

August 22, 2022

A regular meeting of the City Council was held on Monday, August 22, 2022, 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, Marty Wazbinski
Councilmen absent: None

MINUTES

Approval of the minutes of the August 8, 2022 regular meeting were offered by Councilman Wazbinski and seconded by Councilman Hall. (Motion ADOPTED.)

HAZARD MITIGATION GRANT

Director of Planning & Community Development Jacob Kain presented regarding the proposed budget amendment for fiscal year 2022-23 General Fund to accept a grant of \$3,862,021.50 from the Hazard Mitigation Grant Program. A public hearing opened at 7:05 p.m., hearing no public comments, the public hearing closed at 7:06 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski.

WHEREAS, in May of 2020 the Tittabawassee River rose to record level of over 35 feet, caused by dam failures along the river, upstream of the City of Midland; and

WHEREAS, this event resulted in damages to structures located in the flood plain; and

WHEREAS, several prior flood events have also resulted in damages to structures located in the flood plain; and

WHEREAS, the City seeks to mitigate the risk to structures located in the flood plain due to future flooding events; and

WHEREAS, the City has been awarded a Hazard Mitigation Program Grant in the amount of \$3,862,021.50 from the Federal Emergency Management Agency; and

WHEREAS, these funds will enable the City to acquire up to 27 properties containing at-risk structures, remove structures from those properties, and restore those properties for use as open space in perpetuity; and

WHEREAS, these activities will mitigate the risk to structures located in the flood plain as a result of future flooding events; and

WHEREAS, it is necessary to amend the FY 2022-23 Planning budget as part of the acceptance of the grant to increase revenues and expenditures to include the awarded grant funds necessary to complete the project; and

WHEREAS, it is necessary to enter into a grant agreement as part of the acceptance of the grant; and

WHEREAS, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted on August 22, 2022 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, on the proposal to amend the FY 2022-23 Planning budget by increasing revenues and expenditures by \$3,862,021.50 to provide adequate budgetary authorization for the program; now therefore

RESOLVED, that City Council accepts this grant in the amount of \$3,862,021.50 from the Federal Emergency Management Agency and authorizes the Mayor to sign the grant agreement; and

RESOLVED FURTHER, that the FY 2022-23 Planning budget is hereby amended to increase revenues and expenditures by \$3,862,021.50 to provide adequate budgetary authorization for the program. (Motion ADOPTED.)

PUBLIC COMMENT

No public comments were made.

SEWER ORDINANCE AMENDMENT

Director of Wastewater Services Jared Driscoll presented regarding the proposed Sewer Ordinance Amendment. Karl Kamena 5616 Pine Meadow Dr., John Lynn 4604 Oakridge Dr., James Allen 4608 Oakridge Dr., James Johnson 4712 Moorland Dr., Jo Winchester 4705 Oakridge Dr., William Brenton 5101 Oakridge Dr., Nicholas Kaczmarek 4301 Forestview Dr., Nancy Johnson 4712 Moorland Dr., John Elsen 6106 Sturgeon Creek Pkwy., John Tarrant 4213 Oakridge Dr., Jerry Crane 4618 Forestview Dr., and Richard Siemer 5617 Grouse Ct., commented on the Sewer Ordinance. The following ordinance amendment was then offered by Councilman Arnosky and seconded by Councilman Wazbinski.

ORDINANCE NO. 1864

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTIONS 28-239--28-245 TO DIVISION 6 AND ADDING DIVISION 7 OF ARTICLE III OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Division 6 of Article III of Chapter 28 is hereby amended to add:

Secs. 28-239--28-245. Reserved.

Section 2. Division 7 of Article III of Chapter 28 is hereby added to read as follows:

DIVISION 7.

PROGRAM FOR FOOTING DRAIN DISCONNECT.

Sec. 28-246. Purpose.

The purpose of the Footing Drain Disconnection (FDD) program is to promote the public health, safety and welfare by (i) reducing improper stormwater inflow connections in a cost effective manner, (ii) reducing or eliminating instances of surcharged sanitary sewers caused by improper stormwater inflows, (iii) reducing the occurrence of sanitary sewer backups into occupied structures, and (iv) optimizing the efficient operation of the publically owned treatment work (POTW). It is the further purpose of the FDD program to assist the city in its compliance with its national pollutant discharge elimination system (NPDES) permit and related applicable laws, rules and regulations.

Sec. 28-247. Definitions.

In addition to the definition of words and phrases in section 28-102 of this article, for the purposes of this article the following words and phrases shall have the meanings ascribed to them by this section unless the context in which they are used specifically indicates otherwise:

- (1) *Designated project timeline* – timeframe in which participants may be reimbursed for eligible expenses.
- (2) *Designee* –the individual authorized by the city manager.
- (3) *FDD (footing drain disconnection)* - the elimination of the connection between a structure's foundation drains intended to collect groundwater and stormwater around the structure's basement and which connects to the structure's sanitary sewer lead which discharges to the system. The disconnection requires an alternative means of discharging the collected groundwater and stormwater by (a) a sump, sump pump and discharge or (b) a surface discharge where such discharge can be accomplished by gravity without the potential for backup from surface flooding.
- (4) *FDD funding cap* - the FDD program reimbursement limitation established pursuant to section 28-251 of this article from time to time by resolution of the city council.

- (5) *FDD program* - the effort within the city to eliminate improper stormwater inflow connections from the system.
- (6) *FDD project area* - the area or areas of the city designated from time to time for implementation of the FDD program.
- (7) *FDD reimbursement* - the amount reimbursed to, or for the benefit of, a participating owner for the cost of removing improper stormwater inflow connections and related appurtenant work.
- (8) *Improper stormwater inflow connection* - a direct connection to the sanitary sewer system of sump pumps, exterior drains, downspouts, foundation drains and other sources of stormwater inflow and groundwater.
- (9) *Participating property owner* - a property owner within an FDD project area who has notified the city that it will participate in the FDD program.

Sec. 28-248. Determination of FDD project areas; notification of property owners.

With approval of the city council, the city manager, or its designee, as defined in section 28-240 of this code, shall from time to time prioritize the areas in the city for implementation of the FDD program based on the severity of system groundwater and stormwater inflow surcharge problems. Based on such prioritization, one or more FDD project areas shall be established from time to time by the city manager, or its designee, for inclusion in the FDD program. Each property owner within an FDD project area shall be (i) ordered by the city manager, or its designee, to disconnect all improper stormwater inflow connections and (ii) notified of the ability to participate in the FDD program. Participation in the FDD program is voluntary, however, a property owner electing not to participate shall be subject to the charge provided for in section 28-249 of this article until the improper stormwater inflow connection(s) are disconnected. If during project construction a determination is made by city staff that a sufficient amount of homes have been disconnected from the sanitary sewer system to reduce inflow and infiltration to the point of meeting reduction goals, previously identified homes eligible for participation may be excluded from the program if those property owners so choose. This determination must be approved by city manager, or its designee, and the city council.

Sec. 28-249. Participation; non-participation; charge.

After receiving an order from the city manager, or its designee, to disconnect all improper stormwater inflow connections on its property, the property owner will have ninety (90) days to have a completed inspection by a city approved contractor. Once the inspection is completed the property owner shall have an additional ninety (90) days to notify the city manager, or its designee, whether it will be a participating property owner in the FDD program. Upon completion of inspection and a subsequent notice from the city manager, or its designee, it shall have another one hundred eighty (180) days to complete the disconnection of all improper stormwater inflow connections on its property. If the property owner fails to do so within such one hundred eighty (180) day period, the property owner or other person responsible for paying regular system rates and charges established pursuant to section 28-163 of this article shall be charged an additional amount determined by the city manager, or its designee, to reasonably reflect the additional costs the system incurs or will incur as a result of the property continuing to have an improper stormwater inflow connection(s). Such costs shall be determined on an annualized basis and billed proportionally monthly for each month or partial month after the end of such one hundred eighty (180) day period that such improper stormwater inflow connection(s) continue to exist with respect to the property. Such charge shall be in the amount established from time to time by resolution of the city

council and shall be billed and collected in the same manner as regular system rates and charges are billed and collected pursuant to section 28-167 of this article.

Sec. 28-250. Scope of work.

The city manager, or its designee, shall determine, for each structure of a participating property owner in an FDD project area, the scope of work required for disconnection of improper stormwater inflow connections using cost efficient and timely methods. Subject to this article, all or a portion of such costs shall be eligible for FDD reimbursement. If the scope of the work for a structure does not totally eliminate improper stormwater inflow, the city manager, or its designee, may issue supplemental orders for additional work, the cost of which may, subject to the FDD funding cap, be eligible for FDD reimbursement.

Sec. 28-251. FDD reimbursement; FDD funding cap.

Subject to the limitations of the FDD funding cap, a participating property owner shall be entitled to reimbursement of the cost of qualifying work within the scope of work up to the FDD funding cap which amount may be paid to the participating property owner, to such owner's contractor or the participating property owner and contractor jointly. The FDD funding cap shall be established from time to time by resolution of the city council. Except as otherwise provided in section 28-250 of this article, all costs of qualifying work above the FDD funding cap shall be the responsibility of the participating property owner.

Sec. 28-252. Approved contractors.

The city manager, or its designee, will establish, add or remove, and maintain a list of contractors or contractor teams approved for performance of work under the FDD program based on such contractors' qualifications including similar experience, quality of work and the provision of insurance coverage. The city may require, in accordance with procedures promulgated by the city manager, or its designee, the licensing of contractors approved for performing work under the FDD program.

Sec. 28-253. Performance of work by contractor or participating property owner.

- (1) A participating property owner may (i) select a contractor from the city's approved list to perform the work or (ii) perform the work. If a participating property owner selects an approved contractor, the approved contractor shall submit the scope of the work and the estimated contract price to the city manager, or its designee, for review. Upon completion of the review of the scope of work and approval of the estimated contract price, the contractor shall undertake the work pursuant to a contract with the participating property owner. The city shall not be a party to such contract and the contractor, prior to commencement of the work, shall obtain all required governmental approvals.
- (2) If a participating property owner elects to perform the work, it shall submit the scope of the work and the estimated cost to the city manager, or its designee, for review, provided, however, labor performed by the participating property owner shall not be reimbursable. Upon completion of such review, the participating property owner shall undertake the work in accordance with the submitted and reviewed scope of the work. Provided, however, prior to commencement of the work, the property owner shall obtain all required governmental approvals.

Sec. 28-254. FDD reimbursement payments.

After the work for the benefit of, or by, a participating property owner is completed and has been inspected by the city and approved by the participating property owner (in the event a contractor performs the work), which approval shall not be unreasonably withheld, the city manager, or its designee, shall authorize the payment of eligible costs

up to the FDD funding cap (as may be modified pursuant to 28-250 of this article). While ordinarily payment will not be made until the work has been completed and inspected, the city manager, or its designee, may approve partial payment under unusual circumstances such as the time of the year when work is performed. In the case where the work is contracted, payment may be made to the participating property owner, the contractor or the participating property owner and contractor jointly in the city manager, or its designee's, sole discretion. Payment shall be made to the participating property owner of the eligible cost of equipment and materials if it has performed the work. Reimbursement eligibility for properties identified in the FDD program will only be available during the designated project timeline outlined by the city manager, or its designee.

Sec. 28-255. Release.

Prior to commencement of the work included in the FDD program for the benefit of a participating property owner, the participating property owner shall release and hold harmless the city and its officers, employees and agents from all liability related to performance of such work.

Sec. 28-256. Maintenance of work.

A participating property owner under the FDD program shall be the owner of all equipment and will be responsible for the maintenance, repair and replacement of all equipment, facilities and systems constructed or installed on its property as a part of the scope of the work related to its property. The city shall have no obligation to maintain, repair or replace such equipment, facilities and systems.

Sec. 28-257. Rules, regulations and policies.

The city manager, or its designee, as defined in section 28-240 of this code, may from time to time establish rules, regulations and policies related to the implementation of the FDD program not inconsistent with the provisions of this article.

Sec. 28.258. Conflict.

This article shall not void the provisions of section 28-110.1 of this article, but shall implement additional provisions applicable to footing drain disconnections.

Secs. 28.259--28.265. Reserved.

Section 3. This Ordinance shall take effect upon publication. (Ordinance ADOPTED)

S. SAGINAW ROAD STREETScape

Director of Community Affairs Selina Tisdale presented regarding accepting funding for the S. Saginaw Road Streetscape project. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, on August 5, 2019, Midland City Council approved the pursuit of funding and design development for Phase One of the Center City Redevelopment Plan: S. Saginaw Road Streetscape, Dartmouth to Patrick Road; and

WHEREAS, City Council graciously accepts the following grants gifted in support of the S. Saginaw Road Streetscape construction: \$500,000 from the Dow Company Foundation; \$300,000 from the Rollin M. Gerstacker Foundation; \$100,000 from the Midland Area Community Foundation; \$30,000 from Dow Employee Credit Union; \$25,000 from Huntington Bank; \$20,000 from Isabella Bank; \$15,000 from Mary C. Currie; \$10,000 from Horizon Bank; now therefore

RESOLVED, that Midland City Council hereby graciously accepts the funding donations totaling \$1,000,000 and approves said funding to be held at the Midland Area Community Foundation;

RESOLVED FURTHER, requests the transfer of up to \$2,485,688.00 from the Midland Area Community Foundation to an identified city fund budget where the expenses and revenues for this project have been budgeted for in the adopted 2023 City Budget; and
RESOLVED FURTHER, any excess funding for the S. Saginaw Road Streetscape construction shall remain at the Midland Area Community Foundation and allocated toward Phase II of the Center City Redevelopment Plan. (Motion ADOPTED.)

ANNEXATION JL – 22-02

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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 #090-033-100-400-00:

SEC 33 T15N R2E COM 600 FT N OF E 1/4 COR, TH N 290 FT, W 450 FT, S 290 FT, E 450 FT.

Containing 3.00 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 Larkin 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 Larkin 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.)

STREET VACATION OF KEITH STREET

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, Kris Remington and Wayne Hall have petitioned to vacate Keith Street, south of Isabella Street; and

WHEREAS, consideration of such vacation must be done in accord with Section 23-87 of the Code of Ordinances; now therefore

RESOLVED, that in accord with Section 23-39 of the Code of Ordinances, the request to vacate Keith Street, south of Isabella Street is hereby referred to the Planning Commission, the City Engineer and other City departments as determined by the City Manager, for their review and recommendation. (Motion ADOPTED.)

MERS EMPLOYEE DELEGATE

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

RESOLVED, that Rebecca Schaefer be appointed officer delegate and Melanie Purcell be appointed alternate officer delegate to represent the City of Midland at the annual meeting of the Municipal Employees Retirement System to be held September 26-27, 2022 in Traverse City, Michigan. (Motion ADOPTED.)

CONCEPT 5 CONTRACT AWARDS

Director of Wastewater Services Jared Driscoll presented regarding the contract awards for Concept 5 Sanitary Sewer Improvement Projects.

SYLVAN OFFLINE STORAGE BASIN PROJECT

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

WHEREAS, sealed bids for City of Midland Bid 4259 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Moore + Bruggink along with staff have reviewed the low bid received from Fisher Contracting Company in the amount of \$3,997,000.00 for construction of the Sylvan Offline Storage Project as part of Concept 5 and determined that it meets City specifications and is acceptable; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$3,997,000.00 to Fisher Contracting Company for construction of the Sylvan Offline Storage Project as part of Concept 5; contingent upon document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED.)

SYLVAN LANE PROJECT

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

WHEREAS, sealed bids for City of Midland Bid 4260 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Moore + Bruggink along with staff have reviewed the low bid received from Champagne & Mark Excavating in the amount of \$4,252,264.95 for construction of the Sylvan Lane Project as part of Concept 5 and determined that it meets City specifications and is acceptable; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$4,252,264.95 to Champagne & Mark Excavating for construction of the Sylvan Lane Project as part of Concept 5; contingent upon document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED.)

PERRINE ROAD TO SUGNET ROAD PROJECT

The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky.

WHEREAS, sealed bids for City of Midland Bid 4261 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Moore + Bruggink along with staff have reviewed the low bid received from Fisher Contracting Company in the amount of \$10,392,110.51 for construction of the Perrine Road to Sugnet Road Project as part of Concept 5 and determined that it meets City specifications inclusive of any perceived or real irregularities in form and is acceptable; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$10,392,110.51 to Fisher Contracting Company for construction of the Perrine Road to Sugnet Road Project as part of Concept 5; contingent upon document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED.)

WHITEWOOD NEIGHBORHOOD PROJECT

The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky.

WHEREAS, sealed bids for City of Midland Bid 4262 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Moore + Bruggink along with staff have reviewed the low bid received from Sterling Excavation, Inc. in the amount of \$3,591,696.15 for construction of the Whitewood Neighborhood Project as part of Concept 5 and determined that it meets City specifications and is acceptable; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$3,591,696.15 to Sterling Excavation, Inc. for construction of the Whitewood Neighborhood Project as part of Concept 5; contingent upon document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED. YEAS: Arnosky, Brown Wilhelm, Donker, Wazbinski, NAYS: Hall)

SANITARY SEWER CIPP LINING PROJECT

The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski.

WHEREAS, sealed bids for City of Midland Bid 4264 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Moore + Bruggink along with staff have reviewed the low bid received from Insituform Technologies USA in the amount of \$9,326,215.00 for the construction of the Sanitary Sewer CIPP Lining Project as part of Concept 5 and determined that it meets City specifications inclusive of any perceived or real irregularities in form and is acceptable; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$9,326,215.00 to Insituform Technologies USA for the construction of the Sanitary Sewer CIPP Lining Project as part of Concept 5; contingent upon document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED.)

MOORELAND NEIGHBORHOOD PROJECT

The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski.

WHEREAS, sealed bids for City of Midland Bid 4272 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Moore + Bruggink along with staff have reviewed the low bid received from Malley Construction, Inc. in the amount of \$8,031,755.50 for construction of the Moorland Neighborhood Project as part of Concept 5 and determined that it meets City specifications and is acceptable; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$8,031,755.50 to Malley Construction, Inc. for construction of the Moorland Neighborhood Project as part of Concept 5; document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED. YEAS: Arnosky, Brown Wilhelm, Donker, Wazbinski, NAYS: Hall)

CONCEPT 5 CONSTRUCTION ENGINEERING AND SRF PROJECT

The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky.

WHEREAS, the design engineering for all elements of Concept 5 are now complete; and
WHEREAS, additional professional engineering services will be required to carry out the construction and State Revolving Fund (SRF) Program Management for all elements of Concept 5; and

WHEREAS, the scope of services in this proposal will focus on administration of preconstruction meetings, review shop drawings and submittals, answer contractor Requests for Information, process bulletins and change orders, staking of project elements, onsite inspection and testing services, construction engineering services, monthly progress meeting administration, process contractors applications for payment, coordinate and administer SRF Program Requirements, and complete project as-built drawings and documents; now therefore

RESOLVED, that the proposal is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in the amount of \$3,271,000.00 to Moore + Bruggink Consulting Engineers for construction engineering and SRF Program management of all of the elements of Concept 5; contingent upon document approval by the City Attorney and to the extent that funds are secured, appropriated, and budgeted for the purpose of the contracts. (Motion ADOPTED.)

CONCEPT 5 BOND SALES

Assistant City Manager David A. Keenan introduced bond counsel Pat McGow of Miller Canfield who, presented regarding the issuance of limited tax general obligation capital improvement bonds. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky.

WHEREAS, the City hereby determines that it is necessary to acquire and construct capital improvements in the City including additions, extensions and improvements to the City's sanitary sewer system and storm sewer system, lift station and retention basin improvements, sanitary sewer upsizing and lining improvements, storm sewer separation, and water main replacements, together with all related appurtenances and attachments (collectively, the "Project"); and

WHEREAS, the Project qualifies for the State of Michigan Clean Water Revolving Fund financing program being administered by the Michigan Finance Authority (the "Authority") and the Michigan Department of Environment, Great Lakes, and Energy ("EGLE"), whereby the bonds of the City are sold to the Authority and bear interest at a fixed rate of 1.875% per annum; and

WHEREAS, to finance the cost of the Project, the City Council deems it necessary to borrow the principal sum of not to exceed Forty-Eight Million Dollars (\$48,000,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"); and

WHEREAS, a notice of intent was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication, and no such petition was filed within the requisite period.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated as the 2022 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Forty-Eight Million Dollars (\$48,000,000), as finally determined by order of the

EGLE, for the purpose of paying the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as finally determined at the time of sale of the Bonds and approved by the Authority and either the City Manager, Assistant City Manager, the Mayor, the Clerk and the Treasurer (each an "Authorized Officer"). Final determination of the principal amount of and interest on the Bonds and the payment dates and amounts of principal installments of the Bonds shall be evidenced by the execution of a purchase contract (the "Purchase Contract") between the City and the Authority providing for sale of the Bonds, and each of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than April 1, 2023 and the total number of principal installments shall not exceed twenty (20). The Bonds shall bear interest at an interest rate per annum on the par value thereof as evidenced by execution of the Purchase Contract, but in any event not to exceed 1.875% per annum, and any of the Authorized Officers as shall be appropriate shall deliver the Bonds in accordance with the delivery instructions of the Authority. The principal amount of the Bonds is expected to be drawn down by the City periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the City. The Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Bonds shall be payable as provided in the Bond form in this Resolution. The Bonds or principal installments thereof shall be subject to prepayment prior to maturity by the City with the prior approval of the Authority. The Treasurer shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Treasurer.

Upon payment by the City of all outstanding principal of and interest on the Bonds, the Authority shall deliver the Bonds to the City for cancellation.

2. Execution of Bonds. The Mayor and Clerk are authorized to execute and deliver the Bonds in accordance with the delivery instructions of the Authority. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Clerk of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. The Bonds bearing at least one manual signature of the Mayor or the Clerk sold to the Authority shall require no further authentication.
3. Transfer of Bonds. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The City shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days

before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 6 of this Resolution and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The City shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given. The transfer agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the City; and upon presentation for such purpose the transfer agent shall under such reasonable regulations as it may prescribe transfer or cause to be transferred on the books Bonds as hereinbefore provided.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The Bonds shall be payable, as a first budget obligation, from the general fund of the City, and the City shall levy annually ad valorem taxes on all taxable property in the City which, shall be fully sufficient to pay the principal and interest on the Bond, provided, however, that if at the time of making any such tax levy there shall be other legally available funds for the payment of principal of and interest on the Bond, such as sewer system revenues or other funds, then credit therefor may be taken against the levy for payment of the Bond. The levy shall be subject to constitutional, statutory and charter tax rate limitations. The Treasurer is authorized to open a depository account with a bank or trust company designated by the City Council, to be designated 2022 CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.
5. Construction Fund; Proceeds of Bond Sale. The Treasurer is authorized to open a separate depository account with a bank or trust company designated by the City Council, to be designated 2022 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into the Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.
6. Bond Form. The Bonds shall be in substantially the following form with such changes or completion as necessary or appropriate to give effect to the intent of this Resolution:

STATE OF MICHIGAN
COUNTIES OF MIDLAND AND BAY
CITY OF MIDLAND
2022 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

Registered Owner: Michigan Finance Authority

Principal Amount: _____ Dollars (\$____,000)

Date of Original Issue: _____, 2022

The CITY OF MIDLAND, Counties of Midland and Bay, State of Michigan (the "City" or the "Issuer"), for value received, hereby promises to pay to the Michigan Finance Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority (the "Purchase Contract") and a Supplemental Agreement by and among the City, the Authority, and the State of Michigan acting through the Department of Environment, Great Lakes and Energy, in lawful money of the United States of America, unless prepaid or reduced prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the City under this Bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on Schedule I attached hereto and made a part hereof, as Schedule I may be adjusted if less than \$_____ is disbursed to the City, or if the City prepays a portion of the Principal Amount as provided below, with interest on the principal installments from the date each installment is delivered to the holder hereof until paid at the rate of 1.875% per annum. Interest is first payable on [date], and semiannually thereafter, and principal is payable on the first day of [date], commencing [date] (as identified in the Purchase Contract) and annually thereafter.

Principal installments of this bond are subject to prepayment by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is the single, fully registered, nonconvertible bond in the principal sum of \$_____, issued for the purpose of paying all or part of the cost of capital improvements in the City including additions, extensions and improvements to the City's sanitary sewer system and storm sewer system, lift station and retention basin improvements, sanitary sewer upsizing and lining improvements, storm sewer separation, and water main replacements, together with all related appurtenances and attachments. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the City.

The limited tax full faith, credit and resources of the City are pledged for the payment of this bond, and the City has pledged that it shall pay the principal of and interest on this bond as it becomes due as a first budget obligation from its general fund and, after taking into account funds which the City may have legally available for payment of principal of and interest on this bond, shall levy annually ad valorem taxes on all taxable property in the City sufficient to pay the principal and interest on this bond subject to applicable constitutional, statutory, and charter tax rate limitations.

This bond is transferable only upon the books of the City by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City of Midland, by its City Council, has caused this bond to be signed in the name of the City by the [manual][facsimile] signatures of its Mayor and Clerk and [a facsimile of] its corporate seal [impressed] [to be printed hereon], all as of the Date of Original Issue.

SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environment, Great Lakes and Energy (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order, or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Principal Installment Due on	Amount of Principal Installment
April 1, 2026	\$2,000,000
April 1, 2027	\$2,040,000
April 1, 2028	\$2,075,000
April 1, 2029	\$2,115,000
April 1, 2030	\$2,155,000
April 1, 2031	\$2,195,000
April 1, 2032	\$2,235,000
April 1, 2033	\$2,280,000
April 1, 2034	\$2,320,000
April 1, 2035	\$2,365,000
April 1, 2036	\$2,410,000
April 1, 2037	\$2,455,000
April 1, 2038	\$2,500,000
April 1, 2039	\$2,545,000
April 1, 2040	\$2,595,000
April 1, 2041	\$2,645,000
April 1, 2042	\$2,690,000
April 1, 2043	\$2,740,000
April 1, 2044	\$2,795,000
April 1, 2045	\$2,845,000

Interest on the Bond shall accrue on principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of [rate]% per annum, payable [date] and semi-annually thereafter.

The Issuer agrees that it will deposit with U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

7. Negotiated Sale of Bonds. The City hereby determines that it is in the best interest of the City to negotiate the sale of the Bonds to the Authority because the Clean Water Revolving Fund financing program provides significant interest savings to the City compared to competitive sale in the municipal bond market. The Authorized Officers are hereby authorized to apply to the Authority and to the EGLE for placement of the Bonds with the Authority.
8. Application to EGLE and Authority; Execution of Documents. The actions taken by the Authorized Officers with respect to the Bonds prior to the adoption of this Resolution are ratified and confirmed. The Authorized Officers are authorized to execute and deliver the Purchase Contract, Supplemental Agreement, and Issuer's Certificate in the forms

provided by the Authority. Prior to the delivery of the Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of Bond contained in Section 6 of this Resolution as may be necessary to conform to the requirements of Act 227, Public Acts of Michigan, 1985, as amended ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227.

9. Approval of Bond Counsel. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel is hereby approved, notwithstanding the representation by Miller Canfield of the Authority which may include advising the Authority on its financing programs and borrowings.
10. Approval of Bond Details. The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed 1.875% per annum, and the Bonds shall mature in annual installments not to exceed twenty (20) in number.
11. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty-five (25) years.
12. Tax Covenant. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds.
13. Authorization of Other Actions. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, to enable the sale and delivery of the Bonds as contemplated herein.
14. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded. (Motion ADOPTED.)

PURCHASE OF ROAD SALT FOR 2022-23

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, bids for road salt are solicited by the State of Michigan's MiDeal Extended Purchasing Program and the City of Midland is authorized to make purchases from this program; and

WHEREAS, funding is provided in the FY2022-23 Stores Revolving Fund budget for the purchase of road salt as an inventory item that gets charged out upon use to the Major and Local Street budgets for snow and ice control; now therefore

RESOLVED, that the Accounting Manager is authorized to issue purchase orders to the State of Michigan's selected vendor for the Bay Region district, Detroit Salt Company of Detroit, Michigan, in the amount of \$154,225 for the early delivery salt and not to exceed \$125,980 for the purchase of 130% of the seasonal backup salt if needed for snow and ice control based on the State of Michigan's MiDeal Extended Purchasing Program unit prices. (Motion ADOPTED.)

WATER SERVICE FITTINGS – BID 4271

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the City’s Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and
WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and
WHEREAS, sealed bids for Bid No. 4271 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and
WHEREAS, staff considers the low bid received from Michigan Pipe and Valve to be acceptable, and recommends award for inventory purchases of water service fittings; and
WHEREAS, the purchases will be made from Water Enterprise Fund Inventory Account; now therefore
RESOLVED, that a purchase order is hereby authorized to Michigan Pipe and Valve in the amount of \$103,399.30 for inventory purchases of water service fittings; and
RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND THE 2022-23 GENERAL FUND BUDGET

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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, September 12, 2022, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 General Fund budget to provide adequate budgetary authorization for hazard mitigation consulting fees, and the related reimbursement from the Federal Emergency Management Agency. (Motion ADOPTED.)

SET PUBLIC HEARING TO APPROVE ZONING PETITION NO. 640

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August 9, 2022 for property located at 6000 Stark 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, RA-4 Single Family and Two Family, and RA-1 Single Family; now therefore
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 12, 2022, at 7:00 p.m. in the Council Chambers, City Hall 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 26, 2022, and to publish said notice on August 28, 2022.

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 RC – REGIONAL COMMERCIAL, RA-4 SINGLE FAMILY AND TWO FAMILY, AND RA-1 SINGLE FAMILY DISTRICTS WHERE TOWNSHIP ZONING DISTRICTS PRESENTLY EXIST.

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:

PART OF THE NORTHWEST 1 / 4 AND SOUTHWEST 1 / 4, SECTION 1, T14N -R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE N00°11' 45"E, 791.89' TO THE POINT OF BEGINNING; THENCE CONTINUING N00°11' 45"E, 50.00'; THENCE ALONG THE NORTH RIGHT-OF-WAY OF HERBERT ROAD S89°31'57"E, 462.01'; THENCE N00°11' 45"E, 216.26'; THENCE N89°31'57"W, 132.00'; THENCE N00°11' 45"E, 85.00'; THENCE N00°11' 45"E, 34.67'; THENCE N00°11' 45"E, 59. 98'; THENCE N00°11' 45"E, 104. 72'; THENCE N89°31' 57"W, 330.00'; THENCE N00°11' 45"E, 72.00'; THENCE S89°31'57"E, 330.00'; THENCE N00°11' 45"E, 374.57'; THENCE S89°31' 57"E, 97.00'; THENCE S89°30'00"E, 19. 99'; THENCE S89°32'00"E, 877.47'; THENCE S00°21' 27"W, 469.66'; THENCE S89°41'11 "E, 923.80'; THENCE S00°29'20"W, 1323.24' TO THE EAST-WEST 1/4 LINE; THENCE ALONG THE EAST-WEST 1/4 LINE N89°30'53"W, 921.82' TO A FOUND PIPE WITH CAP #29241; THENCE CONTINUING ALONG THE EAST- WEST 1 / 4 LINE N89°29'12"W, 211.81'; THENCE S33°15'23"W, 161.69' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 210.06'; THENCE N30°48'42"E, 266.24'; THENCE N89°48'15"W, 211.00'; THENCE S00°11' 45"W, 180.00' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 403. 78'; THENCE N00°11' 45"E, 415.30'; THENCE S89°31' 57"E, 221.37'; THENCE N00°11' 45"E, 132.00'; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF HERBERT ROAD N89°31'57"W, 649.99' TO THE POINT OF BEGINNING. EXCEPT PARCELS 040-001-200-390-00 AND 040-001-200-400-00 BEING DESCRIBED AS:

PART OF THE NORTHWEST 1 / 4 SECTION 1, T14N - R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE S00°11' 45"W, 1608. 94; THENCE PERPENDICULAR TO SAID WEST SECTION LINE, S89° 45'15"E, 514.00' TO THE POINT OF BEGINNING; THENCE N00° 11' 45"E, 132.00'; THENCE S89° 48'15"E, 132.00'; THENCE S00° 11' 45"W, 132.00'; THENCE N89° 48'15"E, 132.00' TO THE POINT OF BEGINNING.

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. Considered first reading)

SET PUBLIC HEARING TO AMEND THE 2022-23 MAJOR STREET FUND AND LOCAL STREET FUND BUDGETS

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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, September 12, 2022, in the Council

Chambers of City Hall, on the proposal to amend the 2022-23 Major Street Fund and Local Street Fund budgets to provide adequate budgetary authorization for the 2022-23 Concept 5 project costs. (Motion ADOPTED.)

Being no further business the meeting adjourned at 10:04 p.m.

Lacey Todd, City Clerk