

July 10, 2023

A regular meeting of the City Council was held on Monday, July 10, 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, Marty Wazbinski
Councilmen absent: Tim Soler

NOTE: MAYOR DONKER ADVISED THAT AGENDA ITEM #6 UPDATE RULES AND REGULATIONS FOR DISPOSAL OF REFUSE WITH NEW RECYCLING CONTRACT DETAILS HAD BEEN REMOVED FROM THE AGENDA AT THE REQUEST OF STAFF, TO BE BROUGHT BACK FOR CONSIDERATION AT A LATER DATE.

MINUTES

Approval of the minutes of the June 26, 2023 special and June 26, 2023 regular meetings were offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED)

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

City Assessor Kayla Ripley presented information on an Industrial Facilities Exemption Certificate for Rankinen & Associates, LLC. A public hearing opened at 7:09 p.m. Nicole Wilson 18 Lexington Ct. of the Midland Business Alliance spoke in support, Kirk Synnestvedt 2213 Jenkins Dr. spoke on the proposal, the public hearing closed at 7:11 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, Eastwick No. 2 Industrial Development District, established by resolution of the Midland City Council on February 15, 1993; and
WHEREAS, Rankinen & Associates, LLC (Xaerus Performance Fluids) made an application dated April 12, 2023, which was received by the City Clerk on June 20, 2023, for an Industrial Facilities Exemption Certificate relating to approval of a new facility within said District; and
WHEREAS, the application for the certificate is for the approval of a new facility with the total project cost of \$6,000,000 which is for new real property with the same being located within the Eastwick No. 2 Industrial Development District to construct a new 62,500 square foot warehouse building addition to meet their increased demand of production at 2907 and 2925 Schuette Rd, Midland, Michigan, 48640. The project is expected to retain 32 full time existing jobs and create 10 new jobs within its completion; and
WHEREAS, the City Council, by written notice, afforded the applicant, the City Assessor, and representatives of each affected taxing unit an opportunity for a hearing on July 10, 2023, as required by Public Act 198 of Public Acts of the State of Michigan of 1974, as amended, and has given due consideration to all information presented; and
WHEREAS, the application complies with the requirements set forth in Section 9 of said statute, as amended, in that the proposed facility is located within an industrial development district and/or plant rehabilitation district that was duly established within the City of Midland with the City of Midland being eligible under said statute to establish such a district and with the district having been established upon a request before the commencement of the restoration, replacement or construction of the facility described herein; that the commencement of this project did not occur earlier than six months before the filing of the application for the industrial facilities exemption certificate, that the application relates to a construction, restoration or replacement program that when completed constitutes a new or replacement facility within the meaning of said statute and is situated within a previously established industrial development

district and/or plant rehabilitation district that was established in the City of Midland, which was itself eligible under the statute to establish the district; that completion of the facility is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to create employment, retain employment, prevent a loss of employment, or produce energy in the community; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Midland, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; now therefore

RESOLVED, that the City Council of the City of Midland finds and determines that the granting of the industrial facilities exemption certificate requested by Rankinen & Associates, LLC (Xaerus Performance Fluids) considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Midland or impairing the financial soundness of any other taxing unit which levies an ad valorem property tax in the City of Midland; and

RESOLVED FURTHER, that said application for an Industrial Facilities Exemption certificate from Rankinen & Associates, LLC (Xaerus Performance Fluids) for a new facility approval within the Eastwick No. 2 Industrial Development District, be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2035; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the Public Act 198 Agreement submitted between the City and Rankinen & Associates, LLC (Xaerus Performance Fluids) pursuant to P.A. 334 of Public Acts of the State of Michigan of 1993. (Motion ADOPTED)

PUBLIC COMMENT

No public comment was received.

ASHMAN & RODD TWO-WAY RESTORATION PUBLIC INPUT REPORTS

Director of Planning & Community Development Jacob Kain presented information on a community survey regarding the potential restoration of two-way traffic on Ashman and Rodd Streets. Diane Middleton 1267 W. Midland Rd. of the Midland Business Alliance, Grant Murschel 2119 Bayliss St., and Joe Kozuch 4329 N. Jefferson of The Village Green spoke in support, John Elsen 6106 Sturgeon Creek Pkwy, Linda Mikkelsen 3716 Valley Dr., Bill Pike 2816 Roman St., and Ron Parmele 5415 Wallbridge Ln., spoke against, Linda Barth 2431 Dammon Dr., Nancy O'Connell 3113 W. Nelson St., Luke Synnestvedt 4306 Stonegate Dr. spoke on the proposal. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

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 ADOPTED YEAS: Brown Wilhelm, Donker, Wazbinski, NAYS: Arnosky, ABSENT: Soler).

PLANNING COMMISSION RESIGNATION

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

RESOLVED, that Leonard Powell is hereby appointed as a citizen-at-large member of the Planning Commission for an unexpired term ending June 30, 2024. (Motion ADOPTED)

PLANNING COMMISSION APPOINTMENT

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

RESOLVED, that the resignation of Greg Mayville as a member of the Planning Commission is hereby accepted, effective immediately, and the Administration is directed to convey the Council's appreciation to Mr. Mayville for his service on this important Commission. (Motion ADOPTED)

WATER RECLAMATION FACILITY PARKING LOT RECONSTRUCTION

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

WHEREAS, sealed proposals were advertised and received on Tuesday, June 27, 2023 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Water Reclamation Facility Parking Lot Reconstruction 2023; and

WHEREAS, funding has been budgeted for this purpose in the 2023/2024 Water Reclamation Enterprise Fund capital budget; now therefore

RESOLVED, that the low sealed proposal submitted by Pyramid Paving Company of Bay City, Michigan, for the "Water Reclamation Facility Parking Lot Reconstruction 2023; Bid No. 4355" project, in the amount of \$173,791.95, is hereby accepted and the Mayor and the City Clerk are authorized, subject to review by the City Attorney, 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 \$20,000.00. (Motion ADOPTED)

CONSUMERS ENERGY REVISED STREET LIGHTS CONTRACT

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

WHEREAS, the City of Midland has an existing contract with Consumers Energy dated August 1, 2021 for ongoing street light installation; and

WHEREAS, currently, the City Clerk is authorized to sign periodic reconciliation notices to said contract for upgrades for energy efficiencies; and

WHEREAS, the City Engineering Department is responsible for all reviews and permits to new developments resulting in additional street light locations being added to the existing contract; and

WHEREAS, it is recommended by the City Attorney that the City Engineer should have authority to sign change orders to the existing contract; now therefore

RESOLVED, that the City shall designate the City Engineer with the authority to sign change orders to the Standard Lighting Contract and its future amendments between Consumers Energy and the City of Midland. (Motion ADOPTED)

PORTABLE TOILET RENTAL FOR PARKS AND SPECIAL EVENTS

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for portable toilet rental for various parks locations on Bid No. 4209 dated December 14, 2021; and

WHEREAS, the bid specified the potential for a two-year extension for services through December 31, 2025 if both parties were in agreement to the extension; and

WHEREAS, the selected contractor, R.B. Satkowiak City Sewer of Carrollton, Michigan, has submitted an offer to extend the bid prices with a 5% increase per year as indicated in the original bid specifications beginning January 1, 2024 and parks staff agree that the extension is in the best interest of the City; and

WHEREAS, staff has estimated the number of portable toilets, additional cleanings and potential flood-related removal/reset needed for this fiscal year; and

WHEREAS, based on the unit prices in the bid, sufficient funds are included in the FY2023-24 Parks, Recreation and Softball operating budgets to cover these services; now therefore

RESOLVED, that City Council accept the offer for a two-year contract extension as specified in the bid and authorize the Accounting Manager to issue a purchase order to R.B. Satkowiak City Sewer of Carrollton, Michigan not to exceed \$44,000 for the rental of portable toilets for various parks locations and special events for FY2023-24. (Motion ADOPTED)

WATER PLANT JANITORIAL SERVICES

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

WHEREAS, the Water Treatment Plant (WTP) has over 100,000 square feet of floor space that is cleaned and maintained, including open and treatment areas of the plant, office spaces, the laboratory, maintenance shop, locker rooms, and restrooms; and

WHEREAS, for the past 29 years, WTP staff has been pleased with the reliability, commitment, and cost-effective service that the Arnold Center of Midland special needs employees have provided, and would like to continue that business relationship; and

WHEREAS, the rate requested is \$3,330.00 per month, for a total annual cost of \$39,960.00; and

WHEREAS, the service contract between the City and the Arnold Center has been approved by the City Attorney as to form; and

WHEREAS, funds are available for that purpose in the Water Fund Operating Budget; now therefore

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-17 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the Mayor and City Clerk are hereby authorized to execute the service agreement with the Arnold Center of Midland for janitorial services at the City of Midland Water Treatment Plant, with a total annual amount not to exceed \$39,960.00. (Motion ADOPTED)

SET A PUBLIC HEARING TO AMEND THE FY2023-24 CDBG BUDGET

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

WHEREAS, on June 12, 2023, Midland City Council adopted a budget for the expenditure of Community Development Block Grant (CDBG) funds for fiscal year 2023-24 from the U.S. Department of Housing & Urban Development; and

WHEREAS, additional program income of \$37,975 has been received; and

WHEREAS, on June 5, 2023, and June 30, 2023, the Housing Commission unanimously recommended approval of the proposed 2023-24 CDBG budget amendment, which allocates the additional program income and which meets said goals and objectives of the CDBG program; and

WHEREAS, the required 7 day public comment period will begin on July 14, 2023; and

WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds following the required 7 day public comment period which will conclude on July 21, 2023; now therefore

RESOLVED, a public hearing will be held by the Midland City Council on July 24, 2023 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of considering the proposed amendment to the adopted 2023-24 CDBG budget. (Motion ADOPTED)

SET A PUBLIC HEARING TO AMEND THE FY2023-24 DIAL-A-RIDE BUDGET

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

WHEREAS, Dial-A-Ride received \$167,257 in Section 5339c Low or No Emission Project funds from the Federal Transit Administration (FTA) for the purchase of two electric transit vans with 5% of the funds required to be spent on workforce training on the safe operation and maintenance of electric vehicles; and

WHEREAS, Dial-A-Ride intends to provide workforce development training for fleet services staff from Ford Motor Company and driver/dispatcher training from Hoekstra/Mobility Trans at a cost of \$12,057 that is not included in the current fiscal year budget; and

WHEREAS, Dial-A-Ride budgeted for the replacement of buses 21, 22, 23 and 24 in FY2022-23 at an anticipated cost of \$95,000 per bus with \$380,000 in funds to be encumbered into the current fiscal year for the purchase of the buses off the State of Michigan contract; and

WHEREAS, the State of Michigan renegotiated the bus purchase contract this spring with a price of \$142,490 per bus making it necessary to utilize additional state and federal funding toward the purchase of the buses in the total amount of \$189,960; and

WHEREAS, it is necessary to amend the FY2023-24 Dial-A-Ride budget to recognize both the increase in grant funding as well as the actual cost for the workforce development training and the additional expense for the four replacement buses; 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, July 24, 2023 in the Council Chambers of City Hall on the proposal to amend the FY2023-24 Dial-A-Ride budget by increasing both revenue and expenditures by a total of \$202,017 in state and federal grant funds to cover workforce development training on electric vehicle operation and maintenance, and for the increased cost of four replacement buses.

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 8:37 p.m.

Lacey Todd, City Clerk