

February 8, 2021

A regular electronic meeting of the City Council was held on Monday, February 8, 2021, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 889 4082 0758 ~ Password: 313065. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky (remote – Midland, MI), Diane Brown Wilhelm (remote – Midland, MI), Maureen Donker (remote – Midland, MI), Pamela Hall (remote – Midland, MI), Marty Wazbinski (remote – Midland, MI)

Councilmen absent: None

### **MINUTES**

Approval of the minutes of the January 25, 2021 regular meeting were offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED by a Roll Call Voice Vote.)

### **MASK UP MIDLAND**

Communications Coordinator Katie Guyer spoke regarding Mask Up Midland County and introduced Kathleen Curell of Mask Up Midland County who accepted the proclamation by phone. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation resolving that the Midland City Council supports and recognizes the efforts of Mask Up Midland County and joins them in encouraging citizens to follow DHHS and CDC guidelines for the wearing of face coverings and physical distancing in public to help stop the spread of COVID-19 and keep our friends, families and front-line workers safe and healthy. (Motion ADOPTED by Roll Call Voice Vote.)

### **PUBLIC COMMENT**

Eric Anders, 1408 Lee Street commented on the future of Indian Street, Mary Elmore, 3101 Camberley Lane commented on traffic near Woodcrest Elementary, and Tom Zajac, 2401 Longfellow Lane commented on the Buttles Street Road design.

### **CAPITAL IMPROVEMENT PLAN (CIP) 2021-2027**

Director of Planning and Community Development Grant Murschel presented information on the 2021-2027 Capital Improvement Plan. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Section 65 of the Michigan Planning Enabling Act requires that the City of Midland Planning Commission prepare a Capital Improvement Plan (CIP) to further the desirable development of the city; and

WHEREAS, a listing of capital projects covering roads, utilities and the municipal landfill operation was presented to the Planning Commission for review in January; and

WHEREAS, the Planning Commission has reviewed the list of capital projects presented and concluded that all necessary projects are included in the project list; and

WHEREAS, a public hearing was held on January 26, 2021 following which the Planning Commission unanimously recommended approval of the CIP; and

WHEREAS, City Council review and adoption of the CIP is now required; and

WHEREAS, City Council has reviewed the proposed construction project list in the CIP and associated documents; now therefore

RESOLVED, that the City Council hereby adopts the City of Midland Capital Improvement Plan 2021-2027; and

RESOLVED FURTHER, that City Council hereby approves said proposed construction projects listed for 2021-2022 and directs the City Administration to include funding requests for the proposed projects in the 2021-2022 budget. (Motion ADOPTED by Roll Call Voice Vote YEAS: Brown Wilhelm, Hall, Donker, Wazbinski, NAYS: Arnosky)

### **BIRD RIDES, INC. E-SCOOTERS**

Director of Planning and Community Development Grant Murschel spoke regarding the proposed Memorandum of Understanding with Bird Rides, Inc. and introduced Mike Covato of Bird Rides, Inc., who spoke regarding E-Scooters in Midland. John Muste, 4900 Oakridge Drive, Eric Anders, 1408 Lee Street, and Jim Elmore, 3101 Camberley Lane commented regarding the proposed Memorandum. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Bird Rides, Inc. is requesting the City of Midland to approve a Memorandum of Understanding to permit the deployment of an e-scooter sharing system in the city; and

WHEREAS, e-scooters are allowed within the city of Midland under the Michigan Vehicle Code; and

WHEREAS, e-scooters are an advancement in the mobility offerings in the city hereby diversifying transportation options and improving quality of life; and

WHEREAS, City Council has reviewed the information provided by City staff and Bird Rides, Inc.; now therefore

RESOLVED, that the City Council authorizes the City Manager to sign a Memorandum of Understanding with Bird Rides, Inc. following review and approval by the City Attorney. (Motion ADOPTED by Roll Call Voice Vote.)

### **PROPERTY TAX POVERTY EXEMPTIONS**

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

WHEREAS, the adoption of guidelines for property tax poverty exemptions is required of the local municipality's governing body; and

WHEREAS, the principal residence of persons, who the Assessor and Board of Review determines, by reason of poverty, to be unable to pay their property taxes, is eligible for exemption in whole or in part from taxation under Public Act 253 of 2020, which amends, MCL 211.7u; and

WHEREAS, pursuant to MCL 211.7u, the City of Midland, through its Council members, adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year; and to be eligible, a person shall do all the following on an annual basis:

1. Own and occupy as a principal residence the property for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing a form prescribed by the State Tax Commission with the City Assessor's Office.
2. File a claim with the Board of Review on a form prescribed by the State Tax Commission and provided by the City Assessor's Office, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year

in which the exemption under this section is claimed or in the immediately preceding tax year. If a person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year, an affidavit in a form prescribed by the State Tax Commission may be accepted in place of the federal or state income tax return. The filing of a claim under this subsection constitutes an appearance before the Board of Review for the purpose of preserving the claimant's right to appeal the decision of the Board of Review regarding the claim.

3. Produce a valid driver license or other form of identification.
4. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
5. The application for an exemption under this section must be filed after January 1 but before the day prior to the last day of the Board of Review.

; now therefore

RESOLVED, pursuant to MCL 211.7u the City Assessor's Office shall annually determine and make available to the public the policy and guidelines used for the granting of exemptions. The City of Midland maintains a website and shall make the policy and guidelines, and the form described in subsection (2) above, available to the public on the website. The guidelines must include, but are not limited to, the specific income and asset levels of the claimant and total household income and assets; and

RESOLVED FURTHER, that the Board of Review shall follow the policy and guidelines determined by the City of Midland through its Council members in granting or denying an exemption if a person claiming an exemption is qualified under the eligibility requirements in subsection (1-5) above, the Board of Review shall grant the exemption in part, as follows:

- (a) A partial exemption equal to 25% reduction in taxable value for the first tax year in which the exemption is granted.
- (b) A partial exemption equal to 50% reduction in taxable value for the second consecutive tax year in which the exemption is granted.
- (c) A full exemption equal to a 100% reduction in taxable value for the third consecutive tax year and all other subsequent tax years in which the exemption is granted.

RESOLVED FURTHER, that the applicant's total household income cannot exceed the most current Federal Poverty Guidelines set forth by the United States Department of Housing and Urban Development (HUD) Very Low Income Level. These standards are to be updated annually, and

RESOLVED FURTHER, that the Assessor and Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption without deviation unless requested and approved by the State Tax Commission, and

RESOLVED FURTHER, that to conform to the provisions of Public Act 253 of 2020, amended MCL 211.7u, this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided. (Motion ADOPTED by Roll Call Voice Vote.)

### **2021 STURGEON AVENUE RECONSTRUCTION & WATER MAIN; CONTRACT NO. 02.**

City Manager Brad Kaye provided an overview of the proposed contract. General Supervisor of the Wastewater Treatment Plant Bruce Royce and Assistant City Engineer Shane Bjorge spoke regarding the 2021 Sturgeon Avenue Reconstruction & Water Main project and answered questions for City Council. The following resolution was then 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 water main installation and street reconstruction on Sturgeon Avenue; and

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

RESOLVED, that the low sealed proposal submitted by Pat's Gradall Service, Inc. of Midland, Michigan for the "2021 Sturgeon Avenue Reconstruction & Water Main; Contract No. 02" project, in the amount of \$1,096,465.00, 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 \$100,000.00. (Motion Adopted by Roll Call Voice Vote.)

### **2021 WHEELER STREET RECONSTRUCTION & WATER MAIN; CONTRACT NO. 03.**

The following resolution was offered by Councilman Wazbinski 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 water main installation and street reconstruction on Wheeler Street; and

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

RESOLVED, that the low sealed proposal submitted by Sova Excavating & Trucking, Inc. of Midland, Michigan for the "2021 Wheeler Street Reconstruction & Water Main; Contract No. 03" project, in the amount of \$1,459,031.35, 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 \$120,000.00. (Motion ADOPTED by Roll Call Voice Vote.)

### **AUDIT COSTS - ADDITIONAL EXPENDITURES**

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

WHEREAS, the City contracts with Yeo and Yeo, PC to perform its annual financial and compliance audits, for which the agreed upon cost for the June 30, 2020 audits was \$51,600; and

WHEREAS, it is common for some additional services to be required during these audits, with costs normally less than \$5,000, which do not require City Council approval; and

WHEREAS, additional charges in excess of \$5,000 require City Council approval; and

WHEREAS, Yeo and Yeo, PC has submitted an invoice for \$10,302 for additional services provided during the June 30, 2020, financial and compliance audits; now therefore

RESOLVED, that the City Council hereby approves additional expenditures in relation to the financial and compliance audits for the fiscal year ended June 30, 2020, in the amount of \$10,320. (Motion ADOPTED by Roll Call Voice Vote.)

### **WASTEWATER - 210208 IPH PUMP REPLACEMENTS**

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

WHEREAS, The Intermediate Pump House at the Wastewater Treatment Plant was constructed in 1962, and consists of eight pumps, running on variable frequency drives that have been in

service for over 30 years; and

WHEREAS, staff intends to replace all eight pumps over the next several years; and

WHEREAS, City Council approved the issuance of a purchase order to Kennedy Industries, Inc. for the first two pumps on July 27, 2020; and

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

WHEREAS, Kennedy Industries is the sole provider of Flygt pumps in Michigan and has agreed to keep the purchase price the same for the next two pumps; and

WHEREAS, funding has been budgeted for this purpose in the 2019/20 Wastewater Enterprise Fund - Capital Budget and these funds have been rolled forward to the 2020/21 budget year for this purchase; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$70,230.00 be issued to Kennedy Industries, Inc., of Wixom, for two Flygt model 3202 dry pit submersible pumps each rated at 35 horsepower with a duty point of 2,200 gpm at 35' head pressure. (Motion ADOPTED by Roll Call Voice Vote.)

Being no further business the meeting adjourned at 9:22 p.m.

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Erica Armstrong, City Clerk