

UNAPPROVED

August 22, 2005

A regular meeting of the City Council was held on Monday, August 22, 2005, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Black presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Drummond Black, Bruce Johnson, Hollis McKeag, James Myers,
Joseph Rokosz

Councilmen absent: None

MINUTES

Approval of the minutes of the August 8, 2005 regular meeting was offered by Councilman Myers and seconded by Councilman McKeag. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 19

Assistant City Manager Jon Lynch presented a request by Midland Church of Christ for a conditional use permit review and approval to allow operation of a place of worship at 1700 E. Patrick Road. A public hearing opened at 7:10 p.m., recognizing no public comments, the hearing closed at 7:10 p.m. The following resolution was then offered by Councilman McKeag and seconded by Councilman Myers:

WHEREAS, Midland Church of Christ has submitted a request for a conditional use permit review and approval to allow operation of a place of worship at 1700 East Patrick 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 of approval, 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 permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit 19, in accord with documents provided and submitted at the meeting of August 8, 2005. (Motion ADOPTED.)

MCKAY PRESS, INC. – IFT APPLICATION

City Assessor Reid Duford introduced a resolution for an Industrial Facilities Tax Exemption Certificate for McKay Press, Inc. relating to new facilities for both real and personal property. A public hearing opened at 7:12 p.m. McKay Press Controller Bob Smith spoke in favor of approving the application. Scott Walker, Midland Tomorrow Economic Development Manager, spoke in favor of the project. The public hearing closed at 7:18 p.m. The following resolution was then offered by Councilman Johnson and seconded by Councilman Myers:

WHEREAS, the Expanded McKay Industrial Development District No. 1 was established by resolution of the Midland City Council on May 8, 2000; and
WHEREAS, McKay Press, Inc. made an application dated July 13, 2005, which was received by the City Clerk on July 13, 2005, for an Industrial Facilities Tax Exemption Certificate relating to approval of a new facility within said District; and
WHEREAS, the application for the certificate is for approval of a new facility with the total project cost of \$2,500,000 which consists of both real and personal property with the real property component in the amount of \$500,000 to replace the roof on the existing building and the personal property component in the amount of \$2,000,000 for the purchase of a new sheet-fed commercial printing press with the same being located within the Expanded McKay Industrial Development District No. 1; and
WHEREAS, the City Council, by written notice, afforded the applicant, the City Assessor, and representatives of each affected taxing unit an opportunity for a hearing on August 22, 2005, as

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required by Public Act 198 of Public Acts of the State of Michigan of 1974, as amended, and has given due consideration to all information presented; and

WHEREAS, the application appears to comply with the requirements set forth in Section 9 of said statute, as amended, in that the proposed facility is located within an industrial development district or an industrial rehabilitation district that was duly established within the City of Midland with the City of Midland being eligible under said statute to establish such a district and with the district having been established upon a request before the commencement of the restoration, replacement or construction of the facility described herein; that the commencement of this project did not occur earlier than six months before the filing of the application for the industrial facilities exemption certificate, that the application relates to a construction, restoration or replacement program that when completed constitutes a new or replacement facility within the meaning of said statute and is situated within a previously established industrial development district or an industrial plant rehabilitation district that was established in the City of Midland which was itself eligible under the statute to establish the district; that completion of the facility is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to create employment, retain employment, prevent a loss of employment or produce energy in the community; now therefore

RESOLVED, that the City Council of the City of Midland finds and determines that the granting of the industrial facilities tax exemption certificate requested by McKay Press, Inc. considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the City of Midland or impairing the financial soundness of any other taxing unit which levies an ad valorem property tax in the City of Midland; and

RESOLVED FURTHER, that said application for an Industrial Facilities Tax Exemption certificate from McKay Press, Inc. for new facility approval within the Industrial Development District be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2017; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the Public Act 198 Agreement submitted between the City and McKay Press, Inc. pursuant to P.A. 334 of Public Acts of the State of Michigan of 1993. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

ORDINANCE AMENDMENT – ATTENDANCE POLICY FOR BOARDS AND COMMISSIONS

City Attorney James O. Branson, III presented information on the first reading of an amendment to the Midland Code of Ordinances to exempt the Downtown Development Authority from the attendance policy for members of boards and commissions. Introduction and first reading of the following ordinance amending Sec. 2-243 of Article XI of Chapter 2 to exempt the DDA from the attendance policy for members of boards and commissions was then offered by Councilman McKeag and seconded by Councilman Myers:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 2-243 OF ARTICLE XI OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Sec. 2-243 is hereby amended to read as follows.

Sec. 2-243. Regular attendance by members of boards and commissions.

The position of a member of any board or commission established by the Charter or the Code of Ordinances of the city that meets more often than quarterly shall be considered vacant if such members shall miss four (4) consecutive, regular held meetings of the board or commission. Notwithstanding the foregoing, the position of a member of any board or commission established by the Charter or Code of Ordinances

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of the city shall be considered vacant if such member shall miss more than twenty-five (25) percent of regular meetings scheduled in any fiscal year.

EXCEPTION: THE DOWNTOWN DEVELOPMENT AUTHORITY SHALL BE EXEMPT FROM THIS SECTION.

Section 2. This ordinance shall take effect upon publication.

(Motion ADOPTED. Considered first reading.)

REPORT ON POTENTIAL USE OF CIVIC ARENA

Assistant City Manager Jon Lynch presented a report on the potential used of the Midland Civic Arena. Fay Wood, 3502 Bay City Road, spoke regarding the need to advertise use of this facility outside of Midland. The following resolution was then offered by Councilman Johnson and seconded by Councilman Myers:

RESOLVED, that the Midland City Council hereby receives and files a report on the potential use of the Midland Civic Arena. (Motion ADOPTED.)

ANNEXATION – CORNER OF JEFFERSON AND JULIE ANN DRIVE FROM LARKIN TWP

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

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

PART OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 34, T15N, R2E, LARKIN TOWNSHIP, MIDLAND COUNTY, STATE OF MICHIGAN, DESCRIBED AS: BEGINNING NORTH 00D 04M 12S EAST, ALONG THE WEST SECTION LINE, 659.98 FEET FROM THE WEST ¼ CORNER OF SAID SECTION 34; THENCE CONTINUING NORTH 00D 04M 12S EAST, ALONG SAID WEST SECTION LINE, 312.50 FEET TO THE SOUTHWEST CORNER OF ASSESSOR'S PLAT OF JULIE ANN ESTATES, AS RECORDED IN LIBER L OF PLATS ON PAGES 26 AND 27, MIDLAND COUNTY, MICHIGAN PUBLIC RECORDS; THENCE SOUTH 89D 27M 52S EAST, ALONG THE SOUTH LINE OF JULIE ANN DRIVE, SAID ASSESSOR'S PLAT OF JULIE ANN ESTATES, 186.26 FEET; THENCE SOUTH 00D 04M 12S WEST, 312.50 FEET; THENCE NORTH 89D 27M 52S WEST, 186.26 FEET BACK TO THE PLACE OF BEGINNING.

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 the Township of Larkin by the property owners which 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 the Township of Larkin; 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.)

SALE OF GENERAL OBLIGATION UNLIMITED TAX REFUNDING BONDS, SERIES 2005

Fiscal Services Director David Keenan presented a resolution regarding the sale of general obligation unlimited tax refunding bonds, Series 2005 for the purpose of refinancing general obligation unlimited tax bonds series 2001 and paying all issue costs associated with the refunding. The following resolution was then offered by Councilman McKeag and seconded by Councilman Myers:

WHEREAS, by resolution adopted on July 11, 2005 (the "Bond Resolution") the City authorized its not to exceed \$11,000,000 General Obligation Unlimited Tax Refunding Bonds,

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Series 2005 (the "Bonds"), for the purpose of refunding all or a portion of the City's General Obligation Unlimited Tax Bonds, Series 2001, dated as of April 1, 2001 (the "Prior Bonds"); and WHEREAS, the City has received an offer to purchase the Bonds from Chemical Bank and Trust Company (hereinafter the "Purchaser"), and has determined that it is in the best interests of the City to accept the offer.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The offer of the Purchaser as set forth in the proposed bond purchase agreement (the "Bond Purchase Agreement") presented to this Council to purchase the Bonds in the principal amount and at a purchase price as set forth in the Bond Purchase Agreement plus accrued interest, if any, is hereby accepted and the execution of the Bond Purchase Agreement by City Manager be and is hereby ratified and confirmed. The City Manager is authorized and directed to deliver the Bond Purchase Agreement on behalf of the City.

2. The Bonds shall be dated as of the date of their delivery, shall be of the principal amount, shall be designated City of Midland General Obligation Unlimited Tax Refunding Bonds, Series 2005, and shall mature on May 1st of each year and bear interest as shown on Exhibit A to the Bond Purchase Agreement. The Bonds of this issue shall be subject to redemption prior to maturity as set forth in the Bond Purchase Agreement.

3. Chemical Bank and Trust Company, Midland, Michigan is hereby approved as "Transfer Agent" for the Bonds, and Standard Federal Bank is hereby approved to act as "Escrow Agent" under the agreements by and between the City and said banks.

4. Upon delivery of the Bonds the accrued interest, if any, shall be deposited in the Debt Retirement Fund for the Bonds and the balance shall be used as follows. In accordance with closing instructions to be provided by the City's financial advisor certain of the Bond proceeds shall be used to pay the costs of issuance of the Bonds including legal fees, financial advisor fees, verification fees, transfer agent fees, rating fees and other costs associated with the issuance of the Bonds. The remaining bond proceeds together with the sufficient sums from funds lawfully available therefor shall be paid to the Escrow Agent pursuant to the Escrow Agreement and held by it as cash to be used to redeem the Prior Bonds as provided in the Bond Purchase Agreement. In the event said sums are insufficient for this purpose the City shall pay over to the transfer agent for the Prior Bonds such sums as are necessary to refund the Prior Bonds. Any balance of the proceeds of the Bonds remaining shall be deposited in the Debt Retirement Fund established for the Bonds. The providing of notice of redemption by the transfer agent for the prior bonds be and is hereby ratified and confirmed. The Mayor and City Clerk are each directed to execute and deliver the Escrow Agreement in behalf of the City substantially in the form as presented to this Council.

5. The officers, agents and employees of the City are authorized to take all other actions necessary and convenient to facilitate sale of the Bonds including the execution of any certificate or document necessary to effect the transactions contemplated hereby including any certificate or document necessary to effectuate the purchase of a policy of bond insurance to insure the Bonds. The City Manager be and hereby is authorized to file a waiver for ratings with the Michigan Department of Treasury. The Mayor and City Clerk be and are hereby authorized to execute the Bonds and deliver the Bonds to the Purchaser in exchange for the purchase price respecting the Bonds.

6. The official statements relating to the Bonds and the distribution thereof be and are hereby ratified and approved.

7. All prior resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded. (Motion ADOPTED.)

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QUARTERLY FINANCIAL STATEMENTS FOR QUARTER ENDING JUNE 30, 2005

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

RESOLVED, that the quarterly operating statements of the City of Midland, for the quarter ended June 30, 2005, are hereby acknowledged as being received by the Midland City Council on this date, and are ordered placed on file for public examination. (Motion ADOPTED.)

SURPLUS EQUIPMENT AUCTION

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

RESOLVED, that the City Manager is hereby authorized to sell the surplus city equipment itemized on the "2005 Auction List" attached, along with additional items identified by City Staff, as provided by Sections 2-23 and 2-24 of the Midland Code of Ordinances; and
RESOLVED FURTHER, that the Purchasing Agent is hereby authorized to conduct an auction to sell the surplus equipment at the Municipal Service Center on Saturday, September 10, 2005. (Motion ADOPTED.)

CITY HALL ROOF REPLACEMENT

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, the City Hall building was constructed in 1988 and the original roof system has come to the end of its useful life and the City Council approved a budget in the City Hall Capital Outlay account for its replacement in the amount of \$80,000 for the current fiscal year; and
WHEREAS, bids were received in accord with City Ordinance Section 2-18 for the replacement of a new rubber roof system; now therefore
RESOLVED, that City Council awards the bid for roof replacement to Bri-Car Roofing as the lowest, compliant bidder in the amount of \$52,725 and authorizes the Mayor and City Clerk to sign the contract to accept Bri-Car's bid; 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. (Motion ADOPTED.)

2005 ASHMAN FORCEMAIN SEWER

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the installation of a sanitary forcemain sewer along East Ashman Street from Highway US-10 to 600 feet west; and
WHEREAS, funding for this project is provided by the Landfill Fund; now therefore
RESOLVED, that the low sealed proposal submitted by Sterling Excavation, Inc. of West Branch, Michigan, for the "2005 Ashman Forcemain Sewer; Contract No. 12", in the indicated amount of \$40,552.20, based upon City estimated quantities 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 any change orders modifying or altering this contract in an aggregate amount up to \$20,000. (Motion ADOPTED.)

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THREE MOWERS AND ONE TRACTOR PURCHASE

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of two John Deere #1435 mowers, one John Deere #1545 mower, and one John Deere #5325 tractor, with trade-ins, Bid No. 2889; and WHEREAS, funding for the mowers and tractor is included in the 2005-06 Equipment Revolving Fund budget for Capital Outlay, Equipment; now therefore

RESOLVED, that the Purchasing Agent is authorized to issue a purchase order to D & G Equipment of Corunna, Michigan in the net amount of \$42,419.51 for the purchase of two John Deere #1435 mowers and one John Deere #5325 tractor, including trade-in of city equipment numbers 4-06, 4-07 and 4-83; and to Bader Brothers of Saginaw, Michigan in the net amount of \$16,979.00 for the purchase of one John Deere #1545 mower, including trade-in of city equipment number 4-08, in accordance with the proposal and city specifications. (Motion ADOPTED.)

TORO GROUNDSMASTER 580-D MOWER PURCHASE

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, bids for grounds keeping equipment are solicited by the State of Michigan and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding for the purchase of a Toro Groundsmaster 580-D mower is included in the 2005-06 Equipment Revolving Fund for Capital Outlay, Equipment; now therefore

RESOLVED, that the Purchasing Agent is authorized to issue a purchase order to the State of Michigan's selected vendor, Spartan Distributors, Inc. of Sparta, Michigan in the amount of \$64,688.20 for the purchase of a Toro Groundsmaster 580-D mower, all in accordance with the State of Michigan Extended Purchasing Program proposal and specifications. (Motion ADOPTED.)

CIVIC ARENA ELEVATOR – CHANGE ORDER

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, on August 9, 2004, City Council approved a project budget of \$9,820,000 for the Midland Civic Arena; and

WHEREAS, it has become apparent in the construction process that the mezzanine level of the arena offers potential space for public gathering; and

WHEREAS, the Americans with Disabilities Act requires an elevator for second floor public gathering spaces; and

WHEREAS, Three Rivers Corporation, the general contractor, has presented pricing of \$52, 400 for the elevator; and

WHEREAS, increasing the budget will not exceed total funds available for the project; now therefore

RESOLVED, that the budget for the project is increased to \$9,872,400; and

RESOLVED FURTHER, that the Director of Public Services is authorized to execute a change order with Three Rivers Corporation to increase their contract by \$52,400. (Motion ADOPTED.)

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FINAL STAGE CLARIFIER DESIGN & CONSTRUCTION DOCUMENT PROPOSAL-WWTP

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, the City of Midland Wastewater Treatment Plant (WWTP) utilizes two final stage clarifiers which are designed to remove sediment and particulate matter from the influent prior to disinfection; and

WHEREAS, since the clarifiers were constructed, Michigan Department of Environmental Quality has required stricter discharge limits in our operating permit, and today, during peak wet weather events, it is becoming increasingly difficult to manage the effluent from the clarifiers to meet these new limitations; and

WHEREAS, in late 2004 Wastewater staff retained Hubbell, Roth and Clark (HRC) of Bloomfield Hills, Michigan to evaluate alternative configurations of the feed and discharge systems associated with the clarifier tanks and develop an estimate of cost for the recommended work; and

WHEREAS, staff has reviewed the alternative recommendation and preliminary design from HRC and concurs with their findings, and now requests that bids be waived for engineering services as impractical and authorization be given to HRC to provide the design and construction bid documents associated with this project on a time and material basis, not to exceed \$27,000.00; and

WHEREAS, funding is provided in the 2005/06 fiscal Wastewater Fund account # 590-9120-912.97-65 - Construction Projects; now therefore

RESOLVED, that in accord with Code Section 2-18, the requirement for sealed competitive proposals is hereby waived as impractical, and a purchase order is authorized to Hubbell, Roth and Clark in an amount not to exceed \$27,000.00 for the design and construction bid documents associated the Wastewater Treatment Plant's two final stage clarifiers. (Motion ADOPTED.)

STORM SEWER PIPE - LANDFILL

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, the City of Midland Landfill is upgrading its storm water management system to reduce maintenance, improve storm water flow and site appearance, and minimize soil erosion and sedimentation, and will be accomplished in part through the replacement of six feet deep open ditches with approximately 1,020 lineal feet of 36 inch diameter HDPE plastic culvert pipe and pipe end fittings; and

WHEREAS, sealed bids for Landfill Storm Sewer Pipe, Bid No. 2885, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff has reviewed the bid proposals and determined that the low bid of \$27,089.80 submitted by Blue Badger Corporation of Mt. Pleasant will meet the City's needs; and

WHEREAS, sufficient funds are available in Landfill Fund capital account #517-9120-912-97.65 – Construction Projects; now therefore

RESOLVED, that the low bid from Blue Badger Corporation for 36 inch diameter HDPE plastic culvert pipe and pipe end fittings is hereby accepted, and a purchase order in the amount of \$27,089.80 is authorized; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to said purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

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ASPHALT WORK - LANDFILL

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, in spring 2005 staff communicated to City Council the need for an improved residential waste drop-off area and an expansion to the existing compost pad at the Landfill; and WHEREAS, sealed bids for the Landfill Asphalt Paving, Bid No. 2887, have been advertised and received in accord with section 2-18 of the Midland Code of Ordinances; and WHEREAS, the Utilities staff has reported sufficient funds are available in Landfill Fund account #517-9120-912-97.65 – Construction Projects; now therefore RESOLVED, that the low bid proposal submitted by Central Asphalt, Inc. of Mt. Pleasant in the amount of \$107,499.76 is accepted and a purchase order is hereby authorized; and RESOLVED FURTHER, that the City Manager is authorized to approve changes to said purchase order in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

CONCRETE WORK - LANDFILL

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, in spring 2005 staff communicated to City Council the need for an improved residential drop off area where residents driving their personal vehicles may conveniently and safely dispose of household waste; and WHEREAS, concrete paving will be performed in the recessed area used by a Landfill truck to load and unload the dumpsters at the drop-off area, and reinforced concrete retaining walls will be constructed to contain the soil fill under the elevated asphalt area; and WHEREAS, concrete paving and a reinforced concrete retaining wall will also be constructed for a scrap metal and tire disposal pad adjacent to the drop-off area; and WHEREAS, sealed bids for Landfill Concrete Paving, Bid No. 2888, have been advertised and received in accord with section 2-18 of the Midland Code of Ordinances; and WHEREAS, sufficient funds are available in Landfill Fund account #517-9120-912-97.65 - Construction Projects; now therefore RESOLVED, that the low bid submitted in the total amount of \$115,966.00 by Central Concrete Placement of Midland is accepted and a purchase order in that amount is hereby authorized; and RESOLVED FURTHER, that the City Manager is authorized to approve changes to said purchase order in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

JANITORIAL SERVICES – WATER TREATMENT PLANT

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

WHEREAS, the Water Treatment Plant (WTP) has over 100,000 square feet of floor space that is cleaned and maintained, including open and treatment areas of the plant, office spaces, the laboratory, shop area, locker rooms, and restrooms; and WHEREAS, for the past twelve years WTP staff have been pleased with the reliability, commitment, and cost effective service that The Arnold Center of Midland special needs employees have provided, and would like to continue that business relationship; and WHEREAS, The Arnold Center honored its 2003/04 monthly rate of \$1,944.00 (\$23,328.00 annualized) for two years and is now requesting a 4% increase for fiscal 2005/06 to bring the new monthly rate to \$2,022.00 (\$24,264.00 annualized); and WHEREAS, funds are available for said purpose in the 2005/06 Water Fund account #591-8272-821.93-04 - Repairs and Maintenance / Janitorial Service; now therefore

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RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived, and a purchase order is authorized for the Arnold Center of Midland in an amount not to exceed \$24,264.00. (Motion ADOPTED.)

MIDLAND MUNICIPAL SUPERVISORY EMPLOYEES ASSOC. LABOR AGREEMENT

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and the Midland Municipal Supervisory Employees Association for labor contract changes effective July 1, 2005 and expiring June 30, 2011; and RESOLVED FURTHER, that the Director of Fiscal Services is hereby authorized to make appropriate transfers and modifications in the budget to implement the wage and benefits changes identified in the contract. (Motion ADOPTED.)

ZONING PETITION NO. 522

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 12, 2005, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on August 26, 2005 and to publish said notice on August 27, 2005.

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 ERRECTED 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 RESIDENTIAL A-4 ZONING WHERE A TOWNSHIP ZONING DISTRICT PRESENTLY EXISTS.

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:

SEC 11 T14N R2E COM 1320 FT W & 396 FT S OF NE SEC COR, TH E 395 FT, S 120 FT, W 395 FT, N 120 FT.

be, and the same is hereby changed to Residential A-4.

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. Considered first reading.)

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ZONING PETITION NO. 523

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 12, 2005, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on August 26, 2005 and to publish said notice on August 27, 2005.

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 RESIDENTIAL A-4 ZONING WHERE A RESIDENTIAL A-1 ZONING DISTRICT PRESENTLY EXISTS.

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:

COMMENCING AT A POINT ON THE NORTH LINE 1080.27 FEET EAST OF THE NORTH ¼ CORNER OF SECTION 11, T14N R2E; THENCE CONTINUING ALONG SAID NORTH SECTION LINE 231.0 FEET TO THE EAST 1/8 CORNER OF SAID SECTION 11; THENCE SOUTH ALONG THE EAST 1/8 LINE OF SAID SECTION 11, 429.0 FEET; THENCE WEST PARALLEL TO SAID NORTH LINE OF SECTION 11, 231.0 FEET; THENCE NORTH PARALLEL TO SAID EAST 1/8 LINE, 429.0 FEET TO THE NORTH SECTION LINE AND PLACE OF BEGINNING, BEING A PART OF THE NW ¼ OF THE NE ¼ OF SECTION 11, T14N R2E AND COMMENCING AT A POINT ON THE NORTH LINE AND 964.77 FEET EAST OF THE NORTH ¼ CORNER OF SECTION 11, T14N R2E, MIDLAND TOWNSHIP, MIDLAND COUNTY, MICHIGAN; THENCE SOUTH PARALLEL TO THE EAST 1/8 LINE OF SAID SECTION 11, 429.0 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 11, 115.5 FEET; THENCE NORTH PARALLEL TO SAID EAST 1/8 LINE 429.0 FEET TO THE NORTH LINE OF THE SECTION; THENCE WEST ALONG THE SECTION LINE 115.5 FEET TO THE PLACE OF BEGINNING.

be, and the same is hereby changed to Residential A-4.

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. Considered first reading.)

CONDITIONAL USE PERMIT NO. 20

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

UNAPPROVED

WHEREAS, Faulk & Foster has submitted a request for a conditional use permit review and approval to allow cellular antenna collocation on an existing tower at 1730 North Saginaw 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 of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 12, 2005, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on September 2, 2005 and to publish said notice on September 3, 2005. (Motion ADOPTED.)

PROPOSED 2005-06 BUDGET AMENDMENT

The following resolution was offered by Councilman Myers and seconded by Councilman McKeag:

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, September 12, 2005, in the Council Chambers of City Hall on the proposal to amend the budgets of the General Fund, Major Street Fund, Local Street Fund, Storm Water Management Fund, Grace A. Dow Memorial Library Fund, Cable Communications Fund, Downtown Development Authority Fund, and Transportation Fund for the 2005-2006 fiscal year and to amend the financial working plans of the Landfill Fund, Washington Woods Fund, Riverside Place Fund, Wastewater Fund, Water Fund, Data Processing Operations Fund, Equipment Revolving Fund, and Service Center Rental Fund for the 2005-2006 fiscal year in order to provide funding for June 30, 2005 encumbrances. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:18 p.m.

Selina Tisdale, City Clerk

UNAPPROVED

August 29, 2005

A special meeting of the City Council was held on Monday, August 29, 2005, at 3:00 p.m. in the Council Chambers in City Hall. Mayor Black presided.

Councilmen present: Drummond Black, Bruce Johnson, Hollis McKeag, James Myers,
Joseph Rokosz

Councilmen absent: None

CLOSED SESSION

The following resolution was offered by Councilman McKeag and seconded by Councilman Myers:

RESOLVED, that in accord with Sections 8(d), and 8(e) 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 affirmative votes of the City Council, the City Council shall immediately adjourn to a closed session to consider the purchase of real property, and to consult with the City Attorney on pending litigation. (Motion adopted by a Roll Call Vote.)

Being no further business the meeting adjourned to a closed session at 3:05 p.m.

Selina Tisdale, City Clerk