

July 27, 2020

A regular electronic meeting of the City Council was held on Monday, July 27, 2020, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 882 8166 6805 ~ Password: 634979. 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, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the June 13, 2020 regular electronic meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENT

No public comments were made.

PURCHASING ORDINANCE AMENDMENT

Assistant City Manager Dave Keenan presented information on an ordinance amending the City's purchasing ordinance by adding Section 2-28 to Chapter 2 of the Code of Ordinances establishing policies and procedures for Federal Emergencies and Disasters to provide special consideration to allow the use of federal procurement guidelines for purchases related to federal disasters. The following ordinance was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1839

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 2-28 TO ARTICLE II OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Section 2-28 to Article II of Chapter 2 is hereby added to read as follows:

Sec. 2-28. Establishment of Policies and Procedures for Federal Emergencies and Disasters.

The City Manager, or its designee, shall create, implement and maintain current policies and procedures for procurement of goods and services and reimbursement of costs paid for said goods and services through federally funded programs, in compliance with federal rules and regulations. The purpose of these policies and procedures shall be to afford city staff the ability to use federal procurement policies in place of standard city procurement policies to procure goods and services in a manner that is both compliant with federal procurement policies, and consistent with timing requirements as determined by the city. This ability shall only apply to Federal emergencies and disasters.

Section 2. This Ordinance shall take effect upon publication. (Ordinance ADOPTED by a Roll Call Voice Vote.)

MAIN STREET PEDESTRIAN PLAZA CLOSURE

Director of Community Affairs Selina Tisdale provided a follow up report regarding the pedestrian plaza closures on Main Street and requested an extension of the closure through September 27, 2020. Paige Fryzelka (Health Hut) 359 W. Center Rd, Sanford, Nancy Carney, 1002 W. Park Dr., Jenifer Acosta 204 E. Mockingbird Lane, and Diane Middleton (MBA), 1267 W. Midland St., Auburn commented on the request. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the request from the Downtown Development Authority to extend the "Bringing Back Downtown Midland – Safely" street closures, utilizing the public right-of-way,

amplified sound, and the addition of event signage is hereby extended to September 27, 2020 subject to the continued following conditions:

- The responsible party and contact number for the event date is Selina Crosby Tisdale 989-837-3304.
- Continuation of event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The updated certificate must be submitted to the City Engineer's Office. You may fax it to 989-837-5708.
- Engineering will update the Traffic Control Order for street closures.
- Department of Public Services barricades will remain for the street closures per Engineering's TCO.
- Parks Department will continue to provide the 12 picnic tables and additional trash receptacles.
- A minimum 15' fire lane shall be maintained on one side of the street.
- A minimum 3' clearance shall be maintained around fire hydrants, with clear access from the hydrants to the street.
- Any barricades shall be easily removable to facilitate the passage of emergency vehicles should access be required.
- Event may extend until September 27, 2020. (Motion ADOPTED by a Roll Call Voice Vote.)

SOCIAL DISTRICTS DOWNTOWN MIDLAND PEDESTRIAN PLAZA

Director of Community Affairs Selina Tisdale provided information to City Council regarding a request of the Downtown Development Authority to add social districts to the pedestrian plaza areas of Main Street. Paige Fryzelka (Health Hut) 359 W. Center Rd, Sanford, Jenifer Acosta 204 E. Mockingbird Lane, and Diane Wilcox, 1101 E. Park Dr. commented. The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, the Midland Downtown Development Authority has submitted a request to establish two Social Districts on Main Street as provided for in House Bill 5781 of July 1, 2020; and WHEREAS, said social districts will be established on Main Street between Ashman Street and McDonald Street and between McDonald Street and Rodd Street; and WHEREAS, the hours of operation for the social districts will be daily, noon until midnight; and WHEREAS, these social districts will remain in effect for the duration of the Main Street closures for pedestrian plazas; now therefore RESOLVED, that Midland City Council hereby approves the establishment of two social districts in downtown Midland. (Motion DENIED by a Roll call Voice vote. Yeas: Wazbinski Nays: Arnosky, Brown Wilhelm, Donker, Hall)

DDA BOARD APPOINTMENTS

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

RESOLVED, that in accord with Chapter 30-6 of the Code of Ordinances, the City Council hereby confirms the City Manager's appointment of Sean Squires and Chris Moultrup to the Downtown Development Authority to fill terms ending May 1, 2024 and May 1, 2022 respectively. (Motion ADOPTED by a Roll Call Voice Vote. Yeas: Donker, Wazbinski, Brown Wilhelm Nays: Arnosky, Hall)

SITE PLAN NO. 388

Director of Planning and Community Development Grant Murschel presented information on Site Plan No. 388 – a 62 unit residential townhouse development, located at 7702 Sturgeon Avenue. Mike Rybicki, MLR Engineering commented on behalf of the petitioner. Jim Elmore, 3101 Camberly Lane, Dave Pasek, 5109 Drake Street, and Amanda VanHoey, 2811 Saint

Mary's Drive also commented regarding the petition. The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 388, initiated by MLR Engineering on behalf of Osmond Rentals, LLC, for site plan review and approval of Osmond Townhouses, a sixty-two (62) unit residential townhouse development, located at 7702 Sturgeon Avenue; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 388 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 388, contingent upon the following:

1. A final stormwater management plan and permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Public utility easements to the satisfaction of the City Engineering Department and City Attorney's Office. (Motion ADOPTED by a Roll Call Voice Vote Yeas: Arnosky, Brown Wilhelm, Donker, Wazbinski Nays: Hall)

SITE PLAN NO. 401

Director of Planning and Community Development Grant Murschel presented information on Site Plan No. 401 – a storage facility totaling 19,600 square feet, located at 916 Waldo Avenue. The following resolution was offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 401, initiated by DGR Properties, LLC, for site plan review and approval of a storage facility, totaling 19,600 square feet, located at 916 Waldo Avenue; and WHEREAS, the City Council has reviewed the proposed Site Plan No. 401 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 401, contingent upon the following:

1. A final stormwater management plan, permit and easements to establish the common stormwater management system are needed to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. The fire hydrant lead must be eight (8) inches in diameter and include the public easement to the satisfaction of the City Fire and Engineering Departments.
4. Parking space striping on-site must comply with the requirements of Article 5.00 of the Zoning Ordinance to the satisfaction of the City Planning Department. (Motion ADOPTED by a Roll Call Voice Vote.)

City Council took an intermission from 10:09-10:14 p.m.

IMPACT OF DAM FAILURES ON CITY UTILITIES

Director of Wastewater Services Patrick Frazee presented information to Council regarding the Impact of Dam Failures Report related to the May 2020 dam failures events. City Engineer Josh Fredrickson supplemented information provided to Council regarding this report. John Muste commented on the report via presentation to City Council regarding the May 2020 events, and Jen Miller, 5004 Bristlecone Drive, and Dave Pasek, 5109 Drake Street also commented regarding the report.. The following resolution was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, the Wastewater Department has reported on the 2020 dam failures and associated flood impacts to the City of Midland utility infrastructure; now therefore
RESOLVED, that City Council hereby receives and files the Impact of Dam Failures Report.
(Motion ADOPTED by a Roll Call Voice Vote.)

BOOK ORDERING AND PROCESSING SERVICES

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 book ordering and processing services for the Grace A. Dow Memorial Library in April 2016; and
WHEREAS, the proposal submitted by Baker & Taylor has been determined to be the lowest cost to the City with the purchasing and processing of books for the Library; and
WHEREAS, Baker & Taylor has agreed to extend the same terms and conditions of the current contract into fiscal year 2020/2021; and
WHEREAS, funding is available in the 2020/2021 Grace A. Dow Memorial Library budget; now therefore
(Motion ADOPTED by a Roll Call Voice Vote.)

PURCHASE OF SUBSCRIPTION SERVICES FROM OVERDRIVE, INC.

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

WHEREAS, Overdrive, Inc. provides subscription services, eBooks and eAudiobooks for the Grace A. Dow Memorial Library; and
WHEREAS, funding is available in the 2020/2021 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 \$85,000 and the necessary purchase order authorized. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 AIRFIELD LANE & CONCORD STREET; CONTRACT NO. 16

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the street reconstruction of Airfield Lane & Concord Street; and
WHEREAS, funding for this project is provided by the Local Street Fund; now therefore
RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Airfield Lane & Concord Street Reconstruction; Contract No. 16" project, in the amount of \$528,045.40, 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 \$50,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 BROOKFIELD DRIVE RECONSTRUCTION; CONTRACT NO. 15

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the street reconstruction of Brookfield Drive; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Brookfield Drive Reconstruction; Contract No. 15" project, in the amount of \$369,736.00, 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 \$35,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

PURCHASE OF STREET SWEEPER

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

WHEREAS, bids for construction and street maintenance equipment are solicited bi-annually by the Sourcwell Cooperative Purchasing Program, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, funding for a street sweeper is included in the FY 2020/21 Equipment Revolving Fund budget for Capital Outlay – Vehicles; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Sourcwell's selected vendor, MTech Equipment Company of Cleveland, Ohio, in the amount of \$230,736.00 for the purchase of a three-wheeled street sweeper in accordance with the Sourcwell Cooperative Purchasing Program proposal and specifications; and

RESOLVED FURTHER, that staff is authorized to sell existing City unit 488, a 2009 Elgin Eagle street sweeper, via online auction. (Motion ADOPTED by a Roll Call Voice Vote.)

WASTEWATER BIOSOLIDS TO LAND APPLICATION SERVICES

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

WHEREAS, on March 14, 2017, bids were received for Bid No. 3852, Biosolids to Land Application Services, in accord with section 2-18 of the Midland Code of Ordinances; and

WHEREAS, purchase orders for two years beginning July 1, 2017 were authorized by City Council on June 26, 2017 to the low bidder, Michigan AgriBusiness Solutions, at a unit price of \$0.0389 per gallon of biosolids, for a total annual extended cost of \$136,150.00 (\$0.0389 x 3,500,000) for the land application of biosolids for a two-year period, with options of up to three (3) one (1) year extensions at the same unit price; and

WHEREAS, staff has been satisfied with the services provided for prior fiscal years and would like to exercise the second extension; and

WHEREAS, funds have been appropriated in the fiscal 2020-21 Wastewater Enterprise Fund budget; now therefore

RESOLVED, that a purchase order in an amount not to exceed \$136,150.00 to Michigan AgriBusiness Solutions of Saginaw is hereby authorized for biosolids to land application services for the fiscal year 2020-21; 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 by a Roll Call Voice Vote.)

WASTEWATER INTERMEDIATE PUMP HOUSE PUMPS, BID NO. 4095

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

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, the sole bid received from Kennedy Industries, Inc. meets city specifications; and

WHEREAS, funding has been budgeted for this purpose in the 2020/21 Wastewater Enterprise Fund Capital Budget; now therefore

RESOLVED, 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 by a Roll Call Voice Vote.)

SET PUBLIC HEARING FOR ZONING PETITION NO. 631

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, July 14, 2020 for property located at 400 S. Sandow Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Township Zoning to RC Regional Commercial zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, August 24, 2020, at 7:00 p.m. in the Council Chambers, City Hall, or virtually due to the Coronavirus pandemic for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before August 7, 2020 and to publish said notice on August 8, 2020.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE AN RC REGIONAL COMMERCIAL ZONING DISTRICT, WHERE A TOWNSHIP ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED THE WEST 392 FEET OF OUTLOT A OF STARK'S SUBDIVISION, A PART OF THE WEST 112 OF THE NORTHWEST 1/4 OF SECTION 24, TOWN 14 NORTH, RANGE 1 EAST, TOWNSHIP OF HOMER, MIDLAND COUNTY, MICHIGAN, AS PER PLAT THEREOF RECORDED IN LIBER D OF PLATS ON PAGES 41 AND 42 OF MIDLAND COUNTY RECORDS, EXCEPT BEGINNING AT A POINT ON THE NORTH LINE OF OUTLOT A WHICH IS 30 FEET EAST OF THE NORTHWEST CORNER OF OUTLOT A; THENCE WEST ALONG THE NORTH LOT LINE A DISTANCE OF 30 FEET; THENCE SOUTH ALONG THE WEST LOT LINE A DISTANCE OF 30 FEET; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING

Be, and the same is hereby changed to RC Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED by a Roll Call Voice Vote.)

SET PUBLIC HEARING TO ACCEPT GIFT FOR THRUNE PARK

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

RESOLVED, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, August 10, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, to accept a gift from the Charles J. Strosacker Foundation and amend the General Fund budget for fiscal year 2020-2021 for Thrun Park maintenance.

RESOLVED FURTHER, in the event the meeting is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 11:26 p.m.

Erica Armstrong, City Clerk