

February 10, 2020

A regular meeting of the City Council was held on Monday, February 10, 2020, 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

NOTE: MAYOR DONKER REMOVED AGENDA ITEMS #3 and #10 FROM THE AGENDA DUE TO A TECHNICAL ERROR IN THE RESOLUTION. THE MINUTES WERE TRANSCRIBED IN THE ORDER THE ITEMS WERE ORIGINALLY PLACED ON THE AGENDA, BUT WITHOUT THE ITEMS LISTED ON THE AGENDA WHICH WERE NOT ACTUALLY PRESENTED FOR CONSIDERATION.

MINUTES

Approval of the minutes of the January 27, 2020 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

LEAGUE OF WOMEN VOTERS & WOMEN'S VOTING RIGHTS DAY

Communications Coordinator Katie Guyer presented information on the League of Women Voter's and introduced Kim Steinke, President of the League of Women Voters of the Midland Area, who accepted the proclamation. The following resolution was then offered by Councilman Hall and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation proclaiming February 14, 2020 as League of Women Voters & Women's Voting Rights Day and congratulating the League of Women Voters on its 100th anniversary and commend the League of Women Voters of the Midland area for its significant contributions to empowering voters and making democracy work. (Motion ADOPTED.)

WASHINGTON WOODS BUDGET AMENDMENT

Director of Planning and Community Development Grant Murschel presented information regarding the proposed amendments to the 2019-20 Washington Woods budget. A public hearing opened at 7:12 p.m., recognizing no public comments, the hearing closed at 7:12 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Hall:

WHEREAS, Washington Woods was originally budgeted for a Community Development Block Grant (CDBG) allocation of \$42,803 on May 20, 2019 for the 2019-20 fiscal year; and

WHEREAS, the CDBG budget, as amended on December 16, 2019, now allocates an award amount of \$191,718 for energy efficiency upgrades, and

WHEREAS, it is necessary to amend the FY 2019-20 Washington Woods budget to include the accurate CDBG funding award; now therefore

RESOLVED, that the City Council hereby adopts the proposed amendment to the 2019-20 Washington Woods budget by decreasing revenues and expenditures by \$42,803 and increasing revenues and expenditures by \$191,718 to recognize the accurate allocations from the 2019-20 CDBG budget for energy efficiency upgrades. (Motion ADOPTED.)

PUBLIC COMMENTS

Karen Thurlow, Administrator of the Midland Conservation District introduced herself to City Council and invited Council to upcoming events related to the Conservation District's work.

2020 ANNUAL SIDEWALK REPORT

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

WHEREAS, the City Engineering Department has submitted the 2020 Annual Sidewalk Report; now therefore

RESOLVED, that in accord with Section 22-16 of the Code of Ordinances, the 2020 Annual Sidewalk Report is hereby received and is ordered filed in the City Clerk's Office. (Motion ADOPTED.)

CAPITAL IMPROVEMENT PLAN (CIP)

Director of Planning and Community Development Grant Murschel presented information on the 2020-2026 Capital Improvement Plan. Wastewater Services Director Patrick Frazee presented information including Flood Response projects. City Engineer Josh Fredrickson presented information on street system and utilities, including upcoming projects included in the proposed Plan. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Section 65 of the Michigan Planning Enabling Act requires that the City of Midland Planning Commission prepare a Capital Improvement Plan (CIP) to further the desirable development of the city; and

WHEREAS, a listing of capital projects covering roads, utilities and the municipal landfill operation was presented to the Planning Commission for review in January; and

WHEREAS, the Planning Commission has reviewed the list of capital projects presented and concluded that all necessary projects are included in the project list; and

WHEREAS, a public hearing was held on January 28, 2020 following which the Planning Commission unanimously recommended approval of the CIP; and

WHEREAS, City Council review and adoption of the CIP is now required; now therefore

WHEREAS, City Council has reviewed the proposed construction project list in the CIP and associated documents; now therefore

RESOLVED, that the City Council hereby adopts the City of Midland Capital Improvement Plan 2020-2026; and

RESOLVED FURTHER, that City Council hereby approves said proposed construction projects listed for 2020-2021 and directs the City Administration to include funding requests for the proposed projects in the 2020-2021 budget. (Motion ADOPTED YEAS: Brown Wilhelm, Donker, Hall, Wazbinski NAYS: Arnosky)

SITE PLAN NO. 396

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. 396, initiated by D & M Site, Inc. for site plan review and approval for an 8,820 square foot medical office facility located at 217 & 223 N. Saginaw Road and 2924 Manor Drive; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 396 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. 396, contingent upon the following:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department and shall include required EGLE water permit,
2. A final Soil Erosion and Sedimentation Control Permit to the satisfaction of the City Building Department.
3. A shared access easement agreement shall be obtained and recorded at the

Midland County Register of Deeds to the satisfaction of the City Planning Department. (Motion ADOPTED.)

SITE PLAN NO. 397

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. 397, initiated by Larkin East, LLC for site plan review and approval of two site condominiums totaling 33 residential units located at 204 Commerce Drive. The northern cul-de-sac includes 21 single-family residential units whereas the southern cul-de-sac proposes 12 units within six (6) two-family units (duplexes); and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 397 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. 397, contingent upon the following:

4. A final stormwater management plan and permit to the satisfaction of the City Engineering Department and shall include required EGLE water permit,
5. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department and shall include EGLE Notice of Coverage as disturbed area is in excess of five (5) acres,
6. Final engineering drawings and public sanitary sewer and water utility easements to the satisfaction of the City Engineering Department.
7. Final approval of the condominium Master Deed and By-Laws to the satisfaction of the City Planning Department.
8. Final approval and execution of a development agreement to the satisfaction of the City Attorney's Office, Engineering and Planning Departments.
9. Private Street Collection agreement to the satisfaction of the City Public Services Department. (Motion ADOPTED.)

DART – TRANSPORTATION COORDINATOR & APPLICATION FOR ASSISTANCE

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

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), the City of Midland provides a local transportation program for the state fiscal year 2021 and, therefore, it is necessary to apply for state financial assistance under the provisions of Act 51; and

WHEREAS, it is necessary for the City of Midland to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators for Dial-A-Ride have been reviewed and approved by the City of Midland staff; and

WHEREAS, staff has submitted to the State of Michigan a proposed balanced budget of approximately \$2,368,251 for Dial-A-Ride operations in FY2021 with the intent to apply for an estimated \$896,318 in state operating assistance and capital preventive maintenance funds, an estimated \$870,000 in federal 49 USC 5307 operating assistance and capital preventive maintenance funds, an estimated \$120,000 from fare box fees, an estimated \$25,904 in federal 5303 planning funds, and an estimated \$456,030 in local general fund support to balance the budget for state FY2021; now therefore

RESOLVED, that the City Manager is hereby named as Transportation Coordinator for all public transportation matters, who is authorized to provide such information as deemed necessary by

the State Transportation Commission or department for its administration of Act 51 for FY2021; and

RESOLVED FURTHER, that the City of Midland hereby makes its intentions known to provide public transportation services and to apply for state and federal financial assistance in accordance with Act 51 and the City Clerk is hereby directed to provide a certified copy of the resolution for submittal to the Michigan Department of Transportation as part of the annual budget application packet. (Motion ADOPTED.)

GEORGE STREET RECONSTRUCTION & WATER MAIN CONTRACT NO. 2

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 water main installation and the street reconstruction of George Street from Indian Street to State Street; and

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

RESOLVED, that the low sealed proposal submitted by Sova Excavating & Trucking, Inc. of Midland, Michigan for the "2020 George Street Reconstruction & Water Main; Contract No. 02" project, in the amount of \$768,467.38, 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 \$70,000.00. (Motion ADOPTED.)

LANDFILL GENERAL ENGINEERING SERVICES – INCREASE PO AUTHORIZATION

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

WHEREAS, City Council approved a purchase order for \$130,000.00 to CTI and Associates, Inc. of Novi, Michigan at their August 26, 2019 meeting for 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, the recent requirement to add new gas collection wells in response to gas leaks discovered during routine monitoring led to additional services needed from CTI that have depleted the current purchase order allocation to a level that will not support the remaining general engineering and compliance support needs for the remainder of the fiscal year; and

WHEREAS, staff recommends an additional \$65,000.00 be allocated to provide funds for the engineering services through the end of the fiscal year and there are adequate funds in the FY 2019/20 Landfill operational budget to provide said support; now therefore

RESOLVED, that the Accounting Manager is authorized to increase PO # 2020-00000037 to CTI and Associates, Inc. of Novi, Michigan by \$65,000.00 to cover engineering and compliance support at the Landfill through the end of FY 2019/20. (Motion ADOPTED.)

GIS SOFTWARE MAINTENANCE AND SUPPORT SERVICES RENEWAL

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

WHEREAS, the ESRI three-year Geographic Information System (GIS) software maintenance and support subscription 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 2019-20 budget includes sufficient appropriations to pay the 2019-20 expenditures; now therefore

RESOLVED, that in accordance with Section 2-18 of the Code of Ordinances, the City Council hereby authorizes the Mayor and City Clerk to renew the three-year agreement with ESRI in the amount of \$105,000 to be paid in three annual installments of \$35,000 for maintenance and support services. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:05 p.m.

Erica Armstrong, City Clerk