

October 11, 2021

A regular meeting of the City Council was held on Monday, October 11, 2021, 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 September 27, 2021 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED.)

ZONING PETITION NO. 633

Director of Planning and Community Development Grant Murschel presented information on Zoning Petition No. 633 rezoning property located at 2601 Washington Street from split zoning of OS Office Service and RC Regional Commercial zoning to zoning entirely of RC Regional Commercial subject to conditions offered by the petitioner. A public hearing opened at 7:25 p.m. Jon Lauderback, 715 E. Main Suite 110 commented representing the applicant and John Elsen, 6106 Sturgeon Creek Pkwy commented on the petition. The hearing was closed at 7:28 p.m. The following ordinance amendment was then offered by Councilman Wazbinski 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 RC REGIONAL COMMERCIAL ZONING DISTRICT, WITH CONDITIONS, WHERE SPLIT ZONING OF OS OFFICE SERVICE AND RC REGIONAL COMMERCIAL ZONING DISTRICTS PRESENTLY EXIST.

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:

BEGINNING 40 FEET WEST & 607.5 FEET NORTH OF THE CENTER OF SECTION 15, WEST 257.5 FEET, NORTH 187.5 FEET, EAST 257.5 FEET, SOUTH 187.5 FEET TO BEGINNING.

Be, and the same is hereby changed to RC Regional Commercial Zoning subject to the following conditions:

Excludes any use classified as the following under Table 21.1 of the City Zoning Ordinance:

- Automotive Use
- Light Industrial Use
- Public/Institutional Use
- Recreational/Entertainment Use
- The following Commercial Uses:
 - o Adult regulated uses
 - o Hotels, Motels

- Bar/lounge
- Self-serve laundries

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 upon publication. (Ordinance ADOPTED. YEAS: Brown Wilhelm, Donker, Hall, Wazbinski NAYS: Arnosky.)

WASHINGTON WOODS FY 2021-2022 BUDGET AMENDMENTS – EAST END CHILLER

Director of Planning and Community Development Grant Murschel presented information regarding the proposed amendments to the 2021-22 Washington Woods budget. A public hearing opened at 7:33 p.m., recognizing no public comments, the hearing closed at 7:34 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Hall:

WHEREAS, Washington Woods has been awarded generous grants from the Hemlock Semiconductor Community and Regional Empowerment (CARE) Fund for \$10,000 and the Midland Area Community Foundation for \$40,000 to assist in the replacement of the east side chiller; and

WHEREAS, the east side chiller at Washington Woods is over 30 years old and is currently being kept in service by emergency repairs and stopgap measures; and

WHEREAS, reliant cool and comfortable air within the senior living community is critical to the health of the residents and their visitors; and

WHEREAS, it is necessary to amend the fiscal year 2021-22 Washington Woods budget to include the increase of grant funding and to adjust expenditures accordingly for the capital project; and

WHEREAS, in accord with Section 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, October 11, 2021, consideration is needed on the proposal to amend the fiscal year 2021-22 Washington Woods budget; now therefore

RESOLVED, that the City Council graciously accepts the grants of \$10,000 from the Hemlock Semiconductor Community and Regional Empowerment (CARE) Fund and \$40,000 from the Midland Area Community Foundation; and

RESOLVED FURTHER, that the fiscal year 2021-22 Washington Woods budget is hereby amended by increasing revenues in the amount of \$50,000 and by increasing expenditures in the amount of \$50,000. (Motion ADOPTED.)

GENERAL FUND FY 2021-22 BUDGET AMENDMENT – TRIDGE MAINTENANCE

Director of Public Services Karen Murphy presented information on the proposed amendment to the General Fund Budget to recognize the grant from the Rollin M. Gerstacker Foundation for Tridge Maintenance. The public hearing opened at 7:36 p.m., recognizing no public comments, the hearing closed at 7:37 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, City Council accepted a generous grant of \$174,500 from the Rollin M. Gerstacker Foundation at their September 27, 2021 meeting for maintenance on the Tridge; and

WHEREAS, it is necessary to amend the FY 2021-22 General Fund budget to increase revenue and to allocate expenses in the Parks Capital Outlay to properly account for the recently awarded grant funds; and

WHEREAS, in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, October 11, 2021, on the proposal to amend the FY 2021-22 General Fund Budget to recognize the funds from the Rollin M. Gerstacker Foundation grant to do the maintenance work on the Tridge; now therefore

RESOLVED, that the FY 2021-22 General Fund Budget is hereby amended to increase revenues and expenditures by \$174,500 to recognize the funds received from the Rollin M. Gerstacker Foundation for maintenance on the Tridge. (Motion ADOPTED.)

PUBLIC COMMENT

John McComb, 5104 Nurmi Dr. commented regarding Sturgeon Creek and notification of the upcoming work session. Catherine VanBuren 5104 Nurmi Dr. commented regarding Sturgeon Creek. John Elsen, 6106 Sturgeon Creek Pkwy commented on his concerns regarding infrastructure and planning.

STURGEON CREEK AND COUNTY DRAIN CLEARING MAINTENANCE

Director of Wastewater Services Jared Driscoll presented the Sturgeon Creek and County Drain Clearing and Maintenance report. The following resolution was then offered by Councilman Hall and seconded by Councilman Wazbinski:

WHEREAS, City Council has directed City staff to review maintenance options for Sturgeon Creek, including the potential for mandatory maintenance standards for public and private property, and

WHEREAS, City staff have identified potential maintenance plans and obtained preliminary maintenance cost estimates that are beyond the current financial abilities of the City to complete, and

WHEREAS, further review and discussion is needed, with preliminary examination of options involving the Midland Business Alliance Infrastructure Task Force, Midland County and the United States Army Corps of Engineers underway, and

WHEREAS, further discussion is required to identify the potential need for amending our current Storm Water Ordinance to define the responsibility of private property owners as it pertains to drains within the City; and

WHEREAS, continued communication is needed between City Council and the County Drain Commissioner to determine how to proceed with costs, responsibility and maintenance of County drains within city limits; now therefore

RESOLVED, that City Council hereby receives and files the staff report on Sturgeon Creek and County Drain Clearing and Maintenance with the understanding that City Council discussion on this topic will continue at a City Council workshop currently being scheduled. (Motion ADOPTED.)

SAVANT INDUSTRIAL FACILITIES EXEMPTION EXTENSION

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

WHEREAS, the Midland City Council approved an application from Donecca Group LLC (Savant Inc.) on August 5, 2019, requesting an Industrial Facility Exemption for \$10,000,000 for real property investments located at 4705 Bay City Rd, Midland, MI 48642; and

WHEREAS, the State Tax Commission issued Industrial Facility Exemption certificate number 2019-077, to Donecca Group LLC (Savant Inc.) on October 14, 2019, in the amount of \$10,000,000 for real property investments and for a period of 12 years beginning December 31, 2019, and ending December 30, 2031; and

WHEREAS, a request was made Donecca Group LLC (Savant Inc.) to extend the completion period for Industrial Facility Exemption certificate number 2019-077 as construction of the new facility was halted in March of 2020 due to the Covid-19 global pandemic and is not projected to resume until March of 2022; and

WHEREAS, by statute a request for an extension of time for completion of a project, not to exceed one year, shall be filed with the local unit of government within the final year of the 2-year construction period; and

WHEREAS, the Industrial Facility Exemption certificate holder must request for an extension of time for the completion of a project with the State Tax Commission accompanied by a resolution of approval adopted by the local governmental unit; and
RESOLVED, that the City Council of the City of Midland hereby approves the extension of time for the completion of the project and revised ending date of the certificate to December 31, 2032. (Motion ADOPTED.)

CITY COUNCIL 2022 REGULAR MEETING DATES

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

RESOLVED, that regular meetings of the Midland City Council for the calendar year 2022 shall be held in the Council Chambers at the Midland City Hall, 333 W. Ellsworth Street, Midland, Michigan, telephone number 837-3300, at 7:00 p.m., on the following dates:

January 10 and 24	February 14 and 28
March 14 and 21	April 11 and 25
May 9 and 23	June 20 and 27
July 11 and 25	August 8 and 22
September 12 and 26	October 10 and 24
November 14 and 21	December 5 and 19

; and

RESOLVED FURTHER, that the City Clerk be and is hereby directed to cause a public notice of the foregoing regular dates and times for meetings and the place at which meetings are to be held by publishing a notice in the Midland Daily News, a newspaper of general circulation in the City of Midland; and

RESOLVED FURTHER, that public notice of each special meeting or each rescheduled regular or special meeting listed the date, time and place of each meeting shall be given by prominently posting a copy of the notice at the Midland City Hall at least twenty-four (24) hours prior to the time of such special or rescheduled meeting; and

RESOLVED FURTHER, that proposed minutes of a meeting will be available for public inspection during regular business hours, at the office of the City Clerk in the City Hall, 333 W. Ellsworth Street, Midland, Michigan, not more than eight (8) business days after said meeting and approved minutes of said meeting will be available for public inspection during regular business hours at the same location not more than five (5) business days after the meeting at which they are approved. (Motion ADOPTED.)

CABLE ACCESS ADVISORY COMMISSION ANNUAL REPORT

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

WHEREAS, the Cable Access Advisory Commission has submitted an annual report for fiscal year 2020/21 in accord with Article I of Chapter 15 of the Midland Code of Ordinances; and

WHEREAS, the Cable Access Advisory Commission has identified in the annual report activities that are in compliance with the duties defined in the ordinance; now therefore
RESOLVED, that the 2020/21 Annual Report of the Cable Access Advisory Commission be accepted. (Motion ADOPTED.)

TRAFFIC CONTROL ORDER S-21-04

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

WHEREAS, a public request for review of existing intersection control regulations along Bluebird Drive resulted in the implementation of Traffic Control Order No. S-21-04 filed July 28, 2021 based on review and recommendations from the City's traffic consulting engineer; and WHEREAS, Traffic Control Order No. S-21-04, pursuant to Chapter 24 of the Code of Ordinances has been in place for the required trial period with no adverse comments or issues; now therefore

RESOLVED, that Traffic Control Order No. S-21-04 filed July 28, 2021 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Bluebird Drive shall yield to Stony Creek Drive is hereby made permanent, and that previous Traffic Control Orders for stop control at this intersection be rescinded. (Motion ADOPTED.)

DOWNTOWN DEVELOPMENT AUTHORITY – RESIGNATION

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

RESOLVED, that the resignation of Sean Squires from the Downtown Development Authority (DDA) Board is hereby accepted and the Administration is directed to convey the Council's appreciation to Mr. Squires for his service on the DDA Board; and

RESOLVED FURTHER, that City staff is directed to disseminate information regarding the DDA Board vacancy. (Motion ADOPTED.)

4D SITE RENOVATION DESIGN AND CONSTRUCTION OVERSIGHT

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

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 for Phase I of the Poseyville South Riverfront restoration project; and

WHEREAS, the City of Midland will advance the project at this time to the implementation stage with the assistance of PMBlough, Inc. of Grand Haven, Michigan; and

WHEREAS, PMBlough, Inc. has submitted a proposal for design, bid and construction management oversight services not to exceed \$75,000 for Phase I of the project; 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 staff to approve and execute a contract with PMBlough, Inc. for Phase I of the project with a cost not to exceed \$75,000 for design, bid and construction management services. (Motion ADOPTED.)

SERVICE TRUCKS PURCHASE – WASTEWATER AND WATER

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

WHEREAS, competitive bids for light, medium and heavy duty trucks are solicited by Macomb County Contract #21-18 on a bi-annual basis and the City of Midland is authorized to make purchases from their cooperative purchasing program; and

WHEREAS, sufficient funding for the purchase of five service trucks is included in the FY 2021/22 Equipment Revolving Fund Capital Outlay account as replacements for five existing aging, high maintenance units utilized by the Water Department and the Wastewater Treatment Plant; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Macomb County's selected vendor, Signature Ford of Owosso, Michigan, in the amount of \$150,728.00 for the purchase of five light duty service trucks all in accordance with Macomb County Cooperative Purchasing Program's proposals and specifications. (Motion ADOPTED.)

CURRIE GOLF COURSE BUNKER REPLACEMENT

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

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, Currie Golf Course was inundated by flood waters and incurred significant damages to the bunkers that need restoration and repair; and

WHEREAS, sealed proposals were advertised, and received on Tuesday, October 5, 2021, in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4201, Currie Golf Course Bunker Restoration- Rebid; and

WHEREAS, City staff is recommending a contract be awarded to Pat's Gradall Services in the amount of \$393,488 for the restoration of all 49 golf course bunkers; now, therefore

RESOLVED, that the contract is hereby awarded to Pat's Gradall Services in the amount of \$393,488, and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders to this contract in an aggregate amount not to exceed \$15,000.00. (Motion ADOPTED.)

GOLF CART LEASE – CURRIE GOLF COURSE

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

WHEREAS, the City of Midland leases its golf carts and several other utility-type carts on a five-year lease that expires in the spring of 2022; and

WHEREAS, it is necessary to order golf carts in the fall to assure that they will be available for the spring golf season; and

WHEREAS, Indigo golf, on the City's behalf, has secured competitive pricing from the three major golf cart manufacturers (EZ-GO, Club Car, and Yamaha) with the low bid and manufacturer of choice being E-Z GO, whom Currie has used and has had a very favorable experience with for over 10 years; and

WHEREAS, the City separately obtained pricing for said golf carts from the purchasing consortiums that are available to the City and the 25% reduction from market pricing the City was able to obtain was not less favorable than the 45% reduction from market pricing that Indigo Golf was able to obtain; therefore, assuring the City that it has received favorable pricing; and

WHEREAS, on behalf of the City, Indigo golf has obtained competitive lease rates from TCF and Wells Fargo, and Wells Fargo provided the most favorable lease pricing; now therefore

RESOLVED, that City Council hereby accepts the pricing provided by EZ-GO for 82 golf carts, 1 utility cart, 1 range picker cart, and 2 beverage carts and authorizes the leasing of said carts on a five-year lease from Wells Fargo, the annual costs of which will be \$56,512.08; and

RESOLVED FURTHER, adequate funding exists in the 2021/21 Currie Golf Course Budget fund; and

RESOLVED FURTHER, that the City Manager is authorized to sign all related lease documents after the final review and approval of the City Attorney. (Motion ADOPTED.)

ENGINEERING SERVICES – STARK ROAD CULVERT AT STATE DRAIN

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the Engineering Services for the Stark Road Culvert Replacement at State Drain; and

WHEREAS, funding for this project is provided by the General Stormwater Fund; now therefore RESOLVED, that the low sealed proposal submitted by ROWE Professional Services Company of Mt. Pleasant, Michigan for the "Engineering Services – Stark Road Culvert Replacement at State Drain" project, in the amount of \$97,200.00, 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 \$10,000.00. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:18 p.m.

Erica Armstrong, City Clerk