

June 14, 2021

A regular electronic meeting of the City Council was held on Monday, June 14, 2021, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 883 5345 8810 ~ Password: 397660. 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 May 24, 2021 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED by a Roll Call Voice Vote.)

Approval of the minutes of the June 7 special meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED by a Roll Call Voice Vote.)

## **CONDITIONAL USE PERMIT NO. 71**

Director of Planning and Community Development Grant Murschel presented information on Conditional Use Permit No. 71 – a request to allow continued use of a single-family home and to permit an addition at 1318 Lincoln Street. A public hearing opened at 7:09 p.m. and hearing no comments, the public hearing closed at 7:10 p.m. The following resolution was offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

WHEREAS, Katie Norris has submitted a request for a Conditional Use Permit to allow for the expansion of a single-family home in a RB Multiple-Family Residential B zoning district located at 1318 Lincoln Street; 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 the City Council finds the request for the conditional use to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 71, in accord with documents provided and submitted at the meeting of June 14, 2021. (Motion ADOPTED by a Roll Call Voice Vote.)

## **CONDITIONAL USE PERMIT NO. 72**

Director of Planning and Community Development Grant Murschel presented information on Conditional Use Permit No. 72 – a request to allow the development of a Child Care Center at 5305 Perrine Road. A public hearing opened at 7:19 p.m. Jim Harlow, 5213 Perrine Road commented in opposition to the request. The public hearing closed at 7:24 p.m. The following resolution was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, Pnacek Property Solutions, LLC have submitted a request for a Conditional Use Permit to allow for the development of a Child Care Center in RA-1 Single Family Residential zoning district located at 5305 Perrine Road; 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 the City Council finds the request for the conditional use to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 72, in accord with documents provided and submitted at the meeting of June 14, 2021. (Motion ADOPTED by a Roll Call Voice Vote.)

**PUBLIC COMMENT**

John Elsen, 6106 Sturgeon Creek Parkway commented regarding flood control in the City.

**PROPOSED SEWER AND WATER RATES ORDINANCE AMENDMENTS (1<sup>st</sup> READINGS)**

Director of Water Services Peter Schwarz 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 Arnosky:

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: ~~\$1.78~~ \$1.88
- (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>Amount</u>	<u>Amount</u>
5/8" – 3/4"	<del>\$38.35</del>	\$39.45
1"	<del>\$49.86</del>	\$51.29
1- 1/2"	<del>\$61.36</del>	\$63.12
2"	<del>\$99.71</del>	\$102.57
3"	<del>\$383.50</del>	\$394.50
4"	<del>\$498.55</del>	\$512.85
6"	<del>\$728.65</del>	\$749.55
8"	<del>\$1,035.45</del>	\$1,065.15

- (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, 2021. (Motion ADOPTED by a Roll Call Voice Vote. Considered first reading.)

Introduction and first reading of the following ordinance amendment was then offered by Councilman Brown Wilhelm 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>Amount</u>	<u>Amount</u>
5/8" – 3/4"	\$51.55	\$52.29
1"	\$67.02	\$67.98
1 – 1/2"	\$82.48	\$83.66
2"	\$134.03	\$135.95
3"	\$515.50	\$522.90
4"	\$670.15	\$679.77
6"	\$979.45	\$993.51
8"	\$1,391.85	\$1,411.83

- (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: ~~\$2.55~~ \$2.68

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, 2021. (Motion ADOPTED by a Roll Call Voice Vote. Considered first reading.)

**APPROVE TAX LEVY FOR JULY 2021 TAX ROLL - SPECIAL ASSESSMENTS**

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

RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the 2021 summer and winter tax rolls, Special Assessments and Accounts Receivables in the various amounts as indicated herein:

Street Improvement Rolls

2014 Street Improvement	\$	2,197.67
Subtotal Street Improvement Rolls	\$	2,197.67

Sanitary Sewer Improvement Rolls

2003 Sanitary Sewer Improvement	\$	9,760.88
2009 Sanitary Sewer Improvement	\$	25,917.05
2014 Sanitary Sewer Improvement	\$	<u>1,942.88</u>
Subtotal Sanitary Sewer Improvement Rolls	\$	37,620.81
<u>Drain Improvement Rolls</u>		
2020 Drain Improvement (Bay County)	\$	<u>1,837.03</u>
Subtotal Drain Improvement Rolls	\$	1,837.03
<u>Water Main Improvement Rolls</u>		
2014 Water Main Improvement	\$	<u>1,558.68</u>
Subtotal Water Main Improvement Rolls	\$	1,558.68
<u>Sidewalk Improvement Rolls</u>		
2015 Sidewalk Improvement	\$	2,770.59
2016 Sidewalk Improvement	\$	906.09
2017 Sidewalk Improvement	\$	<u>2,544.23</u>
Subtotal Sidewalk Improvement Rolls	\$	6,220.91
<u>Water Main and Sanitary Sewer PILOT Rolls</u>		
2019 Sanitary Sewer Improvement PILOT	\$	1,933.39
2020 Water Improvement PILOT	\$	1,021.80
2021 Water Improvement PILOT	\$	<u>929.94</u>
Subtotal Water and Sanitary Sewer PILOT Rolls	\$	3,885.13
2020 Downtown Economic Revitalization Roll (SARA)	\$	45,004.77
Accounts Receivable Roll	\$	21,380.98
TOTAL SPECIAL ASSESSMENT AND	\$	<b>19,705.98</b>
ACCOUNTS RECEIVABLE ROLL (Motion ADOPTED by a Roll Call Voice Vote.)		

**APPROVE TAX LEVY FOR JULY 2021 TAX ROLL – MIDLAND PUBLIC SCHOOLS**

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

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 property tax levy of school property taxes within the city of Midland for the year 2021; 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 2021 Midland 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 by a Roll Call Voice Vote.)

**APPROVE TAX LEVY FOR JULY 2021 TAX ROLL – MIDLAND COUNTY EDUCATIONAL SERVICE AGENCY**

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

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 property tax levy of school property taxes within the city of Midland for the year 2021; 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 2021 Midland County Educational Service Agency 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 by a Roll Call Voice Vote.)

#### **APPROVE TAX LEVY FOR JULY 2021 TAX ROLL – BAY CITY PUBLIC SCHOOLS**

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

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 2021; 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 2021 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 by a Roll Call Voice Vote.)

#### **APPROVE TAX LEVY FOR JULY 2021 TAX ROLL – BAY-ARENAC INTERMEDIATE SCHOOL DISTRICT**

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

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 2021; 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 2021 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 by a Roll Call Voice Vote.)

#### **APPROVE TAX LEVY FOR JULY 2020 TAX ROLL – DELTA COLLEGE**

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

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 2021; 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 2021 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 by a Roll Call Voice Vote.)

#### **AMENDED CODE OF CONDUCT FROM CITY COUNCIL AND BOARDS AND COMMISSIONS**

City Attorney, James O. Branson III presented information regarding the proposed amendment to the rules of procedure meetings. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, on January 25, 2021 City Council adopted the Code of Conduct to ensure public confidence in the integrity of local government in its effective, open, and fair operation and, in addition, it is to apply the idea that what any one member does has an impact on the effectiveness and actions of the whole in both positive and negative ways; and WHEREAS, upon implementation it has been determined to be necessary to revise paragraph 6 titled "Respect for Process" regarding the flow of information specific to board and commission members through their staff liaison; now therefore RESOLVED, that the Code of Conduct is hereby amended and the "Member Statement of Acknowledgment" shall be signed by each member, and the Code of Conduct shall be applicable to all members of the City Council and members of the City's boards and commissions. (Motion ADOPTED by a Roll Call Voice Vote.)

### **MBS AIRPORT COMMISSION APPOINTMENT**

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

RESOLVED, that Cathy Budd is hereby appointed to the MBS International Airport Commission for a term beginning July 1, 2021 and ending June 30, 2024. (Motion ADOPTED by a Roll Call Voice Vote.)

### **PARKS AND RECREATION COMMISSION APPOINTMENT**

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

RESOLVED, that Darren Bartle is hereby appointed as a citizen-at-large member of the Parks and Recreation Commission for an unexpired term ending June 30, 2022. (Motion ADOPTED by a Roll Call Voice Vote.)

### **CABLE ACCESS ADVISORY COMMISSION APPOINTMENT**

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

RESOLVED, that Brandon Guiles is hereby appointed as a citizen-at-large member of the Cable Access Advisory Commission for an unexpired term ending June 30, 2022. (Motion ADOPTED by a Roll Call Voice Vote.)

### **MIDLAND FIRST UNITED CHURCH EVENT APPROVAL**

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

RESOLVED, that the request from Anita Hahn, Lead Pastor, United Methodist Church, seeking permission to use amplified sound and to close Fitzhugh St. between Larkin St. and Main St. for their outdoor worship services every Sunday from June 20 to September 26 is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Anita Hahn, 989-708-8894.
- Provide a certificate of insurance for general liability coverage in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as certificate holder and additional insured with the event specified on the certificate.
- Engineering will write Traffic Control Order for road closure.
- The Department of Public Services will provide barricades for road closures per Engineering's Traffic Control Order. Event organizer will be responsible for placing these into the street and removing them from the street each week.
- The Department of Public Services requires the event organizer to meet with Street Supervisor Jordan Pena 989-837-6903 to discuss storing the barricades on their property for the duration of the event. The barricade cannot be left in the outlawn all summer.
- Due to the large number of events this year, the Parks Department is unable to provide picnic tables for this ongoing event.
- Due to ongoing health and safety concerns related to Covid-19, the responsible party is to ensure compliance with federal, state and local guidelines and executive orders, including social distancing and group size.
- Be advised that should an executive order or other local, state or federal directive be issued that would necessitate a change or cancellation of this event, the event holder shall strictly comply with said order or directive or notice by the City of Midland.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED by a Roll Call Voice Vote.)

#### **DESIGN BUILD FOR REPAIR OF CURRIE GOLF COURSE WEST CLUBHOUSE**

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

WHEREAS, the City of Midland encountered devastating flooding as a result of the May 2020 dam failures on the Tittabawassee River north of the city; and

WHEREAS, as a result of this event the Currie West Clubhouse was inundated by flood waters and incurred damages that need restoration and repair; and

WHEREAS, sealed proposals were advertised and received on Tuesday, May 18, 2021 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4155, Design Build; and

WHEREAS, City staff is recommending a contract be awarded to Great Lakes Bay Construction in the amount of \$214,000 for repair, restoration, and modifications to the Currie West Clubhouse; now therefore

RESOLVED, that the contract is hereby awarded to Great Lakes Bay Construction in the amount of \$214,000, and Mayor and the City Clerk are authorized to execute a contract upon final review and approval by the City Attorney; 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 \$15,000. (Motion ADOPTED by a Roll Call Voice Vote.)

#### **2021 W. ST. ANDREWS ROAD RECONSTRUCTION & WATER MAIN; CONTRACT NO. 9**

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main installation on and reconstruction of W. St. Andrews Road; 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 Malley Construction, Inc. of Mt. Pleasant, Michigan for the "2021 W. St. Andrews Road Reconstruction & Water Main; Contract No. 09" project, in the amount of \$817,712.00, 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 \$80,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

#### **2021 GREENBRIER TERRACE & LINDY STREET RECONSTRUCTION; CONTRACT NO. 10**

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the reconstruction of Greenbrier Terrace and Lindy Street; and

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

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2021 Greenbrier Terrace & Lindy Street Reconstruction; Contract No. 10" project, in the amount of \$305,905.75, 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 \$30,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

### **2021 BURRELL CT. & HUBBARD STREET RECONSTRUCTION & WATER MAIN; CONTRACT NO. 12**

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the water main installation and reconstruction of Burrell Court as well as the reconstruction of Hubbard Street; and

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

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2021 Burrell Court & Hubbard Street Reconstruction & Water Main; Contract No. 12" project, in the amount of \$322,177.15, 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 \$30,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

### **MIRACLE FIELD PROJECT CHANGE ORDER**

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

RESOLVED, that Change Orders No. 4 and 5 submitted by Three Rivers Corporation in the total amount of \$9,451.00 are hereby approved to allow for the installation of two electrical junction boxes and to redirect ground water under the parking lot at the Central Park Miracle Field project; and

RESOLVED FURTHER, that the City Manager is authorized to increase the contract with Three Rivers Corporation for the Central Park Miracle Field project which was approved on September 14, 2020. (Motion ADOPTED by a Roll Call Voice Vote.)

### **FUEL SYSTEM REPLACEMENT AT THE MUNICIPAL SERVICE CENTER**

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

WHEREAS, sealed proposals were advertised and received on June 8, 2021 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4169 UST Removal and Installation; and

WHEREAS, sufficient funding for this is included in the FY2021-22 Stores Revolving Fund's budget for the replacement of the fuel system at the Municipal Service Center; now therefore RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Oscar W. Larson Company of Clarkston, Michigan, in an amount not to exceed \$547,795.00 for the fuel system replacement project at the Municipal Service Center; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order up to a total of \$50,000 for any unforeseen changes during the project. (Motion ADOPTED by a Roll Call Voice Vote.)

### **FY 2021-22 SIDEWALK REPLACEMENT PROGRAM**

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

WHEREAS, City Council awarded Bid No. 4096 2020-21 Sidewalk Replacement Program to Northwood Concrete of Midland, Michigan at their June 22, 2020 meeting; and  
WHEREAS, the bid specifications allow for the contract to be extended on a year by year basis up to three additional years if the renewal is agreed upon by both parties; and  
WHEREAS, Northwood Concrete has agreed to extend their bid pricing for FY2021-22 and City staff support said extension; and  
WHEREAS, funding for this work is included in the FY 2021-22 General Fund budget for sidewalk repair; now therefore  
RESOLVED, that the Accounting Manager is hereby authorized to issue a purchase order to Northwood Concrete of Midland, Michigan for up to \$97,500 for sidewalk repair work for FY 2021-22. (Motion ADOPTED by a Roll Call Voice Vote.)

### **RIVERSIDE PLACE AND WASHINGTON WOODS CARPET AND FLOORING PURCHASE**

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

WHEREAS, the previous flooring provider for Riverside Place and Washington Woods has not been able to provide sufficient services for many years; and  
WHEREAS, City Purchasing and the City Manager authorized Senior Housing to move forward with Valley Carpet flooring installations following an unsuccessful competitive bid result and due to the number of apartments that needed flooring after COVID-19, staff furloughs, and the flood at Riverside Place; and  
WHEREAS, flooring installations at Riverside Place and Washington Woods are expected to exceed the financial limitations of the current Purchase Orders; and  
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 remainder of the 2020-21 budget year and the entire 2021-22 budget year; and  
WHEREAS, per Section 2.18 of the Purchasing Policy 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 2020-21 and 2021-22 budgets; now therefore  
RESOLVED, that the Accounting Manager is authorized to increase the current 2020-21 purchase order to Valley Carpet from \$30,000.00 to \$80,000.00 for Riverside Place and is authorized to increase the current 2020-21 purchase order to Valley Carpet from \$30,000.00 to \$52,000.00 for Washington Woods; and  
RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$60,000.00 to Valley Carpet for Riverside Place in accord with this resolution for the 2021-22 budget year and is authorized to issue a purchase order in the amount of \$52,000.00 to Valley Carpet for Washington Woods in accord with this resolution for the 2021-22 budget year. (Motion ADOPTED by a Roll Call Voice Vote.)

### **WATER TREATMENT PLANT – CALCIUM OXIDE BID 4171**

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

WHEREAS, sealed bids for Bid 4171 – 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 (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 \$147.00, for up to 1,000 tons of Calcium Oxide for a period of one year beginning July 1, 2021, at an annual amount of \$147,000.00, 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 by a Roll Call Voice Vote.)

### **WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT – FERRIC CHLORIDE BID 4171**

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

WHEREAS, in water and wastewater treatment operations, Ferric Chloride (FeCl<sub>3</sub>) is used as 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 4171 – 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 Operating Budgets; now therefore

RESOLVED, that the low bid submitted by Kemira Water Solutions, Inc. of Lawrence, KS, for the purchase and delivery of up to 200 tons of Ferric Chloride (FeCl<sub>3</sub>) for each of the Water and Wastewater Treatment Plants at a price per ton of \$574.00, for a period of one year beginning July 1, 2021, is hereby accepted and two purchase orders, each in the amount not to exceed \$114,800.00, 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 by a Roll Call Voice Vote.)

### **CONTRACT FOR DOWNTOWN PUBLIC WI-FI AND SOUND SYSTEM**

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

WHEREAS, sealed bids for City of Midland Bid 4148 – Downtown Proposal for public Wi-Fi, Sound System, and Security Cameras was advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, two proposals were received and considered; and

WHEREAS, staff considers the revised, integrated bid received from Town and Country Technologies of Midland, Michigan to be acceptable and recommends award of said bid; and

WHEREAS, the purchase will be made from funds budgeted for in both the 2020-21 and 2021-22 DDA budgets; now, therefore

RESOLVED, that a purchase order is hereby authorized to Town and Country Technologies of Midland, Michigan in the amount of \$107,212 for installation of a public Wi-Fi and sound system network in downtown Midland; and

RESOLVED FURTHER that the City Manager has the authority to approve any change orders modifying or altering this contract in an aggregate amount not to exceed \$10,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 8:10 p.m.

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Erica Armstrong, City Clerk