

August 28, 2023

A regular meeting of the City Council was held on Monday, August 28, 2023, at 7:00 p.m. Mayor Donker presided with all Councilmen present. The Pledge of Allegiance to the Flag was recited in unison.

MINUTES

Approval of the minutes of the August 14, 2023 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Soler. (Motion ADOPTED)

PUBLIC COMMENT

Peter Sinclair, 3610 Devonshire St., spoke on the ongoing community discussion about converting Ashman and Rodd to two way streets, encouraging the provision of enhanced biking facilities in the form of protected bike lanes whether or not the traffic flow was altered.

BLESSED SACRAMENT CHURCH PLAYGROUND DONATION

Director of Public Services Karen Murphy presented information on the donation of property and a funding gift of playground equipment from Blessed Sacrament Church. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, Blessed Sacrament Church has been in discussions with the City's Parks and Recreation Department over the past year regarding the playground located on their property adjacent to Wallen Park; and

WHEREAS, upon review by Parks staff who are trained in playground safety standards it was determined the existing play equipment needs to be replaced due to age and safety concerns; and

WHEREAS, the playground is a wonderful community asset that not only provides recreational opportunities for those who visit Blessed Sacrament Church but also for the community at large as people visit Wallen Park immediately adjacent to the play area; and

WHEREAS, Blessed Sacrament Church has offered to donate ownership of the playground property to the City along with a gift of funding not to exceed \$200,000 to allow the City to purchase new play equipment with installation to be completed by City Parks staff; and

WHEREAS, the Parks and Recreation Commission, at their meeting of June 6, 2023, voted unanimously to recommend that City Council accept this generous gift to the community of an updated playground; now therefore

RESOLVED, that City Council hereby accepts the donation of the playground property at Blessed Sacrament Church to the City along with a gift of funding from Blessed Sacrament not to exceed \$200,000 for the purchase of new play equipment to replace the existing aging equipment, providing an updated City playground for the community to enjoy. (Motion ADOPTED)

CITY FOREST MOUNTAIN BIKE FLOW TRAILS AND SKILLS PARK PROJECT DONATION

Director of Public Services Karen Murphy presented information on the gift of flow trail and skills park from Central Michigan Mountain Bike Association (CMMBA). Steve Keeley, President of CMMBA, answered questions about the trails. Andrew Korinda, 5118 Highridge Ct., spoke in support of the trails as a coach. The following resolution was then offered by Councilman Soler and seconded by Councilman Wazbinski:

WHEREAS, the Central Michigan Mountain Bike Association (CMMBA) has been a partner with the City for maintenance and improvements on the existing trail network at City Forest and hosts a large youth mountain biking program as well; and

WHEREAS, CMMBA secured grant funding to develop a conceptual design for a mountain bike flow trails and skills park for the City Forest where mountain bikers of all ages and abilities can

progressively train to improve their skill before heading out onto the larger trail network; and WHEREAS, CMMBA is offering to raise funds up to \$200,000 to construct the flow trails and skills park with the resulting features donated to the City upon completion; and WHEREAS, CMMBA intends to enter into a memorandum of understanding with the City for future support and maintenance of the flow trails and skills park; and WHEREAS, the Parks and Recreation Commission, at their meeting of August 2, 2023, voted unanimously to recommend that the City Council accept the gift; now therefore RESOLVED, that the City hereby accepts the offer of the Central Mountain Bike Association to build a mountain bike flow trails and skills park at the City Forest. (Motion ADOPTED)

PARK RULES AND REGULATIONS UPDATE

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

RESOLVED, that Sections 2 and 6 of the Park Rules and Regulations adopted June 2, 1975 pursuant to Section 17-9 of the Code of Ordinances are hereby revised as recommended by the Parks and Recreation Commission. (Motion ADOPTED)

REAPPOINTING JENNY MARSHALL TO DIAL-A-RIDE ADVISORY COMMISSION

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

RESOLVED, that Jenny Marshall is hereby reappointed to the Dial-A-Ride Advisory Commission for a term expiring on June 30, 2026. (Motion ADOPTED)

AUTHORIZE THE ACQUISITION OF PROPERTIES THROUGH THE HAZARD MITIGATION GRANT PROGRAM

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

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 entered into a grant agreement with the Michigan State Police under the Hazard Mitigation Grant Program to acquire up to 27 properties identified within the grant agreement that contain at-risk structures, remove structures from those properties, and restore those properties for use as open space in perpetuity; and WHEREAS, funding has been budgeted for this purpose in the 2022/2023 Planning budget and 2022/2023 CDBG-DDR budget that is being encumbered forward into the current fiscal year; 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 for City Council to authorize the City Manager or designee to execute the documents necessary to acquire the participating properties; now therefore RESOLVED, that City Council authorizes the City Manager or designee to execute the documents necessary to acquire properties participating in the Hazard Mitigation Grant Program. (Motion ADOPTED)

TRAFFIC CONTROL ORDER S-23-01

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

RESOLVED, that Traffic Control Order S-23-01 filed May 22, 2023 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That a STOP sign (RI-1) be installed for traffic along Hannah Court at the intersection with Cambridge Street.

is hereby made permanent and that previous Traffic Control Orders for stop control at these intersections be rescinded. (Motion ADOPTED)

CITY HALL RENOVATIONS PHASES 4 AND 5

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, Midland City Hall was opened to public use in July of 1989 and has operated essentially unchanged since that time; and

WHEREAS, the City of Midland has determined that the building design no longer provides adequate safety and security measures to either the public or City staff, resulting in the need to undertake updates and enhancements to the current building; and

WHEREAS, adequate funds have been accumulated in the General Fund to move forward with Phase 4 and 5 (City Hall buildout and Council Chambers) of the project; and

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4346 City Hall Renovations Phase 2; and

WHEREAS, Great Lakes Bay Construction has submitted the low bid meeting all City specifications and requirements waiving irregularities in the best interest of the City; now therefore

RESOLVED, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to award and execute a contract with Great Lakes Bay Construction to provide construction services for the City Hall Renovations Phase 2 project, in addition to authorizing a purchase order, with a cost not to exceed \$1,499,700.00; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in aggregate not to exceed \$45,000 for any unanticipated issues that may arise during construction. (Motion ADOPTED)

MUNICIPAL SERVICE CENTER ELECTRICAL UPGRADES AND DART ELECTRIC VEHICLE CHARGING STATION INSTALLATION

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, Dial-A-Ride received a federal grant to purchase two electric transit vans that will require additional electrical capacity at the Municipal Service Center to properly install and operate the associated vehicle charging stations; and

WHEREAS, sealed bids were received on August 15, 2023 for Bid No. 4379, "Municipal Service Center Electrical Upgrade and Electric Vehicle Charger Install", in accord with Section 2-17 of the Midland Code of Ordinances; and

WHEREAS, sufficient funds are included in the FY2023/24 Municipal Service Center and DialA-Ride budgets to cover the project cost; now therefore

RESOLVED, that the bid submitted by ESCON Group of Bay City, Michigan is hereby accepted; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with ESCON Group of Bay City, Michigan for the electrical upgrades at the Municipal Service Center along with the

installation of three electric vehicle charging stations; and
RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$32,850.00 to ESCON Group for the project. (Motion ADOPTED)

PURCHASE OF A NEW SEWER JETTER TRUCK FOR WATER RECLAMATION

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, competitive bids for specialty trucks are routinely solicited by the Sourcewell Cooperative Purchasing program, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, City unit 357 is a 2016 sewer jetter truck utilized by Water Reclamation that is due for replacement based on age, condition and increasing maintenance needs; and

WHEREAS, sufficient funding for the purchase of a replacement sewer jetter truck is available in the FY 2023-24 Equipment Revolving Fund budget for Capital Outlay; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Sourcewell's selected vendor, Fredrickson Supply of Grand Rapids, Michigan, in the amount of \$286,536.85 for a sewer vactor truck for use by the Water Reclamation Department, all in accordance with the Sourcewell contract pricing proposal and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order up to 5% of the total cost, which equates to \$14,326, to cover any unforeseen modifications that may come up during the build process; and

RESOLVED FURTHER, City Council authorizes the sale of unit 357 via online auction should the auction price exceed \$50,000 per Section 2-24 of the Code of Ordinances of the City of Midland. (Motion ADOPTED)

FLEET MANAGEMENT SOFTWARE UPGRADE

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, bids for fleet management software are routinely solicited by the federal General Services Administration (GSA) cooperative government purchasing program and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding to upgrade the existing FASTER fleet management software from a Windows-based platform to a web-based platform is included in the FY2023-24 Equipment Revolving Fund and Information Services budgets; and

WHEREAS, the GSA contract provides pricing for upgrading FASTER to a web-based format and the City is eligible for the contract pricing; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, in accordance with Section 2-18 of the Code of Ordinances for the City of Midland with FASTER Asset Solutions of Virginia Beach, Virginia to upgrade the existing FASTER software program to a web-based platform; and

RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to FASTER Asset Solutions of Virginia Beach, Virginia in the amount of \$62,373.00 for the purchase of the software upgrade, all in accordance with the GSA contract proposal and specifications. (Motion ADOPTED)

SET A PUBLIC HEARING ON AN APPLICATION FOR CDBG-DR FUNDING

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has allocated \$59,898,000 in long-term recovery funds to the State of Michigan to support recovery and

mitigation efforts following the severe storms and flooding in 2020; and
WHEREAS, the Michigan Economic Development Corporation (MEDC) is managing distribution of those funds, known as Community Development Block Grant – Disaster Recovery (CDBG-DR) funds, to projects within the impacted region which includes Midland County; and
WHEREAS, applications for the second round of funding for Planning projects will be accepted beginning on September 24, 2023; and
WHEREAS, the City of Midland has unmet recovery and mitigation needs resulting from the 2020 flooding and seeks to secure funding through the CDBG-DR program to meet those needs; and
WHEREAS, a 10-day public comment period is required for applications for CDBG-DR funding and will begin on September 1, 2023; and
WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds following the required 10-day public comment period which will conclude on September 10, 2023; now therefore
RESOLVED, a public hearing will be held by the Midland City Council on September 11, 2023 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of considering an application for the second round of funding for Planning projects through the CDBG-DR program. (Motion ADOPTED)

SET A PUBLIC HEARING TO APPROVE ZP NO. 651

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August 22, 2023,
for Stonegate Manor Lots 2 through 21 for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, to apply RA-3 Single Family Residential zoning where RB Multiple Family Residential zoning presently exists; and
WHEREAS, the Planning Commission has submitted its recommendation to approve the petition, in accord with Section 30.03(A) of the Zoning Ordinance of the City of Midland; now therefore
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 25, 2023, 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 September 1, 2023, and to publish said notice on September 1, 2023.

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 RA-3 SINGLE FAMILY RESIDENTIAL ZONING WHERE

RB MULTIPLE FAMILY RESIDENTIAL ZONING 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:

STONEGATE MANOR LOTS 2 THROUGH 21

Be, and the same is hereby changed to RA-3 Single Family Residential 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)

SET A PUBLIC HEARING TO AMEND THE FY23/34 DART BUDGET TO INSTALL BICYCLE RACKS ON THE BUSES

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Soler:

WHEREAS, Dial-A-Ride has received discretionary federal grant funds from the Federal Highway Administration's FY2023 Transportation Alternatives Program for the purchase of fourteen bicycle racks; and

WHEREAS, the State of Michigan is providing the required matching funds for the grant so there will be no net impact on the City financially; and

WHEREAS, it is necessary to amend the FY2023/24 Dial-A-Ride budget to recognize both the increase in grant funding as well as the purchase price of the bicycle racks; now therefore RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 pm, Monday, September 11, 2023 in the Council Chambers of City Hall on the proposal to amend the FY2023/24 Dial-A-Ride Capital budget by increasing both revenue and expense by a total of \$30,800 in federal and state grant funds to cover the cost of fourteen bicycle racks to be installed on all of the Dial-A-Ride buses; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED)

Being no further business, the meeting adjourned at 7:38 p.m.

Shawn Sutter, Deputy City Clerk