

November 21, 2022

A regular meeting of the City Council was held on Monday, November 21, 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, Maureen Donker, Tim Soler, Marty Wazbinski
Councilmen absent: Diane Brown Wilhelm,

MINUTES

Approval of the minutes of the November 14, 2022 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED.)

MIDLAND 2022 FLOOD REDUCTION PROJECT

Director of Wastewater Services Jacob Driscoll introduced Tony Stamas from the Midland Business Alliance as well as Bill Schuette and J.W. Fisher representing the Midland Business Alliance Advisory Committee on Infrastructure, who presented information on a proposed Midland 2022 Flood Reduction project. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski.

WHEREAS, the Midland Business Alliance Advisory Committee on Infrastructure has enlisted the services of Spicer Group as technical advisor to evaluate flood reduction measures; and WHEREAS, Spicer Group has generated conceptual plans for flood reduction projects outlined in the Midland 2022 Flood Reduction Project Report; and WHEREAS, City of Midland has reviewed the Midland 2022 Flood Reduction Project Report; now therefore
RESOLVED, that the City Council express their support in principle of the Midland Flood Reduction Plan presented by the Midland Business Alliance Advisory Committee on Infrastructure subject to continued technical analysis and further detail. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

MICHIGAN BASEBALL FOUNDATION REQUEST FOR CITY FEEDBACK TO MDOT

Director of Planning and Community Development Jacob Kain presented information on a request from the Michigan Baseball Foundation that the City of Midland provide feedback to MDOT regarding Buttles and Indian Streets. The following resolution was then offered by Councilman Wazbinski and seconded by Mayor Donker. Following discussion, Councilman Arnosky motioned, seconded by Councilman Wazbinski to amend the resolution to add the exception of Indian Street. (Motion to Amend ADOPTED. YEAS: Arnosky, Soler, Wazbinski NAYS: Donker ABSENT: Brown Wilhelm)

WHEREAS, the Michigan Department of Transportation (MDOT) has been reviewing design options for the reconstruction of the US-10 Business Route corridor in Midland since 2015; and WHEREAS, the City of Midland is an active partner in the review process that will ultimately culminate in the reconstruction of that corridor, which includes Buttles and Indian Streets; and WHEREAS, on January 25, 2021 City Council supported converting the three-lane vehicular traffic cross-section of Buttles Street into two lanes of vehicular traffic between Jerome Street and State Street; and
WHEREAS, on January 25, 2021 City Council further directed that City staff work with MDOT staff to address and incorporate design concerns expressed by local officials and the public,

including but not limited to vehicular turning radii, intersection safety and design, turning flares/lanes, pedestrian connectivity and context sensitive design; and WHEREAS, on November 2, 2022 David Ramaker, President of the Michigan Baseball Foundation (MBF), submitted correspondence requesting that the City of Midland provide feedback to MDOT regarding the current conceptual designs for Buttles and Indian Streets, specifically requesting that the City inquire with MDOT regarding the potential to convert the three-lane vehicular traffic cross-section of Indian Street into two lanes of vehicular traffic and to realign both Buttles and Indian Streets closer to the centerline of their respective rights-of-way; RESOLVED, that City staff are directed to work with MDOT staff and representatives of MBF to explore the potential of these design alternatives except for those on Indian Street. (Motion ADOPTED. YEAS: Arnosky, Soler, Wazbinski NAYS: Donker ABSENT: Brown Wilhelm)

STORM WATER ORDINANCE OVERVIEW

City Engineer Matt Lemon, presented information on the City of Midland storm water ordinance. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky.

WHEREAS, the City Engineering Department has submitted an overview and presentation of storm water processes and workings of the currently-in-place storm water ordinance in the City of Midland and of potential options for updates to said ordinance; now therefore RESOLVED, that the overview and presentation is hereby received and filed. (Motion ADOPTED.)

CABLE ACCESS ADVISORY COMMISSION ANNUAL REPORT 2021-22

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

WHEREAS, the Cable Access Advisory Commission has submitted an annual report for fiscal year 2021/22 in accord with Article I of Chapter 15 of the Midland Code of Ordinances; and WHEREAS, a report was submitted containing details and information on the activities of the Cable Access Advisory Commission; and WHEREAS, the Cable Access Advisory Commission has identified in the annual report activities that are in compliance with the duties defined in the ordinance; now therefore RESOLVED, that the 2021/22 Annual Report of the Cable Access Advisory Commission be accepted. (Motion ADOPTED.)

SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY CORPORATION 2021-22 ANNUAL REPORT

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

RESOLVED, that the Saginaw-Midland Municipal Water Supply Corporation 2021-2022 Annual Report be received and filed in the office of the City Clerk. (Motion ADOPTED.)

SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY CORPORATION 2021-22 FINANCIAL STATEMENTS

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

RESOLVED, that the Saginaw-Midland Municipal Water Supply Corporation 2021-2022 Annual Financial Statements and Auditor's Report dated June 30, 2022, with comparative figures for June 30, 2021 be received and filed in the office of the City Clerk. (Motion ADOPTED.)

MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT NO. 22-5376

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

WHEREAS, the City of Midland desires to construct roadway improvements at the intersection of US-10BR (Eastman Avenue) and Wackerly Road; and
WHEREAS, the City of Midland is a member of the Midland Area Transportation Study (MATS), through which funding is available from the Michigan Department of Transportation (MDOT) to cost share street reconstruction; and
WHEREAS, Contract No. 22-5376, prepared by MDOT and to be reviewed by the City Attorney, specifies a cost sharing agreement to be used for the project; and
WHEREAS, funding available for construction through MDOT is \$1,274,900; and
WHEREAS, the City of Midland is responsible for the balance of the construction project cost, based on current estimate to be \$432,200; and
WHEREAS, the funding for the City share is available in the Major Street Fund; now therefore
RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute the MDOT project cost share agreement, Contract No. 22-5376, once approved by the City Attorney. (Motion ADOPTED.)

APPROVED PURCHASE ORDER INCREASE – LANDFILL CAT

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

WHEREAS, the City of Midland owns and operates a renewable gas-to-energy system that utilizes two 20-cylinder Caterpillar 3520 generators that convert landfill and wastewater gas into electricity that is sold to local industrial consumers; and
WHEREAS, at the start of FY 2022-23, staff administratively authorized a blanket purchase order to Michigan Cat, Inc. of Detroit, Michigan in the amount of \$35,000 for routine parts for the fiscal year; and
WHEREAS, due to typical wear significant parts purchases are necessary annually, requiring an increase to the purchase order with funding included for this purpose in the FY 2022-23 Landfill Enterprise Fund's operating budget; and
WHEREAS, parts availability has led to delays in delivery and has limited staff to securing heads for the generators directly from Michigan Cat, Inc. as the sole source for replacement parts at this time; now therefore
RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, and a purchase order increase of \$105,000 is authorized to Michigan Cat, Inc. bringing the purchase order to a total amount of \$140,000 for GTE parts and core deposits for the balance of FY 2022-23. (Motion ADOPTED.)

LANDFILL SKIDSTEER VEHICLE REPLACEMENT

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

WHEREAS, the City of Midland's Landfill owns and operates a Bobcat T550 compact track loader which serves a wide range of purposes on the site including hillside mowing, cleaning behind the residential dumpsters and moving materials onsite; and

WHEREAS, on September 28, 2022 Landfill staff was operating the Bobcat when the operator identified an engine fire and exited the unit unharmed; and

WHEREAS, the City has received interpretation from its insurance carrier, the Michigan Municipal League Liability & Property Pool, that the Bobcat is deemed a total loss, coverable under the City's Property Blanket policy for full replacement cost with a \$250 deductible to be paid by the City; and

WHEREAS, staff has evaluated replacement units and identified the Bobcat T62, the current model equivalent to the destroyed T550, as best meeting the Landfill's needs, and this unit is available through the Michigan State Contract – 071B7700088 at a cost of \$59,687 through the State's selected vendor, Clark Equipment Company dba Bobcat Company of West Fargo, North Dakota; now therefore

RESOLVED, that a purchase order to Clark Equipment Company dba Bobcat Company of West Fargo, North Dakota is authorized in the amount of \$59,687 for the replacement of the Landfill's Bobcat T550 compact track loader with a new Bobcat T62 through the Michigan State Contract – 071B7700088, using the City's Insurance Fund to pay as a claims expense; and

RESOLVED FURTHER, that the insurance reimbursement of the cash value of the destroyed unit less the City's \$250 deductible is recognized, for a total insurance reimbursement of \$59,437. (Motion ADOPTED.)

POSEYVILLE RIVERFRONT RESTORATION DESIGN AND OVERSIGHT – PHASE II

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

WHEREAS, the City of Midland in partnership with the Michigan Baseball Foundation have worked together to bring forward a project to renovate the site of the old 4D/Oldcastle concrete block manufacturing facility on the south side of the Tittabawassee River; and

WHEREAS, adequate funds have been raised and are available in a project fund at the Midland Area Community Foundation to move forward with design work for Phase II of the Poseyville South Riverfront restoration project; and

WHEREAS, the City of Midland has worked to date with PMBlough, Inc. of Grand Haven, Michigan on Phase I design, bidding and construction oversight with great success; and

WHEREAS, PMBlough, Inc. has submitted a proposal for the remaining design, bid and construction management oversight services for this next phase of the project not to exceed \$100,000; and

WHEREAS, Section 2-19 of the Code of Ordinances for the City of Midland states that sealed proposals are not required for professional services; now therefore

RESOLVED, that City Council authorizes staff to approve and execute a contract with PMBlough, Inc. for Phase II of the project with a cost not to exceed \$100,000 for design, bid and construction management services. (Motion ADOPTED.)

SET PUBLIC HEARING FOR SPARK GRANT APPLICATION FOR PLYMOUTH PARK

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

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, the City Council hereby schedules a public hearing for Monday, December 5, 2022 at 7:00 p.m. in the City Council Chambers of City Hall on a grant application to the State of Michigan's Spark grant program for the Plymouth Pool Restoration Project; 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 9:27 p.m.

Lacey Todd, City Clerk