 2023. (Motion ADOPTED)

MCTV, LANDFILL, AND WATER RECLAMATION FUNDS BUDGET AMENDMENT FY 2022/23

Assistant City Manager David A. Keenan presented information on the proposed amendment to the FY 2022-23 MCTV, Landfill, and Water Reclamation Funds Budget. A public hearing opened at 7:31 p.m. receiving no public comment, public hearing closed at 7:32 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted on Monday, May 22, 2023, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 MCTV Fund, Landfill Fund, and Water Reclamation Fund budgets to correct items that were omitted from the 2023-24 budget process; now therefore RESOLVED, that the 2022-23 MCTV Fund budget is hereby amended to increase capital expenditures by \$60,000 to restore spending authorization that was inadvertently omitted during the 2023-24 budget process; and RESOLVED FURTHER, that the 2022-23 Water Reclamation Fund budget is hereby amended to increase revenue by \$1 million for the planned transfer in from the General Fund that was inadvertently omitted during the 2023-24 budget process; and RESOLVED FURTHER, that the 2022-23 Landfill Fund budget is hereby amended to increase equipment rental expenditures by \$288,890 for planned equipment rental from the City's Equipment Revolving Fund, that were inadvertently omitted during the 2023-24 budget process. (Motion ADOPTED)

PUBLIC COMMENT

John Elsen 6106 Sturgeon Creek Pkwy spoke regarding a presentation he attended regarding flood planning.

Karl Rishe 5909 Heritage Court N spoke regarding public aquatics facilities.

LANDFILL DISPOSAL FEES ORDINANCE

Director of Public Services Karen Murphy presented information on the Landfill Disposal Fees Ordinance. The following Ordinance was then offered by Councilman Wazbinski and seconded by Councilman Arnosky.

ORDINANCE NO. 1885

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 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	No Charge

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.

(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	\$ 14.00	per cubic yard
(4)	Compacted waste – residential/commercial	\$ 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	\$ 4.25	per cubic yard
(7)	Freon Appliances	\$ 15.00	per each
(8)	Contaminated soil	\$ 21.00	per cubic yard
(9)	Asbestos	\$ 22.00	per cubic yard
(10)	Foundry sand	\$ 17.50	per cubic yard
(11)	Grit and rags	\$ 17.50	per cubic yard
(12)	Industrial waste – includes compacted	\$ 17.50	per cubic yard
(13)	Main break soils	\$ 13.00	per cubic yard
(14)	Sanitary sewer debris	\$ 17.50	per cubic yard
(15)	Stormwater catch basin debris	\$ 17.50	per cubic yard
(16)	Street dirt	\$ 13.00	per cubic yard
(17)	Medical waste sharps container	\$ 10.00	per each
(18)	Wastewater and Water plant sludge	\$ 17.50	per cubic yard
(19)	Bulk medical waste - includes compacted	\$ 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	\$ 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 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. (Ordinance ADOPTED).

FY 2023-24 CITY BUDGET

Assistant City Manager David Keenan presented information on the 2023-2024 City of Midland Budget. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, a public hearing on the 2023-2024 budget was held on Monday, May 8, 2023, at 7:00 p.m., in accord with Section 11.4 of the Charter of the City of Midland and State of Michigan Act 5, Public Acts of 1982, as amended; and

WHEREAS, MCL 211.44 permits local governments which administer property taxes to impose a Property Tax Administration Fee not to exceed one percent (1%) on taxes payable before February 15th of the succeeding year; and

WHEREAS, Section 12.17 of the Charter of the City of Midland requires the City Treasurer to add a four percent (4%) collection fee to all taxes paid after the 15th day of September; and

WHEREAS, MCL 211.44 permits local property tax collecting units to add to taxes collected after February 15 and before March 1, four percent (4%) for late charges and additional fees; and

WHEREAS, pursuant to MCL 211.44, as amended, the governing body must approve by resolution or ordinance an authorization for the imposition of a property tax administration fee, collection fee or any type of late penalty charge; and

WHEREAS, it is the desire of the governing body of the City of Midland to authorize the imposition of a one percent (1%) tax administration fee and a four percent (4%) late penalty

collection fee to all applicable taxes levied by all taxing units and payable to the City of Midland;
and

WHEREAS, the taxable value of real and personal property in the City of Midland has been determined to be \$2,198,173,946 plus \$13,757,120 of value on the Industrial Facilities Tax Roll; now therefore

RESOLVED, that the budget of the City of Midland for the fiscal year beginning July 1, 2023 and ending June 30, 2024 is hereby determined and adopted as follows:

	2024 Adopted
GENERAL FUND	
Property taxes	\$ 31,516,237
Intergovernmental	14,028,792
Other revenues	6,399,577
Transfers from other funds	8,500
Total Sources of Funds	<u>\$ 51,953,106</u>
General government	\$ 8,470,375
Public safety	22,105,434
Public works	3,663,151
Sanitation	5,287,770
Parks and recreation	10,003,583
Other functions	3,262,554
Capital projects	210,000
Contingencies	400,000
Transfers to other funds	4,011,875
Total Appropriations	<u>57,414,742</u>
Change in fund balance	<u>\$ (5,461,636)</u>
MAJOR STREET FUND	
Sources of Funds	\$ 10,641,655
Total appropriations	13,704,390
Change in fund balance	<u>\$ (3,062,735)</u>
LOCAL STREET FUND	
Sources of Funds	\$ 5,908,300
Total appropriations	11,325,254
Change in fund balance	<u>\$ (5,416,954)</u>
BROWNFIELD REDEVELOPMENT FINANCING AUTHORITY FUND	
Sources of Funds	\$ 405,000
Total appropriations	405,000
Change in fund balance	<u>\$ -</u>
SMARTZONE FUND	
Sources of Funds	\$ 114,136
Total appropriations	10,000
Change in fund balance	<u>\$ 104,136</u>

	2024
	Adopted
CENTER CITY AUTHORITY FUND	
Sources of Funds	\$ 123,000
Total appropriations	17,263
<i>Change in fund balance</i>	<u>\$ 105,737</u>
STORM WATER MANAGEMENT FUND	
Sources of Funds	\$ 6,094,188
Total appropriations	6,817,968
<i>Change in fund balance</i>	<u>\$ (723,780)</u>
GRACE A. DOW LIBRARY FUND	
Sources of Funds	\$ 4,661,662
Total appropriations	5,161,662
<i>Change in fund balance</i>	<u>\$ (500,000)</u>
COMMUNITY DEVELOPMENT BLOCK GRANT FUND	
Sources of Funds	\$ 219,928
Total appropriations	219,928
<i>Change in fund balance</i>	<u>\$ -</u>
SPECIAL ACTIVITIES FUND	
Sources of Funds	\$ 10,300
Total appropriations	9,000
<i>Change in fund balance</i>	<u>\$ 1,300</u>
MIDLAND HOUSING FUND	
Sources of Funds	\$ 378,900
Total appropriations	378,000
<i>Change in fund balance</i>	<u>\$ 900</u>
DIAL-A-RIDE FUND	
Sources of Funds	\$ 2,783,545
Total appropriations	2,844,042
<i>Change in fund balance</i>	<u>\$ (60,497)</u>
MIDLAND COMMUNITY TELEVISION FUND	
Sources of Funds	\$ 610,500
Total appropriations	802,613
<i>Change in fund balance</i>	<u>\$ (192,113)</u>
DOWNTOWN DEVELOPMENT AUTHORITY FUND	
Sources of Funds	\$ 1,339,349
Total appropriations	1,729,487
<i>Change in fund balance</i>	<u>\$ (390,138)</u>

	2024 Adopted
DEBT SERVICE FUND	
Sources of Funds	\$ 26,265
Total appropriations	<u>26,265</u>
<i>Change in fund balance</i>	<u>\$ -</u>
CIVIC ARENA FUND	
Sources of Funds	\$ 1,510,000
Total appropriations	<u>1,803,015</u>
<i>Change in working capital</i>	<u>\$ (293,015)</u>
LANDFILL FUND	
Sources of Funds	\$ 7,316,780
Total appropriations	<u>8,169,558</u>
<i>Change in working capital</i>	<u>\$ (852,778)</u>
WASHINGTON WOODS FUND	
Sources of Funds	\$ 2,155,057
Total appropriations	<u>2,384,839</u>
<i>Change in working capital</i>	<u>\$ (229,782)</u>
RIVERSIDE PLACE FUND	
Sources of Funds	\$ 2,036,000
Total appropriations	<u>2,277,389</u>
<i>Change in working capital</i>	<u>\$ (241,389)</u>
CURRIE MUNICIPAL GOLF COURSE FUND	
Sources of Funds	\$ 2,027,830
Total appropriations	<u>2,036,043</u>
<i>Change in working capital</i>	<u>\$ (8,213)</u>
PARKING FUND	
Sources of Funds	\$ 175,653
Total appropriations	<u>214,726</u>
<i>Change in working capital</i>	<u>\$ (39,073)</u>
WATER RECLAMATION FUND	
Sources of Funds	\$ 21,476,651
Total appropriations	<u>22,439,614</u>
<i>Change in working capital</i>	<u>\$ (962,963)</u>
WATER FUND	
Sources of Funds	\$ 14,882,423
Total appropriations	<u>15,598,874</u>
<i>Change in working capital</i>	<u>\$ (716,451)</u>

	2024 Adopted
STORES REVOLVING FUND	
Sources of Funds	\$ 1,223,956
Total appropriations	1,138,934
<i>Change in working capital</i>	<u>\$ 85,022</u>
INFORMATION SERVICES FUND	
Sources of Funds	\$ 1,180,100
Total appropriations	1,446,467
<i>Change in working capital</i>	<u>\$ (266,367)</u>
FACILITIES MANAGEMENT FUND	
Sources of Funds	\$ 330,750
Total appropriations	331,987
<i>Change in working capital</i>	<u>\$ (1,237)</u>
EQUIPMENT REVOLVING FUND	
Sources of Funds	\$ 7,391,994
Total appropriations	6,844,890
<i>Change in working capital</i>	<u>\$ 547,104</u>
MUNICIPAL SERVICE CENTER FUND	
Sources of Funds	\$ 478,565
Total appropriations	541,684
<i>Change in working capital</i>	<u>\$ (63,119)</u>
MUNICIPAL SERVICE ANNEX FUND	
Sources of Funds	\$ 34,552
Total appropriations	40,512
<i>Change in working capital</i>	<u>\$ (5,960)</u>
PROPERTY AND LIABILITY INSURANCE FUND	
Sources of Funds	\$ 946,000
Total appropriations	977,310
<i>Change in working capital</i>	<u>\$ (31,310)</u>
HEALTH INSURANCE FUND	
Sources of Funds	\$ 11,413,000
Total appropriations	11,617,398
<i>Change in working capital</i>	<u>\$ (204,398)</u>
SPECIAL ASSESSMENT REVOLVING FUND	
Sources of Funds	\$ 8,500
Total appropriations	1,008,500
<i>Change in working capital</i>	<u>\$ (1,000,000)</u>

; and

RESOLVED FURTHER, that the City Assessor is hereby authorized and instructed to levy 12.4121 mills for operations, 0.4654 mills for storm water operations, 1.0000 mill for library

operations, and 1.2610 mills for public safety pension, a total of 15.1385 mills, on the taxable value of the various classes of property in the City of Midland on the 2022 City tax roll, in accordance with provisions of Act 114, Public Acts of 1979; and
RESOLVED FURTHER, that in accordance with the recommendation of the Downtown Development Authority, the City Assessor is hereby authorized and instructed to levy an additional 2.0000 mills for operations on the taxable value of the various classes of property on the 2021 City tax roll in the 2006 Amended Downtown Development District; and
RESOLVED FURTHER, that in accordance with MCL 211.44 the City Assessor is hereby authorized and instructed to impose a tax administration fee of one percent (1%) on all applicable taxes levied on both the summer and winter property tax bills in the City of Midland, to offset costs incurred by the City of Midland in assessing property values, collecting property tax levies, and processing taxes under review and appeal; and
RESOLVED FURTHER, that the City Treasurer is hereby authorized and instructed to add to all summer taxes paid after the legal due date of September 15 (or the next business day if that day falls on a holiday or weekend) a four percent (4%) late penalty collection fee on all delinquent parcels within the City of Midland. The City Treasurer is also hereby authorized to add to all winter taxes paid after February 14 (or the next business day if that day falls on a holiday or weekend) a four percent (4%) late penalty collection fee on all delinquent parcels within the City of Midland. Said collection fee, for both summer and winter taxes, is to be calculated on the unpaid base tax plus the one percent (1%) tax administration fee; and
RESOLVED FURTHER, that such added penalty and administrative fees for summer and winter taxes shall belong to the City of Midland and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. The City Treasurer shall apply payments received on delinquent parcels to penalties, interest, and administrative fees before applying payments to delinquent taxes; and
RESOLVED FURTHER, that all City of Midland taxes and administrative fees on summer and winter real property, and penalties on summer real property levied in the immediately preceding year that remain uncollected by the City Treasurer on the first day of March (or the next business day if that day falls on a holiday or weekend) shall be turned over to the County Treasurer as delinquent for collection. These delinquencies and the related settlement distributions from the County shall include all assessments, interest, charges, administrative fees and penalties hereinto provided, and shall be part of the County's delinquent tax roll, collected in the same manner as other taxes returned to the County Treasurer are collected, as provided by law, and shall be and remain a lien upon the property against which they are assessed until paid; and
RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2022, the General Fund's fund balance shall include \$5,461,636 as a Committed Fund Balance for Future Year Expenditures and \$13,556,260 as a Committed Fund Balance for Budget Stabilization; and
RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2023, the City's funds shall include an amount to be determined by the City's Director of Fiscal Services as Assigned Fund Balance for Encumbrances as authorized by the Director of Fiscal Services as appropriate to be encumbered into the 2023-2024 budgets and financial working plans, providing that: 1) there is sufficient remaining budget in 2022-2023, 2) each item has previous City Council budgetary approval to be spent for the purpose for which it is being requested to be encumbered, 3) the intent to spend the funds for the purpose in which it was originally approved still exists, and 4) periodic costs, such as supplies and other charges which get budgeted for each year are deemed to be non-recurring or necessary to offset unexpected adverse conditions in the upcoming year; and
RESOLVED FURTHER, that the Director of Fiscal Services is directed to provide an explanation of amounts encumbered, by fund, to City Council in a quarterly financial report during the 2023-24 fiscal year. (Motion ADOPTED)

DOWNTOWN MIDLAND COMMONS BOUNDARY

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

WHEREAS pursuant to the authority granted by Public Act 124 of 2020, Midland City Council established by resolution on March 22, 2021, the Downtown Midland Social District and Commons Areas, which shall be clearly marked with appropriate signage within a Social District; and

WHEREAS, the Downtown Midland Commons Area has operated successfully since opening in May 2021 benefiting downtown businesses and visitors alike; and

WHEREAS, the Downtown Development Authority (DDA) reviewed a request to extend the boundaries of the Commons Area and recommends approval of the extension to Midland City Council; and

WHEREAS, Midland City Council has considered the request to extend the boundaries of the Commons Area of the Downtown Midland Social District to move the eastern boundary from Rodd Street to Cronkright Street while maintain the northern boundary of Larkin Street and western boundary of Gordon Street; now therefore

RESOLVED, that the DDA hereby supports adoption of the aforementioned adjusted boundaries of the Downtown Midland Commons area as presented and recommends the request be forwarded to the State of Michigan for final consideration and adoption. (Motion ADOPTED)

DOWNTOWN MIDLAND COMMONS BRINSTAR BEERCADE, LLC

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

WHEREAS Under Public Act 124 of 2020 Midland City Council designated the boundaries of Downtown Midland as a Social Districts with an identified Commons Areas; and

WHEREAS, on May 22, 2023, Midland City Council approved extending the easterly boundary of the Downtown Midland Commons Area from Rodd Street to Cronkright Street while maintaining the northern boundary of Larkin Street and the western boundary of Gordon Street to include Brinstar Beercade, LLC; and

WHEREAS, Brinstar Beercade, LLC located at 415 E. Main Street now qualifies as a business to be recommended for approval of a Social District Permit application by the Michigan Liquor Control Commission; and

WHEREAS, the licensed premises of Brinstar Beercade, LLC is contiguous to the Commons Areas within the designated Social Districts; and

WHEREAS, Midland City Council desires to recommend approval of the Social District Permit application of Brinstar Beercade, LLC; now therefore

RESOLVED that the Social District Permit application from Brinstar Beercade, LLC 415 E. Main Street, Midland, MI is recommended by Midland City Council for consideration and approval by the Michigan Liquor Control Commission; and

RESOLVED FURTHER, that the City Clerk is authorized and directed to provide Brinstar Beercade, LLC with a certification of this action in the form specified by the Michigan Liquor Control Commission. (Motion ADOPTED)

REDEVELOPMENT LIQUOR LICENSE, LASKO'S TAVERN, LLC

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

WHEREAS, Lasko's Tavern, LLC is applying to the Michigan Liquor Control Commission for an on-premise Class C liquor license issued under PA 501 of 2006, redevelopment liquor licenses; and

WHEREAS, to acquire a redevelopment liquor license it is necessary that Lasko's Tavern, LLC be located within a Downtown Development Authority (DDA) district, have a seating capacity of at least 25 patrons, have spent \$75,000 on the rehabilitation of the residing building, and be located in a district demonstrating at least \$200,000 of private and public investment in the preceding five years; now therefore

RESOLVED, that the Midland City Council hereby recommends that the request for an on-premise Class C liquor license issued pursuant to Section 436.1521a(1)b of PA 501 of 2006 submitted by Lasko's Tavern, LLC for a business to be located at 101 E. Main Street, Midland, Michigan be considered for approval by the Michigan Liquor Control Commission; and RESOLVED FURTHER, that the City Council hereby certifies that the Downtown Development Authority of the City of Midland, Michigan is a redevelopment project area and that the license to be located at 101 E. Main Street, Midland, Michigan is within the Downtown Development Authority and the redevelopment project area. (Motion ADOPTED)

EVENT REQUEST - SOAP BOX DERBY

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

RESOLVED, that the request from JD Geisler with Michigan Soap Box Derby to conduct the Midland Soap Box Derby June 24, 2023 in the parking lots of the City / County Building complex in Downtown Midland is hereby approved following Administrative Staff review and subject to the following conditions:

- The responsible party and contact number for the event date is JD Geisler, (772) 214-6551.
- The Engineering Department will write the Traffic Control Order.
- The Parks Department has tentatively reserved trash cans and event fencing to block the entrance to the parking lots. The event organizer needs to contact the Parks & Recreation office at 837-6930 (mfarley@midland-mi.org) to finalize this reservation.
- City vehicles utilizing parking spaces in the Midland City Hall portion of the parking lot will temporarily relocate vehicles to Parking Lot A on Friday, June 23.
- Provide a certificate of insurance for general liability coverage in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as certificate holder and additional insured with the event specified on the certificate. The certificate must be submitted to Selina Harris, Community Affairs Director, sharris@midland-mi.org by June 16.
- Be advised that the southern portion of the City Hall parking lot closest to Larkin Street is owned by the First United Methodist Church and must remain open for their use.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner (Motion ADOPTED)

SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY CORPORATION CAPITAL IMPROVEMENTS BUDGET

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

RESOLVED, that the Saginaw-Midland Municipal Water Supply Corporation 2023-2024 Fiscal Year Budget for the Capital Improvement and Emergency Repair Fund in the amount of \$690,000 is hereby approved. (Motion ADOPTED)

HOUSING CONSTRUCTION AGREEMENT

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

WHEREAS, the Midland Public Schools administration has requested a joint project with the City of Midland and the Reece Endeavor of Midland, by having students in the Building Trades Class provide the labor for the construction of a two-family residential structure; and
WHEREAS, such participation will result in the training of students in construction skills beneficial to both the students and the community; and
WHEREAS, such participation will result in additional housing stock that will be barrier-free and available to residents of low-income, an additional benefit to the community; and
WHEREAS, a project at 203 & 205 Cambridge Street has been selected and designed on property owned by the Reece Endeavor of Midland; now therefore
RESOLVED, that the Midland City Council hereby endorses this student participation in the City's Housing Program, and directs staff to develop the necessary procedures for carrying this program forward; and
RESOLVED FURTHER, that the Reece Endeavor of Midland shall pay to the City all material costs, contracted labor, and other incidental costs as agreed upon; and
RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute a Housing Construction Agreement between the City of Midland, Midland Public Schools, and the Reece Endeavor of Midland for this purpose. (Motion ADOPTED)

PURCHASE ORDER AMENDMENT – WASHINGTON WOODS AND RIVERSIDE PLACE FLOORING

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

WHEREAS, an analysis was conducted of the frequency of needed flooring replacement in apartments at Washington Woods and Riverside Place and it was concluded that the flooring life could be extended with the use of vinyl plank flooring; and
WHEREAS, the change to vinyl plank flooring increased the unit cost for flooring replacement; and
WHEREAS, sufficient funds exist in the budgets for Washington Woods and Riverside Place to cover the cost of the vinyl plank flooring; and
WHEREAS, the original purchase orders with Valley Carpet approved by City Council in July 2022 are insufficient to cover the cost of flooring replacement through June 30, 2023; now therefore
RESOLVED, that City Council hereby authorizes the Accounting Manager to increase PO 2023-00000165 to Valley Carpet by \$15,000 for flooring at Washington Woods for total amount not to exceed \$80,000 and increases PO 2023-00000004 to Valley Carpet by \$20,000 for flooring at Riverside Place for a total amount not to exceed \$90,000. (Motion ADOPTED)

CHLORINE PURCHASE ORDER

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

WHEREAS, chlorine is necessary for the safe treatment of our water supply; and

WHEREAS, market volatility and chlorine raw material costs have forced suppliers to frequently increase chlorine costs for their customers; and
WHEREAS, no suitable alternative chlorine supply is available; now therefore
RESOLVED, that approval is granted for the purchase and delivery of chlorine at a cost of \$1,550 per ton from July 1, 2023 through December 31, 2023; and
RESOLVED FURTHER, that JCI Jones Chemicals, Inc is designated as the exclusive supplier of chlorine for the City of Midland through FY 2023-24, and a blanket purchase order to JCI Jones Chemicals, Inc. for \$80,000, is authorized in accord with Section 2-18 of the Code of Ordinances; and
RESOLVED FURTHER, that the City Manager is authorized to evaluate and execute price agreements based on industry changing conditions and to approve changes to the purchase orders in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED)

RAW WATER SERVICE AGREEMENT

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

WHEREAS, the Saginaw-Midland Municipal Water Supply Corporation (Corporation) was formed and began operations in 1948 and operates as a non-profit entity pursuant to Act No. 233 of Michigan Public Acts of 1955, as amended, to be a supplier of bulk Lake Huron water to its owners, the City of Saginaw and the City of Midland, as well as to other communities along the pipeline route; and
WHEREAS, the Sims-Whitney Utilities Authority desires to increase its supply of raw water from 555,000 to 655,000 gallons per day maximum to serve areas in Arenac County; and
WHEREAS, supplying water requires the Sims-Whitney Utilities Authority to own, operate, and maintain a filtered water treatment system, in accordance with the rules of the Michigan Department of Environmental Quality and the provisions of the Safe Drinking Water Act (Act 399 PA 1976 and as amended), as required to meet the potable water needs of its residents and its customers; and
WHEREAS, in accordance with the operating agreement between the City of Midland and the Corporation, the City must approve amendments to wholesale water contracts; now therefore
RESOLVED, that the Mayor and City Clerk, subject to document approval by the City Attorney, are hereby authorized to amend the wholesale raw water service agreement between the Saginaw-Midland Municipal Water Supply Corporation and the Sims-Whitney Utilities Authority. (Motion ADOPTED)

PURCHASE ORDER – RELIABILITY STUDY

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

WHEREAS, the Safe Drinking Water Act (PA 399 of 1976) requires the City to update its water system Reliability Study and General Plan every five years; and
WHEREAS, updates to the General Plan must be submitted to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) by October 31, 2023; and
WHEREAS, it is necessary to calibrate the City's hydraulic model; and
WHEREAS, funding is available for this purpose in the Fiscal Year 2022/2023 Water Enterprise Fund operating budget; now therefore
RESOLVED, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to execute the Professional Services Agreement between the City of Midland and Fishbeck and a purchase order is hereby authorized in the amount of \$60,400.00, in accord with Sec. 2-19 of the Code of Ordinances for the City of Midland; and

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

SET A PUBLIC HEARING TO AMEND THE EQUIPMENT REVOLVING FUND BUDGET

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

WHEREAS, the Department of Public Services has successfully added a new method of winter roadway treatment using anti-icing techniques to make operations more efficient and cost-effective; and

WHEREAS, staff has found a slide-in brine unit for \$26,381.60 that will fit in an existing tandem axle dump truck to allow larger loads of brine to be used during anti-icing, reducing the number of trips back to refill the brine tanks; and

WHEREAS, there are \$21,245 in funds in the Equipment Revolving Fund's (ERF) fund balance that were paid in toward future replacement of a stump grinder that is no longer needed that can be reallocated toward the purchase of the slide-in brine unit; and

WHEREAS, funds from the ERF's FY 2022-23 contingency account will be used to cover the shortfall needed to purchase the brine unit; and

WHEREAS, it is necessary to amend the current fiscal year's budget to move the funds from the ERF's fund balance into the FY 2022-23 ERF Capital Outlay expenditure budget in order to move forward with the purchase of the brine unit; now therefore

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., June 12, 2023 in the Council Chambers of City Hall on the proposal to amend the FY 2022-23 Equipment Revolving Fund budget to increase expenditures by \$21,245 for the purchase of a slide-in brine unit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED)

Being no further business the meeting adjourned at 8:13 p.m.

Lacey Todd, City Clerk