

November 8, 2021

A regular meeting of the City Council was held on Monday, November 8, 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 October 18, 2021 regular meeting was offered by Councilman Arnosky and seconded by Councilman Wazbinski. (Motion ADOPTED.)

2021 CURRIE GOLF SEASON REVIEW

Assistant City Manager Dave Keenan introduced Nick Bednar, Vice President of Central Operations from Indigo Golf Partners who presented a review of the Currie Golf Course season.

ZONING PETITION NO. 635

Director of Planning and Community Development Grant Murschel presented information on Zoning Petition No. 635 property located at 411 W Indian Street from OS Office Service to D Downtown zoning. A public hearing opened at 7:34 p.m., hearing no public comments, the public hearing closed at 7:35 p.m. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

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 D DOWNTOWN ZONING DISTRICT WHERE AN OS OFFICE SERVICE ZONING DISTRICT 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:

LOTS 4, 5, & 6 BLK 4 RICHARDSON & MUSTARDS ADD LYING SWLY OF HWY BUS US-10 & BEG AT SW COR OF LOT 6 BLK 4 RICHARDSON & MUSTARDS ADD TH N 162.49 FT, TO S ROW LN OF US-10 BR TH NWLY 20.86 FT ALG S ROW LN TH SWLY 121.58 FT TO NW COR LOT 16 BLK 35 1/2 CARPENTER & HINES ADD TH SELY 112.5 FT ALG NELY LN OF LOTS 16 & 17 BLK 35 1/2 CARPENTER & HINES ADD TH SE 22.20 FT TO POB

Be, and the same is hereby changed to D Downtown zoning.

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. (Motion ADOPTED. YEAS: Brown Wilhelm, Donker, Wazbinski NAYS: Arnosky, Hall.)

INFORMATION SERVICES FUND BUDGET – DATA ENCRYPTION CONTRACT

Assistant City Manager David Keenan presented information on the 2021-2022 Information Services proposed budget amendment and related data encryption software purchase. A public hearing opened at 7:46 p.m., recognizing no public comments, the hearing closed at 7:47 p.m.

2021-22 INFORMATION SERVICES FUND BUDGET AMENDMENT

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

WHEREAS, in accord with Section 11.6 of the Charter of the City of Midland, a public hearing was conducted at 7:00 p.m., Monday, November 8, 2021, in the Council Chambers of City Hall, on the proposal to amend the 2021-22 Information Services Fund budget by increasing revenues and expenditures by \$51,000 to recognize additional system improvements for data encryption and Homeland Security Grant proceeds to fund the improvements; now therefore RESOLVED, that the City Council hereby approves amending the 2021-22 Information Services Fund budget to increase revenues and expenditures by \$51,000 to implement system improvements for data encryption and recognize Homeland Security Grant proceeds to fund the improvements. (Motion ADOPTED.)

DATA ENCRYPTION PURCHASE ORDER – INFORMATION SERVICES

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

WHEREAS, the City's datacenter runs on VMware server virtualization and the City desires to implement encryption of data at rest on all data servers and backups and has concluded that implementing VM encryption technology built into VMware is the best solution; and WHEREAS, VMware software licenses must be purchased to enable encryption for data-at-rest; and

WHEREAS, pricing was received from the State of Michigan Master Computing MiDEAL contract administered by CDW-Government; and

WHEREAS, sufficient funding exists in the Information Services Operations Fund to pay the 2021-22 expenditures; now therefore

RESOLVED, that the City Council hereby approves the purchase of VMware software licenses and authorizes the Accounting Manager to issue a purchase order to CDW-Government in the amount of \$50,511.84. (Motion ADOPTED.)

EQUIPMENT REVOLVING FUND BUDGET – WATER DISTRIBUTION

Director of Public Services Karen Murphy presented information on the proposed budget amendment. The public hearing opened at 7:55 p.m., recognizing no public comments, the hearing closed at 7:56 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

2021-22 EQUIPMENT REVOLVING FUND BUDGET AMENDMENT

The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, it is necessary to replace Unit 309, a tandem axle dump truck for Water Distribution, ahead of the originally scheduled replacement date; and

WHEREAS, funds in the amount of \$160,500 have been collected for the replacement of the truck and are available in the Equipment Revolving Fund's (ERF) fund balance; and

WHEREAS, it is necessary to amend the current fiscal year's budget to move the funds from the ERF's fund balance into the FY 2021-22 ERF Capital Outlay expenditure budget in order to move forward with the purchase of the truck; 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, November 8, 2021, on the proposal to amend the FY 2021-22 ERF Budget to increase capital expenditures by \$160,500 for the purchase of a tandem axle dump truck; now therefore RESOLVED, that the FY 2021-22 ERF Budget is hereby amended to increase expenditures by \$160,500 to allow for the purchase of a tandem axle dump truck as a replacement for an existing Water Distribution unit. (Motion ADOPTED.)

DUMP TRUCK PURCHASE ORDER – WATER DISTRIBUTION

The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, competitive bids for heavy and medium duty trucks are solicited by the State of Michigan's Extended Purchasing Program on a bi-annual basis and the City of Midland is authorized to make purchases from these cooperative purchasing programs; and

WHEREAS, competitive bids for heavy duty trucks and equipment were solicited by the City of Rochester Hills, Michigan on behalf of the City of Midland; and

WHEREAS, sufficient funding for the purchase of one tandem axle dump truck is included in the FY 2021-22 Equipment Revolving Fund Capital Outlay account as a replacement for Unit 309 used by the Water Distribution department; now therefore

RESOLVED, that the Accounting Manager is authorized to issue purchase orders to the State of Michigan's selected vendor, D&K Truck Company of Lansing, MI in the amount of \$88,382 for the purchase of one tandem axle dump truck chassis; and the City of Rochester Hills' selected vendor Truck & Trailer Specialties of Dutton, MI in the amount of \$64,450 for the purchase and installation of one stainless steel heated dump box all in accordance with the associated cooperative purchasing programs' proposals and specifications; and

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

PUBLIC COMMENT

No public comments were made.

2021 LOCAL OFFICERS' COMPENSATION COMMISSION DETERMINATIONS

City Clerk, Erica Armstrong introduced Local Officers' Compensation Commission Chairperson Roy Green who presented the filing of the 2021 LOCC Determinations. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Hall:

WHEREAS, in accord with Article IX of Chapter 2 of the Code of Ordinances, the Local Officers' Compensation Commission has duly met and approved its 2021 Local Officers' Compensation Commission Determinations; and

WHEREAS, said determinations were officially filed by the Chairman of the Local Officers' Compensation Commission in the Office of the City Clerk, 333 W. Ellsworth Street, Midland, Michigan on October 25, 2021; and

WHEREAS, in accord with Article IX of Chapter 2 of the Code of Ordinances, the determinations made by the Local Officers' Compensation Commission shall become effective on November 25, 2021 unless said determinations are rejected by a 4/5 vote of the City Council; now therefore

RESOLVED, that the City Clerk's notification of the filing of 2021 Determinations of the Local Officers' Compensation Commission of the City of Midland on October 25, 2021 is hereby acknowledged by the City Council as having been received; and
RESOLVED FURTHER, that the City Council hereby directs that an additional copy of the 2021 Determinations of the Local Officers' Compensation Commission be filed in the Governmental Center of the Grace A. Dow Memorial Library for public review; and
RESOLVED FURTHER, that the City Manager is hereby directed to place this item on the November 22, 2021 City Council agenda for the purpose of hearing any public comments prior to any action taken by the City Council. (Motion ADOPTED.)

2022-23 BUDGET SCHEDULE

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

RESOLVED, that the attached budget preparation schedule for the 2022-23 fiscal year is hereby received; and
RESOLVED FURTHER, that the City Manager shall set a special meeting of the City Council at a time yet to be determined in the Council Chambers of City Hall on Saturday, January 8, 2022, for the purpose of setting Council goals for the 2022-23 fiscal year; and
RESOLVED FURTHER, that the City Manager, at the regular meeting of the City Council at 7:00 p.m. in the Council Chambers of City Hall on Monday, January 10, 2022, shall adopt the goals for the 2022-23 fiscal year as established by City Council at the January 8, 2022, special meeting; and
RESOLVED FURTHER, that the City Manager, at the regular meeting of the City Council at 7:00 p.m. in the Council Chambers of City Hall on Monday, February 14, 2022, shall review the proposed Capital Improvement Plan and receive public input on the plan; and
RESOLVED FURTHER, that the City Manager shall set a special meeting of the City Council at 6:00 p.m. in the Council Chambers of City Hall on Monday, April 18, 2022, for the purpose of budget review; and
RESOLVED FURTHER, that a preliminary public hearing shall be conducted at the regular City Council meeting beginning at 7:00 p.m., Monday, April 25, 2022, in the Council Chambers of City Hall, on the proposed 2022-23 budget; and
RESOLVED FURTHER, that in accord with Section 11.4 of the Charter of the City of Midland, a public hearing shall be conducted at the regular City Council meeting on Monday, May 9, 2022, at 7:00 p.m., in the Council Chambers of City Hall on the proposed 2022-23 budget; and
RESOLVED FURTHER, that with respect to each meeting included herein the City Clerk shall give notice as provided by Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

TRAFFIC CONTROL ORDER NO. S-21-05

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

RESOLVED, that Traffic Control Order No. S-21-05 filed November 8, 2021 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That the current all-way stop control at the intersection of Chapel Ln. and Wanetah Dr. shall be changed to traffic along Wanetah Dr stopping for traffic along Chapel Ln. The existing stop signs along Chapel Ln. at this intersection shall be removed.

Further, should this traffic control order become permanent, that previous Traffic Control Orders for stop control at this intersection be rescinded. (Motion ADOPTED.)

PURCHASE ORDER INCREASE – LANDFILL – ENGINEERING AND REGULATORY COMPLIANCE SERVICES

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

WHEREAS, at the beginning of the fiscal year, staff administratively approved a purchase order of \$50,000 for engineering and regulatory support at the Landfill to be provided by CTI and Associates, Inc. of Novi, Michigan; and

WHEREAS, the Landfill Superintendent has since worked with CTI to determine the anticipated needs for the remainder of this fiscal year to continue utilizing CTI's contracted professional services to assist the Landfill with the provision of routine engineering and compliance support including responses to regulatory inquiries as well as assistance with cyclical permitting and reporting requirements; and

WHEREAS, staff recommends an additional \$50,000 be approved to provide funds for these engineering services through the end of the fiscal year and adequate funds are included in the FY 2021/22 Landfill operational budget for this purpose; now therefore

RESOLVED, that the Accounting Manager is authorized to increase PO # 2022-00000028 to CTI and Associates, Inc. of Novi, Michigan by \$50,000 bringing total purchase order amount to \$100,000 to cover engineering and compliance support at the Landfill through the end of FY 2021/22. (Motion ADOPTED.)

BID NO. 4194 – VALVE AND FLOW METER REPLACEMENTS – WATER TREATMENT PLANT

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

WHEREAS, process equipment, including valves and flow meters, installed at the Water Treatment Plant in 1958 no longer functions reliably; and

WHEREAS, staff has determined that replacing this critical equipment is in the best interests of the City; and

WHEREAS, sealed bids for Bid No. 4194, East Plant Valve and Flow Meter Replacement, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff has determined that the low bid submitted by John E. Green of Saginaw, MI, in the total amount of \$464,000.00 meets the City specifications and is acceptable; and
WHEREAS, the funds for this project are available in the 2021/22 Fiscal Water Fund budget; now therefore

RESOLVED, that the low bid is accepted and authorization is granted to the Mayor and City Clerk to execute the contract and issue a purchase order in an amount not to exceed \$464,000.00 to John E. Green of Saginaw, MI, for the replacement of valves and flow meters and associated work at the Water Treatment Plant; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND WASHINGTON WOODS BUDGET AND ACCEPT GRANT FOR EAST SIDE CHILLER PROJECT

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

WHEREAS, Washington Woods has been awarded generous grants from the Alden and Vada Dow Family Foundation 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 FY 2021-22 Washington Woods budget to include the increase of grant funding; now therefore
RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted on Monday, November 22, 2021, at 7:00 p.m. in the Council Chambers of City Hall for the purpose of considering the proposal to amend the 2021-22 Washington Woods budget by increasing revenues and expenditures by \$40,000 to recognize the grant received for the east side chiller replacement project. (Motion ADOPTED.)

CLOSED SESSION – ATTORNEY OPINION – CURRIE BRIDGE

The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Hall:

RESOLVED, that in accord with Section 8(h) of Public Act 267 of the Public Acts of the State of Michigan of 1976, as amended, and upon adoption of this resolution by at least four (4) affirmative votes of the City Council, the City Council shall immediately adjourn to a closed session to consider material exempt from discussion or disclosure by state or federal statute in connection with a written opinion issued by the City Attorney regarding the Currie Bridge as an Attorney-Client privilege document. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 8:45 p.m.

Erica Armstrong, City Clerk