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May 12, 2008

A regular meeting of the City Council was held on Monday, May 12, 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 April 28, 2008 regular and April 28, 2008 and May 5, 2008 special meetings was offered by Councilman Adams and seconded by Councilman Donker. (Motion ADOPTED.)

MIDLAND BLOOMS DAY

Communication Coordinator Libby Richart introduced Sid Allen, President and CEO of the Midland Area Chamber of Commerce. The following resolution was then offered by Councilman Adams and seconded by Councilman Donker:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating May 17, 2008 as Midland Blooms Day in Midland. (Motion ADOPTED.) Mayor Johnson presented Mr. Allen with the proclamation.

ZONING PETITION NO. 549

Planning and Community Development Director Keith Baker presented Zoning Petition No. 549 – rezoning property at 215 Fast Ice Drive from Agricultural to Limited Commercial Manufacturing and Research. Gary Pach, CFO & COO of the Apothecary Shoppe, spoke on behalf of the petitioner. A public hearing opened at 7:20 p.m. Scott Walker, Midland Tomorrow, spoke in support of the zoning petition. The hearing closed at 7:22 p.m. The following ordinance amendment was then offered by Councilman McKeag and seconded by Councilman Adams:

ORDINANCE NO. 1656

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 LIMITED COMMERCIAL MANUFACTURING AND RESEARCH (LCMR) ZONING WHERE AN AGRICULTURAL 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 SOUTHEAST ¼ OF SECTION 24, T14N R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTHEAST SECTION CORNER OF SAID SECTION 24; THENCE N 89D 15M 36S W, 1889.31 FEET, ALONG THE SOUTH SECTION LINE, TO THE POINT OF BEGINNING; THENCE CONTINUE N 89D 15M 36S W, 614.57 FEET; THENCE N 01D

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48M 25S E 600.00 FEET, PARALLEL WITH AND 150.00 FEET EAST OF, MEASURED AT RIGHT ANGLES, THE NORTH-SOUTH ¼ LINE; THENCE S 89D 06M 00S E, 435.00 FEET, THENCE N 58D 32M 46S E 382.28 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, AN ARC DISTANCE OF 167.90 FEET, SAID CURVE HAVING A RADIUS OF 260.00 FEET, CHORD BEARING AND DISTANCE OF S 70D 45M 35S E, 165.00 FEET AND A DELTA ANGLE OF 37D 00M 01S ALONG THE SOUTHERLY RIGHT OF WAY LINE OF FAST ICE DRIVE, THENCE S 89D 15M 36S E, 35.55 FEET, ALONG SAID RIGHT OF WAY LINE, THENCE S 25D 34M 34S W, 826.43 FEET TO THE POINT OF BEGINNING.

Be, and the same is hereby changed to Limited Commercial Manufacturing and Research LCMR).
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 ADOPTED.)

DOW CHEMICAL IFT APPLICATION

City Assessor Reid Duford presented a request from The Dow Chemical Company for an Industrial Facilities Exemption Certificate within the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1. David Dupree, President of Dow's Michigan Operations, spoke regarding the request. A public hearing opened at 7:35 p.m. Scott Walker, Midland Tomorrow, spoke in favor of Council granting the IFT. The public hearing closed at 7:40 p.m. The following resolution was offered by Councilman McKeag and seconded by Councilman Rokosz:

WHEREAS, the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1 was established by resolution of the Midland City Council on September 25, 1978; and

WHEREAS, The Dow Chemical Company made an application dated March 27, 2008, which was received by the City Clerk on March 28, 2008, for an Industrial Facilities 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 \$11,485,000, which includes \$9,925,000 in new personal property and \$1,560,000 for land improvements and building modifications with the same being located within the Michigan Division Dow Chemical Company Plant Rehabilitation District No. 1, to enable continued operation of existing production trains in the SARAN Resins facility by upgrading instrumentation and equipment; 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 May 12, 2008, 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 a 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 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 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

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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 Chemical Company 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 Exemption certificate from The Dow Chemical Company for a new facility approval within the Plant Rehabilitation District be and the same is hereby approved for a period of 12 years "after completion"; 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 Chemical Company pursuant to P.A. 334 of Public Acts of the State of Michigan of 1993. (Motion ADOPTED.)

NEW-TECH, ZEIGLER ENTERPRISES, INC. IFT APPLICATION

City Assessor Reid Duford presented a request from New-Tech, Zeigler Enterprises, Inc. for an Industrial Facilities Exemption Certificate within the MSARI Holdings Industrial Development District No. 1. Bonnie Zeigler with New-Tech spoke regarding the IFT request. A public hearing opened at 7:50 p.m. Scott Walker, Midland Tomorrow, spoke in favor of Council granting the IFT. The hearing closed at 7:52 p.m. The following resolution was then offered by Councilman McKeag and seconded by Councilman Adams:

WHEREAS, the MSARI Holdings Industrial Development District No. 1 was established by resolution of the Midland City Council on December 3, 2007; and

WHEREAS, New-Tech, Zeigler Enterprises, Inc. made an application dated March 19, 2008, which was received by the City Clerk on March 24, 2008, for an Industrial Facilities 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 \$569,284, which includes \$31,948 in new personal property and \$537,336 for land and building improvements with the same being located within the MSARI Holdings Industrial Development District No. 1, to build and equip New-Tech's new offices and R & D lab used for inventing new products or improving existing patented items; 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 May 12, 2008, 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 that was duly established within the City of Midland with the City of Midland being eligible under said statute to establish such a district and with the district having been established upon a request before the commencement of the restoration, replacement or construction of the facility described herein; that the commencement of this project did not occur earlier than six months before the filing of the application for the industrial facilities exemption certificate, that the application relates to a construction, restoration or replacement program that when completed constitutes a new or replacement facility within the meaning of said statute and is situated within a previously established industrial development district 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

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

RESOLVED FURTHER, that said application for an Industrial Facilities Exemption certificate from New-Tech, Zeigler Enterprises, Inc. for a new facility approval within the Industrial Development District be and the same is hereby approved for a period of 12 years with an ending date of December 30, 2020; and

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

PROPOSED 2008-09 BUDGET

Fiscal Services Director David Keenan presented the City Manager's Proposed 2008-09 Budget. A public hearing opened at 8:06 p.m. Richard McCreddie, 2700 Washington, spoke regarding budget concerns. The hearing closed at 8:13 p.m.

2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET

Planning and Community Development Director Keith Baker presented the 2008-09 Community Development Block Grant Budget. A public hearing opened at 8:41 p.m., recognizing no public comments, the hearing closed a 8:41 p.m. The following resolution was then offered by Councilman McKeag and seconded by Councilman Adams:

WHEREAS, the City of Midland will receive \$243,589 in Community Development Block Grant funds for fiscal year 2008-09; and

WHEREAS, \$60,000 is expected to be received in program income during the fiscal year, and approximately \$100,000 will be carried forward from prior fiscal years; and

WHEREAS, on March 3, 2008, the Housing Commission recommended approval of this budget; and

WHEREAS, a public hearing was held by the City Council on May 12, 2008, at 7:00 p.m., in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the pending action of the City Council on the 2008-09 Community Development Block Grant Program, as set forth in the attached table; now therefore RESOLVED, that the City Council hereby adopts the proposed 2008-09 budget, as set forth in the attached table (Attachment A), for the proposed use of funds for the Community Development Block Grant Program. (Motion ADOPTED.)

2007-08 ERF BUDGET AMENDMENT

Director of Public Services Karen Murphy presented an amendment to the Equipment Revolving Fund budget for the purchase of a 6-person truck for the Water Department and a bid for a replacement truck. A public hearing opened at 8:45 p.m., recognizing no public comments, the hearing closed at 8:45 p.m. The following resolution was offered by Councilman McKeag and seconded by Councilman Rokosz:

WHEREAS, in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing Monday, May 12, 2008 on the proposal to amend the 2007-08 budget of the Equipment Revolving Fund to increase expenditures in the Capital Outlay, Vehicle account by \$8,250 toward the purchase of

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a crew cab service truck, and to increase the associated revenue in the Sale of Assets account by \$8,250 to reflect an increase in the anticipated trade-in value of the truck being replaced; and WHEREAS, there are sufficient funds in the Equipment Revolving Fund Capital Outlay, Vehicle account to cover the remaining cost of the replacement vehicle; now therefore RESOLVED, that the 2007-08 budget of the Equipment Revolving Fund is hereby amended to increase expenses by \$8,250 for the purchase of a crew cab service truck, and to increase revenues by \$8,250 to recognize an increased trade-in value of the truck being replaced. (Motion ADOPTED.)

REPLACEMENT TRUCK PURCHASE

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

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of a crew cab service truck, Bid No. 3099; and

WHEREAS, sufficient funding for the purchase of the service truck is included in the 2007-08 Equipment Revolving Fund budget for Capital Outlay, Vehicles; now therefore RESOLVED, that the Purchasing Agent is authorized to issue a purchase order to Diesel Truck Sales of Saginaw, Michigan in the amount of \$78,332.00 for the purchase of one crew cab service truck to include trade-in of existing city unit # 3-38, in accordance with the proposal and city specifications. (Motion ADOPTED.)

PUBLIC COMMENTS

Andrew Christ, 2217 Tennessee Street, spoke regarding the My Favorite Poem event sponsored by Grace A. Dow Memorial Library and the Poetry Society of Michigan. The event will be held in the Library Lounge on October 23, 2008 and City Council and public is invited to contact him to participate.

CORRIDOR IMPROVEMENT AUTHORITY

Planning and Community Development Director Keith Baker presented for second reading and adoption of an Ordinance to create a Corridor Improvement Authority (CIA) in the City of Midland. Heidi Saidi-Zand, Business Development Coordinator for the Midland Area Chamber of Commerce and the Project Manager for the Center City Initiative, spoke regarding the CIA. Richard McCreadie, 2700 Washington, spoke in opposition to creation of the CIA. Sid Allen, president and CEO of the Midland Area Chamber of Commerce, spoke in support of the CIA. Clint Struthers, 409 Capitol Drive, a business owner in Midland, also spoke in support of the CIA. The following resolution was then offered by Councilman Adams and seconded by Councilman Donker:

WHEREAS, there presently exists the South Saginaw Road/Ashman Circle commercial corridor which could greatly benefit from the establishment of a Corridor Improvement Authority, through analysis, short- and long-term planning, construction, renovation, repair, remodeling, rehabilitation, restoration, preservation and reconstruction of buildings and facilities; and WHEREAS, on January 7, 2008 the City Council passed a "Resolution of Intent" for the establishment of a "Corridor Improvement Authority" in accord with P.A. 280 of 2005 of the State of Michigan ("the Act") along S. Saginaw Rd. from Manor Drive to Patrick Rd.; and WHEREAS, it is the intent of the City Council to consider the creation and provide for the operation of a Corridor Improvement Authority for the City of Midland pursuant to and in accordance with the Act; and

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WHEREAS, a public hearing for a proposed ordinance was held before the Council on Monday, February 11, 2008 at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of creating the Authority within the City of Midland and designating the boundaries of the development area, the area within which the Authority shall exercise its powers; and

WHEREAS, the City Council heard public comments both in support of and in opposition to the proposed creation of a corridor improvement authority; and

WHEREAS, for purposes of complying with the Act, the Council designates as the proposed development area the real property more particularly described on the attached Exhibit "A" and depicted on the map attached as Exhibit "B", both of which are incorporated herein by reference; now therefore

RESOLVED, that the City Council hereby adopts Ordinance No. 1657, which authorizes the establishment of a Corridor Improvement Authority for the South Saginaw Road/Ashman Circle commercial corridor, designates the boundaries of the Authority and creates the Corridor Improvement Authority Board. (Motion ADOPTED.)

CORRIDOR IMPROVEMENT AUTHORITY ORDINANCE

The following ordinance amendment was offered by Councilman McKeag and seconded by Councilman Adams:

ORDINANCE NO. 1657

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 30-1, DESIGNATING SECTION 30-2 THROUGH SECTION 30-11 AS ARTICLE I, AND ADDING A NEW ARTICLE TO BE DESIGNATED AS ARTICLE II OF CHAPTER 30 THEREOF.

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. Section 30-2 through Section 30-11 are hereby designated as Article I, which reads as follows:

ARTICLE I. DOWNTOWN DEVELOPMENT AUTHORITY

(Sections 30-2 through 30-11 remain unchanged by this reference)

Section 3. Article II is hereby added to read as follows:

ARTICLE II. CORRIDOR IMPROVEMENT AUTHORITY

Sec. 30-13. 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. 30-14. 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

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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 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

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- 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 exiting 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.
- 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.

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- 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 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);

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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;

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);

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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);

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

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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.

(Ordinance ADOPTED.)

SITE PLAN NO. 276

Planning and Community Development Director Keith Baker presented Site Plan No. 276 – Wilcox Professional Services, LLC, on behalf of Members First Credit Union, for an expanded parking lot and an additional curb cut located at 400 Dartmouth Drive on 0.9 acres. Brent Barringer, Wilcox Professional Services, spoke regarding the project. Eric Brubaker, Foxpoint Circle, employee of Members First Credit Union, also spoke regarding the project. The following resolution was then offered by Councilman McKeag and seconded by Councilman Donker:

WHEREAS, the City Council has received the recommendation of the City Planning Commission for approval of Site Plan No. 276, the request of Wilcox Professional Services, LLC on behalf of Members First Credit Union for an expanded parking lot and an additional curb cut located at 400 Dartmouth Drive on 0.9 acres; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 276 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. 276, 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 5.01D of the Zoning Ordinance and be delineated by the "box" style striping.
6. That the total calculation for permitted parking shall not exceed twenty-seven (27) stalls as approved by the Midland City Planning Commission.

(Motion ADOPTED.)

MCV TAX APPEAL REFUND TIMELINE

Fiscal Services Director David Keenan presented a report on the timeline for paying the tax appeal refund to Midland Cogeneration Venture for the years 2001-2007. The following resolution was then offered by Councilman McKeag and seconded by Councilman Donker:

RESOLVED, that the expected timeline for issuing bonds to pay the unfunded portion of the City's refund to the Midland Cogeneration Venture for settlement of the tax appeal between the City of Midland and the Midland Cogeneration Venture for years 2001 through 2007, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

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TRANSFER OF CITY PROPERTY TO HABITAT FOR HUMANITY

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

WHEREAS, the property at 309 E. Grove Street was purchased with Community Development Block Grant (CDBG) funds for the purpose of creating affordable housing; and

WHEREAS, HUD regulations require that properties involving CDBG funds be used for low- and moderate-income households; and

WHEREAS, Midland County Habitat for Humanity is proposing to build a house on this site for the benefit of low- and moderate-income households; now therefore

RESOLVED, that the Mayor and City Clerk are authorized to execute a deed, as prepared by the City Attorney, for the sale of said property to Midland County Habitat for Humanity in the sale amount of One Dollar (\$1.00).

RESOLVED FURTHER, that the requirement of sealed proposals for sale of said property is hereby waived as being impractical and unwarranted. (Motion ADOPTED.)

2008-09 SMMWSC BUDGET FOR CAPITAL IMPROVEMENTS

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

RESOLVED, that the Saginaw-Midland Municipal Water Supply Corporation 2008-2009 Fiscal Year Budget for the Capital Improvement and Emergency Repair Fund in the amount of \$254,000.00 is hereby approved. (Motion ADOPTED.)

AMERICAN LEGION REQUEST TO SELL POPPIES

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

RESOLVED, that the request from the American Legion to sell poppies during their annual Poppy Days on May 15 and 16, 2008, utilizing the public rights-of-way, is hereby approved; and RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests if conducted in substantially the same manner. (Motion ADOPTED.)

GENERAL ENGINEERING FOR LANDFILL - PO CHANGE

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

WHEREAS, the City's landfill engineering consultant, CTI and Associates, Inc. (CTI), routinely assists Landfill staff with general engineering support, which may include work to review special waste profiles, support with regulatory issues that arise through site and reporting reviews by the Michigan Department of Environmental Quality (MDEQ), survey work, and small scale designs; and

WHEREAS, each year, funds for general engineering support are made available through an administratively approved purchase order of up to \$20,000.00; and

WHEREAS, this year, two compliance issues have increased the need for additional general engineering; 1) Cell 14 landfill gas and leachate migration (\$9,000.00), and 2) Late filing of a 1996 air emissions report deadline to MDEQ (\$37,000.00) for a total additional need of \$46,000.00; and

WHEREAS, funding for general engineering assistance needs is budgeted in the 2007/08 Landfill account #517-8110-811.80-02 – Professional Services; now therefore

RESOLVED, that an increase of \$46,000.00 to the existing purchase order of \$20,000.00 to CTI and Associates, Inc. of Brighton, Michigan, bringing the total purchase order to \$66,000.00, to

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resolve two compliance issues; 1) Cell 14 landfill gas and leachate migration, and 2) Late filing of a 1996 air emissions report deadline to MDEQ is hereby authorized; and
RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

DIVERSION CHAMBER REHABILITATION – WASTEWATER

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

WHEREAS, the Wastewater Plant's concrete diversion chamber, that functions to divert the excess sewage flowing through the plant during the daytime hours into an underground retention basin, is subjected to hydrogen sulfide (H₂S), which is a corrosive acid created from the decomposition of sewage; and

WHEREAS, the deterioration of the concrete can be stopped, and corrosion resistance established, by applying a cementitious product followed by a monolithic spray-application of a high-build solvent-free epoxy coating to the surface areas; and

WHEREAS, in March 2006, Council authorized acceptance of the low bid submitted by Advanced Underground of Westland, Michigan for concrete rehabilitation of the Wastewater Plant's weir & flow channel at a cost of \$16.70 per square foot; and

WHEREAS, Advanced Underground has agreed to honor that rate for rehabilitation of the Plant's diversion chamber at a total cost of \$24,883.00 (1,490 sq.ft. x \$16.70); and

WHEREAS, funding for this work is available in the 2007/08 Wastewater fund account 590-9120-912.97-20 – Capital Outlay/Building and Additions; now therefore

RESOLVED, that the previously bid price of \$16.70 per square feet from Advanced Underground of Westland, Michigan for concrete rehabilitation is hereby accepted and a purchase order is authorized in the amount of \$24,883.00. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:59 p.m.

Selina Tisdale, City Clerk