

May 24, 2021

A regular electronic meeting of the City Council was held on Monday, May 24, 2021, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 853 3624 9926 ~ Password: 089757. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky (remote – Midland, MI), Diane Brown Wilhelm (remote – Midland, MI), Maureen Donker (remote – Midland, MI), Pamela Hall (remote – Midland, MI), Marty Wazbinski (remote – Midland, MI)

Councilmen absent: None

Mayor Donker disclosed that she is the Executive Director of the Reece Endeavor of Midland, which is a party in the agreement that is the subject of item number 14.

MINUTES

Approval of the minutes of the May 10, 2021 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Hall. (Motion ADOPTED by a Roll Call Voice Vote.)

MIDLAND BUSINESS ALLIANCE INFRASTRUCTURE TASK FORCE PRESENTATION

JW Fisher, Bill Schuette, and Tony Stamas presented to Council regarding the MBA's newly formed Advisory Committee and the work they are doing to raise funds and study long-term flood mitigation strategies.

CONDITIONAL USE PERMIT NO. 70

Director of Planning and Community Development Grant Murschel presented to City Council regarding the request to all continued use and expansion of a single-family home located at 3921 Bay City Road. The public hearing opened at 7:36 p.m., recognizing no public comments, the hearing closed at 7:37 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, Wendy and Jason Dials have submitted a request for a Conditional Use Permit to allow for the continued use and expansion of a single-family home in a RB Multiple-Family Residential B zoning district located at 3921 Bay City Road; 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. 70, in accord with documents provided and submitted at the meeting of May 24, 2021. (Motion ADOPTED by a Roll Call Voice Vote.)

CONCEPT 5 PROJECT PLAN

General Supervisor of the Wastewater Treatment Plant Bruce Royce presented information to City Council regarding an increasing Concept 5. The public hearing opened at 8:08 p.m., recognizing comments from Scot Arnold, 5600 Grouse Ct., John Hill, 4224 Partridge Ln., Tyler Carter, 4809 Moorland Ct., Brian Mills, 6110 Briarwood Ct., John Elsen, 6106 Sturgeon Creek Pkwy, Scot Macnellis, 4306 Partridge Ln., Susan Murrell, 4809 Oakridge Dr., Deb Rittenburg, 5810 Woodbridge Ln., Barb Johnson, 4300 Brambleridge Ln., Jarrett Peplinski, 4410 Partridge Ln., Mike Syrylo, 4403 Partridge Ln., Mark Fireman, 4809 Warbler's Way Dr., Chuck Batcke, 5907 Perrine Rd., John Tarrant, 4213 Oakridge Dr., Laura Dietsche, 4400 Bramblebridge Ln., Greg Hoffman, 4704 Pinewood Dr., Sam Choo, 6103 Briarwood Ct., Chuck Rozewski, 4409 Oakridge Dr., Connie Parkhurst, 4304 Oakridge Dr., Richard Siemer, 5617 Grouse Ct., Robert

Genovese, 4805 Moorland Ct., Thomas Bender, 4600 Oakridge Dr., Matt Hilliard, 4613 Oakridge Dr., Jeanne Ridley, 4609 Oakridge Dr., John Muste, 4900 Oakridge Dr., and Monica Dhar, 4709 Butternut Pl., the public hearing then closed at 9:13 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, in accord 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 24, 2021, on the proposal to submit draft project plans to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to seek project plan approval and procure the opportunity for low-interest loans to fund the improvements through the Clean Water State Revolving Fund and the Strategic Water Quality Initiatives Fund; now therefore
RESOLVED, that staff is approved to submit the Project Plans prior to Tuesday, June 1, 2021 to EGLE to procure the opportunity for low-interest loans to fund the improvements in Concept 5. The submittal will not approve the execution of the project or procurement of funding; and
BE IT FURTHER RESOLVED, that the City Manager, a position currently held by C. Bradley Kaye, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative. (Motion ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENT

Eric Anders, 1408 Lee St. commented regarding the Word on the Street podcast, the Code of Conduct Policy for Midland Boards and Commissions, and the Transportation & Mobility Survey.

FY 2021-22 CITY BUDGET

Assistant City Manager David Keenan presented information on the 2021-2022 City of Midland Budget. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

WHEREAS, a public hearing on the 2021-2022 budget was held on Monday, May 10, 2021, 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 \$2,116,052,546 plus \$38,586,000 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, 2021 and ending June 30, 2022 is hereby determined and adopted as follows:

	<u>Adopted</u>
GENERAL FUND	
<i>Sources of Funds:</i>	
Property taxes	\$ 29,980,472
Intergovernmental	10,146,187
Other revenues	5,000,657
Transfers from other funds	47,064
Fund balance	5,501,055
<i>Total Sources of Funds</i>	<u>\$ 50,675,435</u>
GENERAL FUND (cont'd)	
<i>Appropriations:</i>	
General government	\$ 6,471,277
Public safety	20,888,497
Public works	2,889,181
Sanitation	4,168,652
Parks and recreation	6,843,333
Other functions	2,047,296
Capital projects	306,000
Contingencies	400,000
Transfers to other funds	6,661,199
<i>Total Appropriations</i>	<u>\$ 50,675,435</u>
MAJOR STREET FUND	
<i>Sources of Funds:</i>	
State gas and weight tax	\$ 4,849,300 [▼]
County Road Millage	3,854,411
Intergovernmental	477,700
Other revenues	154,000
<i>Total Sources of Funds</i>	<u>\$ 9,335,411</u>
<i>Appropriations:</i>	
Street maintenance	\$ 2,250,847
Street construction	3,280,000
Transfers to other funds	3,337,604
Contingencies	20,000
Fund balance	446,960
<i>Total Appropriations</i>	<u>\$ 9,335,411</u>
LOCAL STREET FUND	
<i>Sources of Funds:</i>	
State gas and weight tax	\$ 1,276,250
Other revenues	131,900
Transfers from other funds	3,187,500
Fund balance	171,910
<i>Total Sources of Funds</i>	<u>\$ 4,767,560</u>

LOCAL STREET FUND (cont'd)*Appropriations:*

Street maintenance	\$ 1,850,864
Street construction	2,740,000
Transfers to other funds	156,696
Contingencies	20,000
Total Appropriations	\$ 4,767,560

BROWNFIELD REDEVELOPMENT FINANCING AUTHORITY FUND*Sources of Funds:*

Property taxes	\$ 410,262
Other revenues	100
Total Sources of Funds	\$ 410,362

Appropriations:

Operating expenditures	\$ 410,262
Fund balance	100
Total Appropriations	\$ 410,362

SMARTZONE FUND*Sources of Funds:*

Property taxes	\$ 123,000
Total Sources of Funds	\$ 123,000

Appropriations:

Operating expenditures	\$ 50,500
Capital expenditures	50,000
Fund balance	22,500
Total Appropriations	\$ 123,000

CENTER CITY AUTHORITY FUND*Sources of Funds:*

Other revenues	\$ 9,560
Transfers from other funds	14,000
Total Sources of Funds	\$ 23,560

Appropriations:

Operating expenditures	\$ 15,000
Fund balance	8,560
Total Appropriations	\$ 23,560

STORM WATER MANAGEMENT FUND*Sources of Funds:*

Operating revenues	\$ 17,000
Other revenues	1,400
Transfers from other funds	1,426,800
Fund balance	392,216
Total Sources of Funds	\$ 1,837,416

Appropriations:

Operating expenditures	\$ 757,416
Storm sewer construction	1,055,000
Contingencies	25,000
Total Appropriations	\$ 1,837,416

GRACE A. DOW LIBRARY FUND*Sources of Funds:*

Property taxes	\$ 2,121,117
Operating revenues	310,156
Intergovernmental	329,020
Other revenues	119,700
Transfers from other funds	1,619,551
Fund balance	80,000
<i>Total Sources of Funds</i>	<u>\$ 4,579,544</u>

Appropriations:

Operating expenditures	\$ 4,499,544
Capital expenditures	80,000
<i>Total Appropriations</i>	<u>\$ 4,579,544</u>

COMMUNITY DEVELOPMENT BLOCK GRANT FUND*Sources of Funds:*

Federal and program	\$ 342,244
<i>Total Sources of Funds</i>	<u>\$ 342,244</u>

Appropriations:

Residential home rehabs	\$ 60,000
Other expenditures	145,944
Transfers to other funds	57,000
Contingencies	5,000
Fund balance	74,300
<i>Total Appropriations</i>	<u>\$ 342,244</u>

HOMELAND SECURITY GRANT PROGRAM*Sources of Funds:*

Federal	\$ -
Fund balance	-
<i>Total Sources of Funds</i>	<u>\$ -</u>

Appropriations:

Operating expenditures	\$ -
Fund balance	-
<i>Total Appropriations</i>	<u>\$ -</u>

SPECIAL ACTIVITIES FUND*Sources of Funds:*

Contributions and other	\$ 131,050
Transfers from other funds	10,000
<i>Total Sources of Funds</i>	<u>\$ 141,050</u>

Appropriations:

Other expenditures	\$ 122,000
Transfers to other funds	19,000
Fund balance	50
<i>Total Appropriations</i>	<u>\$ 141,050</u>

MIDLAND HOUSING FUND*Sources of Funds:*

Sale of assets	\$	325,000
Other revenues		2,160
Fund balance		3,840
Total Sources of Funds	\$	331,000

Appropriations:

Cost of assets sold	\$	325,000
Other expenditures		6,000
Total Appropriations	\$	331,000

DIAL-A-RIDE FUND*Sources of Funds:*

Operating revenues	\$	120,000
State funds		945,476
Federal funds		1,120,440
Other revenues		11,460
Transfers from other funds		617,649
Total Sources of Funds	\$	2,815,025

Appropriations:

Operating expenditures	\$	2,514,525
Capital expenditures		290,500
Contingencies		10,000
Total Appropriations	\$	2,815,025

MIDLAND COMMUNITY TELEVISION FUND*Sources of Funds:*

Operating revenues	\$	655,500
Other revenues		2,100
Fund balance		194,665
Total Sources of Funds	\$	852,265

Appropriations:

Operating expenditures	\$	729,265
Capital expenditures		113,000
Contingencies		10,000
Total Appropriations	\$	852,265

DOWNTOWN DEVELOPMENT AUTHORITY FUND*Sources of Funds:*

Property taxes	\$	1,244,040
Other revenues		11,573
Transfers from other funds		16,500
Fund balance		94,358
Total Sources of Funds	\$	1,366,471

Appropriations:

Operating expenditures	\$	1,066,471
Capital expenditures		200,000
Contingencies		25,000
Transfers to other funds		75,000
Total Appropriations	\$	1,366,471

DEBT SERVICE FUND*Sources of Funds:*

Intergovernmental	\$ 53,000
Other revenues	100
Transfers from other funds	1,689,999
<i>Total Sources of Funds</i>	<u>\$ 1,743,099</u>

Appropriations:

Debt service	\$ 1,556,100
Transfers to other funds	186,999
<i>Total Appropriations</i>	<u>\$ 1,743,099</u>

CIVIC ARENA FUND*Sources of Funds:*

Operating revenue	\$ 985,500
Other revenues	22,400
Transfers from other funds	350,000
Working capital	229,606
<i>Total Sources of Funds</i>	<u>\$ 1,587,506</u>

Appropriations:

Operating expenses	\$ 1,126,722
Capital expenses	97,600
Contingencies	25,000
Debt service	338,184
<i>Total Appropriations</i>	<u>\$ 1,587,506</u>

LANDFILL FUND*Sources of Funds:*

Operating revenue	\$ 4,056,000
Other revenues	73,920
Working capital	1,185,993
<i>Total Sources of Funds</i>	<u>\$ 5,315,913</u>

Appropriations:

Operating expenses	\$ 4,052,413
Capital expenses	138,000
Capital projects	680,000
Contingencies	65,000
Debt service	380,500
<i>Total Appropriations</i>	<u>\$ 5,315,913</u>

WASHINGTON WOODS FUND*Sources of Funds:*

Operating revenues	\$ 1,426,080
Other revenues	431,875
Transfers from other funds	57,000
Working capital	156,383
<i>Total Sources of Funds</i>	<u>\$ 2,071,338</u>

Appropriations:

Operating expenses	\$ 1,835,538
Other expenses	13,800
Capital expenses	212,000
Contingencies	10,000
<i>Total Appropriations</i>	<u>\$ 2,071,338</u>

RIVERSIDE PLACE FUND*Sources of Funds:*

Operating revenues	\$ 1,206,000
Other revenues	536,500
Working capital	353,929
<i>Total Sources of Funds</i>	<u>\$ 2,096,429</u>

Appropriations:

Operating expenses	\$ 2,054,429
Other expenses	7,000
Capital expenses	25,000
Contingencies	10,000
<i>Total Appropriations</i>	<u>\$ 2,096,429</u>

CURRIE MUNICIPAL GOLF COURSE FUND*Sources of Funds:*

Operating revenues	\$ 1,038,924
Transfers from other funds	250,000
Other revenues	41,207
<i>Total Sources of Funds</i>	<u>\$ 1,330,131</u>

Appropriations:

Operating expenses	\$ 1,129,784
Capital expenses	135,000
Contingencies	20,000
Debt service	12,274
Working capital	33,073
<i>Total Appropriations</i>	<u>\$ 1,330,131</u>

PARKING FUND*Sources of Funds:*

Operating revenues	\$ 94,150
Other revenues	12,050
Transfers from other funds	75,000
Working capital	8,089
<i>Total Sources of Funds</i>	<u>\$ 189,289</u>

Appropriations:

Operating expenses	\$ 188,432
Other expenses	857
<i>Total Appropriations</i>	<u>\$ 189,289</u>

WASTEWATER FUND*Sources of Funds:*

Operating revenues	\$ 6,837,100
Other revenues	258,240
Transfers from other funds	1,186,999
<i>Total Sources of Funds</i>	<u>\$ 8,282,339</u>

Appropriations:

Operating expenses	\$ 6,069,161
Other expenses	56,086
Capital expenses	293,000
Capital projects	836,430
Debt service	312,165
Contingencies	50,000
Working capital	665,497
<i>Total Appropriations</i>	<u>\$ 8,282,339</u>

WATER FUND*Sources of Funds:*

Operating revenues	\$ 12,167,998
Contractual revenue	400,352
Other revenues	157,070
Working capital	1,722,585
Total Sources of Funds	\$ 14,448,005

Appropriations:

Operating expenses	\$ 9,995,005
Other expenses	1,000
Capital expenses	657,000
Capital projects	3,695,000
Contingencies	100,000
Total Appropriations	\$ 14,448,005

STORES REVOLVING FUND*Sources of Funds:*

Operating revenues	\$ 770,000
Other revenues	3,195
Working capital	547,302
Total Sources of Funds	\$ 1,320,497

Appropriations:

Operating expenses	\$ 708,497
Capital expenses	612,000
Total Appropriations	\$ 1,320,497

INFORMATION SERVICES FUND*Sources of Funds:*

Operating revenues	\$ 1,041,000
Other revenues	2,200
Working capital	218,579
Total Sources of Funds	\$ 1,261,779

Appropriations:

Operating expenses	\$ 1,206,779
Capital expenses	30,000
Contingencies	25,000
Total Appropriations	\$ 1,261,779

FACILITIES MANAGEMENT FUND*Sources of Funds:*

Operating revenues	\$ 179,198
Total Sources of Funds	\$ 179,198

Appropriations:

Operating expenses	\$ 179,198
Total Appropriations	\$ 179,198

EQUIPMENT REVOLVING FUND*Sources of Funds:*

Operating revenues	\$ 6,109,053
Other revenues	96,500
Total Sources of Funds	\$ 6,205,553

EQUIPMENT REVOLVING FUND (cont'd)*Appropriations:*

Operating expenses	\$ 3,475,286
Other expenses	19,318
Capital expenses	1,963,000
Contingencies	25,000
Working capital	722,949
Total Appropriations	\$ 6,205,553

MUNICIPAL SERVICE CENTER FUND*Sources of Funds:*

Operating revenues	\$ 445,849
Other revenues	1,164
Total Sources of Funds	\$ 447,013

Appropriations:

Operating expenses	\$ 290,072
Contingencies	10,000
Working capital	146,941
Total Appropriations	\$ 447,013

MUNICIPAL SERVICE ANNEX FUND*Sources of Funds:*

Operating revenues	\$ 31,909
Other revenues	110
Total Sources of Funds	\$ 32,019

Appropriations:

Operating expenses	\$ 21,739
Contingencies	5,000
Working capital	5,280
Total Appropriations	\$ 32,019

PROPERTY AND LIABILITY INSURANCE FUND*Sources of Funds:*

Operating revenues	\$ 672,000
Other revenues	42,000
Working capital	91,755
Total Sources of Funds	\$ 805,755

Appropriations:

Operating expenses	\$ 805,755
Total Appropriations	\$ 805,755

HEALTH INSURANCE FUND*Sources of Funds:*

Operating revenues	\$ 10,742,000
Other revenues	402,500
Working capital	5,872
Total Sources of Funds	\$ 11,150,372

Appropriations:

Operating expenses	\$ 11,150,372
Total Appropriations	\$ 11,150,372

WATER FUND (cont'd)*Appropriations:*

Operating expenses	\$ 9,995,005
Other expenses	1,000
Capital expenses	657,000
Capital projects	3,695,000
Contingencies	100,000
Total Appropriations	\$ 14,448,005

STORES REVOLVING FUND*Sources of Funds:*

Operating revenues	\$ 770,000
Other revenues	3,195
Working capital	547,302
Total Sources of Funds	\$ 1,320,497

Appropriations:

Operating expenses	\$ 708,497
Capital expenses	612,000
Total Appropriations	\$ 1,320,497

INFORMATION SERVICES FUND*Sources of Funds:*

Operating revenues	\$ 1,041,000
Other revenues	2,200
Working capital	218,579
Total Sources of Funds	\$ 1,261,779

Appropriations:

Operating expenses	\$ 1,206,779
Capital expenses	30,000
Contingencies	25,000
Total Appropriations	\$ 1,261,779

FACILITIES MANAGEMENT FUND*Sources of Funds:*

Operating revenues	\$ 179,198
Total Sources of Funds	\$ 179,198

Appropriations:

Operating expenses	\$ 179,198
Total Appropriations	\$ 179,198

EQUIPMENT REVOLVING FUND*Sources of Funds:*

Operating revenues	\$ 6,109,053
Other revenues	96,500
Total Sources of Funds	\$ 6,205,553

Appropriations:

Operating expenses	\$ 3,475,286
Other expenses	19,318
Capital expenses	1,963,000
Contingencies	25,000
Working capital	722,949
Total Appropriations	\$ 6,205,553

SPECIAL ASSESSMENT REVOLVING FUND

Sources of Funds:

Other revenues	\$ 46,064
<i>Total Sources of Funds</i>	<u>\$ 46,064</u>

Appropriations:

Transfers to other funds	\$ 46,064
<i>Total Appropriations</i>	<u>\$ 46,064</u>

; and

RESOLVED FURTHER, that the City Assessor is hereby authorized and instructed to levy 12.3047 mills for operations, 0.4602 mills for storm water operations, 1.0000 mill for library operations, and 1.3736 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 2021 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, 2021, the General Fund's fund balance shall include \$5,501,055 as a Committed Fund Balance for Future Year Expenditures and \$7,920,482 as a Committed Fund Balance for Budget Stabilization; and

RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2021, the City's funds shall include an amount to be determined by the City's Assistant City Manager as Assigned Fund Balance for Encumbrances as authorized by the Assistant City Manager as appropriate to

be encumbered into the 2021-2022 budgets and financial working plans, providing that: 1) there is sufficient remaining budget in 2020-2021, 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 Assistant City Manager is directed to provide an explanation of amounts encumbered, by fund, to City Council in the quarterly financial report for the period ending September 30, 2021. (Motion ADOPTED by a Roll Call Voice Vote.)

PLANNING COMMISSION APPOINTMENTS

Director of Planning and Community Development Grant Murschel presented information on the proposed Planning Commission Appointments. Eric Anders, 1408 Lee St. commented on the appointments. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

RESOLVED, that Greg Mayville and Shawn Pnacek are hereby reappointed as citizen-at-large members of the Planning Commission for terms expiring June 30, 2024.

RESOLVED FURTHER, that Aaron Deckrow is hereby appointed as a citizen-at-large member of the Planning Commission for an unexpired term ending June 30, 2021; and

RESOLVED FURTHER, that Aaron Deckrow is hereby appointed as a citizen-at-large member of the Planning Commission for a full term beginning July 1, 2021 and ending June 30, 2024. (Motion ADOPTED by a Roll Call Voice Vote.)

MMEA LABOR AGREEMENT

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and the Midland Municipal Employees Association for labor contract changes effective July 1, 2021 and expiring June 30, 2023; and

RESOLVED FURTHER, that the Assistant City Manager is hereby authorized to make appropriate transfers and modifications in the current budget to implement the wage and benefits changes identified in the contract. (Motion ADOPTED by a Roll Call Voice Vote.)

POLICE OFFICERS LABOR COUNCIL/MIDLAND POLICE COMMAND GROUP

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and the Police Officers Labor Council/Midland Police Command Group for labor contract changes effective July 1, 2021 and expiring June 30, 2024; and

RESOLVED FURTHER, that the Assistant City Manager is hereby authorized to make appropriate transfers and modifications in the current budget to implement the wage and benefits changes identified in the contract. (Motion ADOPTED by a Roll Call Voice Vote.)

ASTER REDEVELOPMENT LIQUOR LICENSE

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

WHEREAS, Aster, 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 Aster, 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 Aster, LLC, for a business to be located at 134 Ashman 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 134 Ashman Street, Midland, Michigan is within the Downtown Development Authority and the redevelopment project area. (Motion ADOPTED by a Roll Call Voice Vote.)

BRINSTAR BEERCADE REDEVELOPMENT LIQUOR LICENSE

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

WHEREAS, Brinstar Beercade, 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 Brinstar Beercade, 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 Brinstar Beercade, LLC for a business to be located at 415 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 415 E. Main Street, Midland, Michigan is within the Downtown Development Authority and the redevelopment project area. (Motion ADOPTED by a Roll Call Voice Vote.)

CHRISTMAS IN JULY EVENT

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

RESOLVED, that the request from Kristine Burlison, Riverside Place, seeking permission to conduct a Christmas in July event on Friday, July 23, 2021, from 6-9 p.m., closing Main Street from Rodd Street to Townsend Street, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Kristine Burlison, 989-837-3536.
- The Department of Public Services will provide barricades per Engineering's TCO.
- Due to ongoing health and safety concerns related to Covid-19, the responsible party is to ensure compliance with federal, state and local guidelines and executive orders, including social distancing and group size.
- Be advised that should an executive order or other local, state or federal directive be issued that would necessitate a change or cancellation of this event, the event holder

shall strictly comply with said order or directive or notice by the City of Midland.
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 by a Roll Call Voice Vote.)

STRIDE FOR PRIDE EVENT

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

RESOLVED, that the request from Beth Scoles, Volunteer Coordinator, Michigan GLAD (Gay, Lesbians and Allies at Dow), seeking permission to conduct a “Stride for Pride” Community Run/Walk/Move event on Saturday, June 5, 2021, from 7:30 a.m. to 11:30 a.m. utilizing the Rail Trail, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Beth Scoles, 989-859-6586.
- Use of the Rail Trail is non-exclusive **and no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the sidewalks or trail route surfaces.
- All walkers shall stay on the pedestrian trail and obey the Rail Trail Etiquette/Rules attached.
- Organizer should be aware this is the same day as the Summer Art Fair and the Midland Stroll for Epilepsy downtown so there will be a lot more people in the area. This should not affect your walk.
- Due to ongoing health and safety concerns related to Covid-19, the responsible party is to ensure compliance with federal, state and local guidelines and executive orders, including social distancing and group size.
- Be advised that should an executive order or other local, state or federal directive be issued that would necessitate a change or cancellation of this event, the event holder shall strictly comply with said order or directive or notice by the City of Midland.

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 by a Roll Call Voice Vote.)

WASTEWATER TREATMENT PLANT PARKING LOT RECONSTRUCTION

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

WHEREAS, sealed proposals were advertised and received on Tuesday, May 11, 2021 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for parking lot reconstruction at Wastewater Treatment Plant; and

WHEREAS, funding has been budgeted for this purpose in the 2020/2021 Wastewater Enterprise Fund capital budget; now therefore

RESOLVED, that the low sealed bid proposal submitted by Pyramid Paving Company of Bay City, Michigan, for the “2021 Wastewater Treatment Plant Parking Lot Reconstruction; Bid No. 4167” project, in the amount of \$129,548.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City’s specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,500.00. (Motion ADOPTED by a Roll Call Voice Vote.)

HOUSING CONSTRUCTION AGREEMENT

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

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, any additional benefit to the community; and
WHEREAS, a project at 300 & 302 E. Ashman 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 the 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 by a Roll Call Voice Vote.)

RIVERSIDE FLOOD RESTORATION AGREEMENT

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

WHEREAS, in May of 2020 the Tittabawassee River rose to a record level of over 35 feet, causing the lower level of Riverside Place Senior Housing to flood; and
WHEREAS, sealed proposals have been advertised and received in accordance with Article II of Chapter 2 of the Midland Code of Ordinances for the restoration of the lower level at Riverside Place Senior Housing; and
WHEREAS, funds are available in the Riverside Place 2020-2021 budget; now therefore
RESOLVED, that the Mayor and City Clerk are hereby authorized to execute an agreement with Serenus Johnson Construction for the restoration of the lower level at Riverside Place Senior Housing in an amount not to exceed \$1,504,700.00 upon document approval by the City Attorney; and
RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$100,000.00 in total. (Motion ADOPTED by a Roll Call Voice Vote.)

SET PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 71

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

WHEREAS, Katie Norris has submitted a request for a Conditional Use Permit to allow for the continued use and expansion of a single-family home in a RB Multiple-Family Residential B zoning district located at 1318 Lincoln Street; and
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on April 23, 2021 and publishing said notice on April 24, 2021 of the proposed public hearing on May 11, 2021; 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 a public hearing will be held by the City Council on June 14, 2021, at 7:00 p.m. in the Council Chambers, City Hall, or virtually due to social distancing guidelines as a

result of the coronavirus pandemic, for the purpose of considering the request for a Conditional Use Permit; and

RESOLVED FURTHER, in the event the meeting on June 14, 2021 is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before May 28, 2021 and to publishing said notice by May 29, 2021. (Motion ADOPTED by a Roll Call Voice Vote.)

SET PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 72

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

WHEREAS, Pnacek Property Solutions, LLC has submitted a request for a Conditional Use Permit to allow the development of a Child Care Center at property located at 5305 Perrine Road; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on April 23, 2021 and publishing said notice on April 24, 2021 of the proposed public hearing on May 11, 2021; 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 a public hearing will be held by the City Council on June 14, 2021, at 7:00 p.m. in the Council Chambers, City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, for the purpose of considering the request for a Conditional Use Permit; and

RESOLVED FURTHER, in the event the meeting on June 14, 2021 is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before May 28, 2021 and to publishing said notice by May 29, 2021. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 10:55 p.m.

Erica Armstrong, City Clerk