

June 27, 2022

A regular meeting of the City Council was held on Monday, June 27, 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

NOTE: MAYOR DONKER ADVISED THAT AGENDA ITEM #4 LARKIN TOWNSHIP WATER ALLOCATION HAD BEEN REMOVED FROM THE AGENDA AT THE REQUEST OF LARKIN TOWNSHIP, TO BE BROUGHT BACK FOR CONSIDERATION AT A LATER DATE.

MINUTES

Approval of the minutes of the June 20, 2022 regular meeting was offered by Councilman Arnosky and seconded by Wazbinski. (Motion ADOPTED.)

PUBLIC COMMENT

John Elsen, 6106 Sturgeon Creek Pkwy spoke on Larkin Township additional water allocation. Dave Rapanos, 16 Pine Haven Cir spoke on sidewalks on Waldo Rd

WATER AND SEWER RATES ORDINANCE AMENDMENTS

Director of Water Services Peter Schwarz presented information on ordinances amending Section 28-52 of Division 3 of Article II of Chapter 28 – Water Rates and Section 28-163 of Division 3 of Article III of Chapter 28 – Sewer Rates.

WATER RATES ORDINANCE

The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Brown Wilhelm.

ORDINANCE NO. 1859

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, 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>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
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>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Metered Service</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
5/8" – 3/4"	\$39.45	\$39.45	\$39.45

1"	\$55.45	\$59.94	\$64.80
1- 1/2"	\$80.15	\$101.77	\$129.22
2"	\$129.58	\$163.71	\$206.83
3"	\$400.91	\$407.42	\$414.04
4"	\$554.11	\$598.70	\$646.87
6"	\$899.03	\$1,078.31	\$1,293.34
8"	\$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.

Section 2. This ordinance shall take effect July 1, 2022. (Ordinance ADOPTED.)

SEWER RATES ORDINANCE

The following ordinance amendment was then offered by Councilman Wazbinski and seconded by Arnosky.

ORDINANCE NO. 1860

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, 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>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Metered Service</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
5/8" – 3/4"	\$54.26	\$56.30	\$58.42
1"	\$76.68	\$86.50	\$97.57
1- 1/2"	\$110.84	\$146.85	\$194.55
2"	\$179.21	\$236.23	\$311.40
3"	\$554.45	\$587.91	\$623.38
4"	\$766.33	\$863.91	\$973.92
6"	\$1,243.34	\$1,555.99	\$1,947.26
8"	\$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>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>
<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
\$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. (Ordinance ADOPTED.)

CITY ATTORNEY & CITY MANAGER JOB PERFORMANCE REVIEWS

Mayor Donker introduced a discussion on the City Council's report on the job performance review and resolution adjusting the annual compensation for the City Attorney and City Manager. The following two items were then presented for consideration.

CITY ATTORNEY JOB PERFORMANCE REVIEW

Councilman Arnosky read a letter to City Attorney James O. Branson III regarding his job performance. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Hall:

RESOLVED, that the salary of James O. Branson III, City Attorney, is amended as follows: an increase of 7.33%; and

RESOLVED FURTHER, that all other terms and conditions of the employment agreement shall remain in effect; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to execute an addendum to the employment agreement of James O. Branson III incorporating this and previous Council amendments once approved by the Human Resources Director as well as James O. Branson III. (Motion ADOPTED.)

CITY MANAGER JOB PERFORMANCE REVIEW

Councilman Brown Wilhelm read a letter to City Manager C. Bradley Kaye regarding his job performance. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the salary of C. Bradley Kaye, City Manager, is amended as follows: cost of living increase of 3.3% in accordance with the terms and conditions of the employment contract, plus a merit-based increase of 2.2% base salary and a merit based lump sum payment of \$1,500; and

RESOLVED FURTHER, that all other terms and conditions of the employment agreement shall remain in effect; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to execute an addendum to the employment agreement of C. Bradley Kaye incorporating this and previous Council amendments once approved by the Human Resources Director as well as C. Bradley Kaye. (Motion ADOPTED.)

2022 RECONSTRUCTION AND WATER MAIN CONTRACT NO. 08

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for roadway reconstruction and water main installation on Brambleridge Lane, Woodbridge Lane and Sutton Place; and

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

WHEREAS, the low bid provided by Sova Excavating and Trucking, Inc. has been recommended to be disregarded due to staff concerns regarding the capacity of Sova Trucking and Excavating, Inc. to complete this project on time given the status of current City projects already awarded to Sova; now therefore

RESOLVED, that the second lowest sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2022 Brambleridge, Woodbridge & Sutton Reconstruction and Water Main; Contract No. 08" project, in the amount of \$527,803.00, 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 \$50,000.00. (Motion ADOPTED.)

*A memorandum of understanding was received from Sova Excavating and Trucking Inc. on June 27, 2022.

LEASE PURCHASE OF GOLF COURSE MAINTENANCE EQUIPMENT

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

WHEREAS, Currie Golf Course uses several pieces of equipment in maintaining the condition of the course, and many of these pieces of equipment are beyond their expected useful life; and WHEREAS, City Staff wishes to update its equipment fleet at Currie Golf Course and has secured competitive pricing through the State of Michigan contract for items of equipment totaling \$367,257.08; and

WHEREAS, City Staff further desires to purchase this equipment through a lease agreement with John Deere Financial over a term of five years at an interest rate of 4.75%, requiring annual payments of \$ 81,214.30; and

WHEREAS, funding for these lease payments is available in the Currie Golf Course fund: now, therefore

RESOLVED, that the Mayor is authorized to sign all lease documents with John Deere Financial, subject to the final review and approval of the Assistant City Manager and City Attorney, for the purchase of equipment at the Currie Golf Course totaling \$367,257.08. (Motion ADOPTED.)

WATER SERVICE FITTINGS BID 4267

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

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 an estimated needed quantity of fittings for the fall construction season's water projects; and

WHEREAS, sealed bids for Bid No. 4267 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 low bid received from Michigan Pipe and Valve 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 Michigan Pipe and Valve in the amount of \$58,975.00 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.)

WASHINGTON WOODS EMERGENCY WATER LINE REPLACEMENT

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

WHEREAS, the west side water line at Washington Woods has deteriorated and is currently being kept in service through emergency repairs and stopgap measures; and

WHEREAS, City Staff determined it prudent to move forward with the emergency repairs that were necessary to protect health and human life and to provide water to residents at Washington Woods; and

WHEREAS, while the dollar amount of these expenditures would typically cause them to be processed through the standard purchasing procedures, the expediency in which certain repair decisions needed to be made did not provide sufficient time to accommodate normal procedures; now therefore

RESOLVED, that in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, and the two purchase orders to Pat's Gradall and Smillie Plumbing and Heating totaling \$48,500.00 issued under the emergency purchase provision are hereby ratified. (Motion ADOPTED.)

Being no further business the meeting adjourned at 7:33 p.m.

Lacey Todd, City Clerk