

July 25, 2022

A regular meeting of the City Council was held on Monday, July 25, 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 July 7 special meeting and the July 11, 2022 regular meeting were offered by Councilman Hall and seconded by Wazbinski. (Motion ADOPTED.)

BUDGET AMENDMENT FY 2022-23 COMMUNITY DEVELOPMENT BLOCK GRANT

Director of Planning & Community Development Jacob Kain presented regarding the proposed budget amendment for fiscal year 2022-23 Community Development Block Grant and the associated Annual Action Plan. A public hearing opened at 7:10 p.m., hearing no public comments, the public hearing closed at 7:11 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm.

WHEREAS, on April 25, 2022, the Midland City Council adopted the fiscal year 2022-23 Community Development Block Grant (CDBG) budget based upon an estimated annual entitlement award from the U.S. Department of Housing & Urban Development of \$210,000; and WHEREAS, the actual annual entitlement award received by the City of Midland is \$202,897; and

WHEREAS, the lower entitlement award amount requires an amendment to the adopted budget; 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 began on June 21, 2022; and WHEREAS, a public hearing was held by the Midland City Council 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; now therefore RESOLVED, that the City Council hereby adopts the amended 2022-23 Community Development Block Grant budget and associated Annual Action Plan, as set forth in the attached table (Attachment A), for the amended use of funds for the Community Development Block Grant program; and

RESOLVED FURTHER, that the Mayor and City Clerk are approved to sign the subrecipient agreements as approved by the City Attorney. (Motion ADOPTED.)

PUBLIC COMMENT

John Elsen 6106 Sturgeon Creek Parkway commented on development and flooding.

FARM AND EXOTIC ANIMALS ORDINANCE AMENDMENT

City Attorney James O. Branson III presented regarding the proposed Zoning Ordinance Amendment to include the prohibition of exotic animals. Introduction and first reading of the following ordinance amendment was then offered by Councilman Arnosky and seconded by Councilman Hall

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY ADDING A NEW ARTICLE, WHICH NEW ARTICLE SHALL BE ARTICLE III OF CHAPTER 3 THEREOF AND BY AMENDING SECTION 34-5 OF CHAPTER 34 THEREOF.

The City of Midland Ordains:

Section 1. Article III of Chapter 3 is hereby established to read as follows:

Article III. Farm AND EXOTIC Animals

Division 1. General

Sec. 3-40. Animals—Keeping, Harboring, Breeding.

It shall be unlawful to keep, harbor or breed any farm OR EXOTIC animal as defined in the City of Midland Zoning Ordinance, being Ordinance No. 1585, except (1) farm animals kept in that portion of the city zoned for agricultural purposes, or (2) animals used in a parade or for providing rides on a temporary basis for which a permit has been issued, or (3) animals kept as part of a show or event at the Midland County Fairgrounds, or (4) miniature pigs subject to the provisions of Division 2 of this article.

Section 2. This ordinance shall become effective upon publication. (Motion ADOPTED. Considered first reading)

CIVIC ARENA RATES

Assistant City Manager David A. Keenan presented regarding the proposed ordinance to amend Section 21-70 of Division 1 of Article II of Chapter 21 of the Code of Ordinances. Introduction and first reading of the following ordinance amendment was then offered by Councilman Hall and seconded by Councilman Arnosky.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-70 OF DIVISION 1 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-70 of Division 1 of Article II of Chapter 21 is amended to read as follows:

Sec. 21-70. Civic Arena Fees

The fees for use of the Civic Arena and its facilities are as follows:

Rates during the season (September through May)

(1)	Individual Ice Skater – Adult	\$ 5.00	per session
(2)	Individual Ice Skater – Youth & Senior	\$ 4.00	per session
(3)	Skating Pass (20 admissions) – Adult	\$ 85.00	per pass
(4)	Skating Pass (20 admissions) – Youth & Senior	\$ 70.00	per pass
(5)	Skate Rental	\$ 3.00	per session
(6)	Skate Sharpening		
	Hockey	\$ 5.00	
	Figure/Goalie	\$ 6.00	
	New/Rusty/Poor Condition	\$ 8.00	
(7)	Drop-In Program		
	Hockey (Noon)	\$ 8.00	
	Hockey (Prime)	\$ 10.00	
	Speed Skating	\$ 12.00	
	Figure Skating	\$ 12.00	
(8)	Conference Room Rental	\$ 15.00	per hour
(9)	Special events and programs	variable rates	per event

- (10) The Civic Arena Manager is authorized to adjust rental rates for the purpose of marketing additional rink rental. The maximum hourly rate for ice rental shall be \$240.00 **\$250.00 PER HOUR EFFECTIVE SEPTEMBER 1, 2022, \$255.00 PER HOUR EFFECTIVE SEPTEMBER 1, 2023, AND \$260.00 PER HOUR EFFECTIVE SEPTEMBER 1, 2024.** The maximum hourly rate for turf rental shall be \$120.00 per hour.
- (11) For customer invoices not paid by the invoice due date, the Civic Arena will assess a late fee on the unpaid amount at a rate of the greater of \$25.00 or 1% of the unpaid invoice balance.

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading)

ANNEXATION JL-22-01 6917 N. PERRINE ROAD

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

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described properties to the City of Midland:

DESCRIPTION OF PIN #090-031-300-467-00, AS SURVEYED:

The North 28 feet of the following described parcel: A part of the Southwest 1/4 of Section 31, T15N, R2E, described as: Beginning South 00°00'00" West along the North-South 1/4 line, 968.20 feet and North 89°11'59" West 320 feet from the interior 1/4 corner of said Section 31; thence North 89°11'59" West 98 feet; thence North 00°00'00" East 200.2 feet; thence South 89°11'59" East 98 feet; thence South 00°00'00" West 200.2 feet back to the place of beginning.

Containing 0.06 acres, more or less, and being subject to restrictions, reservations, easements, right-of-ways, zoning, government regulations, and matters visible, if any, upon affecting said lands.

AND

DESCRIPTION OF PIN #090-031-300-490-00, AS SURVEYED:

Part of the Southwest 1/4 of Section 31, T15N, R2E, described as: Beginning South 00°00'00" West, along the North-South 1/4 line, 318.00 feet from the interior 1/4 corner of said Section 31; thence continuing South 00°00'00" West, along said North-South 1/4 line, 28.00 feet; thence North 89°11'59" West, parallel to the South 1/8 line, 250.00 feet; thence North 00°00'00" East, parallel to said North-South 1/4 line, 28.00 feet; thence South 89°11'59" East parallel to said South 1/8 line, 250.00 feet back to the place of beginning.

Containing 0.16 acres, more or less, and being subject to restrictions, reservations, easements, right-of-ways, zoning, government regulations, and matters visible, if any, upon affecting said lands.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Larkin Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors, other than the petitioners, presently reside, with said annexation to the City of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Larkin Township; and;

RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED.)

SPECIAL EVENT REQUEST FROM 611 THEATRE COMPANY

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

RESOLVED, that the request from 611 Theatre Company to host 'Evil Dead the Musical' in Stratford Woods Park on October 13, 14, 15, 20, 21, 23, 27, 28 and 29, 2022 with October 16 and 30, 2022 held as rain dates, is hereby approved subject to the following conditions:

- Use of Stratford Woods Park is non-exclusive and event organizer must respect other park uses during the duration of the event.
- Event organizer has permission to charge admission for patrons attending their event.
- All attendees and 611 Theatre staff must be out of the park by 11:00 p.m. each evening.
- A certificate of special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as an Additional Insured, must be provided to the Parks and Recreation Office no less than 30 days prior to the event.
- Parks Department will provide trash cans for this event. The event organizer needs to contact Melissa Farley at 989-837-6908 to complete the reservation process.
- Event organizer must leave the natural setting how it was found with no damage.
- Event organizer has permission to sell merchandise in the park and to utilize concessionaires/food trucks for the event provided the concessionaires are self-contained with regard to water/sanitation needs.
- Event organizer has permission to use amplified sound.
- Event organizer agrees to pay the City \$500 as a special event fee for utilization of the park space and to cover staff costs to review and support the event.

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

SPECIAL EVENT LIQUOR LICENSE REQUEST FROM PROPER TACO

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

WHEREAS, the Downtown Midland Social District and the Commons Area was approved by Midland City Council on March 21, 2021; and

WHEREAS, a recent revision to the Social District legislation now allows for Midland City Council to approve an outside organization to apply for a special event liquor license that may be used in an identified space within The Commons; and

WHEREAS, a request has been received from Ashley Rae, Proper Taco, to hold a drag queen event called **Girls Gone Mild** in Parking Lot C off Larkin Street between Gordon Street and Ashman Street on Saturday, August 27, 2022, located within the Downtown Midland Social District identified Commons area; and

WHEREAS, any alcohol distributed as part of the **Girls Gone Mild** event must remain inside the identified event area and any alcohol purchased from a Commons provider must not enter the special event liquor license space; now therefore

RESOLVED, that Midland City Council hereby approves Proper Taco, Ashley Rae, to apply for a special event liquor license for the **Girls Gone Mild** event taking place in the Downtown Midland Social District Commons area on Main Street between Gordon Street and Ashman Street on Saturday, August 27, 2022. (Motion ADOPTED.)

PURCHASE FRONT-END LOADER FOR DEPARTMENT OF PUBLIC SERVICES

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

WHEREAS, bids for construction equipment are solicited by the State of Michigan's Extended Purchasing Program (MiDEAL) and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding for the purchase of one articulated front-end loader with a multi-purpose bucket is included in the FY 2022-23 Equipment Revolving Fund for Capital Outlay - Equipment budget as a replacement for the Department of Public Services' unit 645; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to MiDEAL's selected vendor, JDE Company of Traverse City, Michigan, in the amount of \$227,387.00 for the purchase of one John Deere articulated front-end loader with a multi-purpose bucket, all in accordance with the MiDEAL proposal and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order not to exceed \$7,000 to cover any unforeseen modifications that may come up during the build process; and

RESOLVED FURTHER, that City Council authorizes the trade-in of City unit 645 to JDE Company of Traverse City, Michigan, for the amount of \$30,000, if the City's online auction bid price comes in less than that amount. (Motion ADOPTED.)

PURCHASE WIDE AREA MOWER FOR PARKS DEPARTMENT

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

WHEREAS, bids for commercial mowers are solicited by the Sourcewell Cooperative Purchasing Program on a biannual basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and

WHEREAS, sufficient funding for the purchase of one 4WD wide area commercial turf mower is included in the FY 2022-23 Equipment Revolving Fund Capital Outlay account as a replacement for an existing aging, high maintenance unit used by the Parks Department; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Sourcewell's selected vendor, Spartan Distributors of Sparta, Michigan in the amount of \$142,552.02 for one 4WD wide area commercial turf mower, all in accordance with the associated cooperative purchasing program's proposals and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order not to exceed 5% of the total cost for any unforeseen issues that arise during the build process for the mower. (Motion ADOPTED.)

PURCHASE CARPET AND FLOORING FOR RIVERSIDE PLACE AND WASHINGTON WOODS

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

WHEREAS, the services provided by Valley Carpet to Riverside Place and Washington Woods have been exemplary and the continuation of those services has been determined to be in the best interest of Riverside Place and Washington Woods; and

WHEREAS, Riverside Place and Washington Woods wishes to continue using Valley Carpet for the 2022-23 budget year with the price of flooring negotiated at the time of purchase; and

WHEREAS, per Section 2.18 of the Code of Ordinances for the City of Midland it has been determined that the competitive bid process is impractical; and

WHEREAS, sufficient funds are included in both the Riverside Place and Washington Woods 2022-23; now therefore

RESOLVED, that the Accounting Manager is authorized to issue purchase orders to Valley Carpet for Riverside Place in the amount not to exceed \$70,000.00 and for Washington Woods in the amount not to exceed of \$65,000.00 for the 2022-23 budget year. (Motion ADOPTED.)

CENTER CITY REDEVELOPMENT PLAN S. SAGINAW ROAD STREETScape

Director of Community Affairs Selina Tisdale presented on the Center City Redevelopment Plan S. Saginaw Road Streetscape. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm.

WHEREAS, sealed bids for City of Midland Bid 4266 have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, one bid was received and considered; and

WHEREAS, staff considers the bid received from The Isabella Corporation of Mt. Pleasant, Michigan in the amount of \$3,457,687.76 meets City specifications and is acceptable and recommends award of said bid; and

WHEREAS, cost of construction is being funded through \$4.7 million in funding granted to the project through various foundations and business organizations in the 2023 fiscal year Center City Authority Fund; now therefore

RESOLVED, that the sealed bid proposal submitted by The Isabella Corporation, of Mt. Pleasant, Michigan in the amount of \$3,457,687.76 for construction of the Center City Redevelopment Plan, Phase I S. Saginaw Road Streetscape Construction, Dartmouth Street to Patrick Road is hereby accepted; and

RESOLVED FURTHER, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to award a contract in the amount of \$3,457,687.76 to The Isabella Corporation in accord with this resolution and City of Midland specifications; and

RESOLVED FURTHER, the City Manager has the authority to approve any change orders modifying or altering this contract in an aggregate amount not to exceed \$160,000. (Motion ADOPTED.)

SET A PUBLIC HEARING TO ACCEPT A GRANT FROM THE SAGINAW BAY WATERSHED INITIATIVE NETWORK AND AMEND THE FY 2022-23 GENERAL FUND BUDGET

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

RESOLVED, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, August 8, 2022, in the Council Chambers of City Hall to accept a grant from the Saginaw Bay Watershed Initiative Network and amend the General Fund budget for FY 2022-2023 for improvements along the riverfront in upper Emerson Park. (Motion ADOPTED.)

Being no further business the meeting adjourned at 7:36 p.m.

Lacey Todd, City Clerk