

March 16, 2020

A regular meeting of the City Council was held on Monday, March 16, 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 24, 2020 special meeting, the February 24, 2020 regular meeting, the March 4, 2020 special meeting and the March 11, 2020 special meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

### **MARCH FOR MEALS 2020**

Communications Coordinator Katie Guyer introduced Charlie Schwedler Executive Director of Senior Services for Midland County, who accepted the proclamation. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve, and the volunteers who care for them. (Motion ADOPTED.)

### **MAJOR STREET FUND FY 2019-20 BUDGET AMENDMENT – MAIN STREET PLAZA PROJECT**

City Engineer Josh Fredrickson presented information regarding the 2019-2020 Major Street Fund Budget related to constructions costs for the Eastman Avenue and Cambridge Street projects. A public hearing opened at 7:20 p.m. and recognizing no comments from the public closed at 7:20 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Sections 5.11 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, March 16, 2020 on the proposal to amend the 2019-20 Major Street Fund budget to increase expenditures by \$450,000.00; and

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 the 2019-20 Major Street Fund is hereby amended to increase expenditures by \$450,000.00 for the Eastman Avenue construction project. (Motion ADOPTED.)

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

WHEREAS, in accord with Sections 5.11 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, March 16, 2020 on the proposal to amend the 2019-20 Major Street Fund budget to increase expenditures by \$220,000.00; and

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 the 2019-20 Major Street Fund is hereby amended to increase expenditures by \$220,000.00 for the Cambridge Street project. (Motion ADOPTED.)

### **MIDLAND DAILY NEWS BUILDING REDEVELOPMENT AND BROWNFIELD PROJECT**

Assistant City Manager, David Keenan introduced a resolution to approve the Midland Daily News Building Redevelopment Project Brownfield Project. Kirstie Hardy, AKT Peerless and Al Waar, Shaheen Development Group spoke regarding the project. A public hearing opened at 7:50 p.m. Midland Business Alliance President and CEO Tony Stamas, 2704 Walden Woods Court, spoke in support of the Brownfield Project. The public hearing closed at 7:51 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, the City of Midland, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Brownfield Redevelopment Financing Authority of the City of Midland (the "Authority"); and

WHEREAS, the Authority, pursuant to and in accordance with the provisions of the Act, has prepared and recommended for approval by the City Council, a Brownfield plan (the "Plan") described as the Midland Daily News Building Redevelopment Project Brownfield Plan pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the City Council has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to the public about the Plan by publishing notice of the Plan and a hearing in which the Plan will be open for discussion in a newspaper of general circulation, provided notice, by direct mailing, to the taxing jurisdictions that levy taxes subject to capture under this plan, and the City Council has provided the public a reasonable opportunity to express its views regarding the Plan in accordance with Section 13 (10) and 13 (12) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Authority and the public, the City Council desires to proceed with approval of the Plan; now therefore

RESOLVED, that pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached to this Resolution; and

RESOLVED FURTHER, that should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid; and

RESOLVED FURTHER, that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed; and

RESOLVED FURTHER, that the Brownfield Reimbursement Agreement between Sahasa Realty Corp. and the City of Midland Brownfield Redevelopment Financing Authority shall be executed. (Motion ADOPTED YEAS: Brown Wilhelm, Donker, Hall, Wazbinski NAYS: Arnosky)

### **PUBLIC COMMENTS**

No public comments were made.

### **ANNUAL REVIEW OF LIQUOR LICENSES REPORT**

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

WHEREAS, Section 15-250 of the City of Midland Code of Ordinances directs the City Manager to cause an annual review of each liquor licensee to be submitted to the City Council; and WHEREAS, said annual review has been prepared and reports that all licensees have complied with the provisions of Article VII of Chapter 15 of the Code of Ordinances; now therefore RESOLVED, that in accord with Section 15-250 of the City of Midland Code of Ordinances, the annual review of liquor licenses is hereby received and ordered placed on file in the office of the City Clerk. (Motion ADOPTED.)

### **MI ELEMENT GRAINS AND GROUNDS ON-PREMISES TASTING ROOM PERMIT**

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

That the application from Mi Element Grains and Grounds, L.L.C. for a new on-premises tasting room permit to be located at: 3124 Jefferson Ave, Midland MI 48640. It is the consensus of this body that it recommends this application be considered for approval by the Michigan Liquor Control Commission. (Motion ADOPTED.)

### **RURAL BUSINESS DEVELOPMENT GRANT: SAGINAW ROAD STREETScape PROJECT**

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

WHEREAS, a Center City Redevelopment Plan was adopted by Midland City Council in August 2019; and

WHEREAS, the first phase of this project includes a streetscape project along Saginaw Road from Dartmouth to Patrick Road; and

WHEREAS, the United States Department of Agriculture (USDA) has a Rural Development Grant that could provide up to \$250,000 in funding support for pre-engineering and engineering design level work for the Saginaw Road streetscape project; now therefore

RESOLVED, that Midland City Council hereby supports a grant application for a USDA Rural Development Grant for \$250,000 to be used for pre-engineering and engineering design work for the Saginaw Road Streetscape Project in the Center City district. (Motion ADOPTED.)

### **2020 EASTMAN AVE RECONSTRUCTION: CONTRACT NO. 1**

City Engineer Josh Fredrickson presented information regarding the Eastman Ave. reconstruction project. 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 street reconstruction on Eastman Avenue; and WHEREAS, funding for this project is provided by the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Eastman Avenue Reconstruction; Contract No. 01" project, in the amount of \$1,359,505.79, 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 \$80,000.00. (Motion ADOPTED.)

### **2020 CAMBRIDGE STREET RECONSTRUCTION & WATER MAIN: CONTRACT NO. 05**

City Engineer Josh Fredrickson presented information regarding the Cambridge Street reconstruction project. The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction and water main replacement on Cambridge Street; and

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

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Cambridge Street Reconstruction & Water Main; Contract No. 05" project, in the amount of \$914,663.50, 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.)

### **CENTRAL PARK PICKLEBALL AND TENNIS COURT**

The following resolution was offered by Councilman Wazbinski 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 Bid No. 4067, the Central Park Accessible Pickleball and Tennis Facility; and

WHEREAS, there are adequate funds committed to the project in FY 2019/20; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with the low bidder, Three Rivers Corporation of Midland, Michigan for the project; and

RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to Three Rivers Corporation of Midland, Michigan in the amount of \$292,000.00 for construction of the Central Park Pickleball and Tennis Court project, all in accordance with the proposal and City specifications; 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.)

### **GROVE PARK RENOVATION PROJECT**

The following resolution was offered by Councilman Wazbinski 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 Bid No. 4071 Grove Park Concrete Walks and Asphalt Basketball Court; and

WHEREAS, there are adequate funds committed to the project in FY 2019/20; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with the low bidder, Gerber Construction Co., Inc. of Reed City, Michigan for the project; and

RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to Gerber Construction Co., Inc. of Reed City, Michigan in the amount of \$135,400.00 for Grove Park renovation project, all in accordance with the proposal and City specifications; 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.)

#### **DESIGN SERVICES FOR LANDFILL CELL 17**

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

WHEREAS, the City of Midland Landfill is regulated by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Environmental Protection Agency; and WHEREAS, as new Landfill cells are scheduled for construction, the City needs to review and update the plans for each cell to ensure compliance with state and federal regulations as well as to make changes to optimize operational efficiencies; and

WHEREAS, the City currently works with Landfill engineering consultant, CTI and Associates, Inc. (CTI) of Novi, Michigan, on routine engineering and compliance support as well as future landfill cell review and design; and

WHEREAS, the City has been pleased with CTI's support and expertise for many years and benefits from their detailed knowledge of regulations and the City's landfill operation; and

WHEREAS, CTI has presented the Landfill with a proposal to provide design services and coordinate with EGLE on the design updates for future Landfill Cell 17 not to exceed \$41,000.00; and

WHEREAS, there are adequate funds budgeted in the FY 2019/20 Landfill's Capital Outlay budget and Section 2-19 of the Code of Ordinances for the City of Midland states that sealed proposals are not required for professional services;

WHEREAS, the Landfill has previous purchasing obligations in this fiscal year to CTI that exceed administrative approval levels making it necessary for City Council to approve any additional purchase orders with this vendor; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order not to exceed \$41,000.00 to CTI and Associates, Inc. of Novi, Michigan, to provide design update and coordination services with EGLE for Landfill Cell 17. (Motion ADOPTED.)

#### **PURCHASE OF ARTICULATED OFF-ROAD DUMP TRUCK FOR LANDFILL**

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

WHEREAS, the City of Midland Landfill is seeking a used articulated off-road dump truck to traverse difficult terrain on site; and

WHEREAS, the Landfill Superintendent is confident that he can secure a used truck via on-line auction that will meet the City's needs with a cost not to exceed \$160,000 based on research he has done to date; and

WHEREAS, there are adequate funds available in the FY2019-20 Landfill Capital budget to cover the cost of the unit; now therefore

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived; and

RESOLVED FURTHER, that City Council authorizes the purchase of a used articulated off-road dump truck not to exceed \$160,000 through the on-line auction process with formal approval of the purchase order to occur once the vendor is identified. (Motion ADOPTED.)

#### **PURCHASE OF SERVICE FITTINGS: WATER DISTRIBUTION CONTRACT NO. 4081**

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

WHEREAS, the City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and  
WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and  
WHEREAS, this bid includes all the necessary fittings for this construction season's water projects; and  
WHEREAS, sealed bids for Bid No. 4081 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and  
WHEREAS, staff considers the bid received from Core and Main LP of Shelby Township to be acceptable, and recommends award for inventory purchases of water service fittings; and  
WHEREAS, the purchases will be made from Water Enterprise Fund Inventory Account; now therefore  
RESOLVED, that a purchase order is hereby authorized to Core and Main LP of Shelby Township in the amount of \$72,013.59 for inventory purchases of water service fittings; and  
RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

#### **CONDITIONAL USE PERMIT NO. 67**

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

WHEREAS, Benjamin Hayes has submitted a request for a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street; and  
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on February 21, 2020 and publishing said notice on February 22, 2020 of the proposed public hearing on March 10, 2020; 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 April 13, 2020, 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 March 27, 2020 and to publishing said notice by March 28, 2020. (Motion ADOPTED.)

#### **CONDITIONAL USE PERMIT NO. 68**

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

WHEREAS, the Midland County Habitat for Humanity has submitted a request for a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street; and  
WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on February 21, 2020 and publishing said notice on February 22, 2020 of the proposed public hearing on March 10, 2020; 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 April 13, 2020, 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 March 27, 2020 and to publishing said notice by March 28, 2020. (Motion ADOPTED.)

**2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT**

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

WHEREAS, the City of Midland is estimated to receive \$224,809 in Community Development Block Grant (CDBG) funds for fiscal year 2020-2021 from the U.S. Department of Housing & Urban Development; and WHEREAS, it is expected that the City will have a fund balance of \$111,646 that will be carried over from prior fiscal years; and WHEREAS, it is expected that the City will receive a total of \$20,000 in program income during the 2020-2021 fiscal year; and WHEREAS, CDBG revenues totaling \$356,455 must be programmed to activities that meet the statutory goals and the City’s objectives of the CDBG program, as outlined in the 2020-2025 Consolidated Plan; and WHEREAS, on February 25, 2020, the Housing Commission unanimously recommended approval of the proposed 2020-2021 CDBG budget set forth in the attached table (Attachment A), which meets said goals and objectives of the CDBG program; and WHEREAS, it is necessary to provide a 30-day public comment period on the proposed budget in accordance with federal requirements; now therefore RESOLVED, that a public hearing will be held by the Midland City Council on April 27, 2020 at 7:00 p.m. in the City Council Chambers. City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed 2020-2021 CDBG budget; and RESOLVED FURTHER, that City staff is hereby directed to publish a notice of the public hearing by March 26, 2020. (Motion ADOPTED.)

**Attachment A  
Community Development Block Grant | Proposed Budget 2020-21**

<b><u>REVENUE</u></b>	<b>Proposed Budget</b>	
Estimated HUD 2020-21 Entitlement	\$	224,809
Program Income	\$	20,000
2019-20 Carry-over	\$	<u>111,646</u>
<b>Subtotal</b>	<b>\$</b>	<b>356,455</b>
<b><u>EXPENDITURES</u></b>		
<b>Planning/Administration</b>	<b>\$</b>	<b>48,900</b>
<b>Public Facilities Improvements</b>		
Cleveland Manor - Kitchen & Bath Remodel	\$	100,000
Washington Woods – Energy Efficiency	\$	<u>193,055</u>

Upgrades		
<b>Subtotal</b>	<b>\$</b>	<b>293,055</b>
<b>Public Services</b>		
Legal Services - Fair Housing Testing	\$	4,500
<b>Contingency</b>	<b>\$</b>	<b>10,000</b>
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<b>GRAND TOTAL</b>	<b>\$</b>	<b>356,455</b>

**NEW BUSINESS**

Being no further business the meeting adjourned at 8:30 p.m.

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Selina Tisdale, Deputy City Clerk