

June 20, 2022

A regular meeting of the City Council was held on Monday, June 20, 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 May 23, 2022 regular meeting and the June 13, 2022 special meeting were offered by Councilman Wazbinski and seconded by Councilman Hall. (Motion ADOPTED.)

### **ZONING PETITION NO. 638**

Director of Planning and Community Development Jacob Kain presented on Zoning Petition No. 638. The Public hearing opened at 7:12 p.m., Pete Poznak 143 McDonald Street spoke on the petition, the hearing closed at 7:20 p.m. The following ordinance was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

#### 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 A COM COMMUNITY ZONING DISTRICT WHERE A RB MULTIPLE FAMILY RESIDENTIAL 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:

LOT 15 AND BEG AT NW COR OF LOT 15 N 10 FT E 63 FT S 90.04 FT TO S LN OF LOT 11 W 10 FT SWLY TO SE COR OF LOT 15 STURGEON RD ASSRS PLAT AND THAT PART OF LOT 10 STURGEON RD ASSRS PLAT DESCRIBED AS BEG 53 FT E OF SW COR OF LOT 10 TH W 53 FT NELY ALG W LN OF LOT 10 27 FT TH SELY TO POB (1998 SPLIT HAS NOT BEEN APPROVED BY PLANNING DEPT) and BEG AT A PT 45.62 FT SW OF THE NE COR OF LOT 16 STURG RD ASSRS PLAT, SWLY ALG E LOT LN TO NE LN OF W MAIN ST, NWLY 76.66 FT NELY TO PT ON N LOT LN 75 FT W FROM BEG, THE SWLY TO POB

Be, and the same is hereby changed to COM Community 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 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.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 seven (7) days after publication. (Ordinance ADOPTED.)

### **MIDLAND HOUSING FUND 2021-22 BUDGET AMENDMENT**

Director of Planning and Community Development Jacob Kain presented on the Midland Housing Fund 2021-22 budget amendment for the Building Trades Project. The Public hearing opened at 7:23 p.m., recognizing no public comments, the hearing closed at 7:24 p.m. The

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

WHEREAS, the Midland Housing Fund 2021-22 budget includes an appropriation to construct a home for the Building Trades School Project at a total cost of \$325,000, and \$325,000 in revenue to reflect the sale price of this home to recover all associated costs; and

WHEREAS, it is necessary to amend the 2021-22 Midland Housing Fund budget to provide \$50,000 of additional funding for unanticipated price increases on construction materials needed for the Building Trades School Project home; and

WHEREAS, it is necessary to amend the Midland Housing Fund 2021-22 budget to reflect \$50,000 of additional revenue that will be collected from the buyer of the Building Trades School Project home to cover the additional costs; and

WHEREAS, in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted at 7:00 p.m., Monday, June 20, 2022, in the Council Chambers of City Hall, on the proposal to amend the 2021-22 General Fund budget by increasing revenues and expenditures by \$50,000 for additional costs associated with the construction of the Building Trades Project and the increased sale price of the home to recover the additional costs; now therefore

RESOLVED, that the City Council hereby adopts the proposed 2021-22 Midland Housing Fund budget amendment to increase both revenue and expenditures by \$50,000 for additional costs associated with the construction of the Building Trades School Project and the increased sale price of the home to recover the additional costs; (Motion ADOPTED.)

#### **ASSESSMENT ROLL FOR THE "2022 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT"**

City Assessor Kayla Ripley presented information on the assessment roll for the "2022 Sidewalk Improvement Special Assessment District". The Public hearing opened at 7:33 p.m., John Huenemann 3420 Waldo Ave spoke regarding the special assessment, the hearing closed at 7:35 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm.

WHEREAS, pursuant to due notice to all interested parties the City Council has duly met and reviewed the proposed Special Assessments to be assessed and levied in the Special Assessment Roll, prepared by the City Assessor to provide such part of the cost of certain sidewalk improvements on the "2022 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT", as heretofore established, as should be paid upon the property therein especially benefited and has heard and considered all objections made to said Assessment and has made such corrections in said roll as in its judgment ought to be made, and the City Assessor being present at said hearing; now therefore

RESOLVED, that the City Council does hereby determine that it is satisfied with said Special Assessment Roll; and

RESOLVED FURTHER, that several proposed improvements are combined into one project and that one special assessment district for the purpose of said combined improvements, be and is hereby established to be known as the "2022 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" and that said district comprises and includes the following described lands and premises, to wit:

West side of Dublin Avenue from Saginaw Road to south of Amberwood Court

North side of E. Ashman Street at 3545 E. Ashman Street (residence)

East side of Waldo Avenue from E. Patrick Road to south of Eastlawn Drive

; and

RESOLVED FURTHER, that the City Council does hereby determine that said assessments are in proportion to benefits received; and

RESOLVED FURTHER, that said Special Assessment Roll be and the same is hereby approved and confirmed in all respects, in the amount of \$82,664.00 and that the total estimated cost of said improvements is \$129,384.00 and the City at large cost is \$46,720.00; and

RESOLVED FURTHER, that the amount of said roll shall be divided into five (5) annual installments with interest, one of which is to be collected during the year of 2022, and one during each succeeding year for four (4) years thereafter provided, however, each taxpayer shall have the opportunity of paying said assessment in full without interest or penalty within sixty (60) days from the date of notification to pay the same; and

RESOLVED FURTHER, that the said roll shall be filed in the Office of the City Clerk, and the Clerk is hereby directed to endorse on said roll the date of confirmation, and that said Clerk is hereby directed to attach the warrant to a certified copy within ten days, therein commanding the City Assessor to spread the various sums and amounts appearing therein on a Special Assessment Roll or upon the General Tax Roll of the City for the full amount or in annual installments as directed by the Council; and

RESOLVED FURTHER, that the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed, that said property owner shall have sixty (60) days from the date of such notification to pay said assessment in full and without interest or penalty, and that payments made thereafter shall be divided into equal annual installments as herein described bearing the interest rate of 2.4 percent; and

RESOLVED FURTHER, that upon the expiration of said sixty (60) day period the roll shall be closed for collection by the City Treasurer and forwarded to the City Assessor for spreading said roll on all unpaid assessments on an annual installments basis as herein described with interest.

RESOLVED FURTHER, that the report concerning said improvements is hereby adopted and shall be placed on file in the office of the City Clerk, and the same shall be available for public inspection during regular business hours; and that the City Council will meet in the City Hall, 333 W. Ellsworth Street, on Monday, June 20, at 7:00 p.m. to hear any objections or suggestions regarding the proposed improvements; and (Motion ADOPTED. Yeas: Arnosky, Donker, Hall, Wazbinski; Nays: Brown Wilhelm)

#### **PUBLIC COMMENT**

No public comments were made.

#### **PROPOSED WATER RATES ORDINANCE AMENDMENTS (1<sup>st</sup> READING)**

Director of Water Services Peter Schwarz introduced James Bearman of Stantec Consulting Michigan, Inc. who presented information on ordinances amending Section 28-52 – Water Rates and Section 28-163 Sewer Rates. Introduction and first reading of the following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Hall:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-52 OF DIVISION 3 OF ARTICLE II OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-52 of Division 3 of Article II of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

**Sec. 28-52. Filtered water rate generally.**

The city's methodology of adjusting water rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant; presented to and approved by the council in 1993 and shall be in conformity with the findings set forth in section 28-2 of this chapter.

All filtered water bills shall be calculated according to the following:

- (1) For each one thousand (1,000) gallons used per quarter:

<u>Current</u> <u>Amount</u>	<u>2022-2023</u> <u>AMOUNT</u>	<u>2023-2024</u> <u>AMOUNT</u>	<u>2024-2025</u> <u>AMOUNT</u>
4.88	1.99	2.11	2.22

- (2) In addition to the rate set forth in this section for the use of water, there shall be a readiness-to-serve charge per quarter on each metered service as follows:

<u>Metered Service</u>	<u>Current</u> <u>Amount</u>	<u>2022-2023</u> <u>AMOUNT</u>	<u>2023-2024</u> <u>AMOUNT</u>	<u>2024-2025</u> <u>AMOUNT</u>
5/8" – 3/4"	\$39.45	\$39.45	\$39.45	\$39.45
1"	\$51.29	\$55.45	\$59.94	\$64.80
1- 1/2"	\$63.12	\$80.15	\$101.77	\$129.22
2"	\$102.57	\$129.58	\$163.71	\$206.83
3"	\$394.50	\$400.91	\$407.42	\$414.04
4"	\$512.85	\$554.11	\$598.70	\$646.87
6"	\$749.55	\$899.03	\$1,078.31	\$1,293.34
8"	\$1,065.15	\$1,329.10	\$1,658.46	\$2,069.43

- (3) Gross rates shall be ten (10) percent greater than the above schedule of rates and shall be charged for water service paid for after the date shown on the bills. (Motion ADOPTED. Considered first reading.)

**PROPOSED SEWER RATES ORDINANCE AMENDMENTS (1<sup>st</sup> READING)**

Introduction and first reading of the following ordinance amendment was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-163 OF DIVISION 3 OF ARTICLE III OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-163 of Division 3 of Article III of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

**Sec. 28-163. Amount of sewer charge.**

The city's methodology of adjusting sewer rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant, presented to and approved by the council in 1993 and shall be in conformity with the findings set forth in Section 28-4 of this chapter.

The charges for sewer service shall be calculated according to the following schedule:

- (1) There shall be a readiness-to-serve charge per quarter on each metered water service as follows:

<u>Metered Service</u>	<u>Current</u> <u>Amount</u>	<u>2022-2023</u> <u>AMOUNT</u>	<u>2023-2024</u> <u>AMOUNT</u>	<u>2024-2025</u> <u>AMOUNT</u>
5/8" – 3/4"	\$52.29	\$54.26	\$56.30	\$58.42
1"	\$67.98	\$76.68	\$86.50	\$97.57

1- 1/2"	\$83.66	\$110.84	\$146.85	\$194.55
2"	\$135.95	\$179.21	\$236.23	\$311.40
3"	\$522.90	\$554.45	\$587.91	\$623.38
4"	\$679.77	\$766.33	\$863.91	\$973.92
6"	\$993.51	\$1,243.34	\$1,555.99	\$1,947.26
8"	\$1,411.83	\$1,838.12	\$2,393.14	\$3,115.73

- (2) In addition to the readiness-to-serve charge set forth in subsection (1) of this section, there will be an additional charge for sewer service, which will be calculated as follows:

For each 1,000 gallons of water used per quarter:

<u>Current</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Amount</u>	<u>AMOUNT</u>	<u>AMOUNT</u>	<u>AMOUNT</u>
<del>\$2.68</del>	\$2.95	\$3.24	\$3.57

However, bills for sewer services for two (2) summer quarters for domestic customers, schools and churches shall be based on the average consumption during two (2) winter quarters. In cases where there is no previous consumption upon which to base bills for sewer services in the summer quarters, twenty-five thousand (25,000) gallons or actual consumption, whichever is the least, shall be used.

Section 2. This ordinance shall take effect July 1, 2022. (Motion ADOPTED. Considered first reading.)

### APPROVE TAX LEVY FOR JULY 2022 TAX ROLL - SPECIAL ASSESSMENTS

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the 2022 summer and winter tax rolls, Special Assessments and Accounts Receivables in the various amounts as indicated herein:

#### Street Improvement Rolls

2014 Street Improvement	\$	<u>2,171.20</u>
Subtotal Street Improvement Rolls	\$	2,171.20

#### Sanitary Sewer Improvement Rolls

2003 Sanitary Sewer Improvement	\$	9,533.91
2009 Sanitary Sewer Improvement	\$	25,121.39
2014 Sanitary Sewer Improvement	\$	<u>1,919.48</u>
Subtotal Sanitary Sewer Improvement Rolls	\$	36,574.78

#### Drain Improvement Rolls

2020 Drain Improvement (Bay County)	\$	<u>1,793.74</u>
Subtotal Drain Improvement Rolls	\$	1,793.74

#### Water Main Improvement Rolls

2014 Water Main Improvement	\$	<u>1,539.90</u>
Subtotal Water Main Improvement Rolls	\$	1,539.90

<u>Sidewalk Improvement Rolls</u>	
2015 Sidewalk Improvement	\$ 2,736.70
2017 Sidewalk Improvement	\$ 2,488.28
Subtotal Sidewalk Improvement Rolls	\$ 5,224.98

<u>Water Main and Sanitary Sewer PILOT Rolls</u>	
2019 Sanitary Sewer Improvement PILOT	\$ 1,883.00
2020 Water Improvement PILOT	\$ 1,002.52
2021 Water Improvement PILOT	\$ 912.72
Subtotal Water and Sanitary Sewer PILOT Rolls	\$ 3,798.24

2022 Downtown Economic Revitalization Roll (SARA)	\$ 45,000.37
Accounts Receivable Roll	\$ 17,922.60
TOTAL SPECIAL ASSESSMENT AND ACCOUNTS RECEIVABLE ROLL (Motion ADOPTED.)	\$ <b>114,025.81</b>

**APPROVE TAX LEVY FOR JULY 2022 TAX ROLL – MIDLAND PUBLIC SCHOOLS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland Public Schools has submitted a request for the City of Midland to collect a summer and winter property tax levy of school property taxes within the city of Midland for the year 2022; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2022 Midland Public Schools summer and winter property tax levies in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

**APPROVE TAX LEVY FOR JULY 2022 TAX ROLL – MIDLAND COUNTY EDUCATION SERVICE AGENCY**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland County Educational Service Agency has submitted a request for the City of Midland to collect a summer and winter property tax levy of school property taxes within the city of Midland for the year 2022; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees,

penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2022 Midland County Educational Service Agency summer and winter property tax levies in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

#### **APPROVE TAX LEVY FOR JULY 2022 TAX ROLL – BULLOCK CREEK PUBLIC SCHOOLS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bullock Creek Public Schools has submitted a request for the City of Midland to collect a winter property tax levy of school property taxes within the city of Midland for the year 2022; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2022 Bullock Creek Public School winter property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

#### **APPROVE TAX LEVY FOR JULY 2022 TAX ROLL – BAY CITY PUBLIC SCHOOLS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay City Public Schools has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2022; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2022 Bay City Public Schools summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and

RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

#### **APPROVE TAX LEVY FOR JULY 2022 TAX ROLL – BAY-ARENAC INTERMEDIATE SCHOOLS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay-Arenac Intermediate School District has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2022; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2022 Bay-Arenac Intermediate School District summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

#### **APPROVE TAX LEVY FOR JULY 2022 TAX ROLL – DELTA COLLEGE**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, Delta College has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2022; and WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2022 Delta College summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED.)

#### **EMERSON RIVERFRONT RENOVATION**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the City was chosen to receive a grant from the Michigan Natural Resources Trust Fund in December 2021 in the amount of \$300,000 for the second phase of renovations of the Upper Emerson Park riverfront; and

WHEREAS, said grant requires a minimum 25% match of which the City's Parks Capital budget and riverfront clearance project will provide the majority of the match; and

WHEREAS, the Saginaw Bay Watershed Initiative Network invited the City to submit a grant request for \$25,000 to support the project; and

WHEREAS, staff submitted the grant request to Saginaw Bay Watershed Initiative Network on June 10 with a contingency that City Council would consider a resolution of support at their June 20 meeting; now therefore

RESOLVED, that the City Council hereby supports the grant request to the Saginaw Bay Watershed Initiative Network for \$25,000 to be used toward the second phase of the Upper Emerson Park riverfront redevelopment project. (Motion ADOPTED.)

### **LABOR AGREEMENT – UNITED STEELWORKERS LOCAL 14009**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and United Steelworkers Local 14009 for labor contract changes effective July 1, 2022 and expiring June 30, 2025; and

RESOLVED FURTHER, that the Assistant City Manager is hereby authorized to make appropriate transfers and modifications in the budget to implement the wage and benefits changes identified in the contract. (Motion ADOPTED.)

### **ACCEPTANCE OF PUBLIC STREETS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the City of Midland did on December 31, 2021 acquire title to the following streets:

- Stone Cross Way
- High Oak Court
- Blue Heron Street
- Switchgrass Circle; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place these streets within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; now therefore

RESOLVED, that Stone Cross Way is constructed within an easement recorded in Liber 01642 page 00690, and the center line of Stone Cross Way has been described in the documentation submitted to and accepted by the State of Michigan on April 22, 2022; and

RESOLVED FURTHER, that High Oak Court is constructed within an easement recorded in Liber 01642 page 00690, and the center line of Stone Cross Way has been described in the documentation submitted to and accepted by the State of Michigan on April 22, 2022; and

RESOLVED FURTHER, that Blue Heron Street is constructed within an easement recorded in Liber 01642 page 00690, and the center line of Stone Cross Way has been described in the documentation submitted to and accepted by the State of Michigan on April 22, 2022; and

RESOLVED FURTHER, that Switchgrass Circle is constructed within an easement recorded in Liber 01654 page 00297, and the center line of Stone Cross Way has been described in the documentation submitted to and accepted by the State of Michigan on April 22, 2022; and

RESOLVED FURTHER, that all of the above-referenced streets are located within a City right-of-way and are under the control of the City of Midland; and

RESOLVED FURTHER, that all of the above-referenced streets are public streets and are for public street purposes; and

RESOLVED FURTHER, that all of the above-referenced streets have been accepted into the municipal street system according to the resolution adopted by the City Council on February 28, 2022 and were open to the public for public use on or before December 31, 2021. (Motion ADOPTED.)

### ACCEPTANCE OF PUBLIC STREET

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the Bay County Road Commission (BCRC) has historically included a portion of Midland Road/Bay City Road located within the Midland City Limits, specifically from the centerline of Rockwell Drive, east to the centerline of the US-10 median; and

WHEREAS, the BCRC currently certifies and receives Motor Transportation Fund (MTF) dollars, as defined by Act 51, from the State for maintenance and roadway improvements for the said section of Midland Road/Bay City Road; and

WHEREAS, the City of Midland has expended a significant amount of money to widen said section, to a five-lane, asphalt, curb and gutter roadway, continuing to maintain and improve the roadway, with funding other than MTF dollars; and

WHEREAS, the City of Midland continues to maintain all aspects of this section of roadway, including work defined as rehabilitation and/or reconstruction, general maintenance, snow removal, pavement markings, signage, drainage upgrades or repairs and all other work typically directly assigned to the jurisdictional owner of a public roadway; and

WHEREAS, the BCRC has recognized the City of Midland's significant monetary commitment, in the form of expenditures associated with material, labor and equipment, to, not only maintain, but upgrade and widen said roadway; and

WHEREAS, the BCRC has further recognized, due to the City of Midland's prior monetary commitments, the fact this section of roadway falls within the Midland City Limits and the city continues to spend non-MTF dollars on a BCRC certified roadway, this section of road should be under the City of Midland's jurisdiction and certified as such through Act 51; and

WHEREAS, the BCRC has passed a matching resolution at their regular meeting on June 15, 2022 relinquishing jurisdictional control over this roadway segment to the City of Midland; now therefore

RESOLVED, the City of Midland hereby accepts jurisdiction of that section of Bay City/Midland Road, defined as:

Bay City/Midland Road, PR #769502, with Beginning Mile Point (BMP): 0.000 to Ending Mile Point (EMP): 0.332 or generally described as 1752.96 feet from the centerline of Rockwell Road or, generally described as; Beginning at the centerline of Rockwell Road, thence east to the centerline of the US-10 median.

The City of Midland and BCRC both acknowledge the above jurisdictional relinquishment is not survey quality, but maintain it is an accurate representation of the section of roadway to be jurisdictionally transferred to the City of Midland, as the BMP and EMP were derived from the State's Roadsoft database, and is to a level for the State to update its databases to reflect the change; and,

RESOLVED FURTHER, the City of Midland will provide proper documentation of this jurisdictional transfer to MDOT to receive Act 51 MTF dollars. The City of Midland will have sole responsibility for all costs for improvements, maintenance or any other monetary expenditure associated with said section of roadway; and,

RESOLVED FURTHER, the City of Midland will to continue to work with the BCRC in coordinating snow removal and other relevant activities, for this section of roadway, jurisdictional lines notwithstanding, in the interest of the motoring public. (Motion ADOPTED.)

### **BUDGET TRANSFER FOR FUEL AND VEHICLE MAINTENANCE**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the General Fund includes numerous departments with fuel and vehicle maintenance accounts that were reviewed and adjusted mid-year to consider the cost increases that began during the fiscal year; and

WHEREAS, costs for fuel and vehicle maintenance have continued to increase, and in some cases beyond what was provided for during the mid-year budget amendment process; and

WHEREAS, City Staff desires to transfer adequate funds to these select accounts to provide adequate funding through June 30, 2022, via a budget transfer from the General Fund Reserve for Contingencies expenditure account; and

WHEREAS, budget transfers from a reserve for contingencies account in excess of \$25,000 require City Council approval; now, therefore

RESOLVED, that the request to transfer \$76,700 from the General Fund Reserve for Contingencies expenditure account to various General Fund departmental fuel or vehicle maintenance expenditure accounts to fund additional fuel and repair cost increases is hereby approved. (Motion ADOPTED.)

### **SIDEWALK REPLACEMENT PROGRAM**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4238 for sidewalk repair within the City of Midland; and

WHEREAS, funding for this work is included in the FY 2022-23 General Fund budget for sidewalk repair; and

WHEREAS, the low bidder meeting specifications, Northwood Concrete of Midland, Michigan, has also provided satisfactory sidewalk repair services in the past to the City of Midland; and

WHEREAS, Northwood Concrete has honored their unit bid pricing to complete smaller scope concrete projects in the parks in previous years and the City would like authorization to continue with this practice as a means to get smaller projects done in a timely fashion; now therefore

RESOLVED, that the Accounting Manager is hereby authorized to issue a purchase order to Northwood Concrete of Midland, Michigan not to exceed \$125,000 for sidewalk repair work for FY 2022-23; and

RESOLVED FURTHER, that City Council grant purchase allowance to Northwood Concrete not to exceed \$30,000 for parks and recreation concrete work for FY 2022-23 based on the current bid unit pricing. (Motion ADOPTED.)

### **OFF-SITE FUELING OF CITY FLEET VEHICLES**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, City fleet's main fueling system at the Municipal Service Center (MSC) is currently being replaced, requiring all City vehicles that routinely utilize the MSC's fueling station to purchase fuel off-site for the duration of the project; and

WHEREAS, the City of Midland is utilizing the WEX Fuel Card program with fuel cards for off-site purchasing of both unleaded gasoline and diesel fuel for City fleet vehicles at Speedway and Pacific Pride locations in Midland; and

WHEREAS, City Council approved a purchase order at their May 23 meeting not exceed \$150,000 for off-site fueling of City vehicles while the MSC fueling system is being replaced; and

WHEREAS, the fuel system replacement project has been extended in duration due to an unforeseen issue and the cost of fuel has increased to an unprecedented level in the meantime leading to the need to increase the purchase order amount so vehicles can continue fueling off-site until the project wraps up in early July; now therefore

RESOLVED, that the Accounting Manager is authorized to increase the existing purchase order to WEX Bank of Carol Stream, Illinois not to exceed \$300,000 for the purchase of fuel from Speedway and Pacific Pride locations in Midland as specified by the City Fleet Manager until the MSC's fueling system is brought back online. (Motion ADOPTED.)

### **POSEYVILLE SOUTH RIVERFRONT RESTORATION PROJECT**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the City of Midland in partnership with the Michigan Baseball Foundation have worked together to bring forward a project to renovate the site of the old 4D/Oldcastle concrete block manufacturing facility on the south side of the Tittabawassee River; and

WHEREAS, adequate funds have been raised and are available in a project fund at the Midland Area Community Foundation to move forward with Phase I of the project; and

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4258 Poseyville Park Riverfront Restoration Project; and

WHEREAS, a team of bid reviewers evaluated both bids received to arrive at the bid that would be most advantageous for City and the project in consideration of both qualification and construction costs; and

WHEREAS, the review team selected Fisher Contracting Company of Midland, Michigan as the most advantageous bid for the general contractor on the project; now therefore

RESOLVED, that City Council authorizes the City Attorney to prepare a contract to be signed by the Mayor and City Clerk for Fisher Contracting Company to provide construction services for Phase I of the Poseyville Park Riverfront Restoration project with a cost not to exceed \$925,834.45; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders to the contract not to exceed \$100,000 for any unanticipated issues that may arise during construction. (Motion ADOPTED.)

### **PEDESTRIAN WALKWAY ENGINEERING AND DESIGN**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the City of Midland in partnership with the Michigan Baseball Foundation have worked together to bring forward a project to renovate the site of the old 4D/Oldcastle concrete block manufacturing facility on the south side of the Tittabawassee River; and

WHEREAS, adequate funds have been raised and are available in a project fund at the Midland Area Community Foundation to move forward with engineering and design work for the pedestrian walkway bridge that will connect the project site to East Main Street; and

WHEREAS, Contech Engineering, Professional Corporation of West Chester, Ohio has submitted a proposal for engineering and bridge design services not to exceed \$170,000; and

WHEREAS, Section 2-19 of the Code of Ordinances for the City of Midland states that sealed proposals are not required for professional services; now therefore

RESOLVED, that City Council authorizes the Mayor and the City Clerk to sign the proposal with Contech Engineering, Professional Corporation for engineering and design services for the pedestrian walkway bridge with a cost not to exceed \$170,000. (Motion ADOPTED.)

### **HOUSING CONSTRUCTION AGREEMENT**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the Midland Public Schools administration has requested a joint project with the City of Midland and the Reece Endeavor of Midland, by having students in the Building Trades Class provide the labor for the construction of a two-family residential structure; and  
WHEREAS, such participation will result in the training of students in construction skills beneficial to both the students and the community; and  
WHEREAS, such participation will result in additional housing stock that will be barrier-free and available to residents of low-income, an additional benefit to the community; and  
WHEREAS, a project at 214 & 216 E. Ashman Street has been selected and designed on property owned by the Reece Endeavor of Midland; now therefore  
RESOLVED, that the Midland City Council hereby endorses this student participation in the City's Housing Program, and directs the staff to develop the necessary procedures for carrying this program forward; and  
RESOLVED FURTHER, that the Reece Endeavor of Midland shall pay to the City all material costs, contracted labor, and other incidental costs as agreed upon; and  
RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute a Housing Construction Agreement between the City of Midland, Midland Public Schools, and the Reece Endeavor of Midland for this purpose. (Motion ADOPTED.)

### **WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT - FERRIC CHLORIDE BID NO. 4254**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, in water and wastewater treatment operations, Ferric Chloride ( $\text{FeCl}_3$ ) is used as a primary coagulant necessary for flocculation to remove turbidity, as well as for odor control, phosphorus removal, and hydrogen sulfide minimization; and  
WHEREAS, sealed bids for Bid 4254 – Annual Water & Wastewater Treatment Chemicals, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and  
WHEREAS, purchase of Ferric Chloride will be made from the Water Fund and Wastewater Fund budgets; now therefore  
RESOLVED, that the low bid submitted by PVS Technologies of Detroit, MI, for the purchase and delivery of up to 400 tons of Ferric Chloride ( $\text{FeCl}_3$ ) for the Water and Wastewater Treatment Plants at a price per ton of \$793.00, for a period of one year beginning July 1, 2022, is hereby accepted and two purchase orders, in an amount not to exceed \$317,200.00 in total, are authorized; and  
RESOLVED FURTHER, that the City Manager is authorized to approve changes in an aggregate amount not to exceed \$15,000.00 for each purchase order. (Motion ADOPTED.)

### **WATER TREATMENT PLANT – CALCIUM OXIDE BID 4254**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, sealed bids for Bid 4254 – Annual Water & Wastewater Treatment Chemicals, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and  
WHEREAS, purchase of Calcium Oxide ( $\text{CaO}$  or Lime), will be made from the Water Fund Operating Budget; now therefore

RESOLVED, that the bid submitted by Graymont Western Lime, Inc. of West Bend, WI, for the indicated price per ton of \$153.00, for up to 1,000 tons of Calcium Oxide for a period of one year beginning July 1, 2022, at an annual amount of \$153,000.00, 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 aggregate amount not to exceed \$15,000.00. (Motion ADOPTED.)

#### **WATER PLANT SECURITY CAMERA BID 4244**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, sealed bids for Bid 4244 – Midland Water Treatment Plant Camera System, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and  
WHEREAS, purchase of the security camera system will be made from the Water Fund budget; now therefore  
RESOLVED, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to execute a contract between the City of Midland and Security 101 of Canton, MI, for the installation of a security camera system at the water treatment plant, and the low bid in the amount of \$53,294.38 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.)

#### **2022 INTERSECTION PAVEMENT MARKINGS PROGRAM CONTRACT NO. 06**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for intersection pavement marking services for the 2022 construction season; and  
WHEREAS, funding for this project is provided by the fiscal year 2022/2023 Major Street Fund; now therefore  
RESOLVED, that the low qualifying sealed proposal submitted by JV Contracting, Inc. of Ortonville, Michigan for the "2022 Intersection Pavement Marking Program; Contract No. 06" project, in the amount of \$85,175.00, 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 \$5,000.00. (Motion ADOPTED.)

#### **2022 PAVEMENT MARKINGS PROGRAM CONTRACT NO. 07**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for pavement markings; and  
WHEREAS, funding for this project is provided by the fiscal year 2022/2023 Major Street Fund; now therefore  
RESOLVED, that the low qualifying sealed proposal submitted by JV Contracting, Inc. of Ortonville, Michigan for the "2022 Pavement Marking Program; Contract No. 07" project, in the amount of \$61,225.00, 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 \$5,000.00. (Motion ADOPTED.)

**2022 RECONSTRUCTION AND WATER MAIN CONTRACT NO. 08 - TABLED**

Following Council discussion a motion to table action was offered by Councilman Wazbinski and seconded by Councilman Hall. (Motion ADOPTED.)

**2022 RECONSTRUCTION AND WATER MAIN CONTRACT NO. 09**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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 Dilloway Drive and Cortland Street; and

WHEREAS, funding for this project is provided by both the FY23 Local Street Fund and the Water Fund; now therefore

RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2022 Dilloway Dr. & Cortland St. Reconstruction & Water Main; Contract No. 09" project, in the amount of \$741,972.10, 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 RECONSTRUCTION CONTRACT NO. 10**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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 along Wackerly Street between Dublin Avenue and Sturgeon Avenue; and

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

RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2022 Wackerly Street Reconstruction; Contract No. 10" project, in the amount of \$720,601.25, 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 RECONSTRUCTION CONTRACT NO. 11**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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 along Waldo Avenue between Bay City Road and James Savage Road; and

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

RESOLVED, that the low qualifying sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2022 Waldo Avenue Reconstruction; Contract No. 11" project, in

the amount of \$382,378.70, 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 \$25,000.00. (Motion ADOPTED.)

#### **SET PUBLIC HEARING FOR 2022-23 CURRIE GOLF COURSE FUND AMENDMENT**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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, July 11, 2022, in the Council Chambers of City Hall, on the proposal to amend the 2022-23 Currie Golf Course Fund budget by increasing revenues and expenditures by \$200,000 to provide adequate budgetary authorization for the replacement of irrigation controllers, and to recognize the additional federal and state grants that will fund the replacement. (Motion ADOPTED.)

#### **SET PUBLIC HEARING FOR PARK RULES AND REGULATIONS CLASS 1 E-BIKE USAGE**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

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. on July 11, 2022 in the City Council Chambers of City Hall on an amendment to the Parks Rules and Regulations to allow the use of Class 1 e-bikes on the trail system at City Forest. (Motion ADOPTED.)

#### **SET PUBLIC HEARING FOR 2022-23 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN AND BUDGET AMENDMENTS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, the City of Midland has received an annual entitlement award of \$202,897 in Community Development Block Grant (CDBG) funds for fiscal year 2022-23 from the U.S. Department of Housing & Urban Development; and

WHEREAS, additional special revenues of \$336,317 in Coronavirus relief funds (CDBG-CV), and \$5,476,035 in CDBG Declared Disaster Recovery (CDBG-DDR) funds have been received; and

WHEREAS, the City will have a carry-over balance of \$220,399 and it is expected that the City will receive a total of \$20,000 in program income during the 2022-23 fiscal year; and

WHEREAS, CDBG revenues totaling \$6,262,751 must be programmed to activities that meet the federal statutory goals and the City's objectives of the CDBG program, as outlined in the 2020-25 Consolidated Plan as amended; and

WHEREAS, on June 6, 2022, the Housing Commission unanimously recommended approval of the proposed 2022-23 CDBG budget amendment, which meets said goals and objectives of the CDBG program; and

WHEREAS, the required thirty (30) day public comment period will begin on June 21, 2022 now therefore

RESOLVED, a public hearing will be held on July 25, 2022 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 amended 2022-23 CDBG budget. (Motion ADOPTED.)

**SET PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 76**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, Kristin Hosfeld submitted a request for a conditional land use to permit a child care center located at 1025 E. Wheeler 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 May 6, 2022 and publishing said notice on May 7, 2022 of the proposed public hearing on May 24, 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 July 11, 2022, 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 June 24, 2022 and to publish said notice by June 25, 2022. (Motion ADOPTED.)

**SET PUBLIC HEARING FOR ZONING TEXT AMENDMENT NO. 162**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Hall.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, June 14, 2022 to consider the advisability of amending the list of permitted uses in Article 19.00; now therefore  
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, July 11, 2022, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance; and  
RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on or before June 25, 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 ORDINANCE TO AMEND ARTICLE 19.00 COMMUNITY DISTRICT.

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended by adding the following to section 19.02, subsection A:

*Child care centers, as defined in "Residential Care Facilities" in Section 2.02*

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 7 days after publication. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:25 p.m.

---

Lacey Todd, City Clerk