

June 12, 2023

A regular meeting of the City Council was held on Monday, June 12, 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
Councilmen absent: Marty Wazbinski

MINUTES

Approval of the minutes of the May 22, 2023 regular and June 5, 2023 special meetings were offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED)

AMEND FY 2022-23 EQUIPMENT REVOLVING FUND BUDGET

Director of Public Services Karen Murphy presented information on an amendment to the FY 2022-23 Equipment Revolving Fund budget for the purchase of a slide-in brine unit for the Department of Public Services. A public hearing opened at 7:10 p.m. hearing no public comment, public hearing closed at 7:11 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

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 the FY 2022-23 Equipment Revolving Fund budget is hereby amended to increase expenditures by \$21,245 toward the purchase of a slide-in brine unit for the Department of Public Services. (Motion ADOPTED)

2023-24 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET

Director of Planning & Community Development Jacob Kain presented information on the 2023-24 Community Development Block Grant. A public hearing opened at 7:20 p.m. hearing no public comment, public hearing closed at 7:21 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the City of Midland has received an annual entitlement award of \$204,928 in Community Development Block Grant (CDBG) funds for fiscal year 2023-24 from the U.S. Department of Housing & Urban Development; and

WHEREAS, additional special revenues of \$5,476,035 in CDBG Declared Disaster Recovery (CDBG-DDR) funds have been received; and

WHEREAS, the City will have a carry-over balance of \$156,399 and it is expected that the City will receive a total of \$15,000 in program income during the 2023-24 fiscal year; and WHEREAS, CDBG revenues totaling \$5,852,362 must be programmed to activities that meet the federal statutory goals and the City's objectives of the CDBG program, as outlined in the 2020-25 Consolidated Plan as amended; and WHEREAS, on April 5, 2023, the Housing Commission unanimously recommended approval of the proposed 2023-24 CDBG budget, which meets said goals and objectives of the CDBG program; and WHEREAS, the required 30 day public comment period began on April 28, 2023; and WHEREAS, a public hearing was held by the Midland City Council on June 12, 2023 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed 2023-24 CDBG budget; now therefore RESOLVED, that the City Council hereby adopts the proposed 2023-24 Community Development Block Grant budget, as set forth in the attached table (Attachment A); and RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the subrecipient agreements, as approved by the City Attorney, on behalf of the City. (Motion ADOPTED)

PUBLIC COMMENT

Michael Beale 1307 Glendale St., spoke requesting Council to reconsider the May 8, 2023 failed motion to refer the PILOT for Andy's Place to the Housing Commission.

Heidi Tracy CEO of the Michigan Health Improvement Alliance 914 Watson Rd. Mt. Pleasant spoke regarding the May 8, 2023 failed motion to refer the PILOT for Andy's Place to the Housing Commission.

Councilman Steve Arnosky spoke regarding Council's decision to approve the Conditional Use Permit for Andy's Place as well as the decision not to refer the PILOT for Andy's Place to the Housing Commission.

ASHMAN & RODD TWO-WAY RESTORATION PUBLIC INPUT REPORTS

Director of Planning & Community Development Jacob Kain presented information on reports on community conversations and a community survey regarding the potential restoration of two-way traffic on Ashman and Rodd Streets. Tom McCann 3310 Jefferson Ave, Elayne Smith 406 E. Grove St., James Frost 304 W. Nickeks St., and Brent Gorsky 2070 S. Poseyville Rd. spoke in opposition. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Donker:

WHEREAS, the City of Midland is studying the potential restoration of two-way traffic on Ashman and Rodd Streets between Cambridge Street and Ann Street; and WHEREAS, at the request of City Council, public input was gathered on the proposed project and has been summarized in two reports which have been submitted to City Council; and WHEREAS, it is appropriate and advisable to refer the project to the City's Center City Authority, Downtown Development Authority, and Planning Commission for review and recommendation; now therefore RESOLVED, that City Council receives and files the Community Conversation Report and the E-CityHall survey report; and RESOLVED FURTHER, that the restoration of two-way traffic on Ashman and Rodd Streets is hereby referred to the Center City Authority, Downtown Development Authority, and Planning Commission for review and recommendation. (Motion FAILED YEAS: Brown Wilhelm, Donker NAYS: Arnosky, Soler ABSENT: Wazbinski).

ANNEXATION JH-23-02

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

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described property to the City of Midland:

DESCRIPTION OF PIN #040-001-200-680-00:

SEC 01 T14N R1E COM ON N LN SAG RD 1005.7 FT S 54D 52M E OF INT WITH W SEC LN, TH N 54D 52M W 90 FT, N 180 FT, E 211 FT, SW 266.3 FT TO POB.

Containing 0.75 acres, more or less, and being subject to restrictions, reservations, easements, right-of-ways, zoning, government regulations, and matters visible, if any, upon affecting said lands.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Homer Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors presently reside, with said annexation to the City of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Homer Township; and;

RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED)

LEVY OF 2023 TAX ROLL FOR SPECIAL ASSESSMENTS AND ACCOUNTS RECEIVABLE

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

RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the 2023 summer and winter tax rolls, Special Assessments and Accounts Receivables in the various amounts as indicated herein:

Street Improvement Rolls

2014 Street Improvement	\$	2,144.75
Subtotal Street Improvement Rolls	\$	2,144.75

Sanitary Sewer Improvement Rolls

2003 Sanitary Sewer Improvement	\$	9,031.95
2009 Sanitary Sewer Improvement	\$	24,325.62
2014 Sanitary Sewer Improvement	\$	1,896.02
Subtotal Sanitary Sewer Improvement Rolls	\$	35,253.59

Drain Improvement Rolls

2020 Drain Improvement (Bay County)	\$	1,750.50
Subtotal Drain Improvement Rolls	\$	1,750.50

Water Main Improvement Rolls

2014 Water Main Improvement	\$	1,521.11
Subtotal Water Main Improvement Rolls	\$	1,521.11

Sidewalk Improvement Rolls

2022 Sidewalk Improvement	\$	14,635.00
Subtotal Sidewalk Improvement Rolls	\$	14,635.00

Water Main and Sanitary Sewer PILOT Rolls

2020 Water Improvement PILOT	\$	983.24
------------------------------	----	--------

2021 Water Improvement PILOT	\$ 895.50
Subtotal Water and Sanitary Sewer PILOT Rolls	\$ 1,878.74
2022 Downtown Economic Revitalization Roll (SARA)	\$ 44,999.97
Accounts Receivable Roll	\$ 21,027.58
TOTAL SPECIAL ASSESSMENT AND ACCOUNTS RECEIVABLE ROLL	\$ 123,211.24

(Motion ADOPTED)

LEVY OF 2023 TAX ROLL FOR MIDLAND PUBLIC SCHOOLS

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland Public Schools has submitted a request for the City of Midland to collect a summer and winter property tax levy of school property taxes within the city of Midland for the year 2023; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2023 Midland Public Schools summer and winter property tax levies in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED)

LEVY OF 2023 TAX ROLL FOR MIDLAND COUNTY EDUCATION SERVICE AGENCY

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland County Educational Service Agency has submitted a request for the City of Midland to collect a summer and winter property tax levy of school property taxes within the city of Midland for the year 2023; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2023 Midland County Educational Service Agency summer and winter property tax levies in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and

RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED)

LEVY OF 2023 TAX ROLL FOR BAY CITY PUBLIC SCHOOLS

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay City Public Schools has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2023; and
WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2023 Bay City Public Schools summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED)

LEVY OF 2023 TAX ROLL FOR BAY-ARENAC INTERMEDIATE SCHOOLS

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay-Arenac Intermediate School District has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2023; and
WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2023 Bay-Arenac Intermediate School District summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED)

LEVY OF 2023 TAX ROLL FOR DELTA COLLEGE

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

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, Delta College has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2023; and
WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2023 Delta College summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED)

EQUIPMENT FLUIDS - LANDFILL

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

WHEREAS, the City of Midland Landfill uses several equipment fluids throughout its operation, most significantly Caterpillar gas-to-energy (GTE) engine oil and coolant; and
WHEREAS, consistent use of the same oil is beneficial for landfill gas engines, and Chevron HDAX oil sold through the local vendor Northern Energy of Gaylord, Michigan has been more affordable and performed better than previous products; and
WHEREAS, on March 13, City Council waived sealed bids and authorized a blanket purchase order increase to Northern Energy to a total of \$40,000 for equipment fluids; and
WHEREAS, in the March request Landfill staff underestimated the quantity of GTE engine oil that would be needed to complete the fiscal year; and
WHEREAS, funding is included for equipment fluids in the FY 2022-23 Landfill Enterprise Fund's operating budget; now therefore
RESOLVED, that a purchase order increase of \$10,000 is authorized to Northern Energy of Gaylord, Michigan, bringing the blanket purchase order to a total amount of \$50,000 for equipment fluids for the balance of FY 2022-23. (Motion ADOPTED)

PESTICIDE AND APPLICATOR SUPPLIES – EMERALD ASH BORER

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

WHEREAS, the City has undertaken an Emerald Ash Borer Treatment Program in order to save as many of its ash trees as possible through systemic treatment with a pesticide; and
WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of the pesticide and application plugs necessary to perform such treatment; and

WHEREAS, sufficient funding for the purchase of these supplies is included in the FY 2022/23 Forestry budget for the Emerald Ash Borer Treatment Program; now therefore RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Heritage Landscape Supply Group, Inc. of McKinney, Texas in the amount of \$62,288.84, per Section 2-18 of the City's Code of Ordinances, for the purchase of pesticide and applicator supplies for the treatment of Emerald Ash Borer in City ash trees, all in accordance with the City's proposal and specifications. (Motion ADOPTED)

SIDEWALK REPLACEMENT PROGRAM FY 2023-24

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

WHEREAS, City Council awarded Bid No. 4238 2022-23 Sidewalk Replacement Program to Northwood Concrete of Midland, Michigan at their June 20, 2022 meeting; and
WHEREAS, the bid specifications allow for the contract to be extended on a year-by-year basis up to three additional years if the renewal is agreed upon by both parties; and
WHEREAS, Northwood Concrete has agreed to extend their bid pricing for FY2023-24 and City staff support said extension; and
WHEREAS, funding for this work is included in the FY 2023-24 General Fund budget for sidewalk repair; and
WHEREAS, Northwood Concrete has honored their unit bid pricing to complete smaller scope concrete projects in the parks in previous years and the City would like authorization to continue with this practice as a means to get smaller projects done in a timely fashion; now therefore RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract renewal, upon review and approval of the City Attorney, with Northwood Concrete of Midland, Michigan for the 2023-24 Sidewalk Replacement Program; and
RESOLVED FURTHER, that the Accounting Manager is hereby authorized to issue a purchase order to Northwood Concrete of Midland, Michigan not to exceed \$140,000 for sidewalk repair work for FY 2023-24; and
RESOLVED FURTHER, that City Council grant purchase allowance to Northwood Concrete not to exceed \$30,000 for parks and recreation concrete work for FY 2023-24 based on the current bid unit pricing. (Motion ADOPTED)

FORD PRO™ CHARGING STATIONS – DIAL-A-RIDE

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

WHEREAS, Dial-A-Ride has two electric transit vans on order through a federally secured Lo-No Emission grant program and the buses will require commercial charging stations; and
WHEREAS, the Dial-A-Ride has been formally accepted into the Consumers Energy PowerMIFleet program that will rebate the City for the full purchase cost of the chargers when the City selects charging stations from Consumer's list of approved vendors; and
WHEREAS, the Dial-A-Ride Manager has conducted significant research and found many benefits of the Ford Pro™ charging stations compared to other available brands and models; and
WHEREAS, the Consumers Energy PowerMIFleet program will rebate the full cost for the purchase of two slow charge and one fast charge Ford Pro™ stations at a total cost of \$34,657 from the Ford Motor Company of Dearborn, Michigan; and
WHEREAS, the approved FY2023-24 Dial-A-Ride budget has \$35,000 allocated for this purchase with equivalent revenue to recognize the associated PowerMIFleet rebate; and

WHEREAS, given the unique nature of the Consumers Energy PowerMIFleet rebate program requirements, competitive bids are deemed impractical and are waived per Sec. 2-17 of the Code of Ordinances; now therefore

RESOLVED, that the City Council authorizes the Accounting Manager to issue a purchase order in the amount of \$34,657 to the Ford Motor Company of Dearborn, Michigan for the purchase of three Ford ProTM charging stations to power the electric transit vans that Dial-A-Ride will receive later this calendar year. (Motion ADOPTED)

SET A PUBLIC HEARING TO AMEND THE FY2022-23 BUDGETS TO REFLECT UPDATED CONCEPT 5 COST ESTIMATES

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

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, June 26, 2023, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 budgets of the Local Street and Water Funds to reflect updated cost estimates for Concept 5 Projects. (Motion ADOPTED)

SET A PUBLIC HEARING TO AMEND THE FY2022-23 DIAL-A-RIDE BUDGET

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

WHEREAS, Dial-A-Ride received \$65,000 in Section 5304 Federal Transit Planning funds from the Michigan Department of Transportation's Passenger Transportation Division (MDOT-PTD) to conduct a feasibility study on transit collaboration between the City of Midland's Dial-A-Ride and County Connection of Midland; and

WHEREAS, the City's initial attempt to seek proposals for the study were unsuccessful due to the budget being too low for the scope of work required and MDOT-PTD agreed to provide additional grant funding in support of the project; and

WHEREAS, a revised request for proposals yielded a viable transit consultant, RLS & Associates, Inc. of Dayton, Ohio who is capable of performing the study for \$73,458.37 and MDOT-PTD has agreed to provide the additional \$8,459 necessary to fully fund the project; and WHEREAS, it is necessary to amend the FY2022-23 Dial-A-Ride budget to recognize both the increase in grant funding as well as the actual cost for the transit study; 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 pm, Monday, June 26, 2023 in the Council Chambers of City Hall on the proposal to amend the FY2022-23 Dial-A-Ride budget by increasing both revenue and expense by a total of \$8,459 in federal and state grant funds to cover the cost of the transit study; 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 8:43 p.m.

Lacey Todd, City Clerk