

December 5, 2022

A regular meeting of the City Council was held on Monday, December 5, 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, Tim Soler  
Marty Wazbinski  
Councilmen absent: None

**NOTE:** MAYOR DONKER REMOVED ITEM #15 FROM THE AGENDA TO BE BROUGHT BACK FOR CONSIDERATION AT A LATER DATE.

### **MINUTES**

Approval of the minutes of the November 21, 2022 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED.)

### **RECOGNITION OF ADAM MICHAEL GARZA**

Chief of Police Nicole Ford recognized Adam Michael Garza of Caro, Michigan for the heroic rescue of a 4-year-old female resident. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

RESOLVED, that Adam Michael Garza is hereby recognized for his heroic efforts on March 10, 2022, when he bravely rescued a 4-year-old City of Midland female from the icy waters of Sturgeon Creek. (Motion ADOPTED.)

### **2022 POLICE OFFICER OF THE YEAR AWARD**

Midland Police Chief Nicole Ford introduced Officer Steven Pomranky as the recipient of the 2022 Carl and Esther Gerstacker Police Officer of the Year award. The following resolution was then offered by Councilman Wabinski and seconded by Councilman Brown Wilhelm:

RESOLVED, that Midland Police Officer Steven Pomranky is hereby recognized for being selected by the Midland Exchange Club as the 2022 Carl and Esther Gerstacker Police Officer of the Year recipient. (Motion ADOPTED.)

### **2022 FIREFIGHTER OF THE YEAR AWARD**

Midland Fire Chief Joshua Mosher introduced Firefighter Edward Peake as the recipient of the 2022 Carl and Esther Gerstacker Firefighter of the Year award. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Midland Fire Department Firefighter Edward Peake is hereby recognized for being selected by the Midland Exchange Club as their 2022 Carl and Esther Gerstacker Firefighter of the Year recipient. (Motion ADOPTED.)

### **GRANT APPLICATION FOR SPARK GRANT PROGRAM FOR THE PLYMOUTH POOL RESTORATION PROJECT**

Director of Public Services Karen Murphy presented on a grant application to the State of Michigan's Spark Grant program for the Plymouth Pool Restoration Project. A public hearing opened at 7:39 p.m., recognizing no public comments, the hearing closed at 7:40 p.m. The

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

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, December 5, 2022, on the proposal to submit a grant application titled, "Plymouth Pool Restoration Project" to the State of Michigan's Spark grant program for \$1,000,000 to support major repairs needed at the outdoor municipal swimming pool located at Plymouth Park to include complete replacement of the gutter and filtration systems; and WHEREAS, the City of Midland is hereby making a financial commitment to the project in the amount of \$1,500,000 matching funds, in cash and/or force account; now therefore RESOLVED, that the City Council hereby authorizes submission of a Spark Application for \$1,000,000, and RESOLVED FURTHER, that the City make available its financial obligation amount of \$1,500,000 (60%) of a total \$2,500,000 project cost, during the 2023-24 fiscal year. (Motion ADOPTED.)

### **ZONING TEXT AMENDMENT NO. 163**

Director of Planning and Community Development Jacob Kain presented information to amend Residential B (Article 15.00) to add single family dwellings as a principal use in the Residential B zoning district. A public hearing opened at 7:54 p.m., recognizing no public comments, public hearing closed at 7:55 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

#### ORDINANCE NO. 1872

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 ORDINANCE TO AMEND ARTICLE 15.00 RESIDENTIAL B DISTRICT BY ADDING SINGLE FAMILY DWELLINGS AS A PRINCIPAL USE AND REMOVING SINGLE FAMILY DWELLINGS AS A CONDITIONAL LAND USE.

The City of Midland Ordains:

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

#### **Section 15.02 – RESIDENTIAL B PERMITTED USES AND STRUCTURES**

##### **A. Principal Uses and Structures**

In all areas zoned Residential B, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Fire Stations.
2. Schools.
3. Parks.
4. Social Service Agencies.
5. Single family dwellings.

##### **B. Accessory Uses and Structures**

The following uses and structures accessory to principal uses and structures in the Residential B District shall be permitted, subject to the provisions in Section 3.03:

1. Home occupations, subject to the provisions in Section 3.06.
2. Signs, subject to the provisions in Article 8.00.
3. Off-street parking, subject to the provisions in Article 5.00.
4. Uses and structures incidental to the primary use.
5. Small Wind Energy Systems.

**C. Permitted Uses with Special Standards**

In all areas zoned Residential B District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Multiple family dwellings, subject to the provisions in Section 9.03 A.
2. Two family dwellings, subject to the provisions in Section 9.03 A.
3. Recreation Facilities such as parks, playgrounds, campgrounds, and swim clubs, subject to the requirements in Section 9.02 M.
6. Senior apartments and elderly housing complexes, as defined in "Housing for the Elderly" in Section 2.02, subject to the provisions in Section 9.03 A.
7. Congregate housing and dependent housing facilities, as defined in "Housing for the Elderly" in Section 2.02, subject to the provisions in Section 9.02 I.
8. Residential Inpatient Treatment subject to the provisions in Section 9.02 I.

**D. Conditional Land Uses**

The following uses may be permitted by the City Council, upon recommendation from the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

1. Bed and breakfasts.
2. Public and private libraries.
3. Places of worship.
4. Adult foster care family home, as defined in "Residential Care Facilities" in Section 2.02.
5. Adult foster care facility, as defined in "Residential Care Facilities" in Section 2.02.
6. Adult foster care large group home, as defined in "Residential Care Facilities" in Section 2.02.
7. Adult foster care small group home, as defined in "Residential Care Facilities" in Section 2.02.
8. Child care centers, as defined in "Residential Care Facilities" in Section 2.02.
9. Family day care, as defined in "Residential Care Facilities" in Section 2.02.
10. Foster family group home, as defined in "Residential Care Facilities" in Section 2.02.
11. Foster family home, as defined in "Residential Care Facilities" in Section 2.02.
12. Golf courses. Golf courses located in the Multiple Family Residential zoning district may include golf driving ranges as an accessory use.
13. Group day care home, as defined in "Residential Care Facilities" in Section 2.02 and operating before 7:00am and after 6pm
14. Off street parking lots, subject to the provisions of Section 9.02 N.
15. Transitional housing.
16. Day Shelters.
17. Private and nonprofit social service agencies.
18. Wireless Reception Facilities, subject to the provisions in Section 3.16.
19. Public Utility Facilities, subject to the provisions in Section 9.02, subsection K.

20. Housing for clients and ancillary offices of private, nonprofit social service agencies.

21. Clubs and Fraternal Organizations.

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 seven (7) days after publication. (Ordinance ADOPTED.)

### **PUBLIC COMMENT**

No public comments were made.

### **APPROVAL OF THE 2023-2024 BUDGET SCHEDULE**

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

RESOLVED, that the attached budget preparation schedule for the 2023-24 fiscal year is hereby received; and

RESOLVED FURTHER, that the City Manager shall set a special meeting of the City Council at a time yet to be determined in the Council Chambers of City Hall on Saturday, January 7, 2023, for the purpose of setting Council goals for the 2023-24 fiscal year; and

RESOLVED FURTHER, that the City Manager, at the regular meeting of the City Council at 7:00 p.m. in the Council Chambers of City Hall on Monday, January 9, 2023, shall adopt the goals for the 2023-24 fiscal year as established by City Council at the January 7, 2023, special meeting; and

RESOLVED FURTHER, that the City Manager, at the regular meeting of the City Council at 7:00 p.m. in the Council Chambers of City Hall on Monday, February 13, 2023, shall review the proposed Capital Improvement Plan and receive public input on the plan; and

RESOLVED FURTHER, that the City Manager shall set a special meeting of the City Council at 6:00 p.m. in the Council Chambers of City Hall on Monday, April 17, 2023, for the purpose of budget review; and

RESOLVED FURTHER, that a preliminary public hearing shall be conducted at the regular City Council meeting beginning at 7:00 p.m., Monday, April 24, 2023, in the Council Chambers of City Hall, on the proposed 2023-24 budget; and

RESOLVED FURTHER, that in accord with Section 11.4 of the Charter of the City of Midland, a public hearing shall be conducted at the regular City Council meeting on Monday, May 8, 2023, at 7:00 p.m., in the Council Chambers of City Hall on the proposed 2023-24 budget; and

RESOLVED FURTHER, that with respect to each meeting included herein the City Clerk shall give notice as provided by Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

### **CENTER CITY AUTHORITY RESIGNATION**

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

RESOLVED, that the resignation of Jeff Gandy from the Center City Authority (CCA) Board is hereby accepted and the Administration is directed to convey the Council's appreciation to Mr. Gandy for his service on the CCA Board; and

RESOLVED FURTHER, that City staff is directed to disseminate information regarding the CCA Board vacancy. (Motion ADOPTED.)

## **SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY CORPORATION BOARD OF TRUSTEES REAPPOINTMENT**

City Manager Brad Kaye presented on the reappointment of William Lauderbach to the Saginaw – Midland Municipal Water Supply Corporation Board of Trustees. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that William Lauderbach is hereby reappointed as the business representative to the Saginaw-Midland Municipal Water Supply Corporation Board of Trustees for the term expiring December 31, 2028. (Motion ADOPTED.)

## **INCREASE CONTRACT FOR MUNICIPAL SERVICE CENTER AND CITY HALL CUSTODIAL SERVICES**

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

WHEREAS, on January 10, 2022 Council approved Bid No. 4196, Municipal Service Center & City Hall Custodial Services and authorized a contract including two automatic one-year renewals with the selected vendor, Rost Cleaning Service of Essexville, Michigan in the amount of \$57,520 for monthly base service cleaning; and

WHEREAS, staff at the Municipal Service Center have opted to utilize additional quarterly, bi-annual and annual cleaning services offered under the bid which necessitates an increase to the original contract; and

WHEREAS, it is possible that City Hall staff may choose to utilize additional services in the future under this bid making it necessary to include funds in the contract for this as well; and

WHEREAS, sufficient funding for these additional services is included in the FY2022-23 Municipal Service Center and City Hall budgets for custodial services; now therefore

RESOLVED, that City Council authorizes an increase to the existing contract with Rost Cleaning Service of Essexville, Michigan, not to exceed \$66,820 annually in addition to the two future automatic one-year renewals to allow for the provision of base monthly cleaning services as well as the additional periodic cleaning services at the Municipal Service Center and City Hall as deemed necessary and authorized by staff. (Motion ADOPTED.)

## **LIGHT DUTY UTILITY TRUCK**

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

WHEREAS, sufficient funding for the purchase of one utility truck is included in the FY 2022/23 Department of Public Works Capital Outlay account for the purchase of one 4x4 utility truck; and WHEREAS, this unit is a new addition to the Department of Public Works fleet that will be donated to the Equipment Revolving Fund with DPW paying monthly amortization toward the future replacement needs; and

WHEREAS, the Fleet Manager was able to locate a 2022 model year F250 utility truck at Fox Motors in Grand Rapids, Michigan that is on the lot and available for immediate delivery with a government discount resulting in a purchase price that is \$20,000 less than an equivalent 2023 model year truck that would need to be ordered from a State of Michigan MiDeal vendor with a delivery time estimate of mid-2024; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Fox Motors of Grand Rapids, Michigan, in the amount of \$52,500 for the purchase of one 4x4 utility truck meeting City specifications with immediate delivery of the unit. (Motion ADOPTED.)

### **GIS SOFTWARE MAINTENANCE RENEWAL**

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

WHEREAS, the ESRI three-year Geographic Information System (GIS) software maintenance and support services agreement is due for renewal; and  
WHEREAS, software maintenance and support is directly provided by the manufacturer and is considered sole source; and  
WHEREAS, sufficient funding exists in the Information Services Fund, and its 2022-23 budget includes sufficient appropriations to pay the 2022-23 expenditures; now therefore  
RESOLVED, that in accordance with Section 2-18 of the Code of Ordinances, the City Council waives the requirement for competitive bids and authorizes the Mayor and City Clerk to sign the three-year renewal agreement with ESRI in the amount of \$115,500 to be paid in three annual installments of \$38,500 for maintenance and support services. (Motion ADOPTED.)

### **CONDITIONAL USE PERMIT NO. 81**

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

WHEREAS, Mitch Milner – Milner & Caringella, Inc. submitted a request for a conditional land use to permit a 50 unit multiple family development located at 1510 Bayliss Street; and  
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on October 28, 2022 and publishing said notice on October 29, 2022 of the public hearing on November 16, 2022; and  
WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and  
WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore  
RESOLVED, that a public hearing will be held by the City Council on January 9, 2023, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a Conditional Use Permit; and  
RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before December 9, 2022 and to publish said notice by December 9, 2022. (Motion ADOPTED.)

### **ZONING PETITION NO. 646**

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

WHEREAS, a public hearing was held by the Planning Commission on Wednesday, November 16, 2022, for property located at 2025 N. Jefferson 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, to apply RB Multiple Family Residential zoning where township zoning presently exists; now therefore  
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, January 9, 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 December 9, 2022, and to publish said notice on December 9, 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 RB MULTIPLE FAMILY RESIDENTIAL WHERE TOWNSHIP 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:

SEC 28 T15N R2E COM 40 FT N OF SE SEC COR, TH W 462.5FT, N 194 FT, E 462.5 FT, S 194 FT.

CONTAINING 2.05 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.

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.)

Being no further business the meeting adjourned at 8:26 p.m.

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Shawn Sutter, Deputy City Clerk