

February 28, 2022

A regular meeting of the City Council was held on Monday, February 28, 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, Pamela Hall, Marty Wazbinski  
Councilmen absent: None

### **MINUTES**

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

### **MS AWARENESS WEEK 2022**

Communications Coordinator Katie Guyer presented information on MS Awareness Week and introduced Helen Myers, Walk MS Midland team member, who accepted the proclamation. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

RESOLVED, that the Mayor is authorized to issue the attached a proclamation designating the week of March 13 – 19, 2022 as MS Awareness Week in the City of Midland and recognizing the significant contributions made by the Walk MS Midland event to the National Multiple Sclerosis Society's mission to cure MS while empowering people affected by MS to live their best lives. (Motion ADOPTED.)

### **PUD NO. 19**

Director of Planning & Community Development Grant Murschel presented regarding the proposed PUD No. 19. David Keyser of ArchiVerde Design, LLC and John Vitale of Stucky Vitale Architects spoke on behalf of the applicant in favor of the proposal and **another gentlemen**. A public hearing opened at 8:07 p.m., **hearing no public comments**, the public hearing closed at 8:08 p.m. The original resolution was then offered by Councilman Hall and seconded by Councilman Wazbinski. Councilman Arnosky offered, seconded by Councilman Wazbinski the following amended resolution, removing the reference to 800 Rockwell Drive from the resolution:

WHEREAS, ArchiVerde Design, LLC on behalf of MNM Healthcare, LLC submitted a request for approval of a Planned Unit Development (PUD) Concept Plan, No. 19, for an assisted senior living and memory care facility, including a small commercial retail space, reusing the existing hotels located at 5221 and 5217 Bay City Road; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 24.06(A) of the Zoning Ordinance of the City of Midland on said PUD Concept Plan; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the request, in accord with Section 24.06 of the Zoning Ordinance of the City of Midland; and

WHEREAS, the City Clerk notified property owners and occupants within three hundred (300) feet of the subject properties by transmitting notice on February 18, 2022 and publishing said notice on February 19, 2022 of the proposed public hearing on February 28, 2022; and

WHEREAS, a public hearing was held by the City Council in Council Chambers of City Hall on February 28, 2022 at 7:00 p.m.; now therefore

RESOLVED, that the City Council finds the request for the planned unit development to be in accord with Section 24.06 of the Zoning Ordinance, and hereby approves a Concept Plan for Planned Unit Development No. 19, in accord with documents provided and submitted at the meeting of February 28, 2022 with the following condition:

1. A sanitary sewer lateral clean-out must be included in the Detail Plan to the satisfaction of the City Wastewater Department. (Motion ADOPTED. YEAS: Arnosky, Hall, Wazbinski NAYS: Donker, Brown Wilhelm)

### **PUBLIC COMMENT**

No public comments were made.

### **PILOT – LINCOLN PARK RESIDENCES**

Director of Planning & Community Development, Grant Murschel presented regarding proposed Ordinance for Lincoln Park Residences, a workforce housing development. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

#### ORDINANCE NO. 1856

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 2-260.22 AND 2-264.20 AND BY AMENDING SECTION 2-262, ARTICLE XIII OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Sections 2-260.22, 2-262, and 2-264.20 of Article XIII of Chapter 2 are hereby amended to read as follows:

#### **Sec. 2-260.22. LINCOLN PARK RESIDENCES.**

The City acknowledges that Lincoln Park Residences Limited Dividend Housing Association Limited Partnership (a sponsor, as defined herein) has offered, subject to receipt of financing from the Authority, to erect or operate and maintain a housing development identified as Lincoln Park Residences located on the following described property:

221 E. Patrick Road and 400 Arbury Place, Midland, Michigan 48640;

And further described as:

221 E. Patrick Road:

Parcel 1: Beginning 574 feet east and 33 feet north of the southwest corner of Section 15, T14N, R2E, City of Midland, Midland County, Michigan; thence north 150 feet; thence east 202 feet; thence north 210 feet; thence east 283 feet; thence north 240 feet; thence east 219.40 feet; thence south 120 feet; thence east 33 feet; thence south 300.6 feet; thence west 33 feet; thence south 60 feet; thence west 154.3 feet; thence south 120 feet; thence west 135 feet; thence north 120 feet; thence west 180 feet; thence south 120 feet; thence west 235 feet to the point of beginning.

And

400 Arbury Place:

Parcel 2: Beginning 633 feet north and 819 feet east of the southwest corner of section 15, T14N, R2E, City of Midland, Midland County, Michigan, thence east 60 feet; thence south 240 feet; thence west 60 feet; thence north 240 feet to the place of beginning. And, the south 1/2 of the following: beginning 633 feet north and 879 feet east of the southwest corner of section 15, T14N, R2E City of Midland, Midland County, Michigan, for the point of beginning; thence east 60 feet; thence south 240 feet; thence west 60 feet; thence north 240 feet to the point of beginning.

In the City to serve low income persons, and that Lincoln Park Residences Limited Dividend Housing Association Limited Partnership has offered to pay the City on account of said housing development an annual service charge for public services in lieu of all taxes.

#### **Sec. 2-262. Class of housing developments.**

It is hereby determined that the class of housing developments to which the tax exemption shall apply, and for which a service charge shall be paid in lieu of such taxes, shall be that portion of a development which is for elderly persons or low-income

persons and which is financed or assisted pursuant to the act. It is further determined that Grove Street Commons I, Grove Street Commons II, The Village At Joseph's Run, Granite Club Acres #1, Chippewassee Court Phase I, Chippewassee Court Phase 11, Adams Acres Phase I, 606/608 Hemlock Street, 5004 Tucker Street, 1111 Franklin Street, 4301 Hancock Drive, 310 E. Pine Street, 1414 Lincoln Street, 1417 Mill Street, 2520 Charles Street and 528 Cottonwood Street, Bracken Woods 11 Apartments, Center City Lofts, Lincoln Park Residences, and the elderly portions of Charter Square and Green Hill are of this class.

**SEC. 2-264.19. Establishment of Annual Service Charge for Lincoln Park Residences.**

- (A) *Annual Service Charge.* The housing development identified as Lincoln Park Residences and the property on which it is constructed shall be exempt from all property taxes from and after the enactment of the ordinance for which this section derives and for the year subsequent to timely notification of exemption by the Michigan State Housing Development Authority. The City, acknowledging that the sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of the ordinance from which this section derives and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in the ordinance from which this section derives, and in consideration of the sponsor's offer, subject to receipt of an allocation of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, to erect, operate, and maintain the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to nine percent (9%) of the annual shelter rents less utilities. This exemption shall remain in effect so long as the housing development is subject to the affordability restrictions of section 42 of the Internal Revenue Code of 1986, as amended, but not more than twenty (20) years.
- (B) *Limitation on the Payment of Annual Service Charge.* Notwithstanding subsection (a), the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low-income persons shall be equal to the full amount of taxes which would be paid on that portion of the housing development if the housing development were not exempt. However, it is agreed that 100% of the units of the new facility will serve low-income persons.

**SEC. 2-267. Duration**

This Article shall remain in effect and shall not terminate so long as a mortgage loan made to a sponsor for a development subject to this Article remains outstanding and unpaid or the Authority has any interest in property subject to a service charge under this article, and so long as the project remains compliant with Section 42 of the Internal Revenue Code of 1986, as amended, if applicable; provided, that construction of any housing development subject to this Article commences within 24 months from the effective date of the ordinance establishing the annual service charge for said development.

Section 2. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

**BIRD RIDES – E-SCOOTER SHARING SYSTEM**

Director of Planning & Community Development, Grant Murschel presented regarding the proposed Memorandum of Understanding and introduced Adam Blau, a representative from Bird Rides, Inc. The following resolution was then offered by Councilman **Brown Wilhelm** and seconded by Councilman Arnosky:

WHEREAS, Bird Rides, Inc. is requesting the City of Midland approve a two-year Memorandum of Understanding to permit a renewed deployment of an e-scooter sharing system in the city; and

WHEREAS, Bird Rides, Inc. operated an e-scooter sharing system in the city from April – October in 2021 and during this time the company worked City staff in a diligent and timely

manner to resolve issues as they arose; and

WHEREAS, e-scooters are allowed within the city of Midland under the Michigan Vehicle Code; and

WHEREAS, e-scooters are an advancement in the mobility offerings in the city hereby diversifying transportation options and improving quality of life; and

WHEREAS, City Council has reviewed the information provided by City staff and Bird Rides, Inc.; now therefore

RESOLVED, that the City Council authorizes the City Manager to sign a two-year Memorandum of Understanding with Bird Rides, Inc. following review and approval by the City Attorney. (Motion ADOPTED.)

### **ASHMAN & RODD STREETS CORRIDOR PLANNING**

Director of Planning & Community Development, Grant Murschel presented regarding proposed request for proposals and study to provide recommendations for the restoration of Ashman and Rodd Streets to two-way traffic. John Elsen, 6106 Sturgeon Creek Pkwy and Kathleen Curell, 1907 Laurel Lane commented on the proposal. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, restoring Ashman and Rodd Streets to two-way vehicle traffic from Saginaw Road through Downtown Midland has been initiated through studies conducted by the Downtown Development Authority in 2016, Center City Authority in 2018, and conversations with the Midtown neighborhood in 2018; and

WHEREAS, the Michigan Department of Transportation requires a timely design direction to complete the Buttles-Indian Corridor Improvement design work; and

WHEREAS, traffic analysis by the Midland Area Transportation Study shows that 2045 volume projections are such that two-way restoration would not create an undue delay or traffic congestion using the existing lanes; and

WHEREAS, in 2010 the City Council adopted a Complete Streets Policy that established a guiding principle to design, operate, and maintain City streets to promote safe and convenient access for all users; and

WHEREAS, public engagement is critical to the study and design process to best understand the benefits to the surrounding areas and the entire community, and to design streets that promote access for all users; and

WHEREAS, further analysis and study is required for the corridor in order to formulate a set of design alternatives for the restoration; now therefore

RESOLVED, City staff is authorized to issue a Request for Proposals (RFP) for contracted services to further study and provide design recommendations for the restoration of Ashman and Rodd Streets to two-way vehicle traffic from Saginaw Road in Center City to Ann and Main Streets in Downtown Midland; and

RESOLVED FURTHER, that the project will include public engagement and consideration of the City's Complete Streets policy. (Motion ADOPTED.)

### **BOARD AND COMMISSION INTERVIEW PROCESS**

City Manager, Brad Kaye presented a report regarding the interview process for Board and Commission reappointments after two terms. The following resolution was then offered by Councilman **Brown Wilhelm** and seconded by Councilman **Wazbinski**:

WHEREAS, City Council decided in May of 2021 to implement a new process for the reappointment of board and commission members completing their second or subsequent terms with said revised process to take effect with 2022 reappointments; and

WHEREAS, five boards and commissions have members whose reappointment falls within these new guidelines; and

WHEREAS, four additional boards and commissions have vacancies requiring interviews by a City Council panel; now therefore

RESOLVED, that City Council hereby receives and files the Manager’s report on the interview process for Board and Commission reappointments after two terms, and further

RESOLVED, that Council appoints the following Council representatives to the interview panels for the nine boards and commission:

- Aviation Advisory Commission \_\_\_\_\_
- Cable Access Advisory Commission \_\_\_\_\_
- Dial-a-Ride Advisory Commission \_\_\_\_\_
- Library Board \_\_\_\_\_
- Local Officers Compensation Commission \_\_\_\_\_
- Parks & Recreation Commission \_\_\_\_\_
- Planning Commission \_\_\_\_\_
- West Main Street Historic Commission \_\_\_\_\_
- Zoning Board of Appeals \_\_\_\_\_

**(Motion ADOPTED.)**

**LIBRARY BOARD RESIGNATION**

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

RESOLVED, that the resignation of Laura Peil as a member of the Library Board is hereby accepted, and the Administration is directed to convey the Council’s appreciation to Ms. Peil for her service on this important Board. **(Motion ADOPTED.)**

**2022 ANNUAL SIDE WALK REPORT**

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

WHEREAS, the City Engineering Department has submitted the 2022 Annual Sidewalk Report; now therefore

RESOLVED, that in accord with Section 22-16 of the Code of Ordinances, the 2022 Annual Sidewalk Report is hereby received and is ordered filed in the City Clerk’s Office. **(Motion ADOPTED.)**

**ACCEPTANCE OF PUBLIC STREETS**

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

WHEREAS, certain streets, namely Stone Cross Way, High Oak Court, Blue Heron Street and Switchgrass Circle have been constructed within the City of Midland; and

WHEREAS, Stone Cross Way, High Oak Court and Blue Heron Street are constructed within an easement recorded in Liber 01642 Page 00690 at the Register of Deeds, County of Midland; and

WHEREAS, Switchgrass Circle is constructed within an easement recorded in Liber 01654 Page 00297 at the Register of Deeds, County of Midland; and

WHEREAS, said streets were constructed and open to traffic prior to December 31, 2021; and WHEREAS, it is necessary to furnish certain information to the State of Michigan to place said streets within the City of Midland Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; now therefore

RESOLVED, that said streets are located within public rights-of-way under the control of the City of Midland; and

RESOLVED FURTHER, that the City of Midland hereby accepts the above public streets into the City of Midland Local Street System for public street purposes. (Motion ADOPTED.)

#### **DESIGNATION OF STREET ADMINISTRATOR**

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

WHEREAS, the Michigan Department of Transportation (MDOT) has indicated that Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act"; and

WHEREAS, Matt Lemon, P.E. was appointed to City Engineer in July of 2021; now therefore RESOLVED, that the "Resolution for Designation of Street Administrator" form provided by MDOT is hereby accepted and the City Clerk is authorized to execute and submit the form in accordance with MDOT requirements. (Motion ADOPTED.)

#### **ANNUAL APPLICATION FOR DIAL-A-RIDE STATE FUNDING**

The following resolution was 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 2023 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 \$2,688,905 for Dial-A-Ride operations in FY2023 with the intent to apply for an estimated \$975,724 in state operating assistance and capital preventive maintenance funds, and an estimated \$1,020,000 in federal operating assistance and capital preventive maintenance funds, with the remaining revenues coming from an estimated \$120,000 from fare box fees, an estimated \$9,000 from the sale of surplus buses, an estimated \$8,000 in federal 5303 planning funds and an estimated \$556,181 in local general fund support to balance the budget for the State's FY2023; 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 FY2023; 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.)

### **SUPER HERO FUN RUN & 5K**

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

RESOLVED, that the request from Safe and Sound Child Advocacy Center to charge admission to their annual Super Hero Fun Run & 5K event to be held at Stratford Woods Park on April 30, 2022 is hereby approved subject to the following conditions:

- Event organizer must provide certificate of liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured for the dates of the event. The certificate must be submitted to the Parks and Recreation Office as soon as possible.
- Use of the park is non-exclusive and only those participating in the event shall be charged admission.

and

RESOLVED FURTHER, that the Parks and Recreation staff is hereby authorized to approve future requests for this event provided it is conducted in substantially the same manner. **(Motion ADOPTED.)**

### **SOCIAL DISTRICT PERMITS**

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

WHEREAS Under Public Act 124 of 2020 Midland City Council designated the boundaries of Downtown Midland as a Social Districts with an identified Commons Areas; and  
WHEREAS, seven businesses were recommended to the Michigan Liquor Control Commission (MLCC) to be approved for a Social District Permit in March of 2021; and  
WHEREAS, one of those businesses Diamond Jim's (Schaefer Hill Ventures) has closed and should be removed from the Downtown Midland Social District Permit authorization; and  
WHEREAS, a newly-licensed business, Three Bridges Distillery and Taproom LLC, now qualifies as a business to be recommended for approval of a Social District Permit application by the Michigan Liquor Control Commission; and  
WHEREAS, the licensed premises of Three Bridges Distillery and Taproom LLC is contiguous to the Commons Areas within the designated Social Districts; and  
WHEREAS, Midland City Council desires to recommend approval of the Social District Permit application of Three Bridges Distillery and Taproom LLC; now therefore  
RESOLVED that the Social District Permit application from Three Bridges Distillery and Taproom LLC, 240 E. Main Street Unit A, Midland, MI is recommended by Midland City Council for consideration and approval by the Michigan Liquor Control Commission; and  
RESOLVED FURTHER, that Schaefer Hill Ventures LLC, 101 E. Main Street, Midland, be removed from the Downtown Midland Social District due to its closure in December 2021; and  
RESOLVED FURTHER, that the City Clerk is authorized and directed to provide Three Bridges Distillery and Taproom LLC with a certification of this action in the form specified by the Michigan Liquor Control Commission. **(Motion ADOPTED.)**

### **2022 JEFFERSON AVE. RECONSTRUCTION – CONTRACT NO. 02**

The following resolution was 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 road reconstruction on Jefferson Ave.; and  
WHEREAS, funding for this project is provided by the Major Street Fund; now therefore  
RESOLVED, that the low qualifying sealed proposal submitted by McGuirk Sand & Gravel, Inc. of Mt. Pleasant, Michigan for the "2022 Jefferson Ave. Reconstruction; Contract No. 02" project,

in the amount of \$719,635.00, 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.)

#### **2022 PINE ST. & NORTH ST. RECONSTRUCTION – CONTRACT NO. 02**

The following resolution was 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 roadway reconstruction and water main installation on Pine St. and North St.; and  
WHEREAS, funding for this project is provided by the Local Street Fund and by the Water Fund; now therefore  
RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2022 Pine St. and North St. Reconstruction and Water Main; Contract No. 03" project, in the amount of \$573,260.65, 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 \$50,000.00. (Motion ADOPTED.)

#### **2022 SURFACE TREATMENT PROGRAM – CONTRACT NO. 04**

The following resolution was 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 Highway Maintenance & Construction of Romulus, Michigan for the "2022 Surface Treatment Program; Contract No. 04", in the amount of \$345,462.00 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 \$35,000.00. (Motion ADOPTED.)

#### **2022 STARK RD. CULVERT REPLACEMENT – CONTRACT NO. 05**

The following resolution was 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 replacement of the culvert on Stark Road over State Drain; and  
WHEREAS, funding for this project is provided by the General Stormwater Fund; now therefore  
RESOLVED, that the low qualifying sealed proposal submitted by The Isabella Corporation of Mt. Pleasant, Michigan for the "Stark Road over State Drain Culvert Replacement; Contract No. 05" project, in the amount of \$492,825.00, 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 full contract amount is contingent on fiscal year 2022/2023 approved budget for this project and the contract amount shall be modified accordingly to the extent funds are appropriated; 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 \$50,000.00. (Motion ADOPTED.)

### **2022 AS-NEEDED CONSTRUCTION INSPECTION CONTRACT**

The following resolution was 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 construction inspection services for the 2020 construction season; and

WHEREAS, the terms of the agreement were previously extended into the 2021 construction season and provisions exist to extend the terms of the agreement into the 2022 construction season; and

WHEREAS, OHM Advisors has agreed to extend the low bid rate of \$75.00 per hour to the 2022 construction season; and

WHEREAS, funding is provided by the Major Steet Fund, Local Street Fund and Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by OHM Advisors of Midland, Michigan for "2020 As-Needed Construction Inspection Services", in the amount of \$75.00 per hour, is hereby extended and that based on as estimated 6,750 hours of inspection, that the Mayor and City Clerk authorize contracts to be awarded for construction inspection to OHM Advisors for the 2022 construction season, in total not the exceed \$506,250.00. (Motion ADOPTED.)

### **PURCHASE ORDER INCREASE – COVER SAND AT THE LANDFILL**

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

WHEREAS, the City of Midland Landfill uses various materials to cover waste at the end of each working day, including waste foundry sand, waste soils from contractors, ground-up wood, and sand; and

WHEREAS, staff administratively created a purchase order at the start of the fiscal year for \$50,000 to Rodney Woods Builder of Saginaw, MI using the previous Bid No. 4133; and

WHEREAS, sealed bids for Class II Sand, Bid No. 4214 were received on January 25, 2022, for the 12-month period beginning March 1, 2022 with Rodney Woods Builder of Saginaw, MI again submitting the low bid to provide delivered sand this year at \$6.80 per cubic yard; and

WHEREAS, staff anticipates a need for approximately 3,650 additional tons of sand at a cost of \$25,000 to maintain in compliance with regulations for daily cover of waste in the landfill cell's active areas; and

WHEREAS, funding is available for this purpose in the Fiscal 2021/22 Landfill Operating Budget; now therefore

RESOLVED, that the Accounting Manager is authorized to increase PO # 2022-00000034 to Rodney Woods Builder of Saginaw, Michigan by \$25,000 bringing the total purchase order amount to \$75,000 for purchases of delivered sand to the Landfill through the end of FY2021/22. (Motion ADOPTED.)

### **INDUSTRIAL PUMP CONTROL PANEL – BID NO. 4225**

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

WHEREAS, sealed bids for Bid 4225 – Industrial Pump Control, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and  
WHEREAS, purchase of the pump control panel will be made from the Water Fund Capital Budget; now therefore  
RESOLVED, that the bid submitted by BVB Process Automation & Controls Inc. of Portage, MI, in the amount of \$89,975.00, is hereby accepted and a purchase order is authorized; and  
RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an amount not to exceed \$5,000.00. **(Motion ADOPTED.)**

### **SET PUBLIC HEARING TO AMEND EQUIPMENT REVOLVING FUND – FIRE TRUCK PURCHASE**

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

WHEREAS, the Midland Fire Department and Fleet Services have researched and selected a new fire engine for a current unit budgeted for replacement this fiscal year; and  
WHEREAS, during the course of research, staff found the lead time for production and delivery of the fire truck is 24-26 months from the date of order which is over twice the normal lead time; and  
WHEREAS, within that timeframe, two other fire trucks are scheduled for replacement in the Equipment Revolving Fund's (ERF) long range capital replacement plan; and  
WHEREAS, the fire truck dealer has offered a significant price discount for the purchase of three fire trucks at the same time with payment up-front; and  
WHEREAS, adequate funds in the amount of \$1,184,190 have been collected by the ERF to replace these additional two fire trucks at this time with the funds currently held in the ERF's fund balance; and

WHEREAS, it is necessary to amend the current fiscal year's budget to move the funds from the ERF's fund balance into the FY2021-22 ERF Capital Outlay expenditure budget in order to move forward with the purchase of the three fire trucks; 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 p.m., March 14, 2022 in the Council Chambers of City Hall on the proposal to amend the FY2021-22 Equipment Revolving Fund budget to increase expenditures by \$1,184,190 for the purchase of three fire trucks; 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 **8:33 p.m.**

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Erica Armstrong, City Clerk