

UNAPPROVED

February 12, 2007

A special meeting of the City Council was held on Monday, February 12, 2007, at 6:00 p.m. in the Council Chambers in City Hall. Mayor Pro Tem Myers presided.

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

**SANITARY SEWER MODELING UPDATE**

Utilities Director Noel Bush, GIS Manager Tony Foisy and City Engineer Brian McManus presented an update on the Sanitary Sewer Modeling.

Being no further business the meeting adjourned at 6:53 p.m.

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Selina Tisdale, City Clerk

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February 12, 2007

A regular meeting of the City Council was held on Monday, February 12, 2007, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Pro Tem Myers presided. The Pledge of Allegiance to the Flag was recited in unison.

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

### **MINUTES**

Approval of the minutes of the January 20, 2007 special and January 22, 2007 regular meetings was offered by Councilman McKeag and seconded by Councilman Adams. (Motion ADOPTED.)

### **WALK FOR WARMTH DAY**

Communications Coordinator Libby Richart introduced 2007 Walk for Warmth Committee Member Christy Waldie. The following resolution was then offered by Councilman McKeag and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating February 24, 2007 as Walk for Warmth Day in Midland. (Motion ADOPTED.) Mayor Pro Tem Myers presented the proclamation to Christy Waldie.

### **ARBOR DAY**

Department of Public Services Director Martin McGuire presented information on Arbor Day in the City of Midland. The following resolution was then offered by Councilman McKeag and seconded by Councilman Rokosz:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating April 27, 2007, as Arbor Day in the City of Midland. (Motion ADOPTED.) Mayor Pro Tem Myers presented Martin McGuire with the proclamation.

### **RECOGNITION – GREATER MIDLAND COMMUNITY**

Communications Coordinator Libby Richart introduced Downtown Development Authority Executive Director Christin O'Callaghan. The following resolution was offered by Councilman McKeag and seconded by Councilman Rokosz:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation of Recognition to multiple local youth-focused organizations for their hard work and efforts to ensure that the Greater Midland community be recognized as one of the 100 Best Communities for Young People in America. (Motion ADOPTED.) Mayor Pro Tem Myers presented Christin O'Callaghan with the proclamation of recognition.

### **2006 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

Fiscal Services Director David Keenan introduced Jackson Richardson and Joe Hefernan, City auditors from Plante & Moran, who presented the 2006 Comprehensive Annual Financial Report. The following resolution was then offered by Councilman Adams and seconded by Councilman Rokosz:

RESOLVED, that the Comprehensive Annual Financial Report and the Single Audit Report of the City of Midland for the year ended June 30, 2006 is hereby received and ordered filed for public examination. (Motion ADOPTED.)

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### ZONING PETITION NO. 540

City Planner Daryl Poprave introduced Zoning Petition No. 540 to rezone property at 221 W. Wackerly Street from Office Service zoning to Community Commercial zoning. Mr. Poprave explained a protest petition had been presented which would require a super-majority, or 4/5<sup>th</sup>, affirmative vote in order to approve the request. A public hearing opened at 7:55 p.m. Sheila Messler, representing the petitioner, Bennett Construction, spoke regarding the rezoning request and encouraged Council approval. Kim Krantz, owner of Coffee Chaos, spoke in favor of the rezoning and encouraged Council approval. Christopher Deming, employee of Coffee Chaos, spoke regarding how businesses located in the development at Wackerly and Jefferson appeal to the young people of our community who seek an opportunity to work for a small-niche employer. The public hearing closed at 8:14 p.m. The following ordinance amendment was then offered by Councilman McKeag and seconded by Councilman Adams:

#### 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 COMMUNITY COMMERCIAL ZONING WHERE AN OFFICE SERVICE 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:

PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 4, T14N R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN DESCRIBED AS COMMENCING NORTH 89 DEGREES 46 MINUTES 07 SECONDS WEST 853.69 FEET ALONG THE NORTH SECTION LINE, AND SOUTH 00 DEGREES 35 MINUTES 07 SECONDS EAST 40.00 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 07 SECONDS EAST 168.72 FROM THE NORTHEAST SECTION CORNER TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 204.71 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 168.51 FEET; THENCE SOUTH 00 DEGREES 35 MINUTES 07 SECONDS EAST 10.45 FEET; THENCE SOUTH 50 DEGREES 54 MINUTES 03 SECONDS EAST 269.39 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 07 SECONDS WEST 196.78 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 07 SECONDS EAST 165.00 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 07 SECONDS WEST 224.10 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 07 SECONDS WEST 201.62 FEET PARALLEL TO AND 40 FEET SOUTH OF THE NORTH SECTION LINE TO THE POINT OF BEGINNING.

be, and the same is hereby changed to Community Commercial.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Ordinance DENIED. Yeas: Adams, Rokosz Nays: McKeag, Myers)

### DOW CORNING – IFT APPLICATIONS

City Assessor Reid Duford presented a request from Dow Corning Corporation for five Industrial Facilities Exemption Certificates. A public hearing opened at 8:39 p.m. Scott Walker, Executive Director of Midland Tomorrow, spoke in support of the property tax abatement. Ken Kaufman,

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Dow Corning Midland Site Manager, spoke regarding Corning's proposed investments in the community and encouraged City Council support of the abatement request. The public hearing closed at 8:51 p.m. The following five resolutions were then presented for consideration:

### **DOW CORNING IFT APPLICATION (\$6,199,000)**

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

WHEREAS, the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District were established by resolution of the Midland City Council on February 23, 1981; and

WHEREAS, the Dow Corning Corporation made an application dated December 6, 2006, which was received by the City Clerk on December 6, 2006, for an Industrial Facilities Tax Exemption certificate relating to approval of a new facility within said Districts; and

WHEREAS, the application for the certificate is for approval of a new facility with a total project cost of \$6,199,000, which consists entirely of new personal property improvements relating to the purchase of additional machinery and equipment for two of Dow Corning's Core Products Businesses: the Organo Supply Chain is replacing their 9117 & 9121 columns in the 2703 Building to improve existing capabilities, process integrity and reliability; and the Rubber Supply Chain is adding capacity as well as upgrading their process control system, with the same being located within the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District, and being expected to retain 20 existing jobs at the facility; 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 February 12, 2007, as 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 and/or plant 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 tax 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 and/or 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 exemption certificate requested by the Dow Corning Corporation 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 the Dow Corning Corporation for a new facility approval within the Industrial Development District and Plant Rehabilitation Districts be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2019; and

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

### **DOW CORNING IFT APPLICATION (\$4,428,000)**

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

WHEREAS, the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District were established by resolution of the Midland City Council on February 23, 1981 and the Dow Corning 321 Plant Rehabilitation District was established by resolution of the Midland City Council on November 3, 1975; and

WHEREAS, the Dow Corning Corporation made an application dated December 6, 2006, which was received by the City Clerk on December 6, 2006, and which was amended on December 13, 2006, for an Industrial Facilities Tax Exemption certificate relating to approval of a new facility within said Districts; and

WHEREAS, the application for the certificate is for approval of a new facility with a total project cost of \$4,428,000, which consists entirely of new personal property improvements relating to the purchase of additional machinery and equipment for Dow Corning's Specialty Chemical Business: in the Paper Coating Supply Chain, added piping and minor equipment will allow for higher utilization of the current process and a new process chiller is being added to the 106 Building; the Phenyl Supply Chain is adding process equipment in the 505 Building and is also adding an Amino Vac Stretch upgrade in their 303 Building, with the same being located within the Dow Corning Corporation Industrial Development District, the Dow Corning Corporation Plant Rehabilitation District and the Dow Corning 321 Plant Rehabilitation District, and being expected to retain 11 existing jobs at the facility; 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 February 12, 2007, as 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 and/or plant 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 tax 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 and/or 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 exemption certificate requested by the Dow Corning Corporation 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 the Dow Corning Corporation for a new facility approval within the Industrial

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Development District and Plant Rehabilitation Districts be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2019; and  
RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the Public Act 198 Agreement submitted between the City and the Dow Corning Corporation pursuant to P.A. 334 of Public Acts of the State of Michigan of 1993. (Motion ADOPTED.)

### **DOW CORNING IFT APPLICATION (\$629,000)**

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

WHEREAS, the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District were established by resolution of the Midland City Council on February 23, 1981; and

WHEREAS, the Dow Corning Corporation made an application dated December 6, 2006, which was received by the City Clerk on December 6, 2006, for an Industrial Facilities Tax Exemption certificate relating to approval of a new facility within said Districts; and

WHEREAS, the application for the certificate is for approval of a new facility with a total project cost of \$629,000, which consists entirely of new personal property improvements relating to a two-part special project currently under development at the Midland Plant site; the first part is to acquire and install Polysilane finishing capability and the second part consists of adding the necessary utility drops, tables, and general lab facilities to reopen labs in the 5101 Building for use in the BTI organization, with the same being located within the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District, and being expected to help retain 920 existing jobs at the facility; 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 February 12, 2007, as 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 and/or plant 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 tax 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 and/or 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 exemption certificate requested by the Dow Corning Corporation 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 the Dow Corning Corporation for a new facility approval within the Industrial Development District and Plant Rehabilitation Districts be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2019; and

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

### **DOW CORNING IFT APPLICATION (\$461,800)**

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

WHEREAS, the Dow Corning Corporation Industrial Development District was established by resolution of the Midland City Council on February 23, 1981; and

WHEREAS, the Dow Corning Corporation made an application dated December 6, 2006, which was received by the City Clerk on December 6, 2006, 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 a total project cost of \$461,800, which consists entirely of new personal property improvements relating to the purchase of additional equipment for the Electronics Business to develop and test new materials, including replacing a hood in the 3102 Building and adding a pilot assembly line in the 5101 Building, with the same being located within the Dow Corning Corporation Industrial Development District, and being expected to retain 29 existing jobs at the facility; 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 February 12, 2007, as 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 and/or plant 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 tax 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 and/or 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 exemption certificate requested by the Dow Corning Corporation 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 the Dow Corning Corporation for a new facility approval within the Industrial Development District and Plant Rehabilitation Districts be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2019; and

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

### **DOW CORNING IFT APPLICATION (\$751,000)**

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

WHEREAS, the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District were established by resolution of the Midland City Council on February 23, 1981; and

WHEREAS, the Dow Corning Corporation made an application dated December 6, 2006, which was received by the City Clerk on December 6, 2006, and which was amended on December 13, 2006 and January 4, 2007, for an Industrial Facilities Tax Exemption certificate relating to approval of a new facility within said Districts; and

WHEREAS, the application for the certificate is for approval of a new facility with a total project cost of \$751,000, which included \$545,000 in new personal property and \$206,000 in real property improvements relating to various site improvements at Dow Corning's Midland Plant including adding SWR piping in the 2703 Building and the implementation of an electrical and steam management project at the site level, with the same being located within the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District, and being expected to help retain 420 existing jobs at the facility; 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 February 12, 2007, as 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 and/or plant 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 tax 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 and/or 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 exemption certificate requested by the Dow Corning Corporation 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 the Dow Corning Corporation for a new facility approval within the Industrial Development District and Plant Rehabilitation Districts be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2019; and

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

### **DOW CORNING / VALLEY ASSET LEASING, LLC.**

Mayor Pro Tem Myers moved Agenda Item #13 to following Agenda Item #7. The minutes, however, will follow the original order of the agenda.

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Following consideration of Item #13, Council recessed from 9:31 p.m. until 9:37 p.m.

**2006-07 CDBG BUDGET AMENDMENT**

Community Development Specialist Cherie Standfest presented an amendment to the 2006-07 Community Development Block Grant budget. A public hearing opened at 9:44 p.m., recognizing no comments, the hearing closed at 9:44 p.m. The following resolution was then offered by Councilman McKeag and seconded by Councilman Adams:

WHEREAS, a public hearing has been advertised to consider amending the Community Development Block Grant budget for the City of Midland for fiscal year 2006-07; now therefore RESOLVED, that the Community Development Block Grant budget for the City of Midland for fiscal year 2006-07 is amended by re-appropriating funds as follows:

<u>Allocation</u>	<u>Amount</u>
Welch Drive Improvements	\$123,200.00
Laughton Drive Improvements	\$141,900.00
Purchase/Demolition of 1311 W. Union St.	\$ 35,000.00
Washington Woods – Energy Manager	\$ 30,000.00
Cleveland Manor – Generator Purchase	<u>\$ 28,900.00</u>
TOTAL	\$359,000.00

; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the required Subrecipient Agreements on behalf of the city with Washington Woods and Cleveland Manor. (Motion ADOPTED.)

**2006-07 WASH WOODS BUDGET AMENDMENT & ENERGY MGMT SYSTEM UPGRADE**

Washington Woods Director Candace Stewart presented an amendment to the 2006-07 Washington Woods Fund budget and a resolution authorizing a purchase order for an energy management system upgrade. A public hearing opened at 9:46 p.m., recognizing no public comments, the hearing closed at 9:46 p.m. The following two resolutions were then presented for consideration:

**2006-07 WASHINGTON WOODS BUDGET AMENDMENT**

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

WHEREAS, in accord with Section 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, February 12, 2007, on the proposal to amend the Washington Woods Fund’s 2006-07 budget to increase outside contributions revenue by \$30,000 and to increase capital equipment expenditures by \$30,000; now therefore

RESOLVED, that the 2006-07 Washington Woods Fund budget is amended by increasing outside contributions revenue by \$30,000 and increasing capital equipment expenditures by \$30,000. (Motion ADOPTED.)

**WASHINGTON WOODS ENERGY MANAGEMENT SYSTEM UPGRADE**

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

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the energy management system upgrade at Washington Woods; and

WHEREAS, funding for this project is provided by the Washington Woods Fund; now therefore RESOLVED, that the low sealed proposal submitted by Technical Building Alliance of Saginaw, Michigan for the energy management system upgrade at Washington Woods in the amount of

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\$61,475.00 is hereby accepted and the Purchasing Agent is authorized to issue a purchase order; and  
RESOLVED FURTHER, that the City Manager is authorized to approve change orders to the project in a cumulative amount not to exceed \$10,000. (Motion ADOPTED.)

**PUBLIC COMMENTS**

No public comments were made.

**MUNICIPAL CIVIL INFRACTIONS ORDINANCE AMENDMENT**

City Attorney James O. Branson, III presented for second reading an ordinance to amend Section 34-5 of Chapter 34 to include violations of the Rules and Regulations of Jack Barstow Airport as civil infraction violations. The following ordinance amendment was offered by Councilman McKeag and seconded by Councilman Rokosz:

ORDINANCE NO. 1628

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 34-5 OF CHAPTER 34 THEREOF.

The City of Midland Ordains:

Section 1. Sec. 34-5 is hereby amended as follows:

Sec. 34-5. Municipal Civil Infractions.

A violation of any of the following provisions of the City of Midland Code of Ordinances shall be a municipal civil infraction:

- (1) Chapter 8, Uniform Fire Code.
- (2) The city zoning ordinance.
- (3) Chapter 29, Stormwater Runoff Regulation and Control.
- (4) Section 22-2 of Article I of Chapter 22, Sign placement in the city right of way areas.
- (5) Article VI of Chapter 15, Telecommunications.
- (6) Article IV, Chapter 22, Addresses.
- (7) Article V, Chapter 5, Soil Erosion and Sedimentation Control.
- (8) Rules and Regulations of the Jack Barstow Municipal Airport.

Section 2. This Ordinance shall take effect on March 5, 2007. (Ordinance ADOPTED.)

**RECREATION PROGRAMS – PROPOSED FEE AMENDMENTS**

Director of Public Services Martin McGuire presented for first reading three ordinances amending fees for the Civic Arena, Golf Course and General Recreation. The following three ordinance amendments were then presented for consideration:

**CIVIC ARENA FEES – ORDINANCE AMENDMENT 1<sup>ST</sup> READING**

Introduction and first reading of the following ordinance amending Civic Arena Fees was offered by Councilman McKeag and seconded by Councilman Adams:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-70 OF DIVISION 1 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-70 of Division 1 of Article II of Chapter 21 is amended to read as follows:

Sec. 21-70. Civic Arena Fees

The fees for use of the Civic Arena and its facilities are as follows:

- |     |   |                     |          |             |
|-----|---|---------------------|----------|-------------|
| (1) | Individual Ice Skater – Adult                 | \$ <del>3.00</del>  | \$ 4.00  | per session |
| (2) | Individual Ice Skater – Youth & Senior        |                     | \$ 3.00  | per session |
| (3) | Skating Pass (25 admissions) – Adult          | \$ <del>65.00</del> | \$ 85.00 | per pass    |
| (4) | Skating Pass (25 admissions) – Youth & Senior |                     | \$ 65.00 | per pass    |

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(5) Skate Rental	\$ 2.00		per session
(6) Rink Rental	<del>\$ 175.00</del>	\$ 180.00	per hour
(7) Rink Rental (M-F, 6:00 a.m. – 2:00 p.m.)	<del>\$ 125.00</del>	\$ 130.00	per hour
(8) Summer Rink Rental	<del>\$ 175.00</del>	\$ 180.00	per hour
(9) Non-Ice Rental (Equivalent to 2 rinks)	\$ 2000.00		per day
(10) Non-Ice Rental (Equivalent to 1 rink)	\$ 1000.00		per day
(11) Non-Ice Rental (Equivalent to ½ rink)	\$ 500.00		per day

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

**GOLF COURSE FEES – ORDINANCE AMENDMENT 1<sup>ST</sup> READING**

Introduction and first reading of the following ordinance amending Golf Course fees was offered by Councilman McKeag and seconded by Councilman Adams:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-71 OF DIVISION 2 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-71 of Division 2 of Article II of Chapter 21 is amended to read as follows:

**Sec. 21-71. Golf Course Fees**

The fees for golfing privileges at the Currie Municipal Golf Course are as follows:

Currie East Municipal Golf Course

9-hole rate	
Regular weekday	\$11.50 per play
Regular weekend	\$12.50 per play
Senior & Youth weekday (7:00 a.m. – 3:00 p.m.)	\$ 8.00 per play
18-hole rate	
Regular weekday	\$20.00 per play
Regular weekend	\$23.00 per play
Senior & Youth weekday (7:00 a.m. – 3:00 p.m.)	\$13.00 per play
Twilight golf rate	
(after 6:00 p.m. before Memorial Day & after Labor Day)	\$ 7.50 per play
(after 7:00 p.m. June – August)	
Winter rate	
(November 1 – March 1)	\$ 5.00 per play

Lunch Time Special (5-hole: 11:00 a.m. – 1.00 p.m. M-Th) \$ 7.00 per play  
Currie West Municipal Golf Course

9-hole rate	
Regular weekday	\$13.50 per play
Regular weekend	\$17.50 per play
Senior & Youth weekday (7:00 a.m. – 3:00 p.m.)	\$ 9.50 per play
18-hole rate	
Regular weekday	\$22.00 per play
Regular weekend	\$30.00 per play
Weekend after 2:00 p.m.	\$24.00 per play
Senior & Youth weekday (7:00 a.m. – 3:00 p.m.)	\$15.50 per play
Twilight golf rate	
(after 6:00 p.m. before Memorial Day & after Labor Day)	\$ 9.00 per play
(after 7:00 p.m. June – August)	
Winter rate	
(November 1 – March 1)	\$ 5.00 per play

UNAPPROVED

Lunch Time Special (5-hole: 11:00 a.m. – 1.00 p.m. M-Th)	\$ 7.00 per play	
Currie East and Currie West Municipal Golf Courses		
Unlimited play		
Single season pass	\$ 715.00 per pass	
Double season pass	\$1165.00 per pass	
Restricted play (unlimited East Course play, weekdays and after 2:00 p.m. weekends on West Course)		
Single season pass	\$ 650.00 per pass	
Double season pass	\$1060.00 per pass	
Senior & Youth unlimited play		
Single season pass	\$ 635.00 per pass	
Double season pass	\$1035.00 per pass	
Senior & Youth restricted play (unlimited East Course play, weekdays and after 2:00 p.m. weekends on West Course)		
Single season pass	\$575.00 per pass	
Double season pass	\$940.00 per pass	
Senior & Youth limited play (9 holes weekdays before 3:00 p.m. with differential for non-discounted times)		
Single season pass	\$440.00 per pass	
Double season pass	\$725.00 per pass	
Family pass – additional family member from same household	\$410.00 per pass	
Trail Fee (private carts when owner or member of immediate family is present)		
Season pass	<del>\$220.00</del>	\$240.00 per pass
Daily pass	<del>\$ 5.00</del>	\$ 6.00 per pass

Differential rates for Senior & Youth limited pass  
Currie East Municipal Golf Course

9 hole rate	
Weekday	\$ 3.50 per play
Weekend	\$ 4.50 per play
18 hole rate	
Weekday	\$ 7.00 per play
Weekend	\$10.00 per play

Currie West Municipal Golf Course

9 hole rate	
Weekday	\$ 4.00 per play
Weekend	\$ 8.00 per play
18 hole rate	
Weekday	\$ 6.50 per play
Weekend	\$14.50 per play
Par 3 – Regular	\$6.50 per play
Par 3 – Senior and Youth	\$4.50 per play

20-play pass (9 holes) – Weekday only \$220.00 per pass  
 Note: Season Pass rates will remain in effect for the 2008 season if purchased before December 31, 2007.

Exception: In order to fairly compete with non-municipal courses for golf outings, the Director of Public Services is authorized with the approval of the City Manager to reduce these fees on a discretionary basis for golf outings having a minimum of 40 golfers and to adjust fees in April and after September 17 if appropriate.

UNAPPROVED

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

**GENERAL RECREATION FEES – ORDINANCE AMENDMENT 1<sup>ST</sup> READING**

Introduction and first reading of the following ordinance amending General Recreation fees was offered by Councilman McKeag and seconded by Councilman Adams:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-73 OF DIVISION 4 OF ARTICLE II OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-73 of Division 4 of Article II of Chapter 21 is amended to read as follows:

Sec. 21-73. General recreation fees

(1)	Adult softball player	\$ 18.00		per player
(2)	Adult softball player (2 <sup>nd</sup> team)	\$ 18.00		per player
(3)	Adult softball player - Fall League	\$ 5.00		per player
(4)	Each softball team in individual tournaments	\$ 20.00		per team
(5)	Youth softball player	<del>\$ 5.00</del>	\$ 6.00	per player
(6)	Rugby player	\$ 6.00		per player
(7)	Ski rental (each 2 hours or part thereof)	\$ 6.00		per hour
(8)	Toboggan rental (per hour two-hour maximum)	\$ 4.00		per hour
(9)	Chalet building rental (2 hour minimum)	\$ 30.00		per hour
	After 2 hour minimum	\$ 20.00		per hour
(10)	Currie West Clubhouse rental (2 hour minimum)	\$ 50.00		per hour
	After 2 hour minimum	\$ 35.00		per hour
(11)	Picnic kit deposit	\$ 15.00		per kit
(12)	Summer play program (entire 8 week program)	no charge		
(13)	Summer play program (per day charge)	no charge		
(14)*	Picnic shelter reservations			
	Emerson A-1, Emerson E	\$ 25.00		per use
	Plymouth A (south), A (north), B-2, B-3	\$ 25.00		per use
	Barstow Woods	\$ 25.00		per use
	Stratford Woods	\$ 25.00		per use
	Chippewassee	\$ 25.00		per use
	Emerson D	\$ 45.00		per use
	Plymouth A (entire shelter)	\$ 55.00		per use
	Unsheltered areas	\$ 15.00		per use
	Addition of a canopy	\$ 25.00		per use
	Delivery of picnic tables (up to 10 tables)	\$ 25.00		per use
	Additional tables (if available)	\$ 3.00		per table

\*Note: Fees paid for shelter reservations are non-refundable.

Exceptions to (14) Picnic shelter reservation fees are as follows:

a) Donors of shelters shall be allowed one rent free use per year in the respective donated structure.

b) Daytime reservations which begin after 8:00 a.m. and end before 3:00 p.m.

Monday – Friday in May and June are exempt from fees.

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

## UNAPPROVED

### **FINANCIAL STATEMENT – QUARTER ENDING 9/30/06**

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

RESOLVED, that the quarterly operating statements of the City of Midland, for the quarter ended September 30, 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.)

### **FINANCIAL STATEMENT – QUARTER ENDING 12/31/06**

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

RESOLVED, that the quarterly operating statements of the City of Midland, for the quarter ended December 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.)

### **DOW CORNING / VALLEY ASSET LEASING, LLC.**

Assistant City Manager Jack Duso presented information on Public Act 328 Agreements with Dow Corning Corporation and Valley Asset Leasing, LLC. Scott Walker, Executive Director for Midland Tomorrow, spoke in support of Council approval for the 328 Agreements. Ken Kaufman, Dow Corning Midland Site Manager, spoke regarding the competitive environment in which Dow Corning exists and the support of these Act 328 Agreements will help Dow Corning to continue its investment in the community. The following three resolutions were then presented for consideration:

### **VALLEY ASSET LEASING PERSONAL PROPERTY EXEMPTION APPLICATION**

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

WHEREAS, pursuant to P.A. 328 of 1998, as amended, after a duly noticed public hearing held on December 4, 2006, the City Council of the City of Midland, an eligible distressed area as defined in Section 11 of the State Housing Development Authority Act of P.A. 346 of 1966, by Resolution, established an Industrial Development District, named the Dow Corning Corporation Industrial Development District and the Dow Corning Corporation Plant Rehabilitation District on February 23, 1981 and the Dow Corning 321 Plant Rehabilitation District on November 3, 1975; and

WHEREAS, the applicant, Valley Asset Leasing, LLC, a manufacturing eligible business, has filed an application for Exemption of New Personal Property; and

WHEREAS, before acting on said application, the City Council of the City of Midland held a public hearing on December 4, 2006, at the Council Chambers at City Hall, at 7:00 p.m., at which the Applicant, the City Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said Application; now therefore

RESOLVED, the City Council of the City of Midland finds and determines that the granting of the Exemption of New Personal Property currently in force under P.A. 328 of 1998, as amended, shall not have the effect of substantially impeding the operation, or impairing the financial soundness of the taxing unit which levies ad valorem property taxes in the City of Midland; and RESOLVED FURTHER, the New Personal Property Exemption when issued shall be, and remain in force and effective for a period of fifteen (15) years, beginning February 12, 2007, and ending December 30, 2021; and

RESOLVED FURTHER, The Application submitted by Valley Asset Leasing, LLC, is for an Exemption of New Personal Property that will be located in the following described Districts:  
Dow Corning Corporation Industrial Development District (February 23, 1981)

## UNAPPROVED

Beginning at the West Quarter corner of Section 26, Township 14 North, Range 2 East, thence North 1950.24 feet, thence East 2693.61 feet, thence South 653.01 feet, thence East 2639.55 feet, thence South 3936.805 feet, thence West 3907.91 feet, thence North 45 degrees 24 minutes 50 seconds 1184.36 feet, thence East 845.99 feet, thence North 314.42 feet, thence West 210.0 feet, thence North 400.0 feet, thence East 110.0 feet, thence North 160.0 feet, thence West 110.0 feet, thence North 545.0 feet, thence East 210.0 feet, thence North 370.0 feet, thence West 340.0 feet, thence North 540.0 feet thence West 549.75 feet, thence South 224.33 feet, thence East 20.0 feet, thence South 59.33 feet, thence West 20.0 feet, thence South 256.33 feet, thence West to point of beginning 440.25 feet. Total Area – 438.55 Acres.

Dow Corning Corporation Plant Rehabilitation District (February 23, 1981)

Beginning at the West Quarter corner of Section 26, Township 14 North, Range 2 East, thence East 440.25 feet, thence North 256.33 feet, thence East 20.0 feet, thence North 59.33 feet, thence West 20.0 feet, thence North 224.33 feet, thence East 549.75 feet, thence South 540.0 feet, thence East 340.0 feet, thence South 370.0 feet, thence West 210.0 feet, thence South 1105.0 feet, thence East 210.0 feet, thence South 314.42 feet, thence West 845.99 feet, thence North 44 degrees 24 minutes 50 seconds West 677.60 feet, thence North 1315.21 feet. Total Area – 53.46 Acres.

Dow Corning 321 Plant Rehabilitation District (November 3, 1975)

Beginning at a point which is North 1554.12 feet and East 1275.54 feet of the Southwest corner of Section 26, Township 14 North, Range 2 East, said point being the Southeast corner of an existing building designated 321 Building; then North 160.0 feet to a point; then West 110.0 feet to a point being the centerline of a North South private roadway; then south 160.0 feet to a point; then East 110.0 feet to the point of beginning. (Motion ADOPTED.)

### **DOW CORNING CORPORATION 328 AGREEMENT**

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

WHEREAS, Valley Asset Leasing, LLC has requested the City of Midland grant an Exemption of New Personal Property under P.A. 328 of 1998, as amended, for a period of fifteen (15) years, beginning February 12, 2007, within an eligible district on property owned by Dow Corning Corporation; and

WHEREAS, in exchange for granting said Exemption of New Personal Property, Dow Corning Corporation has agreed to maintain a certain amount of personal property taxable value during the period beginning December 31, 2007, through December 31, 2021; and

WHEREAS, the City Council has adopted a resolution granting an Exemption of New Personal Property pursuant to P.A. 328 of 1998, as amended, to Valley Asset Leasing, LLC; now therefore

RESOLVED, the Mayor and City Clerk are hereby authorized to execute the attached Agreement between Dow Corning Corporation and the City of Midland. (Motion ADOPTED.)

### **VALLEY ASSET LEASING – 328 AGREEMENT**

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

WHEREAS, Valley Asset Leasing, LLC has requested the City of Midland grant an Exemption of New Personal Property under P.A. 328 of 1998, as amended, for a period of fifteen (15) years, beginning February 12, 2007, within an eligible district on property owned by Dow Corning Corporation; and

WHEREAS, in exchange for granting said Exemption of New Personal Property, Dow Corning Corporation has agreed to maintain a certain amount of personal property taxable value during the period beginning December 31, 2007, through December 31, 2021; and

## UNAPPROVED

WHEREAS, the City Council has adopted a resolution granting an Exemption of New Personal Property pursuant to P.A. 328 of 1998, as amended, to Valley Asset Leasing, LLC; now therefore

RESOLVED, the Mayor and City Clerk are hereby authorized to execute the attached Agreement between Valley Asset Leasing, LLC and the City of Midland. (Motion ADOPTED.)

### **2007 CITY COUNCIL GOALS**

City Manager Jon Lynch presented a report on the 2007 City Council Goals. The following resolution was then offered by Councilman McKeag and seconded by Councilman Adams:

RESOLVED, that the attached 2007 City Council goals are hereby received and ordered filed in the Office of the City Clerk and at the Grace A. Dow Memorial Library. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER P-06-29**

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

RESOLVED, that Traffic Control Order No. P-06-29 filed November 8, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on Airfield Lane for 50 feet from the intersections of Washington, Scott, and Glendale Streets located between Washington Street and 750 feet east of Washington Street.

is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER P-06-30**

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

RESOLVED, that Traffic Control Order No. P-06-30 filed November 8, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on Chapel Lane for 50 feet from the intersection of Summerset Drive.

is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER R-06-08**

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

RESOLVED, that Traffic Control Order No. R-06-08 filed November 8, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That U-Turn movements shall be prohibited on Carpenter Street between Jerome and Suncrest Streets.

is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-06**

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

RESOLVED, that Traffic Control Order No. S-06-06 filed November 8, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Third Street shall Yield for Buttles Street.

is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-07**

## UNAPPROVED

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

RESOLVED, that Traffic Control Order No. S-06-07 filed November 20, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Lyon Road shall stop for US-10 BR.  
is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-08**

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

RESOLVED, that Traffic Control Order No. S-06-08 filed November 20, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Third Street shall stop for Pine Street.  
is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-09**

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

RESOLVED, that Traffic Control Order No. S-06-09 filed November 20, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Indian Street shall stop for Third Street.  
is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-10**

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

RESOLVED, that Traffic Control Order No. S-06-10 filed November 20, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Lyon Road shall stop for Buttles Street.  
is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-11**

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

RESOLVED, that Traffic Control Order No. S-06-11 filed November 20, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Grove Street shall stop for Third Street and Traffic Control Order S-87-12 shall be rescinded.  
is hereby made permanent. (Motion ADOPTED.)

### **TRAFFIC CONTROL ORDER S-06-12**

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

RESOLVED, that Traffic Control Order No. S-06-12 filed November 20, 2006 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That eastbound Buttles Street traffic turning left onto northbound Lyon Road shall yield to westbound Lyon Road north of Buttles Street.  
is hereby made permanent. (Motion ADOPTED.)

## UNAPPROVED

### **SURPLUS COMPUTER AUCTION**

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

WHEREAS, the City has surplus computer items that have been removed from service and are no longer of use to City operations; now therefore  
RESOLVED, that under the provisions of Section 2-24 of the Midland Code of Ordinances, authorization is given to sell such items at public auction to be held on Saturday, March 3, 2007 with the proceeds being deposited in the Data Processing Computer Rental Fund, Sale of Assets account. (Motion ADOPTED.)

### **ROTARY CLUB OF MIDLAND MORNING – CHARITABLE GAMING LICENSE**

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

RESOLVED, that the request from The Rotary Club of Midland Morning of the City of Midland, county of Midland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval. (Motion ADOPTED.)

### **CIVIC ARENA SIGN PLACEMENT**

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

WHEREAS, the Midland Civic Arena was opened in September 2005; and  
WHEREAS, staff has determined that a sign marking the location of the Arena and serving to enhance the marketing of the facility is appropriate; and  
WHEREAS, in order to be effective, such a sign would need to be located off premise at Bay City Road; and  
WHEREAS, the traffic island on Fast Ice Drive at Bay City Road offers an ideal location for such signage; and  
WHEREAS, signage placed within the right of way determined by the City Council to be in the public or civic interest may be approved by the City Council in accord with provisions of Sec. 22-2 of the Code of Ordinances; and  
WHEREAS, said property is located within Regional Commercial Zoning; now therefore  
RESOLVED, that the City Council hereby approves the placement of a sign for the Midland Civic Arena, not to exceed size and operational restrictions applicable to Regional Commercial Zoning within the right-of-way on the traffic island on Fast Ice Drive at Bay City Road. (Motion ADOPTED.)

### **GREAT LAKES LOONS PENNANT RACE**

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

RESOLVED, that the request from the Great Lakes Loons and Midland and Dow High Schools to conduct the first annual Great Lakes Loons Pennant Race on Saturday, April 21, 2007, at 11:00 a.m. in downtown Midland utilizing the public right-of-way 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 no less than five days prior to the event.
- Special Event Sign Procedures must be followed.

## UNAPPROVED

- In case of an emergency, emergency vehicles might need to access areas on or near the race route. Should that happen, a designated person must remove barriers to allow emergency access and the participants must move out of the way to let the vehicles proceed to the emergency scene.
- A traffic control plan must be coordinated a minimum of one month prior to the event. Please contact Bradd Maki, Assistant City Engineer, at 837-3351 and Deputy Police Chief Bob Lane at 839-4701 for assistance.

; and

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

### **THRIVENT CHRISTIAN MUSICAL CONCERT**

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

RESOLVED, that the request from the Downtown Development Authority and the Rock Youth Center to host a Thrivent Christian Musical Concert on Saturday, July 28, 2007, in Chippewassee Park and the Tridge area is hereby approved subject to the following conditions:

- Special Event Sign Procedures must be followed.
- Sign locations and size must be coordinated with Bradd Maki, Assistant City Engineer.

; and

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

### **FIRE STATION #3 STORAGE GARAGE – CHANGE ORDERS**

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

WHEREAS, on October 23, 2006, approval was given for the construction of a storage garage at Fire Station #3; and

WHEREAS, The Tancor Corporation submitted change orders in the amount of \$1,920 for specified changes; and

WHEREAS, the original plan needed to be altered to include a floor drain connection to the storm sewer and the installation of parking bollards; now therefore

RESOLVED, that the City Manager is hereby authorized and directed to execute change orders in the amount of \$1,920 on behalf of the City of Midland. (Motion ADOPTED.)

### **INTERNET-BASED INQUIRY AND TRANSACTION PROCESSING SOFTWARE**

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

WHEREAS, the City requires Internet-based inquiry and transaction processing software; and  
WHEREAS, the City participates in a single-source relationship with Sungard HTE Incorporated;  
and

WHEREAS, sufficient funding exists in the General Fund and Water Fund and various software modules will be purchased by individual user departments from the 2006-07 Computer/Software budget; now therefore

RESOLVED, that the Purchasing Agent is authorized to issue a purchase order to Sungard HTE Incorporated in the amount of \$50,300.00 for the purchase of Internet-based inquiry and transaction processing software and the City Manager is authorized to approve change orders up to \$5,000.00. (Motion ADOPTED.)

### **ENTERPRISE REPORTING SOFTWARE – CHANGE ORDER**

## UNAPPROVED

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

WHEREAS, the Information Services Department is requesting an increase of the authorized funds for the purchase of enterprise reporting software and related training; and  
WHEREAS, sufficient funding exists in the General Fund from the 2006-07 Computer/Software budget; now therefore  
RESOLVED, that the Purchasing Agent is authorized to increase the original purchase order to SunGard HTE Incorporated for enterprise reporting software and training from \$22,450 to \$24,850, and authorizes the City Manager to approve additional change orders not to exceed \$2,000. (Motion ADOPTED.)

### **FUN ZONE STAINING**

Department of Public Services Director Martin McGuire presented a resolution accepting a generous donation from the Midland Area Community Foundation endowment fund for funding the routine power washing and re-staining of the Fun Zone play structure. The following resolution was then offered by Councilman McKeag and seconded by Councilman Rokosz:

WHEREAS, the City maintains the Fun Zone play structure at Plymouth Park; and  
WHEREAS, the structure requires routine power washing and re-staining; and  
WHEREAS, the Midland Area Community Foundation maintains an endowment fund to maintain the structure; and  
WHEREAS, the Midland Area Community Foundation has allocated \$16,049.00 to the City to fund the staining of the structure; now therefore  
RESOLVED, the City hereby accepts the generous offer of the Midland Area Community Foundation and directs the staff to proceed with the project. (Motion ADOPTED.)

### **BITUMINOUS MATERIAL – ANNUAL PURCHASE**

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing bituminous materials; and  
WHEREAS, funds have been provided in several Local and Major Street Fund budgets; now therefore  
RESOLVED, that the sole proposal meeting City specifications submitted by Saginaw Asphalt of Carrollton, Michigan for furnishing and loading onto City trucks approximately 1,500 tons of Bituminous Mixture #2 for hot mix patching at a cost of \$39.40 per ton is hereby accepted; and  
RESOLVED FURTHER, that the City Purchasing Agent is authorized to issue a purchase order in accord with this resolution, the proposal selected and City specifications. (Motion ADOPTED.)

### **CONCRETE AND RELATED MATERIAL – ANNUAL PURCHASE**

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for concrete and related materials; and  
WHEREAS, sufficient funds are included in the Operating Supplies line item in General Fund and Street Fund activities and the total amount of purchases will not exceed the funding; now therefore  
RESOLVED, that the sole sealed proposal meeting City specifications submitted by Fisher Sand and Gravel, Inc. of Midland, Michigan for furnishing a twelve month supply of concrete and related materials at the unit prices contained in their January 16, 2007 response to our Bid No.

## UNAPPROVED

2991 is hereby accepted and the Purchasing Agent is authorized to issue a purchase order in accord with the proposal and the City specifications. (Motion ADOPTED.)

### **SANITARY SEWER MODELING CHANGE ORDER**

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

WHEREAS, in spring 2006 City staff implemented an aggressive schedule to acquire data on all of the sanitary sewer manholes, connecting pipes, and appurtenances that would allow for the modeling of the sanitary sewer system in the residential collection districts; and  
WHEREAS, the collection work was completed in a timely fashion and City staff turned its attention to developing the model based on the GIS information to identify potential deficiencies in pipe size in the collecting areas of the City; and  
WHEREAS, critical to the modeling is data related to rain events and corresponding pump station activities over the past three years that would allow staff to correlate rainfall to wet weather flow into the sanitary sewer system through footing drains; and  
WHEREAS, since the City did not experience a significant rain event, and was unable to correlate existing rain event data to the continuous three or five-gallon per minute footing drain discharge rates, the City's consultants at Hubbell, Roth & Clark (HRC) of Bloomfield Hills and staff concluded that a hydrograph, or curve, is needed for each rainfall event to more accurately develop flows within the model; and  
WHEREAS, recognizing that the City did not have the necessary expertise on staff, we contracted with HRC because of their extensive knowledge of the City's sewer system to integrate the City's sewer data into SewerGEMS and to develop a hydrograph for the East Ashman Pump Station District at a cost of \$19,000.00; and  
WHEREAS, based on the positive results from the initial hydrograph for a specific sewer district, we are now recommending that the City contract with HRC to develop hydrographs for the two largest sewer districts, Nelson and Gravity at a cost of \$20,000.00; and  
WHEREAS, funding is provided in the 2006/07 Wastewater budget capital account #590-9120-912.97-50 – Sewer System.; now therefore  
RESOLVED, a change-order to the existing purchase order in the amount of \$20,000.00 to Hubbell, Roth & Clark, is hereby authorized, bringing the total purchase order to \$39,000.00 (\$19,000.00 + \$20,000.00), for the development of hydrographs to model the Nelson and Gravity sewer districts. (Motion ADOPTED.)

### **PROPOSED 06-07 LIBRARY BUDGET AMENDMENT – NEWSPAPER DIGITIZATION**

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

WHEREAS, newspaper digitization will improve access to historical resources held by the Grace A. Dow Memorial Library; and  
WHEREAS, the Board of Directors of the Friends of the Grace A. Dow Memorial Library has offered to donate funding of up to \$35,000 for a newspaper digitization project; now therefore  
RESOLVED, the City Council accepts the donation of the Friends of the Library to the Grace A. Dow Memorial Library for the newspaper digitization project; and  
RESOLVED FURTHER, 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. on February 26, 2007 in the Council Chambers of City Hall on the proposal to amend the 2006-2007 budget of the Grace A. Dow Memorial Library Fund to increase both revenues and expenditures by \$35,000 to recognize unanticipated revenues from contributions and to appropriate funds for the newspaper digitization project; and  
RESOLVED FURTHER, that the City Clerk is hereby authorized and instructed to publish the appropriate notice of said public hearing in accord with Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

UNAPPROVED

Being no further business the meeting adjourned at 10:11 p.m.

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Selina Tisdale, City Clerk