

UNAPPROVED

May 22, 2006

A regular meeting of the City Council was held on Monday, May 22, 2006, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Johnson presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Bruce Johnson, Hollis McKeag, James Myers, Joseph Rokosz
Councilmen absent: None

MINUTES

Approval of the minutes of the May 8, 2006 regular meeting was offered by Councilman McKeag and seconded by Councilman Myers. (Motion ADOPTED.)

2006 MAKE MIDLAND BEAUTIFUL ART CELEBRATION - POSTERS

Administrative Assistant for Public Services Jan Yuergens introduced the 2006 Make Midland Beautiful Art Celebration Co-chair Maureen Donker and Bernadette VanSlyck, who recognized 23 elementary and middle school children for outstanding work in creating posters for the 2006 Make Midland Beautiful Art Celebration. The following resolution was then offered by Councilman Myers and seconded by Councilman Rokosz:

RESOLVED, that the City Council hereby recognizes 23 elementary and middle school children for outstanding work in creating posters for the 2006 Make Midland Beautiful Art Celebration. (Motion ADOPTED.)

MIDLAND TOMORROW ANNUAL REPORT

Assistant City Manager Jack Duso introduced Scott Walker, Midland Tomorrow Executive Director, who presented the Midland Tomorrow Annual Report for 2005 and 1st Quarter 2006. The following resolution was then offered by Councilman Myers and seconded by Councilman Rokosz:

RESOLVED, that the City Council hereby receives and files the Midland Tomorrow 2005 Annual Report and the 1st Quarter 2006 Report. (Motion ADOPTED.)

SAFETY PROGRAM PROGRESS REPORT

Employee Health and Safety Manager Gussie Peterson presented the City Safety Program Progress Report. The following resolution was then offered by Councilman McKeag and seconded by Councilman Rokosz:

RESOLVED, that the attached status report on the City safety program is hereby accepted and ordered placed on file in the Office of the City Clerk. (Motion ADOPTED.)

2006-07 BUDGET

Fiscal Services Director David Keenan introduced the final public hearing and budget adoption for the 2006-07 proposed City budget. A public hearing opened at 8:48 p.m. Judy Kuehl, 1204 Marriet Court, thanked Council for the one-year funding of MCTV. Larry Pillepich, 3602 McKeith Street, spoke in opposition to the City's budget subsidy of the cable communications fund. The public hearing closed at 9:04 p.m. The following resolution was then offered by Councilman McKeag and seconded by Councilman Myers:

WHEREAS, a public hearing on the 2006-2007 budget was held on Monday, May 22, 2006, at 7:00 p.m., in accord with Section 11.4 of the Charter of the City of Midland and State of Michigan Act 5, Public Acts of 1982, as amended; and

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WHEREAS, MCL 211.44 permits local governments which administer property taxes to impose a Property Tax Administration Fee not to exceed one percent (1%) on taxes payable before February 15 of the succeeding year; and

WHEREAS, Section 12.17 of the Charter of the City of Midland requires the City Treasurer to add a four percent (4%) collection fee to all City taxes paid after the 15th day of September; and

WHEREAS, pursuant to MCL 211.44, as amended, the governing body must approve by resolution or ordinance an authorization for the imposition of a property tax administration fee, collection fee or any type of late penalty charge; and

WHEREAS, it is the desire of the governing body of the City of Midland to authorize the imposition of a one percent (1%) tax administration fee and a four percent (4%) late penalty collection fee to all applicable taxes levied by all taxing units and payable to the City of Midland; and

WHEREAS, the taxable value of real and personal property in the City of Midland has been determined to be \$2,509,918,600 plus \$52,174,500 of value on the Industrial Facilities Tax Roll; now therefore

RESOLVED, that the budget of the City of Midland for the fiscal year beginning July 1, 2006 and ending June 30, 2007 is hereby determined and adopted as follows:

GENERAL FUND

Sources of Funds:

Taxes	\$31,332,070
Intergovernmental	3,508,677
Other revenues	<u>4,984,196</u>
Total Sources of Funds	<u>\$39,824,943</u>

Appropriations:

General programs	\$31,951,212
Capital improvement	717,724
Transfers to other funds	4,954,201
Contingencies	350,000
Fund balance	<u>1,851,806</u>
Total Appropriations	<u>\$39,824,943</u>

MAJOR STREET FUND

Sources of Funds:

State gas and weight tax	\$3,131,000
Other revenues	281,452
Transfer from other funds	721,000
Fund balance	<u>530,810</u>
Total Sources of Funds	<u>\$4,664,262</u>

Appropriations:

Street maintenance	\$ 1,490,596
Street construction	2,416,000
Transfers to other funds	737,666
Contingencies	<u>20,000</u>
Total Appropriations	<u>\$ 4,664,262</u>

LOCAL STREET FUND

Sources of Funds:

State gas and weight tax	\$ 775,000
Other revenues	45,000
Transfers from other funds	1,275,000
Fund balance	<u>128,419</u>
Total Sources of Funds	<u>\$ 2,223,419</u>

Appropriations:

Street maintenance	\$ 1,132,312
Street construction	853,000

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Transfers to other funds	218,107
Contingencies	20,000
Total Appropriations	<u>\$ 2,223,419</u>
STORMWATER MANAGEMENT FUND	
Sources of Funds:	
Transfer from other funds	\$ 476,545
Other revenues	43,000
Fund balance	220,301
Total Sources of Funds	<u>\$739,846</u>
Appropriations:	
Storm sewer maintenance	\$ 684,846
Construction	30,000
Contingencies	25,000
Total Appropriations	<u>\$739,846</u>
GRACE A. DOW LIBRARY FUND	
Sources of Funds:	
Operating revenues	\$ 407,355
State funds	50,000
Other revenues	351,266
Transfers from other funds	3,160,179
Total Sources of Funds	<u>\$ 3,968,800</u>
Appropriations:	
Operating expenditures	\$ 3,877,300
Capital expenditures	91,500
Total Appropriations	<u>\$ 3,968,800</u>
COMMUNITY DEVELOPMENT BLOCK GRANT FUND	
Sources of Funds:	
Federal grants	\$ 812,065
Program income	85,000
Total Sources of Funds	<u>\$ 897,065</u>
Appropriations:	
Residential home rehabs	\$ 163,422
Other expenditures	547,200
Contingencies	9,800
Fund balance	176,643
Total Appropriations	<u>\$ 897,065</u>
CABLE COMMUNICATIONS FUND	
Sources of Funds:	
Operating revenues	\$ 450,500
Other revenues	1,200
Transfers from other funds	106,100
Total Sources of Funds	<u>\$ 557,800</u>
Appropriations:	
Operating expenditures	\$ 502,861
Capital expenditures	3,000
Contingencies	12,000
Fund balance	39,939
Total Appropriations	<u>\$ 557,800</u>
DOWNTOWN DEVELOPMENT AUTHORITY FUND	
Sources of Funds:	
Property taxes	\$ 360,262
Other revenues	59,500
Fund balance	<u>402,508</u>

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Total Sources of Funds	<u>\$ 822,270</u>
Appropriations:	
Operating expenditures	\$ 315,738
Transfers to other funds	123,975
Capital expenditures	370,000
Contingencies	<u>12,557</u>
Total Appropriations	<u>\$ 822,270</u>
TRANSPORTATION (DIAL-A-RIDE) FUND	
Sources of Funds:	
Operating revenues	\$ 1,600,214
Transfers from other funds	<u>635,989</u>
Total Sources of Funds	<u>\$ 2,236,203</u>
Appropriations:	
Operating expenses	\$ 1,479,274
Other expenses	78,000
Capital expenses	668,929
Contingencies	<u>10,000</u>
Total Appropriations	<u>\$ 2,236,203</u>
SPECIAL ACTIVITIES FUND	
Sources of Funds:	
Contributions and other	<u>\$ 37,640</u>
Appropriations:	
Other expenditures	\$ 31,640
Transfers to other funds	5,000
Fund balance	<u>1,000</u>
Total Appropriations	<u>\$ 37,640</u>
HOUSING FUND	
Sources of Funds:	
Sale of assets and other	<u>\$ 122,500</u>
Appropriations:	
Cost of assets sold & other	\$ 82,000
Fund balance	<u>40,500</u>
Total Appropriations	<u>\$ 122,500</u>
DEBT SERVICE FUND	
Sources of Funds:	
Property taxes	\$ 593,043
Transfer from other funds	194,161
Fund balance	<u>26,505</u>
Total Sources of Funds	<u>\$ 813,709</u>
Appropriations:	
Transfer to Wastewater Fund	<u>\$ 813,709</u>
DDA DEBT SERVICE FUND	
Sources of Funds:	
Transfers from other funds	<u>\$ 83,975</u>
Appropriations:	
Bond principal	\$ 75,000
Bond interest & other	<u>8,975</u>
Total Appropriations	<u>\$ 83,975</u>
CIVIC ARENA FUND	
Sources of Funds:	
Operating revenue	\$ 1,023,600
Other revenue	945,000

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Transfers from other funds	200,000
Working capital	69,485
Total Sources of Funds	<u>\$ 2,238,085</u>
Appropriations:	
Operating expenses	\$ 1,019,179
Capital expenses	20,000
Interest expense	243,921
Retirement of debt	470,000
Contingencies	10,000
Transfers to other funds	474,985
Total Appropriations	<u>\$ 2,238,085</u>
SANITARY LANDFILL FUND	
Sources of Funds:	
Operating revenue	\$ 3,231,300
Other revenue	172,000
Transfers from other funds	474,985
Working capital	288,739
Total Sources of Funds	<u>\$ 4,167,024</u>
Appropriations:	
Operating expenses	\$ 2,347,548
Other expenses	184,476
Capital expenses	1,585,000
Contingencies	50,000
Total Appropriations	<u>\$ 4,167,024</u>
WASHINGTON WOODS FUND	
Sources of Funds:	
Operating revenues	\$ 1,215,895
Other revenues	54,380
Transfer from other funds	10,000
Working capital	74,342
Total Sources of Funds	<u>\$ 1,354,617</u>
Appropriations:	
Operating expenses	\$ 1,150,841
Other expenses	131,776
Capital expenses	62,000
Contingencies	10,000
Total Appropriations	<u>\$ 1,354,617</u>
RIVERSIDE PLACE FUND	
Sources of Funds:	
Operating revenues	\$ 1,033,720
Other revenues	87,500
Working capital	40,734
Total Sources of Funds	<u>\$ 1,161,954</u>
Appropriations:	
Operating expenses	\$ 1,005,054
Other expenses	111,900
Capital expenses	25,000
Transfers to other funds	10,000
Contingencies	10,000
Total Appropriations	<u>\$ 1,161,954</u>
GOLF COURSE FUND	
Sources of Funds:	

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Operating revenues	\$ 867,738
Other revenues	962
Total Sources of Funds	<u>\$ 868,700</u>
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Appropriations:	
Operating expenses	\$ 839,228
Contingencies	10,000
Working capital	19,472
Total Appropriations	<u>\$ 868,700</u>
PARKING FUND	
Sources of Funds:	
Operating revenues	\$ 83,630
Other revenues	3,196
Transfers from other funds	40,000
Working capital	24,767
Total Sources of Funds	<u>\$ 151,593</u>
Appropriations:	
Operating expenses	<u>\$ 151,593</u>
WASTEWATER FUND	
Sources of Funds:	
Operating revenues	\$ 4,749,053
Transfers from other funds	813,709
Other revenues	83,353
Total Sources of Funds	<u>\$ 5,646,115</u>
Appropriations:	
Operating expenses	\$ 3,103,427
Other expenses	241,673
Interest expense	600,182
Capital expenses	691,500
Retirement of debt	755,000
Transfers to other funds	140,000
Contingencies	50,000
Working capital	64,333
Total Appropriations	<u>\$ 5,646,115</u>
WATER FUND	
Sources of Funds:	
Operating revenues	\$ 8,412,345
Contractual revenue	1,124,000
Other revenues	189,111
Working capital	735,835
Total Sources of Funds	<u>\$ 10,461,291</u>
Appropriations	
Operating expenses	\$ 6,115,815
Other expenses	444,290
Interest expense	718,521
Capital expenses	1,100,085
Retirement of debt	1,882,580
Transfers to other funds	100,000
Contingencies	100,000
Total Appropriations	<u>\$ 10,461,291</u>
DATA PROCESSING OPERATIONS	
Sources of Funds:	
Operating revenues	\$ 1,050,000
Other revenues	40,000

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Working capital	125,937
Total Sources of Funds	<u>\$ 1,215,937</u>
Appropriations:	
Operating expenses	\$ 1,076,212
Other expenses	24,725
Capital expenses	<u>115,000</u>
Total Appropriations	<u>\$ 1,215,937</u>
DATA PROCESSING RENTAL FUND	
Sources of Funds:	
Operating revenues	\$ 180,050
Other revenues	15,000
Working capital	<u>450</u>
Total Sources of Funds	<u>\$ 195,500</u>
Appropriations:	
Operating expenses	\$ 175,500
Capital expenses	<u>20,000</u>
Total Appropriations	<u>\$ 195,500</u>
GIS FUND	
Sources of Funds:	
Transfers from other funds	\$ 685,000
Other revenues	<u>2,800</u>
Total Sources of Funds	<u>\$ 687,800</u>
Appropriations:	
Operating expenses	\$ 439,749
Capital expenses	207,200
Contingencies	30,000
Working capital	<u>10,851</u>
Total Appropriations	<u>\$ 687,800</u>
EQUIPMENT REVOLVING FUND	
Sources of Funds:	
Operating revenues	\$ 3,209,952
Other revenues	176,161
Working capital	<u>136,712</u>
Total Sources of Funds	<u>\$ 3,522,825</u>
Appropriations:	
Operating expenses	\$ 2,197,509
Other expenses	320,816
Capital expenses	979,500
Contingencies	<u>25,000</u>
Total Appropriations	<u>\$ 3,522,825</u>
SERVICE CENTER RENTAL FUND	
Sources of Funds:	
Operating revenues	\$ 310,000
Other revenue	<u>28,065</u>
Total Sources of Funds	<u>\$ 338,065</u>
Appropriations:	
Operating expenses	\$ 263,868
Capital expenses	26,000
Contingencies	10,000
Working capital	<u>38,197</u>
Total Appropriations	<u>\$ 338,065</u>
PROPERTY AND LIABILITY INSURANCE FUND	
Sources of Funds:	

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Operating revenues	\$ 869,380
Working capital	49,374
Total Sources of Funds	<u>\$ 918,754</u>
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Appropriations:	
Operating expenses	<u>\$ 918,754</u>
SPECIAL ASSESSMENT REVOLVING FUND	
Sources of Funds:	
Operating revenues	<u>\$ 112,000</u>
Appropriations:	
Operating expenses	<u>\$ 112,000</u>

; and

RESOLVED FURTHER, that the City Assessor is hereby authorized and instructed to levy 10.09 mills for operations, .08 mills for storm water operations, 1.70 mills for a tax appeal contingency reserve, and 0.23 mills for general obligation debt, a total of 12.10 mills, on the taxable value of the various classes of property in the City of Midland on the 2006 City tax roll, in accordance with provisions of Act 114, Public Acts of 1979; and

RESOLVED FURTHER, that in accordance with the recommendation of the Downtown Development Authority, the City Assessor is hereby authorized and instructed to levy an additional 2.00 mills for operations on the taxable value of the various classes of property on the 2006 City tax roll in the Downtown Development District; and

RESOLVED FURTHER, that in accordance with MCL 211.44 the City Assessor is hereby authorized and instructed to impose a tax administration fee of one percent (1%) on all applicable taxes levied on both the summer and winter property tax bills, to offset costs incurred by the City of Midland in assessing property values, collecting property tax levies and processing taxes under review and appeal; and

RESOLVED FURTHER, that the City Treasurer is hereby authorized and instructed to add to all taxes paid after the legal due dates of September 15 and February 14 (or the next business day if those dates fall on a holiday or weekend) a four percent (4%) late penalty collection fee, said collection fee to be calculated on the base tax plus the one percent (1%) tax administration fee; and

RESOLVED FURTHER, that all property tax revenues resulting from said 1.70 mill tax appeal contingency levy shall be placed in a Tax Appeal Contingency Reserve within the General Fund, shall be restricted solely for adjustments resulting from the major tax appeals of Midland Cogeneration Venture and The Dow Chemical Company for 1997 and subsequent years, and shall be accumulated until final disposition of said tax appeals occurs, whereupon any unused funds in said Reserve shall be returned to City taxpayers through a future millage reduction. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

HELICOPTER LANDINGS ORDINANCE

Assistant City Manager Jack Duso introduced the second reading of an ordinance amendment to Section 4-22 of the Code of Ordinances. Richard McCreddie, 2700 Washington Street, spoke in opposition to the amendment. The ordinance amendment was then offered by Councilman McKeag and seconded by Councilman Myers:

ORDINANCE NO. 1617

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 4-22 OF ARTICLE II OF CHAPTER 4 THEREOF.

The City of Midland Ordains:

Section 1. Section 4-22 of Article II of Chapter 4 is hereby amended to read as follows:

Sec. 4-22. Off-heliport or helistop helicopter landings.

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Notwithstanding the provisions of section 4-20 of this chapter, off-heliport or helistop helicopter landings may be made upon private and Midland Public Schools property with the consent of the owner or authorized representative thereof where said landing is made more than one hundred twenty-five (125) feet from the property line of any property owner whose prior consent has not been obtained to such operation. Such off-heliport landings shall not be conducted more than twice in any twenty-four hour period nor shall any property, not designated a heliport or helistop pursuant to the provisions of section 4-21 of this chapter, be continually used for helicopter landings.

Section 2. This ordinance shall take effect upon publication. (Ordinance ADOPTED.)

HELICOPTER LANDINGS ON CITY PROPERTY

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

RESOLVED, that the Midland City Council hereby requests that the Barstow Airport Advisory Commission provide a recommendation as to whether or not helicopters should be permitted to land on public property within the City of Midland. (Motion ADOPTED.)

ANNEXATION OF CITY OWNED PROPERTY – LINCOLN TWP

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

WHEREAS, the City of Midland is the owner of land described as follows, which is contiguous with the present boundary of the City of Midland:

PARCEL A

PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, T15N-R1E, LINCOLN TOWNSHIP, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT WHICH IS N 00 DEG 22 MIN 41 SEC E, 631.25 FT. ALONG THE NORTH AND SOUTH 1/4 LINE, AND N 89 DEG 37 MIN 19 SEC W, 60.00 FT. FROM THE SOUTH 1/4 CORNER OF SAID SECTION 36; THENCE ALONG A 980.00 FT. RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 01 DEG 21 MIN 19 SEC AND A LONG CHORD BEARING AND DISTANCE OF N 60 DEG 12 MIN 14 SEC W, 23.18 FT.; THENCE N 59 DEG 31 MIN 34 SEC W, 674.58 FT.; THENCE ALONG A 880.00 FT. RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 29 DEG 51 MIN 16 SEC AND A LONG CHORD BEARING AND DISTANCE OF N 74 DEG 27 MIN 12 SEC W, 453.36 FT.; THENCE N 89 DEG 22 MIN 50 SEC W, 221.69 FT.; THENCE N 00 DEG 29 MIN 56 SEC E, 100.00 FT. ALONG THE WEST 1/8 LINE; THENCE S 89 DEG 22 MIN 50 SEC E, 221.90 FT.; THENCE ALONG A 980.00 FT. RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 29 DEG 51 MIN 16 SEC AND A LONG CHORD BEARING AND DISTANCE OF S 74 DEG 27 MIN 12 SEC E, 504.88 FT.; THENCE S 59 DEG 31 MIN 34 SEC E, 639.96 FT.; THENCE S 00 DEG 22 MIN 41 SEC W, 115.26 FT. ALONG THE WEST RIGHT OF WAY LINE OF HICKS ROAD TO THE POINT OF BEGINNING. CONTAINING 3.16 ACRES.

PARCEL B

PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, T15N-R1E, LINCOLN TOWNSHIP, MIDLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT WHICH IS N 00 DEG 22 MIN 41 SEC E, 631.25 FT. ALONG THE NORTH AND SOUTH 1/4 LINE, AND N 89 DEG 37 MIN 19 SEC W, 60.00 FT., AND ALONG A 980.00 FT. RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 01 DEG 21 MIN 19 SEC AND A LONG

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CHORD BEARING AND DISTANCE OF N 60 DEG 12 MIN 14 SEC W, 23.18 FT., AND N 59 DEG 31 MIN 34 SEC W, 674.58 FT., AND ALONG A 880.00 FT. RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 29 DEG 51 MIN 16 SEC AND A LONG CHORD BEARING AND DISTANCE OF N 74 DEG 27 MIN 12 SEC W, 453.36 FT., AND N 89 DEG 22 MIN 50 SEC W, 221.69 FT. FROM THE SOUTH 1/4 CORNER OF SAID SECTION 36; THENCE N 89 DEG 22 MIN 50 SEC W, 970.58 FT. TO THE CENTERLINE OF THE INMAN DRAIN; THENCE N 52 DEG 27 MIN 31 SEC W, 166.46 FT. ALONG THE CENTERLINE OF THE INMAN DRAIN; THENCE S 89 DEG 22 MIN 50 SEC E, 1103.45 FT.; THENCE S 00 DEG 29 MIN 56 SEC W, 100.00 FT. ALONG THE WEST 1/8 LINE TO THE POINT OF BEGINNING. CONTAINING 2.38 ACRES.

; now therefore

RESOLVED, that the City of Midland approves the annexation of the described property pursuant to Sec. 9(8) of Public Act 279 of the Public Acts of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9}; and

RESOLVED FURTHER, that in accord with the provisions of said Act, the City Council of the City of Midland requests the Township Board of the Charter Township of Lincoln to take action to complete said annexation. (Motion ADOPTED.)

CITY QUARTERLY FINANCIAL STATEMENTS

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

RESOLVED, that the quarterly operating statements of the City of Midland, for the quarter ended March 31, 2006, 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.)

2006-07 SAG-MID MUNICIPAL WATER SUPPLY CORP CAPITAL IMPROVEMENT & EMERGENCY REPAIR FUND BUDGET

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

RESOLVED, that the Saginaw-Midland Municipal Water Supply Corporation 2006/07 Fiscal Year Budget for the Capital Improvement and Emergency Repair Fund in the amount of \$94,000 is hereby approved. (Motion ADOPTED.)

DDA APPOINTMENTS

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

RESOLVED, that in accord with Section 4 of Act 197 of 1975, the Downtown Development Authority Act, the City Council confirms the appointment of Jenny Anderson and Paula Liveris to the Downtown Development Authority for terms to expire May 1, 2010. (Motion ADOPTED.)

101 MAIN LIQUOR LICENSE TRANSFER

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

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RESOLVED, that the request from GRANT HAMILTON GROUP LLC TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 101 E. MAIN, MIDLAND, MI 48640, MIDLAND COUNTY, FROM AUSTIN JAMES L.L.C.; AND REQUEST A NEW ENTERTAINMENT PERMIT be considered for approval.

It is the consensus of this legislative body that the application be: Recommended for issuance. (Motion ADOPTED.)

SOUND OF MICHIGAN CONCERT SERIES

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

RESOLVED, that the request from the Sound of Michigan to conduct a concert series on six Sundays in July and August, 2006, from noon - 8:00 p.m. near the Farmers Market and Tridge area where Tunes by the Tridge takes place is hereby approved subject to the following conditions:

- A certificate of special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and Certificate Holder, must be submitted to the City Manager's Office no less than five days prior to the event.
- Sign locations in planters within City rights-of-way must be reviewed and approved by Bradd Maki, Assistant City Engineer, at 837-3351, prior to the event.
- Signs shall not obstruct the view of vehicles or pedestrians.
- Signs shall not be permitted in the State road right-of-way (Jerome St.) without State approval or permit.
- Organizers must contact Fire Inspector Chris Coughlin at 837-3413 for requirements if there will be large tents and fuel used for cooking.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests if conducted in substantially the same manner. (Motion ADOPTED.)

SUMMER SOLSTICE EVENT – OUTDOOR DINING REQUEST

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

RESOLVED, that the request from the Summer Solstice Stroll Committee seeking permission for additional outdoor seating areas for the downtown restaurants for the purpose of serving food and alcohol, if applicable, and the placement of signage at various parking areas within the downtown district to assist with traffic flow during the event is hereby approved subject to the following conditions:

- The restaurant staff is responsible for ensuring that people consuming alcoholic beverages remain inside the roped area.
- Event directional signage must adhere to the special event sign procedures.
- Provide liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and Certificate Holder. This certificate must be submitted to the City Manager's Office not less than five days prior to the event.
- An Agreement between the City of Midland and each restaurant, approved by the City Attorney, must be executed.

; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized to execute the Agreements; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests if conducted in substantially the same manner. (Motion ADOPTED.)

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2006 AIRPORT ROAD EXTENSION CHANGE ORDER NO. 2

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

WHEREAS, City Council awarded the construction contract for the 2006 Airport Road Extension; Contract No. 1 to Mid State Earthworks, Inc. on January 23, 2006 for the extension of Airport Road from Stark Road to Hicks Road; and

WHEREAS, additional work items consisting of storm sewer installation, soil erosion control measures and guard rail have been identified during the construction phase to enclose the open ditches near the State Drain culvert and to make the drain crossing safer for the motoring public, and the cost for said additional work is \$29,064.10; and

WHEREAS, Mid State Earthworks, Inc. has agreed to complete all the work items included in Change Order No. 2 to the 2006 Airport Road Extension; Contract No. 1 in the amount of \$29,064.10 and sufficient funding exists within the Airport Road Extension project of the Major Street Fund to fund said change order; now therefore

RESOLVED, that the City Manager is authorized to execute Change Order No. 2 to the "2006 Airport Road Extension; Contract No. 1 in the amount of \$29,064.10. (Motion ADOPTED.)

2006 CAPITOL DRIVE RECONSTRUCTION & WATER MAIN REPLACEMENT CHANGE ORDER NO. 1

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

WHEREAS, on April 10, 2006, City Council authorized and directed the City Manager to install a new traffic signal at the intersection of Jefferson Avenue and Chapel Lane and widen Chapel Lane east of Jefferson Avenue; and

WHEREAS, City Council awarded the construction contract for the 2006 Capitol Drive Reconstruction and Water Main Replacement; Contract No. 6 to Pat's Gradall Service, Inc. on March 20, 2006 for the reconstruction and water main replacement on Capitol Drive from Jefferson Avenue to Buchanan Drive; and

WHEREAS, City staff has determined that bidding is impractical in accordance with Section 2-18 of the Code of Ordinances; and

WHEREAS, Pat's Gradall, Inc. has agreed to complete the widening of Chapel Lane east of Jefferson Avenue as Change Order No. 1 to the 2006 Capitol Drive Reconstruction and Water Main Replacement; Contract No. 6 in the amount of \$30,199.50 at unit prices included in Contract No. 6 and funding shall be provided by the Major Street Fund; now therefore

RESOLVED, that the City Manager is authorized to execute Change Order No. 1 to the "2006 Capitol Drive Reconstruction and Water Main Replacement; Contract No. 6 in the amount of \$30,199.50. (Motion ADOPTED.)

2006 N. SAGINAW RD CONSTRUCTION ENGINEERING SERVICES

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

WHEREAS, the Engineering Department has determined a need for consultant services for construction engineering on the 2006 N. Saginaw Road Reconstruction project; and

WHEREAS, proposals were received from interested engineering firms in accordance with the City's purchasing policy; and

WHEREAS, funding for said project is provided by the Major Street Fund; now therefore,

RESOLVED, that the low sealed proposal received from Wilcox Professional Services in the indicated amount of \$65,550.00, based upon City estimated hours and unit rates submitted, is

UNAPPROVED

hereby accepted and the purchasing agent is directed to issue a purchase order accordingly for said amounts and services; 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 \$10,000. (Motion ADOPTED.)

PURCHASE ORDER INCREASE – EXERCISE EQUIPMENT FOR FIRE DEPT

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

WHEREAS, on February 7, 2006 bids were received for purchase of exercise equipment for the fire department; and

WHEREAS, Fitness Things, Inc. submitted the lowest, compliant bid for the specified items, but inadvertently omitted a required piece for each of three units; and

WHEREAS, the bid submitted is within the budget for purchasing the specified equipment; now therefore

RESOLVED, that the City Council authorizes the Purchasing Agent to increase the Purchase Order 20080 in the amount of \$975.00 for a total cost of \$51,950.31 to Fitness Things, Inc., the lowest responsive, responsible vendor, for purchase of the required equipment. (Motion ADOPTED.)

2006 CATCH BASIN CASTINGS

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for catch basin castings; and

WHEREAS, sufficient funds are included in the Operating Supplies line item in Street Fund activities and the total amount of purchases will not exceed the funding; now therefore

RESOLVED, that the sole proposal meeting City specifications submitted by Northern Concrete Pipe, Inc. of Midland, Michigan for furnishing catch basin castings and related materials at the unit prices contained in their May 9, 2006 response to our Bid No. 2933 is hereby accepted; and

RESOLVED FURTHER, that the City Purchasing Agent is authorized to issue a purchase order not to exceed \$26,000 in accord with this resolution, the proposal selected and City specifications. (Motion ADOPTED.)

CIVIC ARENA CHANGE ORDER NO. 12

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

WHEREAS, it has been determined that a safety rail must be installed on the roof of the Civic Arena; and

WHEREAS, staff and the architect have determined that combining a handrail with a sound barrier wall will provide multiple benefit; and

WHEREAS, utilizing Three Rivers Corp., the building contractor, will produce consistency in appearance; and

WHEREAS, Three Rivers has submitted, and the project architect has approved, a bid of \$28,638; now therefore

RESOLVED, that the City Manager is authorized to execute Change Order No. 12 in the amount of \$28,638 to Three Rivers Corp. as an addition to the Civic Arena construction contract which was approved on Aug. 23, 2004. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 22

UNAPPROVED

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

WHEREAS, Tom McCann has submitted a request for a conditional use permit review and approval to allow a single family dwelling in an office service zone at 416 George 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 of approval, contingent upon the following:

1. The proposed garage is illustrated on the site plan and meets applicable setbacks.
2. Driveway locations and the curb cut are illustrated on the site plan.

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, June 12, 2006, 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 June 2, 2006 and to publish said notice on June 3, 2006. (Motion ADOPTED.)

DOW CHEMICAL IFT APPLICATION

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

RESOLVED, that an application dated May 4, 2006 was received May 5, 2006 from The Dow Chemical Company, with supporting data pursuant to Public Act 198 of the Public Acts of the State of Michigan of 1974, as amended, for an industrial facilities exemption certificate within the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 relating to facility upgrades to both real and personal property within the 438 and 354 Buildings to accommodate commercial scale product development equipment and to establish consolidated product testing capability with a total project cost of \$1,500,000 to allow further expansion in the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 is hereby acknowledged received and ordered placed on file in the City Clerk's office; and

RESOLVED FURTHER, a hearing shall be held before the City Council on Monday, June 12, 2006, at 7:00 p.m., in the Council Chambers of the City Hall, 333 W. Ellsworth Street, Midland, Michigan, for the purpose of affording the applicant, the City Assessor and representatives of the affected taxing units an opportunity for a hearing on the application and the City Clerk shall provide written notice thereof in accordance with Section 5 of Public Act 198. (Motion ADOPTED.)

DOW CHEMICAL IFT APPLICATION

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

RESOLVED, that an application dated May 4, 2006 was received May 5, 2006 from The Dow Chemical Company, with supporting data pursuant to Public Act 198 of the Public Acts of the State of Michigan of 1974, as amended, for an industrial facilities exemption certificate within the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 relating to building additions and modifications and the purchase of personal property for a Dow Automotive performance center project linked to project Daytona that will allow development of low volumes of specialty products and new technologies to be implemented prior to large volume production with a total project cost of \$6,000,000 to allow further expansion in the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 is hereby acknowledged received and ordered placed on file in the City Clerk's office; and

UNAPPROVED

RESOLVED FURTHER, a hearing shall be held before the City Council on Monday, June 12, 2006, at 7:00 p.m., in the Council Chambers of the City Hall, 333 W. Ellsworth Street, Midland, Michigan, for the purpose of affording the applicant, the City Assessor and representatives of the affected taxing units an opportunity for a hearing on the application and the City Clerk shall provide written notice thereof in accordance with Section 5 of Public Act 198. (Motion ADOPTED.)

DOW CHEMICAL IFT APPLICATION

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

RESOLVED, that an application dated May 10, 2006 was received May 10, 2006 from The Dow Chemical Company, with supporting data pursuant to Public Act 198 of the Public Acts of the State of Michigan of 1974, as amended, for an industrial facilities exemption certificate within the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 relating to a building addition and the purchase of personal property for a DowPharma project involving the production of an active pharmaceutical product in Building 1 at Dow's Michigan Operations with a total project cost of \$15,700,000 to allow further expansion in the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 is hereby acknowledged received and ordered placed on file in the City Clerk's office; and

RESOLVED FURTHER, a hearing shall be held before the City Council on Monday, June 12, 2006, at 7:00 p.m., in the Council Chambers of the City Hall, 333 W. Ellsworth Street, Midland, Michigan, for the purpose of affording the applicant, the City Assessor and representatives of the affected taxing units an opportunity for a hearing on the application and the City Clerk shall provide written notice thereof in accordance with Section 5 of Public Act 198. (Motion ADOPTED.)

DOW AGROSCIENCES LLC IFT APPLICATION

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

RESOLVED, that an application dated May 4, 2006 was received May 5, 2006 from Dow Agrosiences, LLC with supporting data pursuant to Public Act 198 of the Public Acts of the State of Michigan of 1974, as amended, for an industrial facilities exemption certificate within the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 relating to both real and personal property with a total cost of \$6,855,000, and being intended to provide for the rehabilitation, reconfiguration and re-piping of existing structures and equipment at the 680 and 1000 Buildings at Michigan Operations for the production of DE 724, a new cereal herbicide to be manufactured by Dow Agrosiences, relating to new facility approval to allow further expansion in the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 is hereby acknowledged received and ordered placed on file in the City Clerk's office; and

RESOLVED FURTHER, a hearing shall be held before the City Council on Monday, June 12, 2006, at 7:00 p.m., in the Council Chambers at City Hall, 333 W. Ellsworth Street, Midland, Michigan, for the purpose of affording the applicant, the City Assessor and representatives of the affected taxing units an opportunity for a hearing on the application and the City Clerk shall provide written notice thereof in accordance with Section 5 of Public Act 198. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:45 p.m.

Selina Tisdale, City Clerk

UNAPPROVED

May 30, 2006

~~A special meeting of the City Council was held on Tuesday, May 30, 2006, at 6:30 p.m. in Conference Room B in City Hall. Mayor Johnson presided.~~

Councilmen present: Thomas Adams, Bruce Johnson, Hollis McKeag, Joseph Rokosz
Councilmen absent: James Myers

RAPANOS RESIGNATION- PLANNING COMMISSION

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

RESOLVED, that the resignation of Steven Rapanos as a member of the Midland Planning Commission is hereby accepted and the Administration is directed to convey the Council's appreciation to Mr. Rapanos for his service on this commission. (Motion ADOPTED.)

WEST MAIN STREET HISTORIC DISTRICT COMMISSION

City Council interviewed Jacinth Black for a position on the West Main Street Historic District Commission. The following resolution was then offered by Councilman McKeag and seconded by Councilman Adams:

RESOLVED, that Jacinth Black is hereby appointed as a citizen-at-large member of the West Main Street Historic District Commission to fill a term expiring June 30, 2009. (Motion ADOPTED.)

PLANNING COMMISSION

City Council interviewed Diane Brown for a position on the Planning Commission.

ZONING BOARD OF APPEALS

City Council interviewed Roy Green, John Rapanos, Jon Steele and Sally Ann Sutton for positions on the Zoning Board of Appeals.

Being no further business the meeting adjourned at 7:54 p.m.

Selina Tisdale, City Clerk

UNAPPROVED

June 1, 2006

~~A special meeting of the City Council was held on Thursday, June 1, 2006, at 6:30 p.m. in Conference Room B in City Hall. Mayor Johnson presided.~~

Councilmen present: Thomas Adams, Bruce Johnson, Hollis McKeag, Joseph Rokosz
Councilmen absent: James Myers

LIBRARY BOARD

City Council interviewed Joan Brausch, Sarah Galt, Sunny Lo, Richard Osburn, Mark White and John Yanacek for a position on the Library Board. The following resolution was then offered by Councilman Rokosz and seconded by Councilman Adams:

RESOLVED, that Sarah Galt is hereby appointed as a citizen-at-large member of the Library Board for a term expiring June 30, 2009. (Motion ADOPTED.)

PARKS AND RECREATION COMMISSION

City Council interviewed Paula Jurado, John Rothaar, Frank Altimore, Dorwood (Ernie) Bedford, Jr., Gayle Hanna, Michael Kapp, David Kelley, Robert Pierce, Neil Rankin, John Rapanos, Brett Schwenke, Carl Smith and Michael Westendorf for positions on the Parks and Recreation Commission. The following resolution was then offered by Councilman Adams and seconded by Councilman McKeag:

RESOLVED, that Paula Jurado, John Rothhaar and Frank Altimore are hereby appointed as citizen-at-large members of the Parks and Recreation Commission for terms expiring June 30, 2009; and

RESOLVED FURTHER, that David Kelley is hereby appointed as a citizen-at-large member of the Parks and Recreation Commission for a term expiring June 30, 2007. (Motion ADOPTED.)

PLANNING COMMISSION

The following resolution was offered by Councilman Adams and seconded by Councilman Rokosz:

RESOLVED, that Diane Brown is hereby appointed as citizen-at-large member of the Midland Planning Commission to fill a term expiring June 30, 2009. (Motion ADOPTED.)

ZONING BOARD OF APPEALS

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

RESOLVED, that Roy Green and Jon Steele are hereby appointed as citizen-at-large members of the Zoning Board of Appeals for terms expiring June 30, 2009; and

RESOLVED FURTHER that Shawn Pnacek is hereby appointed as an alternate member of the Zoning Board of Appeals for a term ending June 30, 2008. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:53 p.m.

Selina Tisdale, City Clerk