

February 24, 2020

A regular meeting of the City Council was held on Monday, February 24, 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

MINUTES

Approval of the minutes of the February 10, 2020 regular meeting was offered by Councilman Hall and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

ZONING PETITION NO. 628

Director of Planning and Community Development Grant Murschel presented information on Zoning Petition No. 628 – rezoning property at 3115 Isabella Street from RB Multi-Family Residential to RA-1 Single Family Residential. The public hearing opened at 7:19 p.m. Janine Ouderkirk, Executive Director of Shelterhouse spoke in support of the petition. The hearing closed at 7:20 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, a public hearing was held by the City Council on Monday, February 24, 2020 for property located at 3115 Isabella Street 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 RA-1 Single Family Residential; and

WHEREAS, the applicant has offered a condition that final effect of the proposed rezoning be delayed until the closing date of the sale of the subject property between the applicant (buyer) and the current property owner (seller); and

WHEREAS, conceptual approval can be given at this time with final approval and effect required after the property closing date; now therefore

RESOLVED, that the City Council gives conceptual approval to Zoning Petition No. 628 the request of Shannon Romanik to rezone property located at 3115 Isabella Street from RB Multiple Family Residential to RA-1 Single Family Residential; and

RESOLVED FURTHER, that City staff is hereby directed to return to City Council after the property closing date with a resolution to give final effect to the zoning amendment. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

FINANCIAL REPORT DECEMBER 31, 2019

Assistant City Manager David Keenan presented City Council with the financial report for the six-month period ending December 31, 2019. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that the financial information of the City of Midland, for the six-month period ended December 31, 2019, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

2020 SIDEWALK IMPROVEMENT PROGRAM

City Engineer Josh Fredrickson presented information on the 2020 Sidewalk Improvement Program. Susan Knapp spoke in favor of the sidewalk petition for W. Main Street sidewalk.

Councilman Wazbinski moved, seconded by Councilman Brown Wilhelm, the original resolution as presented. Following discussion, Councilman Wazbinski moved, seconded by Councilman Brown Wilhelm, to amend the resolution by removing N. Jefferson Ave., and adding two sections on Waldo Ave. (Motion ADOPTED.) The following amended resolution was then voted on:

WHEREAS, the City Council has had under consideration the construction of concrete sidewalks, to be financed in part by special assessment, located in certain streets in the City of Midland, said streets being:

Joe Mann Boulevard (North side)	fronting 850 Joe Mann Boulevard
W. Main Street (West side)	from W. Sugnet Road to 0.24 miles north
Waldo Avenue (East side)	from the north line of 2500 Waldo Avenue to the south line of 2808 Waldo Avenue
Waldo Avenue (East side)	from Ashman Street to 425 feet south

; now therefore

RESOLVED, that the City Manager is directed to prepare a report which shall include estimates of the expense thereof, an estimate of the life of the improvement, and a description of the district benefited to enable the Council to decide the cost, extent and necessity of the improvement proposed and what part or portion thereof should be paid by special assessments upon property especially benefited, and what part, if any, should be paid by the City at large, in conformance with the provisions of Chapter 20 of the Code of Ordinances of the City of Midland, Michigan. (Motion ADOPTED.)

CURRIE CONCERT APPROVAL

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

RESOLVED, that the request from John Engler, Youth Director at First United Methodist Church, seeking permission to conduct their annual Currie Concert on Sunday, May 31, 2020, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is John Engler, 989-835-6797.
- Provide special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The certificate must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.
- The City stage has already been reserved for this event.
- If food trucks are used, the traffic circle will need to be closed so they can they set up along the Farmers Market Circle as they do for Tunes by the Tridge. Food trucks will not be allowed to park on the grass.
- For traffic circle closure, organizer will need to contact the Engineering Department at 989-837-3348 three weeks prior to the event to write a Traffic Control Order for this closure. The Department of Public Services will provide barricades per Engineering's TCO.
- Contact Fire Marshal Tony Lelo at 989-837-3413 regarding food trucks and any tent larger than 200 square feet.
- **No markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on surrounding sidewalks or trail head plaza.
- Authorization is for City property only. If property other than City property is used, the event organizer is responsible for securing their authorization.

- Contact City Department of Parks and Recreation at 989-837-6930 three weeks prior to the event to discuss electrical availability.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED.)

WASTEWATER TREATMENT PLANT MAIN PUMP HOUSE #3 PUMP REPLACEMENT

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

WHEREAS, the City's sanitary sewer collects wastewater from residential, commercial, and industrial facilities, and ultimately flows to the Wastewater Treatment Plant (WWTP) grit and screenings building (headworks of the plant); and

WHEREAS, City Council approved issuance of a purchase orders to Kennedy Industries of Wixom, Michigan for the replacement of two of the four Main Pump House pumps in 2016; and

WHEREAS, installation of identical pumps allows us to stock one type of repair parts and assists staff in the familiarity of the equipment as they will be installing and maintaining it; and

WHEREAS, funding has been budgeted for this purpose in the 2019/20 Wastewater Enterprise Fund - Capital Budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$110,000.00 be made to Kennedy Industries for the purchase of one 16 x 16 x 20 NSY Xylem Allis Chalmers centrifugal pump. (Motion ADOPTED.)

DPS CRUSHED LIMESTONE PURCHASE

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing 22A Crushed Limestone; and

WHEREAS, funds have been provided in the Local and Major Street Fund and Park maintenance activities budgets; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Specification Stone Products of Kawkawlin, Michigan for delivering 22A Crushed Limestone at a cost of \$17.33 per ton in accordance with the proposal and City specifications. (Motion ADOPTED.)

DPS CONCRETE PURCHASE

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for concrete and related supplies; and

WHEREAS, funds have been provided in the Local and Major Street Fund budgets; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Elmer's Crane and Dozer, Inc. of Traverse City, Michigan for furnishing concrete and related supplies at the unit prices contained in their response to Bid No. 4062 in accordance with the proposal and City specifications. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND THE FY 2019-20 MAJOR STREET FUND BUDGET

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

WHEREAS, scope changes to the Cambridge Street Water main project will be an open trench excavating resulting in the removal and replacement of the paved roadway surface; and
WHEREAS, funding is not included in the 2019-20 budget for the street portion of Cambridge Street; 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., Monday, March 16, 2020, in the Council Chambers of City Hall on the proposal to amend the 2019-20 Major Street Fund budget to add expenditures in the amount of \$220,000 for the Cambridge Street reconstruction project and direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

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

WHEREAS, construction costs have been obtained for the proposed Eastman Avenue construction project which adds a southbound through lane, a southbound turn lane and makes pavement improvements between Airport Road and Joe Mann Boulevard; and
WHEREAS, funding for the Eastman Avenue construction project is in the 2019-20 fiscal budget and is insufficient for construction cost; 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., Monday, March 16, 2020, in the Council Chambers of City Hall on the proposal to amend the 2019-20 Major Street Fund budget to increase expenditures by \$450,000 for the 2020 Eastman Avenue project and direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

SET PUBLIC HEARING FOR MIDLAND DAILY NEWS BUILDING REDEVELOPMENT

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

WHEREAS, Public Act 381 of 1996 (the "Act") provides that local units of government may create a brownfield redevelopment authority to facilitate the revitalization, redevelopment, and reuse of certain property that is environmentally distressed through blight, contamination, or functional obsolescence; and

WHEREAS, the City of Midland has received a request to approve a Brownfield Redevelopment Plan for the property commonly known as the Midland Daily News Building, a functionally obsolete building that has been preliminarily tested and found to have contamination levels sufficient to qualify it as a contaminated facility; and

WHEREAS, the Brownfield Redevelopment Financing Authority Board met on January 31, 2020 for the purpose of reviewing the request from Sahasa Realty Corp. for approval of the Midland Daily News Building Redevelopment Project Brownfield Plan (the "Plan"), and voted unanimously to recommend that City Council approve said Plan; and

WHEREAS, the Plan is contingent upon tax increment financing (TIF) on the properties to include capture of all millages as allowed by the Act, which also requires that the BRFA and Downtown Development Authority (DDA) enter into an interlocal agreement whereby the DDA agrees to forgo its typical capture on said properties to the BRFA until such time all eligible expenses are fully reimbursed; and

WHEREAS, the DDA met on February 5, 2020 and approved the entering into an interlocal agreement between the DDA and the BRFA, by a unanimous vote; and

WHEREAS, pursuant to the Act, City Council is required to hold a public hearing on the approval of a proposed Brownfield Redevelopment Plan and to publish notice of said public

hearing to be published in a newspaper of general circulation in the City of Midland, all in accord with Section 4(2) of the Act; now therefore RESOLVED, that:

1. The City Council hereby determines that it is in the best interests of the public to promote the redevelopment of environmentally distressed and functionally obsolete areas of the City of Midland, and in order to do so, to facilitate the implementation of brownfield plans relating to the designation and treatment of such areas within the City.
2. The City Council hereby declares its intention to implement a Brownfield Redevelopment Plan within the City of Midland, pursuant to and in accord with the provisions of the Act.
3. A public hearing shall be held before the City Council on Monday, March 16, 2020, at 7:00 p.m., in the Midland City Hall Council Chambers on the proposed approval of the Midland Daily News Building Redevelopment Project Brownfield Plan.
4. In accord with the provisions of Act 381, the City Clerk shall give notice of the public hearing to each of the taxing jurisdictions that levy taxes on property included in the project subject to capture under Act 381.
5. The City Clerk shall give notice to the public of the public hearing by causing notice to be published in the form attached hereto as Exhibit A, in the Midland Daily News, a newspaper of general circulation in the City of Midland and by posting a notice of public hearing, in the form attached hereto as Exhibit B, pursuant to the practice of the City Clerk. (Motion ADOPTED.)

ZONING PETITION NO. 629

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, February 11, 2020 for property located at 2100 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 RC Regional Commercial to IA Industrial A; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, March 23, 2020 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 March 6, 2020 and to publish said notice on March 7, 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 IA INDUSTRIAL A ZONING DISTRICT, WHERE A RC REGIONAL COMMERCIAL 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 AS COM 198 FT E OF NW COR OF NE 1/4 OF SW 1/4 SEC 23,E 99 FT, S 445.5 FT, W 99 FT, N 445.5 FT TO POB

Be, and the same is hereby changed to IA Industrial A 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. Considered first reading.)

NEW BUSINESS

Councilman Wazbinski and Councilman Arnosky stated their willingness to interview candidates for the Zoning Board of Appeals.

Being no further business the meeting adjourned at 8:16 p.m.

Erica Armstrong, City Clerk