

UNAPPROVED

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February 11, 2008

A special meeting of the City Council was held on Monday, February 11, 2008, at 6:00 p.m. in Conference Room A in City Hall. Mayor Johnson presided.

Councilmen present: Thomas Adams, Maureen Donker, Bruce Johnson, Hollis McKeag,
Joseph Rokosz

Councilmen absent: None

CLOSED SESSION

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

RESOLVED, that in accord with Section 8(e) of Public Act 267 of the Public Acts of the State of Michigan of 1976, as amended, and upon adoption of this resolution by at least four affirmative votes of the City Council, the City Council shall immediately adjourn to a closed session to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, specifically Midland Cogeneration Venture Limited Partnership vs. City of Midland, which, if discussed at an open meeting, would have a detrimental financial effect on the litigating or settlement position of the public body. (Motion ADOPTED by a Roll Call Vote.)

Being no further business the meeting adjourned to a closed session at 6:02 p.m.

Jon Lynch, Deputy City Clerk

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February 11, 2008

A regular meeting of the City Council was held on Monday, February 11, 2008, 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, Maureen Donker, Bruce Johnson, Hollis McKeag,
Joseph Rokosz

Councilmen absent: None

MINUTES

Approval of the minutes of the January 19 and 21, 2008 special and January 21, 2008 regular meetings was offered by Councilman Adams and seconded by Councilman Donker. (Motion ADOPTED.)

APRIL 9, 2007 CORRECTED MINUTES

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

WHEREAS, on April 9, 2007 the City Council considered Zoning Petition No. 541, which involved the rezoning of a parcel located at 1314 W. Wheeler St. from Office Service to Regional Commercial restricted to certain permitted uses; and

WHEREAS, during said meeting the restricted uses were modified to reflect restrictions not specified in the ordinance originally presented in the City Council agenda materials; and

WHEREAS, the ordinance was written in a manner that listed the uses that were not allowed as opposed to specifying the restrictions, which could result in an unintended consequence if the permitted uses in the Regional Commercial zoning classification are amended at some future date; and

WHEREAS, the ordinance has been rewritten to specify the restricted uses of the above parcel resulting in no changes to the permitted uses; and

WHEREAS, the City Attorney has advised that the preferred remedy is to amend the minutes of the April 9, 2007 City Council meeting by incorporating the above described version of said ordinance; now therefore

RESOLVED, that the attached amended minutes of the April 9, 2007 City Council meeting are hereby approved and the City Clerk is hereby authorized and directed to record said amended minutes as the true accounting of the April 9, 2007 City Council meeting. (Motion ADOPTED.)

WALK FOR WARMTH DAY

Communications Coordinator Libby Richart introduced Laura Bonnell, Regional Outreach Coordinator of Mid-Michigan Community Action Agency to accept the proclamation. The following resolution was then offered by Councilman Adams and seconded by Councilman Rokosz:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating February 23, 2008 as Walk for Warmth Day in Midland. (Motion ADOPTED.) Mayor Johnson presented Laura Bonnell with the proclamation.

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ARBOR DAY

Director of Parks and Recreation Brett Ireland gave a presentation on the City's participation in Arbor Day. The following resolution was then offered by Councilman Rokosz and seconded by Councilman Donker:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating April 25, 2008, as Arbor Day in the City of Midland. (Motion ADOPTED.) Mayor Johnson presented Brett Ireland with the proclamation.

100 BEST COMMUNITIES FOR YOUNG PEOPLE IN AMERICA RECOGNITION

Communications Coordinator Libby Richart gave an overview of the organizations involved in receiving recognition as one of the 100 Best Communities for Young People in America. The following resolution was offered by Councilman McKeag and seconded by Councilman Donker:

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, for the second year in a row, as one of the 100 Best Communities for Young People in America. (Motion ADOPTED.) Mayor Johnson presented Libby Richart with the Proclamation of Recognition.

DOW CHEMICAL COMPANY BROWNFIELD REDEV. PLAN NO. 1 SECOND AMENDMENT

Assistant City Manager Jack Duso presented an overview of the changes to the Brownfield Redevelopment Plan. Kevin DeLine, Site Logistics Leader at Michigan Operations of The Dow Chemical Company, described the photovoltaic project. A public hearing opened at 7:20 p.m. Scott Walker, Executive Director of Midland Tomorrow, spoke in favor of the amended plan. The public hearing closed at 7:22 p.m. The following resolution then was offered by Councilman McKeag and seconded by Councilman Rokosz:

WHEREAS, the City of Midland, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established a Brownfield Redevelopment Zone (the "Zone"), and has established the Brownfield Redevelopment Financing Authority of the City of Midland (the "Authority"); and

WHEREAS, the Authority, pursuant to and in accordance with the provisions of the Act, has prepared and recommended for approval by the City Council, a brownfield plan (the "Plan") as described in Exhibit A pursuant to and in accordance with Section 13 of the Act, to be carried out within the Zone; and

WHEREAS, the City Council has, at least twenty (20) days before the meeting of the City Council at which this resolution has been considered, provided notice to the public about the Plan by publishing notice of the Plan and a hearing in which the Plan will be open for discussion in a newspaper of general circulation and the City Council has provided the public a reasonable opportunity to express its views regarding the Plan in accordance with Section 13 (10) and 13 (12) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Authority and the public, the City Council desires to proceed with approval of the Plan; now therefore

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RESOLVED, that pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached to this Resolution; and

RESOLVED FURTHER, that should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid; and

RESOLVED FURTHER, that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 27

Director of Planning and Community Development Keith Baker gave an overview of the conditional use permit. Mr. Gary Bartow of Bartow and King Engineers explained the purpose of the drive through window. A public hearing opened at 7:38 p.m., recognizing no public comments, the hearing closed at 7:38 p.m. The following resolution was then offered by Councilman Adams and seconded by Councilman McKeag:

WHEREAS, Bartow & King Engineers, Inc. submitted a request for a conditional use permit review and approval for the addition of a drive-through for an accessory restaurant use for a previously approved fitness center site plan in a Regional Commercial Zoning District at 601 East Wackerly Street on 1.8 acres; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 27 in accord with documents provided and submitted at the meeting of January 21, 2008. (Motion ADOPTED.)

CORRIDOR IMPROVEMENT AUTHORITY

Director of Planning and Community Development Keith Baker introduced Heidi SaidiZand of the Midland Area Chamber of Commerce who gave an overview of the Corridor Improvement Authority process. Mr. Baker presented a list of frequently asked questions regarding tax increment financing associated with a Corridor Improvement Authority. A public hearing opened at 8:30 p.m. Mr. Oswald Anders, 801 Linwood Drive, gave a presentation on the number of vacant stores along the S. Saginaw Road corridor and expressed his support for creating the Authority. Mr. Richard McCreddie, 601 S. Saginaw Road, spoke against creating the Authority citing several improvements that have already occurred without the assistance of an Authority. Mr. Jerry Deming, 872 Pinecroft Lane, spoke in favor of creating the Authority and indicated that after his restaurant has invested over \$250,000 he has experienced a decline in business. Mr. Sid Allen, President of the Midland Area Chamber of Commerce, spoke in favor of creating the Authority. Mr. Greg Adkins, 2904 Dawn Drive, spoke in favor of creating the Authority. Mr. David Gray, 4410 Brooks Road, spoke in favor of creating the Authority. The hearing closed at 9:05 p.m. The following resolution was then offered by Councilman McKeag and seconded by Councilman Rokosz:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING CHAPTER 30 BY ADDING DIVISION I AND DIVISION II OF CHAPTER 30 THEREOF.

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The City of Midland Ordains:

Section 1. Section 30-1 is hereby amended to read as follows:

Sec. 30-1. Title.

This chapter shall be known and may be cited as the "ECONOMIC DEVELOPMENT ORDINANCE."

Section 2. Division II, Sections 30-12 thru 30-23 are hereby added to read as follows:

Sec. 30-12. Adopted.

The Corridor Improvement Authority Act (Public Act 280 of the Public Acts of the State of Michigan of 2005, as amended) is hereby adopted as the corridor improvement authority ordinance and made a part of this chapter as if fully set out herein, except such portions as are amended or deleted by the provisions of this division.

Sec. 30-13. Title.

This chapter shall be known and may be cited as the "Corridor Improvement Authority Ordinance."

Sec. 30-14. Purpose and intent.

The purpose of this division is to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interest in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide a means through which the council may exercise the authority and discharge the responsibilities vested in it by this division and Public Act 280 of the Public Acts of the State of Michigan of 2005, as amended.

The city is strongly committed to the revitalization and redevelopment of commercial properties that have historically developed along the city's major arterial roadways ("commercial corridors"). The council believes that revitalization and redevelopment of existing commercial corridors in maturing communities is preferable to the negative effects associated with the continual consumption of vacant land for commercial purposes in growth communities.

There presently exist within the city a number of commercial corridors which could greatly benefit from the new Corridor Improvement Authority Act, Act 280 of PA 2005 (the "Act"), through analysis, short- and long-term planning, construction, renovation, repair, remodeling, rehabilitation, restoration, preservation and reconstruction of buildings and facilities. Tax incremental financing is one of many tools available to finance these activities under the Act.

The council, having heard and considered testimony regarding the public need and potential benefits that are to be realized through the Act; and, having determined that it is necessary for the best interests of the public to redevelop and promote economic growth within commercial corridors; resolves to proceed with the creation and provide for the operation of a corridor improvement authority ("authority") within the city pursuant to and in accordance with the provisions of the Act.

Sec. 30-15. Creation of authority.

There is created pursuant to this division a corridor improvement authority for the city. The authority shall be known and exercise its powers under the name "Corridor Improvement Authority of the City of Midland". The authority shall possess all of the powers provided within this division and Public Act 280 of the Public Acts of the State of

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Michigan 2005, as amended. The enumeration of a power in this division or in the Act shall not be construed as a limitation upon the general powers of the authority.

Sec. 30-16. Board.

- a) Except as otherwise provided in the Act, the authority shall be under the supervision and control of a seven (7) member board consisting of the city manager or his or her designee and six (6) members appointed by the city manager subject to approve by the council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the development area. At least one (1) of the members shall be a resident of the development area or of an area within one-half mile of any part of the development area. The board shall elect a chairperson from among its members.
Of the members first appointed, two (2) members shall be appointed for a term of one (1) year, two (2) members for a term of two (2) years, one (1) member for a term of three (3) years, and one (1) member for a term of four (4) years. After the initial appointment, each member shall serve for a term of four (4) years. A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made by the city manager for the unexpired term only. After having been given notice and an opportunity to be heard, a member of the board may be removed for cause by the council.
- b) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.
- c) The business which the board may perform shall be conducted at a public meeting of the board held in accordance with the Open Meetings Act, Public Act 267 of the Public Acts of the State of Michigan of 1976, as amended. Public notice of the time, date and place of the meeting shall be given in the manner required by Act 267. The board shall adopt rules consistent with Act 267 governing its procedure and the holding of regular meetings, subject to the approval of the council. Special meetings may be held when called in the manner provided in the rules of the board.
- d) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the Freedom of Information Act, Public 442 of the Public Acts of the State of Michigan of 1976, as amended.
- e) Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.
- f) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

Sec. 30-17. Powers of authority.

The board may do any of the following:

- a) Prepare an analysis of economic changes taking place in the development area.
- b) Study and analyze the impact of metropolitan growth upon the development area.
- c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the development area.
- d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier-free design requirements of the state construction code promulgated under the Stile-De-Rossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

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- e) Develop long-range plans, in cooperation with the agency that is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote the economic growth to the development area, and take steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- f) Implement any plan of development in the development area necessary to achieve the purposes of this act in accordance with the powers of the authority granted by this act.
- g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- h) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options.
- i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation or a combination thereof.
- j) Fix, charge, and collect fees, rents, and charges for the payment of revenue bonds issued by the authority.
- k) Lease, in whole or in part, any facility, building, or property under its control.
- l) Accept grants and donations of property, labor, or other things of value from a public or private source.
- m) Acquire and construct public facilities.
- n) Conduct market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.
- o) Contract for broadband service and wireless technology service in a development area.

Sec. 30-18. Description of the development area.

The development area in which the board shall exercise its powers as provided by Act 280 of the Public Acts of the State of Michigan of 2005, as amended, shall consist of the property in the city described as follows:

A parcel of the land in Sections 9, 10, 15, 16 and 22, T. 14 N. – R. 2 E., City of Midland, Midland County, Michigan, described as follows:

To fix the point of beginning commence at a point on the South line of Section 15, said point being the intersection of the West 1/8 line of said Section 15 and said South Section line, said point also being the intersection of East Patrick Road (so-called) and Bayliss Street (so-called); thence North, on said West 1/8 line, 33.00 feet; thence East, 32.00 feet to the East right-of-way of said Bayliss Street and the point of beginning of this description;

thence North, on said East right-of-way line, 99.00 feet; thence East, 50.00 feet; thence North, 1.00 feet; thence East, 50.00 feet; thence North, 450.00 feet; thence West, 100.00 feet to said East right of way line of Bayliss Street so-called;

thence North, on said East line, 77.00 feet; thence East, 566.55 feet; thence North, 500.00 feet; thence East, 501.35 feet; thence South, 126.95 feet; thence East 240.00

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feet to the centerline of Washington Street (so-called), said centerline also being the North and South 1/4 line of said Section 15;
thence North, on said North and South 1/4 line, 361.39 feet to the intersection of the centerlines of said Washington Street and Michigan Street (so-called);
thence Northwesterly, on the centerline of said Michigan Street, to the intersection of said centerline of Michigan Street and the South right-of-way of Eastlawn Drive (so-called);
thence East, on said South right-of-way of Eastlawn Drive, to a point on the Westerly right-of-way of South Saginaw Street (so-called), said point also being the Northeasterly corner of Lot 1, Block 2, of recorded Plat of Assessor's Plat Of Eastlawn Addition;
thence Northwesterly, on said Westerly right-of-way of said South Saginaw Street to a point, said point being 209.95 feet, measured along said Westerly right-of-way, Southeasterly of the Easterly corner of Lot 1 of recorded Replat of Keppel's Addition;
thence Southwesterly, 120.00 feet, to the Southerly extension and a line common to Lots 1 through 13 of said Replat of Keppel's Addition;
thence Northwesterly, on said Southerly extension and line common to Lots 1 through 13, to the North line of said Replat of Keppel's Addition; thence East, on said North line, 17.13 feet;
thence Northwesterly to the centerline of Dartmouth Drive (so-called); thence Southwesterly, on said centerline of Dartmouth Drive, to the Southerly extension of the Southwesterly right of way line of Bayliss Street (so-called);
thence Northwesterly, on said Southerly extension and right-of-way line of Bayliss Street (so-called), 198.49 feet;
thence West, 179.89 feet; thence North, 60.00 feet; thence West, to the Easterly right-of-way line of Jefferson Avenue (so-called);
thence North, on said Easterly right-of-way of Jefferson Avenue (so-called), to the centerline of Rodd Street (so-called); thence Southwesterly, on the centerline of Rodd Street (so-called), to the centerline of Nickles Street (so-called);
thence Northwesterly, on said centerline of Nickles Street (so-called), to the centerline of Ashman Street (so-called); thence Northeasterly, on said centerline of Ashman Street, to the centerline of Mertz Street (so-called);
thence Northwesterly, on said centerline of Mertz Street, to the Southwesterly extension of the South line of the recorded plat of Edgewood Park Subdivision;
thence Northeasterly, on said Southwesterly extension and said South line of said plat of Edgewood Park Subdivision, to the Northwesterly corner line of Lot 6, of the recorded plat of Patterson's Addition;
thence Northeasterly, on the Northwesterly line of Lots 6, 7 and 8 of said Patterson's Addition, to the Northeasterly line of Lot 4 of said subdivision;
thence Northwesterly, on said Northeasterly line of Lot 4 and the Northeasterly line of Lots 12 and 7 and their extension in the recorded plat of Edgewood Park Subdivision, to the Northerly right-of-way of Manor Drive (so-called); thence Northeasterly, on said Northerly right-of-way, to a point 150.00 feet Southwesterly of the intersection of the Northerly right-of-way of Manor Drive and the Westerly right-of-way of North Saginaw Road;
thence Northwesterly, from said point, 120.00 feet; thence Northeasterly, to the centerline of North Saginaw Road (so-called);
thence Southeasterly, on said centerline of North Saginaw Road, to the intersection with the Southwesterly extension of North Line of Lot 11 in the recorded Plat of Mol Subdivision;

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thence Northeasterly, on said Southwesterly extension and the North line of said Lot 11, 184.35 feet, to the Northeasterly line of said Lot 11;

thence Southeasterly, on said Northeasterly line of said Lot 11 and 12 of said subdivision, 203.08 feet, to the Northwesterly line of Lot 13 of said subdivision;

thence Northeasterly, on said Northwest line of said Lot 13, to the intersection with Vail Court (so-called) right-of-way;

thence Southeasterly, on said right-of-way line, 34.65 feet, to the East line of said Lot 13;

thence South, on the East line of said Lot 13, 125.20 feet, to the South line of said Plat of Mol Subdivision;

thence East, on said South Subdivision line and its Easterly extension, to the center line of Jefferson Avenue (so-called) and the Section line common to Sections 9 and 10;

thence South, on said Section line, to the Westerly extension of the South line of Lot 8 of the recorded plat Assessor's Plat No. 3; thence East, on said Westerly extension and the South line of said Lot 8 and its Easterly extension to the centerline of relocated Cambridge Street (so-called);

thence Southerly, on said centerline of Cambridge Street, to the South line of Section 10 and the centerline of Ashman Street, (so-called);

thence East, on said centerline, to the intersection with the Northerly extension of the East line extended of Lot 4 of the recorded plat of Streuer's Addition No. 3; thence South, on said Northerly extension and said East line, to the Northeast line of Lot 24 of said subdivision; thence Southeasterly, on said Northeast line of said Lot 24 and its Southeasterly extension, to the centerline of Edwin Street (so-called);

thence Southwesterly, on said centerline of Edwin Street, to the centerline of Cambridge Street (so-called); thence Southeasterly, on the centerline of Cambridge Street, to the centerline of Washington Street (so-called), said centerline also being the North and South 1/4 line of said Section 15;

thence South, on said centerline of Washington Street (so-called) to the intersection of the Northwesterly extension of the Southwesterly right-of-way line of Wisconsin Road (so-called);

thence Southeasterly on said Northwesterly extension and said Southwesterly line, to the East line of Reinhart's Addition; thence South, on said East line, 41.73 feet; thence Southeasterly, 166.44 feet; thence South, to the North right-of-way line of East Haley Street (so-called); thence East, on said North right-of-way, to the centerline of Virginia Street (so-called);

thence South, on the centerline of said Virginia Street and its Southerly extension, to a point on the East line of the recorded subdivision of Woodworth Addition, said point being 153.00 feet South of the Northeast corner of said subdivision;

thence East, to a point on the West line of the recorded plat of Parkwood Addition, said point being, 120.00 feet South of the Northwest corner of Lot 51 of said Parkwood Addition plat;

thence South, on said West line, to the Southerly line of Lot 52, said Southerly line of Lot 52, also being the Northeasterly line of Lot 90 of said plat; thence Southeasterly, on a line common to Lots 52 through 56 and 86 through 90 of said plat, 357.07 feet to the mid point of the Northeasterly line of said Lot 86;

thence Southwesterly, on a line which is parallel with and 30.00 feet, measured at right angles, Northwesterly of the Southeasterly line, of said Lot 86, and its Southwesterly extension to the centerline of vacated Colorado Street (so-called);

thence Southeasterly, on said centerline of vacated Colorado Street to the centerline of the existing right of way of said Colorado Street; thence continuing Southeasterly on said centerline, to the centerline of Walsh Street (so-called);

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thence South, on said centerline of Walsh Street, to the South right of way line of East Patrick Road (so-called); thence East, on said South line to the Southwesterly right of way line of the "off ramp" of West Bound Highway M-20 / US 10; thence Southeasterly on said Southwesterly right of way of said "off ramp" to the North line of said West Bound Highway M-20 / US 10; thence West on said North line to a point, 348.48 feet West of the East 1/8 line of Section 22; thence North, to the North right-of-way of said East Patrick Road; thence West, on said North line to the point of beginning.

Sec. 30-19. Director's bond.

In the event the board elects to employ a director as authorized by Section 9(1) of the Act, the director, before entering upon the duties of office, shall, in addition to any other requirements of law, post a bond in the penal sum of \$10,000.00, payable to the authority for the use and benefit of the authority, which shall be approved by the board and filed with the city clerk. The premium on the bond furnished by the director shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation.

Sec. 30-20. Filing ordinance with secretary of state.

The City of Midland Corridor Improvement Authority Ordinance and any amendments shall be filed with the Secretary of State promptly after adoption.

Sec. 30-21. Fiscal year.

The fiscal year of the authority shall begin on July first of each year and end on June thirtieth of the following year or such other fiscal year as may hereinafter be adopted by the city.

Sec. 30-22. Adoption of budget.

The board shall annually prepare a budget and shall submit it to the council on the same date that the proposed budget for the city is required by the city charter to be submitted to the council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds for approval. The board shall not adopt a budget for any fiscal year until the council has approved the budget.

Sec. 30-23. Termination.

Upon completion of its purposes for which it is organized, the authority shall be dissolved by ordinance of the council. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall revert to the city.

Section 3. All other provisions of the Code of Ordinances not specifically amended shall remain in full force and effect.

Section 4. This ordinance shall become effective upon publication.

(Motion ADOPTED. Considered first reading. Yeas: Adams, Donker, Johnson, Rokosz
Nays: McKeag)

PUBLIC COMMENTS

No public comments were made.

Council recessed at 9:21 p.m. and resumed at 9:29 p.m.

ORDINANCE AMENDMENT - SINGLE-FAMILY OWNER-OCCUPIED DWELLINGS

Item was withdrawn.

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SITE PLAN NO. 272

Director of Planning and Community Development Keith Baker gave an overview of the site plan. Mr. Gary Bartow of Bartow and King Engineers explained the easement for adjacent access. The following resolution was then offered by Councilman Adams and seconded by Councilman Donker:

WHEREAS, the City Council has received the recommendation of the City Planning Commission for approval of Site Plan No. 272, the request of Bartow & King Engineers, Inc. on behalf of Salon Magnifique for a 2,926 square foot beauty salon at 605 East Wackerly Street on .72 acres; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 272 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 272, contingent upon the following:

1. The stormwater detention system is designed and constructed in accordance with the City of Midland Engineering Department specifications.
2. All landscaping shall comply with Article 6 of the Zoning Ordinance.
3. All exterior lighting shall comply with Section 3.12 of the Zoning Ordinance.
4. All exterior signage shall comply with Article 8 of the Zoning Ordinance.
5. All parking spaces shall comply with Section 5.01(d) of the Zoning Ordinance and be delineated by "box" style striping.
6. That the appropriate land division (lot split) is completed prior to the issuance of a building permit.
7. That the connection between the salon parking lot and the fitness center parking lot be removed.

(Motion ADOPTED.)

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2008-09 CONSTRUCTION PROJECT PRIORITIES LIST

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

WHEREAS, a report has been received from the City Engineer listing the proposed construction projects for 2008-2009 which includes projects petitioned by property owners, projects recommended by the City Administration and others; and

WHEREAS, City Council has reviewed the proposed construction projects list and received comments from interested citizens; now therefore

RESOLVED, that City Council hereby approves said proposed construction project listing for 2008-2009 and directs the City Administration to include funding requests for the proposed projects in the 2008-2009 budget; and

RESOLVED FURTHER, that the report is hereby directed to be placed on file in the City Clerk's Office and at the Grace A. Dow Memorial Library and a map of the projects be placed in the lobby of Midland City Hall. (Motion ADOPTED.)

GRANT OF LICENSE – MIDLAND KING'S DAUGHTERS HOME - USE OF PARKING LOT

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

WHEREAS, Midland King's Daughters Home has requested a grant of license that will provide for the continued use of off-street parking, refuse placement and the location of a hard wired emergency generator located in a city parking lot; and

WHEREAS, the City of Midland and Midland King's Daughters Home jointly agree to use the city parking lot located adjacent to Central Park; now therefore

RESOLVED, that the attached Grant of License agreement from the City of Midland to Midland King's Daughters Home, for use of the city parking lot adjacent to Central Park for a period of fifty (50) years for parking, refuse placement and hard wired emergency generator placement, is hereby accepted and that the license agreement is ordered recorded; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized to sign said licensing easement document. (Motion ADOPTED.)

COMMERCE DRIVE EXTENSION – WARRANTY DEED

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

RESOLVED, that the attached Warranty Deed from the County of Midland to the City of Midland, conveying a public street, from Jefferson Avenue west to the North-South ¼ line of Section 33, T. 15 N., R. 2 E., is hereby accepted and that the warranty deed is ordered recorded; and

RESOLVED FURTHER, that said public street shall be named Commerce Drive. (Motion ADOPTED.)

WATER MAIN EASEMENT AGREEMENT – DOW DIAMOND STADIUM

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

RESOLVED, that the attached Easement Agreement from The Dow Chemical Company, to the City of Midland, for the water mains and appurtenances surrounding the Dow Diamond baseball stadium site in Section 21, T. 14 N., R. 2E City of Midland, Michigan, is hereby accepted and

UNAPPROVED

that the Mayor and City Clerk are authorized to sign said agreement and that it is ordered recorded. (Motion ADOPTED.)

2008 CITY COUNCIL GOALS

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

RESOLVED, that the attached 2008 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-07-31

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

RESOLVED, that Traffic Control Order No. P-07-31 filed November 15, 2007 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on Jefferson Avenue between Saginaw Road and Vail Street with the exception of the west side of Jefferson Avenue from 130 feet to 230 feet north of the Circle.

is hereby made permanent. (Motion ADOPTED.)

DUSO REAPPOINTMENT TO CENTRAL DISPATCH AUTHORITY ADMIN POLICY BOARD

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

RESOLVED, that Jack Duso is hereby reappointed to the Midland County Central Dispatch Authority Administrative Policy Board for a term of four years beginning February 1, 2008. (Motion ADOPTED.)

COMPUTER AUCTION

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

WHEREAS, the City has surplus computer and other miscellaneous items that have been removed from service and are no longer of use to City operations; and

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 1, 2008 with the proceeds being deposited in the Data Processing Computer Rental Fund, Sale of Assets account. (Motion ADOPTED.)

MACKINAC CENTER – REQUEST TO HANG COMMEMORATIVE FLAGS

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

RESOLVED, that the request from the Mackinac Center to hang seasonal commemorative flags on the City light post outside of their entrance during 2008 to celebrate their 20th anniversary, is hereby approved subject to the following conditions:

- Final flag specifications must be provided to Bradd Maki, Assistant City Engineer, a minimum of one month prior to installation for approval or comment.
- The flag shall be no larger than 30" x 60" and shall fit existing bracket locations.

UNAPPROVED

- Flag installation to be coordinated with the Assistant City Engineer.
- The City may temporarily remove the flag to accommodate events or various other installations when determined.

;and

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

NATIONAL DIABETIC ASSOCIATION FAMILY FUN RIDE

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

RESOLVED, that the request from the National Diabetic Association to conduct a Family Fun Ride on Saturday, May 17, 2008, from 9:00 a.m. – 1:00 p.m. utilizing the Rail Trail and the Tridge area, is hereby approved subject to the following conditions:

- Obtain Special Event Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Certificate Holder and Additional Insured. This certificate must be submitted to the City Manager's Office no less than five days prior to the event.
- Participants must remain on the Rail Trail and obey all traffic laws.
- Use of the Rail Trail is non-exclusive and other people may be using the Trail. Also, there are other events scheduled that day in the Tridge area.

;and

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

DIESEL FUEL PURCHASE FROM JANUARY 15, 2008

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

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the Purchasing Agent to purchase full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process where fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,398 gallons of diesel fuel from Karbowski Oil of Bay City, Michigan for \$35,101.42, executed by the Purchasing Agent on January 15, 2008, is hereby approved. (Motion ADOPTED.)

DIESEL FUEL PURCHASE FROM JANUARY 30, 2008

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

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the Purchasing Agent to purchase full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting; and

UNAPPROVED

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and
WHEREAS, staff instead uses a competitive bid process where fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore
RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and
RESOLVED FURTHER, that the purchase of 13,400 gallons of diesel fuel from Karbowski Oil of Bay City, Michigan for \$35,575.66, executed by the Purchasing Agent on January 30, 2008, is hereby approved. (Motion ADOPTED.)

AERIAL PHOTOGRAPHY

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

WHEREAS, the City of Midland requires updated aerial photography; and
WHEREAS, funding for these services is being provided by the 2007-08 General Fund's Assessing department budget, and in the 2007-08 GIS budget; and
WHEREAS, maintaining compatibility with Midland County and Central Dispatch, and the need for specialized experience in the area of aerial photography is required; now therefore
RESOLVED, that in accord with Section 2-18 of the Code of Ordinances the Mayor and City Clerk are hereby authorized to execute an agreement with Pictometry International Corporation in the amount of \$35,953.00 for aerial photography and waive competitive bidding, subject to review and recommendation of the City Attorney; and
RESOLVED FURTHER, that the City Manager is authorized to approve change orders not to exceed \$3,600. (Motion ADOPTED.)

MDOT COST AGREEMENT FOR TRAFFIC SIGNAL CONTROL

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

WHEREAS, the Michigan Department of Transportation (MDOT) proposes a maintenance agreement with the City of Midland for installing flashing beacons to existing advance warning speed reduction signs on westbound US-10BR/M-20 approaching Saginaw Road in the City of Midland; and
WHEREAS, the said cost agreement requires a City cost share; and
WHEREAS, the estimated annual City cost to maintain the flashing beacons signalized does not exceed \$96; and
WHEREAS, the City will be billed by the State only for actual work performed; and
WHEREAS, the City Attorney has reviewed the cost agreement; and
WHEREAS, any necessary maintenance charges from MDOT will be provided by the Major Street Maintenance Fund; now therefore
RESOLVED, that an MDOT Cost Agreement for Traffic Signal Control is hereby accepted, and the Mayor and City Clerk are authorized to sign the agreement on behalf of the City of Midland. (Motion ADOPTED.)

MDOT CONTRACT NO. 07-5688; US-10 RESURFACING

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

UNAPPROVED

WHEREAS, a proposed Contract No. 07-5688 has been submitted to the City of Midland by the Michigan Department of Transportation for approval of funding for the resurfacing of US-10 and related work at various locations within the City of Midland; and

WHEREAS, this contract is set up with Federal Aid assistance, which requires cost shares from state and local jurisdictions; and

WHEREAS, the total estimated cost of the related project is \$15,384,900, of which cost shares for Federal Aid will be \$12,592,500, cost shares for MDOT will be \$2,478,200 and cost shares for the City of Midland will be \$314,200; and

WHEREAS, funding for Contract 07-5688 will be provided in the approved Major Street Fund 2008/09 budget; and

WHEREAS, the City of Midland supports having described work completed; and

WHEREAS, the City Attorney has approved the proposed contract; now therefore

RESOLVED, that the City Council hereby approves the proposed Michigan Department of Transportation Contract No. 07-5688 and authorizes the Mayor and City Clerk to execute the contract on behalf of the City of Midland; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering related contracts in an aggregate amount not to exceed \$20,000. (Motion ADOPTED.)

LIBRARY RESTROOM REMODEL

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

WHEREAS, the sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for restroom remodel at the Grace A. Dow Memorial Library; and

WHEREAS, the proposal submitted by The Tancor Corporation is the lowest bid; and

WHEREAS, the City Manager is authorized to approve change orders not to exceed \$5,000; and

WHEREAS, funding is available in the 2007/2008 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the sealed proposal of Bid No. 3084, submitted by The Tancor Corporation for the restroom remodel at the Grace A. Dow Memorial Library, in the amount of \$52,125 and change orders not to exceed \$5,000, are hereby accepted and the necessary purchase order authorized. (Motion ADOPTED.)

HVAC MAINTENANCE AGREEMENTS – FOUR CITY BUILDINGS

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

WHEREAS, the City currently uses J.E. Johnson for HVAC maintenance at the Library, Riverside Place, and Washington Woods per a previous bid award that the existing contract has expired; and

WHEREAS, bids for a new contract were opened on January 15, 2008 for a 5-year period which included two additional buildings; and

WHEREAS, the Water Plant does not want to award their portion of the bid; and

WHEREAS, the Library and City Hall want to award their building HVAC maintenance to Nelson Trane of Flint in the amount of \$23,000 for a basic service agreement; and

WHEREAS, Washington Woods and Riverside Place want to award their portion to J.E. Johnson of Midland in the amount of \$52,850 for a full service agreement; now therefore

UNAPPROVED

RESOLVED, that a five-year agreement with Nelson Trane and J.E. Johnson is hereby approved that would supply HVAC maintenance with annual increases for inflation to the above buildings; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized to execute the agreements with the contractors for said services. (Motion ADOPTED.)

PROPOSED 2007-08 EQUIPMENT REVOLVING FUND BUDGET AMENDMENT

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

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., February 25, 2008 in the Council Chambers of City Hall on the proposal to amend the 2007-08 budget of the Equipment Revolving Fund to increase expenditures in the Capital Outlay, Vehicles account by \$77,468 for the unanticipated replacement of a salt/plow truck that was totaled in a recent accident, and to increase the revenue by \$20,362 to reflect insurance money collected for the wrecked vehicle. (Motion ADOPTED.)

PROPOSED 2007-08 SERVICE CENTER RENTAL FUND BUDGET AMENDMENT

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

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., February 25, 2008 in the Council Chambers of City Hall on the proposal to amend the 2007-08 budget of the Municipal Service Center Rental Fund to recognize the unanticipated expense of replacing the generator at the Municipal Service Center. (Motion ADOPTED.)

Being no further business the meeting adjourned at 10:22 p.m.

John E. Duso, Deputy City Clerk