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UNAPPROVED

September 15, 2008

A regular meeting of the City Council was held on Monday, September 15, 2008, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Pro Tem Adams presided. The Pledge of Allegiance to the Flag was recited in unison.

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

**MINUTES**

Approval of the minutes of the September 8, 2008 regular meeting was offered by Councilman McKeag and seconded by Councilman Donker. (Motion ADOPTED.)

**CONSTITUTION WEEK**

Communications Coordinator Libby Richart introduced Shirley Russell, Constitution Week Chair for the John Alden Chapter of the Daughters of the American Revolution. The following resolution was then offered by Councilman McKeag and seconded by Councilman Donker:

RESOLVED, that the Mayor Pro Tem is authorized to issue the attached proclamation designating the week of September 17 - 23, 2008, as Constitution Week in Midland. (Motion ADOPTED.) Mayor Pro Tem Adams presented Shirley Russell with the proclamation.

**FIRE PREVENTION WEEK**

Midland Fire Chief Leonardo Garcia presented information on Fire Prevention Week. The following resolution was offered by Councilman McKeag and seconded by Councilman Rokosz:

RESOLVED, that the Mayor Pro Tem is authorized to issue the attached proclamation designating the week of October 5 - 11, 2008, as FIRE PREVENTION WEEK in Midland. (Motion ADOPTED.) Mayor Pro Tem Adams presented Chief Garcia with the proclamation.

**MIDMICHIGAN INNOVATION CENTER PRESENTATION**

Assistant City Manager Jack Duso introduced Bill Money penny, CEO of MidMichigan Innovation Center. Executive Director of the MidMichigan Innovation Center Brent Case also spoke. The following resolution was then offered by Councilman McKeag and seconded by Councilman Donker:

RESOLVED, that the presentation given by Bill Money penny, CEO of MidMichigan Innovation Center, is hereby accepted and ordered placed on file in the Office of the City Clerk. (Motion ADOPTED.)

**ZONING PETITION NO. 553**

Planning and Community Development Director Keith Baker introduced Zoning Petition No. 553 – Rapanos Enterprises – to rezone property at 102 Fast Ice Drive from Agricultural and Regional Commercial to Limited Commercial, Manufacturing and Research (LCMR) zoning district. A public hearing opened at 7:44 p.m. Alex Irigoyen, 3717 Woodlawn, spoke on behalf of the petitioner. The hearing closed at 7:49 p.m. The following ordinance amendment was then offered by Councilman McKeag and seconded by Councilman Rokosz:

ORDINANCE NO. 1666

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

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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 RESEARCH ZONING WHERE AN AGRICULTURAL AND REGIONAL COMMERCIAL 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  $\frac{1}{4}$  OF SECTION 24, T14N, R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN, BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE N 01D 43M 40S E, 820.13 FEET, ALONG THE EAST LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE N 89D 15M 36S W, 183.10 FEET; THENCE S 85D 01M 25S W, 100.39 FEET; THENCE N 89D 15M 36S W, 50.23 FEET; THENCE N 01D 43M 40S E, 732.66 FEET, ON A LINE WHICH IS PARALLEL WITH AND 333.00 FEET, MEASURED AT RIGHT ANGLES, WEST OF THE EAST LINE OF SAID SECTION 24; THENCE S 89D 15M 36S E, 333.05 FEET TO THE EAST LINE OF SAID SECTION 24; THENCE S 01D 43M 40S W, 722.66 FEET, ALONG SAID SECTION LINE, TO THE POINT OF BEGINNING, CONTAINING 5.55 ACRES, MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHT-OF-WAY WHETHER USED, IMPLIED OR OF RECORD.

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

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.)

### **PUBLIC COMMENTS**

No public comments were made.

### **SITE PLAN NO. 285**

Planning and Community Development Director Keith Baker presented Site Plan No. 285 – Columbia Pipe & Supply – for a 49,752 square foot building located at 102 Fast Ice Drive on 5.55 acres. Pete Lorenz, Lorenz Engineering of Weidman, spoke regarding engineering related to 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. 285, the request of JBS Contracting on behalf of Columbia Pipe & Supply for a 49,752 square foot building located at 102 Fast Ice Drive on 5.55 acres; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 285 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. 285, 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.

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5. All parking spaces shall comply with Section 5.01D of the Zoning Ordinance and be delineated by the "box" style striping.
  6. The location, access and flow of the proposed fire hydrants and water service shall be in accordance with the City of Midland Fire Department and City of Midland Utility Department specifications.
  7. ADA sidewalk ramp on Fast Ice Drive.
  8. Widen Rockwell Drive to 16.5 ft. at entrance drive.
  9. That the requirement for public sidewalk be waived until deemed necessary in the future or upon the installation of curb and gutter along the Rockwell Drive frontage.
  10. Adoption of Zoning Petition No. 553 by the City Council.
- (Motion ADOPTED.)

### **SITE PLAN NO. 286**

The following resolution was 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. 286, the request of R I Hospitality LLC on behalf of Residence Inn for a 74,889 square foot hotel located at 6295 T Moore Drive on 3.33 acres; and WHEREAS, the City Council has reviewed the proposed Site Plan No. 286 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. 286, contingent upon the following:

1. The stormwater detention and conveyance systems are designed and constructed in accordance with Engineering Department specifications and standards.
2. All landscaping shall comply with Article 6 of the Zoning Ordinance.
  - a. Additional screening shall be provided on the north side of the property per Section 6.02 (E).
  - b. All mechanical equipment shall be screened in accordance with Section 6.02(E)2.
3. The dumpster shall be screened in accordance with Section 3.15 of the Zoning Ordinance. Dumpster screening details shall be provided.
4. All exterior lighting shall comply with Section 3.12 of the Zoning Ordinance.
5. All exterior signage shall comply with Article 8 of the Zoning Ordinance.
6. All parking spaces shall comply with Section 5.01(D) of the Zoning Ordinance and shall be delineated by the "box" style striping.
7. "No Parking" signs shall be installed along the north side fire lane.
8. Five foot wide, concrete public sidewalks shall be installed along the entire east side of the parcel within the road right of way.
9. Public easement shall be created to maintain the public water and sanitary sewer mains.
10. Total building square footage needs to be labeled on future site plan drawings.

(Motion ADOPTED.)

### **2009 REGULAR CITY COUNCIL MEETING SCHEDULE**

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

RESOLVED, that regular meetings of the Midland City Council for the calendar year 2009 shall be held in the Council Chambers at the Midland City Hall, 333 W. Ellsworth Street, Midland, Michigan, telephone number 837-3300, at 7:00 p.m., on the following dates:

January 12 and 26  
March 9 and 23  
May 11 and 18

February 16 and 23  
April 13 and 27  
June 8 and 22

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July 13 and 27  
September 14 and 21  
November 9 and 23

August 10 and 24  
October 5 and 19  
December 7 and 21

;and

RESOLVED FURTHER, that the City Clerk be and is hereby directed to cause a public notice of the foregoing regular dates and times for meetings and the place at which meetings are to be held by publishing a notice once in the Midland Daily News, a newspaper of general circulation in the City of Midland; and

RESOLVED FURTHER, that public notice of each special meeting of each rescheduled regular or special meeting listing the date, time and place of each meeting shall be given by prominently posting a copy of the notice at the Midland City Hall at least twenty-four (24) hours prior to the time of such special or rescheduled meeting; and

RESOLVED FURTHER, that proposed minutes of a meeting will be available for public inspection during regular business hours, at the office of the City Clerk in the City Hall, 333 W. Ellsworth Street, Midland, Michigan, not more than eight (8) business days after said meeting and approved minutes of said meeting will be available for public inspection during regular business hours at the same location not more than five (5) business days after the meeting at which they are approved. (Motion ADOPTED.)

### **DIESEL FUEL PURCHASE**

The following resolution was offered by Councilman McKeag 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 City 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 whereby 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 12,501 gallons of diesel fuel from Hirschman Oil of Reese, Michigan for \$42,240.88 executed by the Purchasing Agent on September 4, 2008, is hereby approved. (Motion ADOPTED.)

### **2008 GOLDENWOOD AND HEDGEWOOD STREET CLOSURES; CONTRACT NO. 13**

Assistant City Engineer Bradd Maki presented Contract No. 13 for the 2008 Goldenwood and Hedgewood Street Closures. Lola Hess, 5105 Amberwood Court, inquired about the removal of the speed tables. The following resolution was then offered by Councilman McKeag and seconded by Councilman Donker:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the construction of a cul-de-sac at the east end of Goldenwood Drive and one at the north end of Hedgewood Drive; and

WHEREAS, funding for this project is provided by Special Assessments; and

WHEREAS, bid prices received for asphalt pavement were excessively high and that part of the work is being removed from the award of the construction contract; now therefore

RESOLVED, that the amended low sealed proposal submitted by Sova & Sons Contracting, Inc. of Midland, Michigan, for the "2008 Goldenwood and Hedgewood Street Closures; Contract No. 13", in the amended amount of \$34,878.70, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

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

### **FLEET MANAGEMENT CONSULTANT SERVICES**

Department of Public Services Director Karen Murphy presented a contract for Fleet Management Consultant Services from Mercury Associates, Inc. The following resolution was then offered by Councilman Donker and seconded by Councilman Rokosz:

WHEREAS, staff is recommending a detailed review of the Equipment Revolving Fund and garage operations; and

WHEREAS, Mercury Associates, Inc. of Gaithersburg, Maryland is a dedicated fleet management consultant firm that is a selected vendor on the federal government's GSA contract; and

WHEREAS, the City of Midland is authorized to make purchases from the GSA contract; and

WHEREAS, sufficient funding for a comprehensive fleet management review is included in the 2008-09 Equipment Revolving Fund budget; now therefore

RESOLVED, that the proposal from Mercury Associates, Inc. for fleet management consultant services is accepted and the Purchasing Agent is authorized to issue a purchase order in the amount of \$27,500 for this project, all in accordance with the federal government's GSA contract pricing and specifications. (Motion ADOPTED.)

### **GOLF COURSE MAINTENANCE – PO INCREASE (FOSTER OIL)**

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

WHEREAS, the cost of diesel fuel and unleaded gasoline at the Golf Course will exceed the original purchase order limit of \$20,000; and

WHEREAS, sufficient funds are included in the Operating Supplies / Gas & Oil line item in the FY08/09 Golf Course budget and the total amount of payments will not exceed the funding; now therefore

RESOLVED, that the Purchasing Agent is authorized to increase the existing purchase order #27330 to Foster Oil Company of Richmond, Michigan up to the amount of \$40,300 for the payment of diesel fuel and unleaded gasoline provided to the Golf Course. (Motion ADOPTED.)

### **GOLF COURSE MAINTENANCE – PO INCREASE (TURFGRASS, INC.)**

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

WHEREAS, the cost of chemicals and fertilizers at the Golf Course will exceed the original purchase order limit of \$20,000; and

WHEREAS, sufficient funds are included in the Maintenance Supplies / Horticulture Supplies line item in the FY08/09 Golf Course budget and the total amount of payments will not exceed the funding; now therefore

RESOLVED, that the Purchasing Agent is authorized to increase the existing purchase order #27895 to Turfgrass, Inc. of South Lyon, Michigan up to the amount of \$50,000 for the payment of chemicals and fertilizers provided to the Golf Course. (Motion ADOPTED.)

### **PROPOSED 2008-09 CITY BUDGETS & FINANCIAL WORKING PLANS AMENDMENT**

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

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RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, October 13, 2008, in the Council Chambers of City Hall on the proposal to amend the budgets of the General Fund, Major Street Fund, and Storm Water Management Fund for the 2008-2009 fiscal year and to amend the financial working plans of the Civic Arena Fund, Landfill Fund, Washington Woods Fund, Riverside Place Fund, Wastewater Fund, Water Fund, Information Services - Operations Fund, Geographical Information Systems Fund, and Equipment Revolving Fund for the 2008-2009 fiscal year in order to provide funding for June 30, 2008 encumbrances. (Motion ADOPTED.)

### **PROPOSED 2008-09 GENERAL FUND BUDGET AMENDMENT**

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

RESOLVED, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, October 13, 2008, in the Council Chambers of City Hall on the proposal to amend the 2008-09 General Fund budget to increase appropriations by \$1,512,379 to provide funding to the Debt Service Fund to pay the 2008-09 debt service requirements for the 2008 judgment bonds, and to amend the 2008-09 Debt Service Fund budget to receive said funding from the General Fund, and expend it for the required principal and interest payments relating to the 2008 judgment bonds. (Motion ADOPTED.)

### **PROPOSED 2008-09 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET AMENDMENT**

The following resolution was offered by Councilman McKeag 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., Monday, October 13, 2008, in the Council Chambers of City Hall on the proposal to amend the 2008-2009 Downtown Development Authority budget to appropriate \$130,832.00 from the "fund balance" to tax roll adjustment expenditures, in order to refund MVCC Limited Partnership for taxes, administration fees, and interest in accordance with the July 9, 2008 final decision by the Michigan Tax Tribunal. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:30 p.m.

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Selina Tisdale, City Clerk