

September 14, 2020

A regular electronic meeting of the City Council was held on Monday, September 14, 2020, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 838 6901 7174 ~ Password: 338208. 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 24, 2020 regular electronic meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED by a Roll Call Voice Vote.)

CONSTITUTION WEEK

Communications Coordinator Katie Guyer presented information on Constitution Week and introduced Nancy Pnacek of the John Alden Chapter of the Daughters of the American Revolution. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating the week of September 17 – 24, 2020 as Constitution Week in the city of Midland to commemorate the formation and signing of the United States Constitution and encourage all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves. (Motion ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENT

No public comments were made.

RULES OF PROCEDURE FOR VIRTUAL MEETINGS

City Attorney, James O. Branson III presented information regarding the proposed rules of procedure for virtual meetings. After Council discussion and adjustments to the proposed rules, the following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, due to the COVID-19 pandemic and in accordance with Michigan executive orders, City Council and its boards and commissions have been holding its meetings electronically since April 13, 2020; and

WHEREAS, in accordance with Executive Order 2020-154 public meetings of City Council and its boards and commissions will continue to be held electronically until further notice by the State; and

WHEREAS, proposed Rules of Procedure for Virtual Meetings are hereby presented to City Council to ensure that virtual meetings are run professionally, effectively and in accordance with the Open Meetings Act; now therefore

RESOLVED, that the Rules of Procedure for Virtual Meetings are hereby adopted and shall be applicable to all members of the City Council and board and commission members when participating in virtual meetings of the City Council, boards or commissions. (Motion ADOPTED by a Roll Call Voice Vote.)

SITE PLAN NO. 403

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

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 403, initiated by Greystone Homes for site plan review and approval of Phase II of the site condominium known as Greystone Woods. The proposed addition is for eight (8) single-family residential site condominium units located at 6201 W. Wackerly Street; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 403 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. 403, contingent upon the following:

1. A final stormwater management plan and permit amendment 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. Final approval of the condominium Master Deed and By-Laws to the satisfaction of the City Planning Department.
4. Final approval and execution of a development agreement to the satisfaction of the City Attorney's Office, Engineering and Planning Departments.
5. Sidewalks must be installed on both sides of each proposed street with proper ADA ramps at the intersections to the satisfaction of the City Engineering Department.
6. All streets must be constructed to City standards, including a standard, non-rolled curb to the satisfaction of the City Engineering Department. (Motion ADOPTED by a Roll Call Voice Vote.)

BOARDS AND COMMISSION APPOINTMENTS

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

RESOLVED, that City Council hereby appoints Matthew Lemon as a citizen-at-large member to the Parks and Recreation Commission to fill a three-year term ending June 30, 2023; and

RESOLVED FURTHER, that City Council hereby appoints Michael Erickson as an alternate member to the Zoning Board of Appeals to fill a three-year term ending June 30, 2023; and

RESOLVED FURTHER, that City Council hereby appoints Julie Keil as an alternate member to the Zoning Board of Appeals to fill a three-year term ending June 30, 2023; and

RESOLVED FURTHER, that City Council hereby reappoints Don Hall as a citizen-at-large member of the Sewer District Board of Appeals, to fill a three-year term ending June 30, 2023; and

RESOLVED FURTHER, that City Council hereby reappoints James Pollack as a citizen-at-large member of the Sewer District Board of Appeals, to fill a three-year term ending June 30, 2023; and

RESOLVED FURTHER, that City Council hereby reappoints Kari McPhillips as a citizen-at-large member of the West Main Street Historic District Commission to fill a three-year term ending June 30, 2023. (Motion ADOPTED by a Roll Call Voice Vote.)

PHASE I MIRACLE FIELD COMPLEX CONSTRUCTION PROPOSAL

Director of Public Services Karen Murphy presented information the Phase I Miracle Field Complex Construction Proposal. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the construction of a Miracle Field accessible baseball complex where athletes with disabilities can enjoy the game of baseball is proposed for Central Park; and

WHEREAS, a detailed site plan has been developed with an associated two-phase construction plan to build the Miracle Field complex as funds are raised for that purpose; and

WHEREAS, a consortium of local contractors has presented a proposal, with Three Rivers Corporation acting as the general contractor, to construct the Miracle Field complex in two phases at a total cost of \$1,960,636.00, which is inclusive of \$270,258.00 of in-kind contributions from fifteen local contractors; and

WHEREAS, City staff have raised over \$1.25M for the Miracle Field to date from outside contributions with funds being held in a project fund at the Midland Area Community Foundation; and

WHEREAS, Phase I of the Miracle Field which includes construction of the field, dugouts, bleachers, restroom facilities and accessible parking area can be completed for \$1,192,311.00 by the local consortium of contractors led by Three Rivers as outlined in their proposal; and

WHEREAS, Section 2-20 of the Code of Ordinances allows City Council via a 4/5 vote to waive competitive bids for projects which utilize funding that has been donated to the City; now therefore

RESOLVED, that City Council waive competitive bids on the Miracle Field project and accept the local consortium proposal submitted by Three Rivers Corporation of Midland, Michigan at a total cost of \$1,960,636.00; and

RESOLVED FURTHER, that City Council authorize staff to approve and execute a contract with Three Rivers Corporation for Phase I of the project with a cost not to exceed \$1,192,311.00; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders to the contract not to exceed \$30,000 for any unanticipated issues that may arise during construction. (Motion ADOPTED by a Roll Call Voice Vote.)

INCREASE PURCHASE ORDER FOR DESIGN SERVICES FOR LANDFILL CELL 17

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

WHEREAS, the City of Midland Landfill is regulated by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Environmental Protection Agency; and
WHEREAS, as new Landfill cells are scheduled for construction, the City needs to review and update the plans for each cell to ensure compliance with state and federal regulations as well as to make changes to optimize operational efficiencies; and

WHEREAS, the City is currently working with engineering consultant, CTI and Associates, Inc. (CTI) of Novi, Michigan, on the design review and development for future Landfill Cell 17 as approved by City Council at their meeting of March 16, 2020; and

WHEREAS, the design work has reached the current purchase order limit and it is necessary to budget additional funds available in the FY2020/21 Landfill Capital Outlay budget in order for CTI to complete the design review, bid specification development and coordination of EGLE's required plan review; now therefore

RESOLVED, that the Accounting Manager is authorized to increase purchase order 2020-00001173 by \$41,000.00 to CTI and Associates, Inc. of Novi, Michigan, to complete the design update and coordination services with EGLE for Landfill Cell 17; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order not to exceed \$5,000.00 should EGLE require modifications to the plan upon review. (Motion ADOPTED by a Roll Call Voice Vote.)

INCREASE PURCHASE ORDER FOR LANDFILL ENGINEERING AND REGULATORY COMPLIANCE SERVICES

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

WHEREAS, at the beginning of the fiscal year, staff administratively approved an initial purchase order of \$25,000.00 for engineering and regulatory support at the Landfill to be provided by CTI and Associates, Inc. of Novi, Michigan; and

WHEREAS, the Landfill Superintendent has since worked with CTI to determine the anticipated needs for the remainder of this fiscal year to continue utilizing CTI's contracted professional services to assist the Landfill with the provision of routine engineering and compliance support including responses to regulatory inquiries as well as assistance with cyclical permitting and reporting requirements; and

WHEREAS, staff recommends an additional \$120,000.00 be allocated to provide funds for the engineering services through the end of the fiscal year and adequate funds were included in the FY 2020/21 Landfill operational budget for this purpose; now therefore

RESOLVED, that the Accounting Manager is authorized to increase PO # 2021-00000128 to CTI and Associates, Inc. of Novi, Michigan by \$120,000.00 to cover engineering and compliance support at the Landfill through the end of FY 2020/21. (Motion ADOPTED by a Roll Call Voice Vote.)

PURCHASE OF COMPOST SCREENER FOR LANDFILL

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

WHEREAS, the City of Midland Landfill operates a large composting operation in compliance with State of Michigan guidelines for disposal of compostable materials; and

WHEREAS, the compost process involves several steps which includes a final screening of the material to separate out any foreign debris from the finished compost product; and

WHEREAS, the FY2020-21 Landfill Capital Outlay budget has funds allocated to purchase a replacement compost screening unit capable of handling the volumes of material produced on site annually; and

WHEREAS, the Landfill Superintendent is confident that he can secure a used compost screening unit from local vendors' stock or via an on-line auction that will meet the City's needs with a cost not to exceed \$200,000 based on research he has done to date; now therefore

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived; and

RESOLVED FURTHER, that City Council authorizes the purchase of a used compost screening unit not to exceed \$200,000 from either local vendors' stock or via an on-line auction with formal approval of the purchase order to occur once the vendor is identified. (Motion ADOPTED by a Roll Call Voice Vote.)

2020 AIRPORT ROAD CULVERT; CONTRACT NO. 08

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the culvert installation across Airport Road; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Lowe Construction Co. of Horton, Michigan for the "2020 Airport Road Culvert; Contract No. 08" project, in the amount of \$379,730.00, 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 \$40,000.00.(Motion ADOPTED by a Roll Call Voice Vote.)

2020 SURFACE TREATMENT PROGRAM; CONTRACT NO. 17

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the surface treatment of major and local streets; and

WHEREAS, funding for this project is provided by the Major and Local Street Funds; now therefore

RESOLVED, that the low sealed proposal submitted by K&B Asphalt Sealcoating, Inc. of Adrian, Michigan for the "2020 Surface Treatment Program; Contract No. 04", in the amount of \$106,025.00 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 \$10,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

WASTEWATER TREATMENT PLANT PRIMARY DIGESTER COATING. BID NO. 3964

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

WHEREAS, the Wastewater Treatment Plant creates bio-solids (sludge) in treating the community's sanitary sewage; and

WHEREAS, there are two primary digesters that are designed to be completely insulated to maintain an optimal temperature range of 97°F to 99°F; and

WHEREAS, the current insulation layer on the digesters is more than 30 years old, and the process to recoat the digesters began in 2018 with the removal of the first digester's insulation coating; and

WHEREAS, on June 26, 2018 sealed bids were received and opened for Bid No. 3964, Digester Coating and Roofing to include 4-inch thick spray foam coating of the entire digester with a layer of non-slip material; and

WHEREAS, the bid price was intended to be applied to both primary digesters; and

WHEREAS, funding has been budgeted in the 2020/2021 Wastewater Enterprise Fund - Capital Improvements budget; now therefore

RESOLVED, that the low bid price submitted by Stony Creek Services, Inc., of Galesburg, MI in the amount of \$60,750.00 is hereby accepted and a purchase order is authorized for coating and roofing of the second primary digester at the Wastewater Treatment Plant; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

SET PUBLIC HEARING TO ACCEPT GRANT FROM MIDLAND AREA COMMUNITY FOUNDATION AND AMEND 2020-21 GENERAL FUND BUDGET FOR GROVE PARK IMPROVEMENTS

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

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, September 28, 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 grant from the Midland Area Community Foundation and amend the General Fund budget for fiscal year 2020-2021 for Grove Park improvements.

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.)

SET PUBLIC HEARING FOR ZONING PETITION NO. 632

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August 25, 2020 for property located at 4203 Bay City 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 RB Multiple Family Residential 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, October 5, 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 September 18, 2020 and to publish said notice on September 19, 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 RB MULTIPLE FAMILY RESIDENTIAL 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 BEG 250 FT E OF CEN OF SEC 24, E 418.1 FT, N 330 FT, E 297 FT, N 99 FT, W 297 FT, N 161.26 FT, W 418.1 FT, S 590.26 FT TO BEG , 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.)

Being no further business the meeting adjourned at 9:00 p.m.

Erica Armstrong, City Clerk