

July 19, 2021

A regular meeting of the City Council was held on Monday, July 19, 2021, 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, Pamela Hall

Councilmen absent: Marty Wazbinski

### **MINUTES**

Approval of the minutes of the June 28, 2021 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED)

### **PUBLIC COMMENT**

John Elsen, 6106 Sturgeon Creek Pkwy commented regarding urbanization and overland flooding.

### **ZONING BOARD OF APPEALS APPOINTMENT**

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

RESOLVED, that Jodi Harbron is hereby appointed as an alternate member to the Zoning Board of Appeals for the remainder of an unexpired term ending June 30, 2023. (Motion ADOPTED)

### **FREE COMIC BOOK DAY EVENT**

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

RESOLVED, that the request from Andrew Iwamasa, President of Collectors Corner Inc., seeking permission to conduct a Free Comic Book Day in the Farmers Market area on August 14 from noon to 5:00 p.m., is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Andrew Iwamasa, 989-750-7130.
- 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.
- Engineering will write a Traffic Control Order for the closure of the Farmers Market area.
- The Department of Public Services will provide barricades per Engineering's TCO. Event organizers will be responsible for placing/removing barricades from the street to enact the closure.
- 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 of 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)

### **BOOK ORDERING AND BOOK PROCESSING SERVICES – GRACE A. DOW MEMORIAL LIBRARY**

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

WHEREAS, a state-wide contract for library materials purchasing is available to all public libraries through The Library Network in accordance with Article II of Chapter 2 of the Midland Code of Ordinances for book ordering and processing services for the Grace A. Dow Memorial Library; and

WHEREAS, the pricing for Ingram Content Group has been determined to be cost-effective while providing superior service to the City for the purchasing and processing of books for the Library; and

WHEREAS, Ingram Content Group has agreed to extend the same pricing terms and conditions to all public libraries in the State of Michigan; and

WHEREAS, funding is available in the 2021/2022 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the City Council hereby utilizes The Library Network's contract pricing to purchase from Ingram Content Group in an amount not to exceed \$125,000 for book ordering and processing services for the Grace A. Dow Memorial Library for fiscal year 2021/2022 and authorizes the necessary purchase order. (Motion ADOPTED)

### **HOOPLA SUBSCRIPTION SERVICES - GRACE A. DOW MEMORIAL LIBRARY**

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

WHEREAS, Midwest Tape provides on-demand multi-use Hoopla subscription services for eBooks, eAudiobooks, eMusic, and downloadable film for the Grace A. Dow Memorial Library; and

WHEREAS, no other vendor provides the variety of materials or simultaneous use of such materials; and

WHEREAS, funding is available in the 2021/2022 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of Hoopla subscription services, from Midwest Tape is hereby approved in an amount not to exceed \$100,000 and the necessary purchase order authorized. (Motion ADOPTED)

### **OVERDRIVE SUBSCRIPTION – GRACE A. DOW MEMORIAL LIBRARY**

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

WHEREAS, Overdrive, Inc. provides subscription services, eBooks and eAudiobooks for the Grace A. Dow Memorial Library; and

WHEREAS, funding is available in the 2021/2022 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of subscription services, eBooks and eAudiobooks from Overdrive, Inc. is hereby approved in an amount not to exceed \$100,000 and the necessary purchase order authorized. (Motion ADOPTED)

### **IPH PUMP REPLACEMENT – WASTEWATER**

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

WHEREAS, the Intermediate Pump House at the Wastewater Treatment Plant was constructed in 1962 and consists of eight pumps, running on variable frequency drives that have been in service for over 30 years; and

WHEREAS, staff intends to replace all eight pumps over the next several years; and

WHEREAS, City Council approved the issuance of a purchase order to Kennedy Industries, Inc. for the first two pumps on July 27, 2020 as well as pumps 3 & 4 on February 8, 2021; and

WHEREAS, installation of identical pumps allows the City to stock one type of repair parts and assists staff in the familiarity of the equipment as they will be installing and maintaining it; and

WHEREAS, Kennedy Industries is the sole provider of Flygt pumps in Michigan and has agreed to keep the purchase price the same for these two pumps as they did the previous pumps; and

WHEREAS, funding has been budgeted for this purpose in the 2021/22 Wastewater Enterprise Fund - Capital Budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$70,230.00 be issued to Kennedy Industries, Inc., of Wixom, for two Flygt model 3202 dry pit submersible pumps each rated at 35 horsepower with a duty point of 2,200 gpm at 35' head pressure. (Motion ADOPTED)

### **APPROVE PURCHASE OF REFEREE SERVICES FOR MIDLAND HOCKEY LEAGUE GAMES**

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

WHEREAS, the Midland Hockey Official Association is unique in the type and scope of the services provided to the Civic Arena, specifically for hiring referees for the City of Midland's hockey leagues; and

WHEREAS, funding is available in the 2021/22 Civic Arena budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of services from the Midland Hockey Official Association is hereby approved in an amount not to exceed \$75,000 and the necessary purchase order authorized. (Motion ADOPTED)

### **DINING ROOM AND PUBLIC SPACE CHAIRS – RIVERSIDE PLACE**

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

WHEREAS, the dam failures of May 2020 caused the Tittabawassee River to rise to record levels, flooding the entire lower level of Riverside Place, contaminating its dining room and public space chairs, and requiring them to be replaced; and

WHEREAS, Riverside Place has appropriations to cover this expenditure that have been included in the 2021-22 amended budget; and

WHEREAS, three quotes were obtained in accordance with Federal procurement policies per Section 2-28 of the Code of Ordinances; now therefore

RESOLVED, that the lowest priced quote submitted by NBS Commercial Interiors of Bay City, Michigan for replacement of the dining room and public space chairs is hereby accepted; and

RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$72,350.00 to NBS Commercial Interiors in accordance with this resolution and City of Midland specifications. (Motion ADOPTED)

### **CHANGE ORDERS 6 AND 7 FOR CENTRAL PARK MIRACLE FIELD PROJECT**

Director of Public Services Karen Murphy presented information on the project and the proposed change orders, and provided an update on the project. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

RESOLVED, that the change orders from Three Rivers Corporation in the amount of \$112,590 are hereby approved to allow for installation of the helical pile foundation solution for the restroom/concession building and the installation of the winterization blow off pit at the Central Park Miracle Field project; and  
RESOLVED FURTHER, that the City Manager is authorized to increase the contract with Three Rivers Corporation for the Central Park Miracle Field project which was approved on September 14, 2020. (Motion ADOPTED)

### **BIOSOLIDS REMOVAL, BID NO 4180 - WASTEWATER**

Director of Wastewater Services Jared Driscoll presented the biosolids removal services bid for the Wastewater Treatment Plant. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Hall:

WHEREAS, in treating the community's sanitary sewage, the Wastewater Treatment Plant (WWTP) produces over three million gallons of residual biosolids or sludge that must be disposed of in a manner acceptable to the Michigan Department of Energy, Great Lakes and Energy; and

WHEREAS, the City utilizes the biosolids disposal method of Land Application of Class B Biosolids; and

WHEREAS, each year, the bio-solids are hauled via tanker truck to farm fields outside of the City, and are applied at agronomic rates according to the needs of the crop to be grown; and

WHEREAS, on June 29, 2021, bids were received for Bid No. 4180, Biosolids to Land Application Services, in accord with section 2-18 of the Midland Code of Ordinances; and

WHEREAS, the low bid unit price of \$0.0440 per gallon of biosolids was received from Michigan AgriBusiness Solutions of Saginaw, for a total annual extended cost of \$154,000.00 for the land application of biosolids for a two-year period beginning July 1, 2021, with options of up to three additional years at the same unit price; and

WHEREAS, funding has been budgeted for the purpose of biosolids application services in the 2021/22 Wastewater Enterprise Fund Budget; now therefore

RESOLVED, that authorization is granted to the Mayor and City Clerk, subject to document approval by the City Attorney, to execute the contract between the City of Midland and Michigan AgriBusiness Solutions of Saginaw, for biosolids land application services and authorizes annual purchase orders in the amount of \$154,000.00; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$10,000.00. (Motion ADOPTED)

### **SET PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 73**

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

WHEREAS Great Lakes Bay Construction Inc. has submitted a request for a Conditional Use Permit to allow the development of a drive-thru coffee shop at property located at 6615 Eastman Avenue; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on June 25, 2021 and publishing said notice on June 26, 2021 of the proposed public hearing on July 13, 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 August 9, 2021, at 7:00 p.m. in the Council Chambers of City Hall, 333 W. Ellsworth Street, Midland, Michigan, for the purpose of considering the request for a Conditional Use Permit; 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 July 23, 2021 and to publishing said notice by July 24, 2021. (Motion ADOPTED)

Being no further business the meeting adjourned at 7:41 p.m.

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Erica Armstrong, City Clerk