Saginaw City Council Agenda

1315 S. Washington Avenue
Council Chamber - Room 205
989.399.1311
August 19, 2019
6:30 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Proclamation honoring the life and service of former Mayor Russell James Harvey.

PUBLIC HEARINGS:

PUBLIC INPUT:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

CONSENT AGENDA:

1. Approve the August 5, 2019 regular council meeting minutes.

2. Approve the appointment of Kaylene VanWagner as officer delegate and Lisa Crook as alternate officer delegate, and Kristine Bolzman as employee delegate and Gerald Gregory as alternate employee delegate, to attend the Municipal Employees Retirement System's 73rd Annual Meeting.

3. Approve the amendment to The ASU Group contract regarding the City's third party claims administrator.

4. Approve the purchase with WatchGuard, Inc. for $6,035 for an in-car camera system for the Police Department.

5. Approve the Michigan's Public Safety Communications System Member Subscriber Agreement for the Police and Fire Departments with no cost to the City.

6. Approve a FY 2020 budget adjustment to recognize a $1,000 donation from the Saginaw Community Foundation to the Neighborhood Services and Inspection Division.

7. Adopt the Resolution authorizing the use of amplifying equipment at Morley Plaza during the “Family Reunion” event on August 31, 2019 from 12:00 p.m. to 5:00 p.m.

8. Approve the User Agreement with Pride in Saginaw, Inc. to hang banners on various light poles throughout the City.

9. Approve the Light Pole Attachment Agreement with Delta College.

10. Adopt the resolution for the Michigan Natural Resources Trust Fund Grant Declaration and Notice for the Ojibway Island Improvements.

11. Approve the purchase with Wirt Stone Dock for $13,500 for crushed washed stone for the Streets Section, Right of Way Division.

12. Approve a purchase with Bit-Mat Products of Michigan for $26,650 for Emulsified Asphalt and tack coat for the Streets Section, Right of Way Division.

13. Approve the purchase with Mosmatic Pro for the $4,507 for two undercarriage washing units as specified for the Streets Section, Right of Way Division.

14. Approve the purchase with AIS Construction Equipment for $12,552 for two 3” Grundomat 75P horizontal boring tools for the Maintenance and Service Division.

15. Approve the purchases with Michigan Cat for $103,937 for a 2019 Caterpillar 208E2 Excavator and with AIS Equipment Co. for $40,557 for Allied Attachments and a Felling Trailer as specified for the Maintenance and Service Division.

16. Approve the purchase with Wavetronix for $7,503 for traffic signal radar detection equipment for the Traffic Maintenance Section, Right of Way Division.

17. Ratification of a purchase with Dover and Company for $4,008.37 for maintenance and repairs of the overhead doors at City Hall and the Public Works Building.

18. Approve the Agreement with Kendall Electric, Inc., a sole source, for $4,773 for software support for the Supervisory Control and Data Acquisition System for the Water and Wastewater Treatment Divisions, Instrumentation and Process Controls Division.

19. Approve the purchase with HACH Company for $3,741 for chemical reagents for the Water Treatment Division.

20. Approve the purchase with Carbon Activated Corporation for $47,600 for powdered activated carbon for the Water Treatment Division.

21. Approve the purchase with Vega Americas, Inc., a sole source, for $7,290 for five radar level detection units for the Remote Facilities Division.

BOARD/COMMISSION/COMMITTEE REPORTS:

APPOINTMENT OF BOARD/COMMISSION/COMMITTEE MEMBERS:

1. Approve the Council appointment of Larry Jones, Sr. to the Saginaw Transit Authority Regional Services with a term to expire December, 31, 2019.

2. Approve the Council appointment of Larry Jones, Sr. to the Human Planning Commission - District 8 with a term to expire January 31, 2021.

3. Acknowledge the Mayoral appointment of Lisa Coney to the Saginaw Housing Commission with a term to expire September 30, 2022.

ORDINANCE INTRODUCTION:

ORDINANCE CONSIDERATION AND ADOPTION:

1. An Ordinance to add Chapter 118, "Prohibition of Marihuana Establishments and Facilities," of Title XI, “Business Regulations,” of the City of Saginaw Code of Ordinances, O-204.

2. An Ordinance to amend §§151.001 through 151.117 of Chapter 151, "Property Maintenance Regulations," of Title XV, “Land Usage,” of the City of Saginaw Code of Ordinances, O-204.

RESOLUTIONS:

UNFINISHED BUSINESS:

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

Timothy Morales
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVE., 759-1480.

CITY OF SAGINAW

PROCLAMATION

IN MEMORY OF RUSSELL JAMES HARVEY

WHEREAS, on behalf of the Saginaw City Council, we honor the memory of former Mayor Russell James Harvey, whose rich and abundant life came to a close after 97 years, on July 20, 2019; and

WHEREAS, Jim, as he preferred to be called, was born in Iron Mountain, Michigan on July 4, 1922. After graduating from the University of Michigan Law School in 1948, he began his career as Assistant City Attorney in Saginaw. He was elected to City Council in 1955, and proudly served as the Mayor of the City of Saginaw from 1957 to 1959; and

WHEREAS, Jim was elected to the U.S. Congress 8th Congressional District in 1960, and served until 1973, when the late President Richard Nixon appointed him U.S. District Court Judge for the Eastern District of Michigan. He served in that role for 18 years, presiding over cases in federal courthouses in Bay City, Flint, Detroit, and Port Huron; and

WHEREAS, Judge Jim Harvey presided over many high-profile cases, including the sentencing of reputed mob boss Anthony Giacalone in 1979. During his first year on the bench, he ruled in favor of two 16-year-old girls who had been barred from playing in a state softball championship because they weren't 17, siting that there was no age limit for boys. In 1977, he ruled in favor of inmates' rights and ordered the local county jail to develop a plan to provide regular physical exercise for inmates and visits with family members; and

WHEREAS, during his career, Judge Harvey also served as vice chair of the National Conference of Federal Trial Judges, as a member of the Board of Visitors of the University of Michigan Law School, and as a member of the Budget Committee of the U.S. Judicial Conference; and

WHEREAS, throughout his prolific forty-four years of public service, Judge Harvey met and served under 10 different U.S. Presidents. He retired in 1992, relocating to Naples, Florida with his lovely wife of 67 years, June, who preceded him in death in 2016; and

WHEREAS, Judge Harvey's career was marked with honor and distinction. He was a dedicated public servant and worked tirelessly on behalf of the City of Saginaw and the State of Michigan. The members of the Saginaw City Council express our sincere condolences to the family of the late Russell James Harvey and extend our sincere appreciation for his many contributions to our nation, state and our community.

NOW, THEREFORE BE IT RESOLVED, I, Floyd Kloc, Mayor of the City of Saginaw, hereby urge all citizens of Saginaw to recognize, honor, and celebrate the life, outstanding achievements, and contributions of Russell James Harvey to the City of Saginaw.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 19th day of August in the year of our Lord two thousand nineteen.

August 19, 2019

Floyd Kloc, Mayor

Councilpersons
Brenda F. Moore, Mayor Pro Tem
Michael D. Balls, Annie Boensch,
Clint Bryant, Jamie Forbes, John Milne,
Bill Ostash, and Autumn L. Scherzer

Timothy Morales, City Manager

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, AUAGUST 5, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBER AT CITY HALL, 1315 S. WASHINGTON AVENUE, SAGINAW, MICHIGAN.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Bryant offered a prayer and led the pledge of allegiance of the United States of America.

ROLL CALL

Mayor Kloc called the meeting to order. Council Members present: Jamie Forbes, Clint Bryant, Annie Boensch, Brenda Moore, Autumn Scherzer, John Milne, Michael Balls, Bill Ostash, and Floyd Kloc: 9. Council Members absent: 0.

ANNOUNCEMENTS

City Clerk Janet Santos announced that the City's Waste Convenience Station is open to City residents the second Saturday of the month from 8:00 am to 12:00 pm at the Public Works building using the entrance off Holland Ave. City residents may dispose of items such as building materials, and recycling for cans, plastic containers and paper. The next collection day will be this Saturday, August 10th.

PUBLIC INPUT

Public Input addressing the Council was: Mary McDonald, Ralph Kapp, and Sharon Dinse.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Boensch, Bryant, Forbes, Ostash, Balls, Milne, Scherzer, Moore, and Mayor Kloc.

REPORTS FROM CITY MANAGER

City Manager Tim Morales gave informational updates of City events, projects, and awards.

Manager Morales introduced Jennifer Drinan, Senior Project Manager of OHM Advisors. Ms. Drinan presented an update regarding the Lead and Copper Rules as mandated by the State. The presentation included details for the line replacement process as defined by the State rules, potential costs, and replacement line projects completed to date.

Manager Morales introduced Tom Beckley, Senior Manager of Raftelis Financial Consultants. Mr. Beckley presented history of rates, estimated costs for line replacements, and proposed rates to meet the requirements of the mandatory line replacement project.

CONSENT AGENDA:

Mayor Kloc asked if there were any exceptions to the consent agenda. Exceptions were made to items 2, 11, and 12.

1. Approve the July 22, 2019 special and regular council meeting minutes.

2. Approve the purchase with AKT Peerless for $95,000 for inspection of environmentally hazardous materials for residential and commercial demolitions.

3. Approve the blanket purchase order in an amount not to exceed $500,000 for qualified vendors for demolition services.

4. Approve the purchase with Douglass Safety Systems, a sole source, for $10,000 for twelve self-contained breathing apparatus air cylinders for the Fire Department.

5. Approve a one-year Adopt-A-Park Agreement with Get Outside for a Healthy Inside, and authorize the City Manager to approve extensions of the Agreement for subsequent years, not to exceed four years.

6. Approve the purchase with various vendors for $36,607 for the annual supply of motor vehicle fluids for the Motor Pool Operations Division.

7. Approve the purchase with Amazon.com for $9,500 for two Evaporative Cooling Units as specified for the Motor Pool Division.

8. Approve the purchase with Bell Equipment, Co. for $28,222; and pending budget approval for $29,633 for FY 2021, for various sweeper brooms for the Motor Pool Operations.

9. Approve the Vehicle Lease Agreement with Ally Financial, Inc. for two vehicles for the Inspections and Neighborhood Services Department, with four annual payments of $13,125 per year, for a total of $52,500.

10. Approve the purchase with Dave Hausbeck Trucking, LLC for $6,030 for Class II sand for the Cemeteries Division.

11. Approve the purchase with Ferguson Enterprises for $321,956 for no–lead brass fittings for the Maintenance and Service Division.

12. Approve the amendment to the City Fees and Rates Schedule to increase the fees and rates for the Water Department.

Moved by Council Member Bryant, seconded by Council Member Boensch to approve consent agenda items 1, and 3 through 10, as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Balls, seconded by Mayor Pro Tem Moore to approve consent agenda item 2 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Balls, seconded by Council Member Bryant to approve consent agenda item 11 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Milne, seconded by Council Member Bryant to approve consent agenda item 12 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Moved by Mayor Pro Tem Moore, seconded by Council Member Scherzer to approve the Council reappointment of Kevin Rooker to the Historic District Commission with a term to expire July 30, 2022. 9 ayes, 0 nays, 0 absent. Motion approved.

ORDINANCE INTRODUCTION

Moved by Council Member Milne, seconded by Mayor Pro Tem Moore to introduce an ordinance to add Chapter 118, "Prohibition of Marihuana Establishments and Facilities," of Title XI, “Business Regulations,” of the City of Saginaw Code of Ordinances, O-204. Mayor Kloc asked Clerk Santos to conduct a roll call vote.

Ayes: Milne, Balls, Forbes, Boensch, Moore, Kloc
Nays: Ostash, Bryant, Scherzer
Absent: None
Motion approved.

Moved by Council Member Bryant, seconded by Council Member Boensch to introduce an ordinance to amend §§151.001 through 151.117 of Chapter 151, "Property Maintenance Regulations," of Title XV, “Land Usage,” of the City of Saginaw Code of Ordinances, O-204. 9 ayes, 0 nays, 0 absent. Motion approved.

RESOLUTIONS

Moved by Mayor Pro Tem Moore, seconded by Council Member Scherzer to adopt the resolution to recognize Ahsrat Company as a non-profit organization for the purpose of obtaining a charitable gaming license. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Bryant, seconded by Council Member Boensch to adopt the resolution for Generis Entertainment, LLC, located at 110 South Hamilton Street, to allow outdoor service in conjunction with a 2008 Class C licensed business. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Bryant to adopt the resolution for Generis Entertainment, LLC, located at 110 South Hamilton Street, to permit the service of alcoholic beverages on public property. 9 ayes, 0 nays, 0 absent. Motion approved.

MISCELLANEOUS BUSINESS

Moved by Mayor Pro Tem Moore, seconded by Council Member Bryant to designate Mayor Floyd Kloc as an official representative of the City for the 2019 Annual Michigan Municipal League Meeting. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Kloc, seconded by Council Member Milne to designate Council Member Clint Bryant as the official alternate of the City for the 2019 Annual Michigan Municipal League Meeting. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Boensch, seconded by Council Member Bryant to adopt the resolution in support of adequately funding Michigan schools. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc requested the City Manager to begin researching and drafting ordinances or amendments to ordinances that will be necessary if council elects to allow recreational marijuana facilities in the city in the future, and to consider establishing an administrative committee, with one or two council members participating with staff, and to provide with periodic status updates to council.

ADJOURNMENT

Moved by Council Member Bryant, seconded by Council Member Boensch to adjourn the meeting at 8:46 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

Janet Santos, MMC
City Clerk

COUNCIL COMMUNICATION CC-2

From: Tim Morales, City Manager

Subject: Municipal Employees Retirement System 73rd Annual Meeting

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend the appointment of Kaylene VanWagner as officer delegate and Lisa Crook as alternate officer delegate, and Kristine Bolzman as employee delegate and Gerald Gregory as alternate employee delegate, to attend the Municipal Employees Retirement System's 73rd Annual Meeting.

Justification:

The Municipal Employees Retirement Act provides that an annual meeting shall be held for representatives of participating municipalities for the purpose of selecting nominees for membership on the retirement board and to transact such business as may be required for the proper operation of the retirement system. The 2019 annual meeting has been scheduled for October 3 and 4, at the Grand Traverse Resort in Acme.

The officer delegate and alternate officer delegate are recommended based on appointing criteria. The employee delegate and employee alternate delegate are elected in accordance with the Act that requires the City Clerk to hold a secret ballot election for City eligible Municipal Employees Retirement System members. This election has been noticed to the applicable employees and secretly conducted. Upon conclusion, votes were counted, tallied and verified resulting in Kristine Bolzman receiving the highest number of votes and Gerald Gregory the second highest.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-3

From: Timothy Morales, City Manager

Subject: ASU Group Contract Amendment

Prepared by: Janet Santos, City Clerk

Manager's Recommendation:

I recommend approval of The ASU Group contract amendment regarding the City's third party claims services administrator.

Justification:

On June 3, 2019, City Council approved a third party administrator services contract with The ASU Group. The contract includes services for subrogation and mini tort claims processing at the $350.00 rate. However, The ASU Group has offered to establish separate file type categories for subrogation and mini-tort claims each at a reduced rate of $180.00. This is a savings of $170.00 for each claim for the two new categories.

All other terms and conditions of the initial agreement shall continue unchanged and in full force and effect.

I have approved the contract amendment as to substance and the City Attorney approves as to form.

Council Action:

Motion to approve the recommendation from the City Manager.

COUNCIL COMMUNICATION CC-4

From: Tim Morales, City Manager

Subject: Patrol Vehicle In-car Camera System

Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of purchase with WatchGuard, Inc. for $6,034.12 for a in-car camera system for the Police Department.

Justification:

The new in-car camera system will outfit the K-9 vehicle donated by Covenant. All current vehicles are outfitted with WatchGuard camera systems. The purchase of this new camera system will allow the body cameras to synchronize with the patrol car cameras, creating greater transparency of the Saginaw Police Department. This purchase is comprised of one high definition in-car camera system; wiring and mounting kit; software and licensing; video transfer and networking options; warranties; and shipping and handling. WatchGuard, Inc. prices are based on government bid pricing.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Saginaw Police Department, Drug Forfeiture Fund, Parts and Supplies, Account No. 264-3040-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-5

From: Timothy Morales, City Manager

Subject: Michigan's Public Safety Communications System Member Subscriber Agreement

Prepared by: Brian Rowell, Community Public Safety – Police and Fire

Manager's Recommendation:

I recommend the approval of the Michigan's Public Safety Communications System Member Subscriber Agreement for the Police Department and Fire Departments.

Justification:

Michigan's Public Safety Communications System (MPSCS) provides a stable, secure framework for interoperable communications among local, state, federal, tribal and private first responders. This standards-based public safety communication system supports first responders in their service to citizens; it is at the forefront of public safety communications. It provides rapid response and facilitates cooperation of emergency personnel through statewide coverage and advanced technology. It is a reliable, easy-to-use system that adheres to national standards. System operation is monitored 24 hours a day to ensure its readiness to assist Michigan's first responders.

The MPSCS Member Subscriber Agreement sets forth the terms and conditions of the City's membership into Michigan's Public Safety Communications System. This agreement is between the City and the State of Michigan, Department of Technology, Management and Budget (DTMB). There are no fees under this agreement, unless the City were to purchase extra radios or add service outside the scope of the radio project.

I have approved the agreement as to substance and the City Attorney approves as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-6

From: Timothy Morales, City Manager

Subject: Accept a Donation from the Saginaw Community Foundation for the "Best Kept Yard" Program

Prepared by: John Stemple, Neighborhood Services and Inspections

Manager's Recommendation:

I recommend that a budget adjustment be completed to increase the General Fund Revenue, Contribution Account No. 101-0000-674.000 from $6,000 to $7,000. This increase in revenues is to recognize a $1,000 donation from the Saginaw Community Foundation to assist with the Best Kept Yard Program. To offset the increase in revenues will be the same increase to the General Fund, Offices of Neighborhood Services, Inspections Division, Operating Services Account No. 101-3865-805.000.

Justification:

In 2018, Code Enforcement Officer Scott Nizinski asked if he could create a program whereby residents who take care of their property could be recognized by the City. Properties are nominated by residents of the City. Last year the program was very successful and created some very positive interactions with our residents. In 2018, Mr. Nizinski accomplished a very successful program by simply asking for help and donations from some great community partners. This year a donor affiliated with the Saginaw Community Foundation has donated $1000.00 to further implement this positive activity. These funds will be used to purchase prizes as well as yard signs to recognize the winning properties.

Council Action:

Motion to approve the recommendation of the City Manager.

RESOLUTION CC-7 R

AUTHORIZE ALPHA MEDIA GROUP TO USE AMPLIFYING EQUIPMENT

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: Alpha Media Group plans to host its first annual "Family Reunion" in Morley Plaza located at 133 N. Washington Avenue, on August 31, 2019; and

WHEREAS: Alpha Media Group has requested permission to use amplifying equipment between the hours of 12:00 p.m. and 5:00 p.m.; and

WHEREAS: City Council can provide authorization for the use of amplifying equipment on public property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saginaw hereby authorizes the use of amplifying equipment during the "Family Reunion" event to be held on August 31, 2019 between the hours of 12:00 p.m. and 5:00 p.m. located at 133 N. Washington Avenue.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2019; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____
Janet Santos, MMC
City Clerk

COUNCIL COMMUNICATION CC-8

From: Timothy Morales, City Manager

Subject: User Agreement with Pride in Saginaw, Inc.

Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend approval of the User Agreement with Pride in Saginaw, Inc. to hang banners on various light poles throughout the City.

Justification:

On November 22, 2010, Pride in Saginaw, Inc. (PRIDE) entered into an agreement to place banners on City owned decorative poles, at various locations in the City of Saginaw. This agreement expired in 2013, and is now being renewed. These banners will promote PRIDE sponsored events and other local non-profit events and locations. The banners will be placed at various times of the year as determined by PRIDE following review and approval by Public Services. PRIDE will work to coordinate installation of the banners with other entities and non-profit organizations.

This agreement will allow the City to regulate the proper attachments for these banners and PRIDE will indemnify the City for any damage caused as a result of their placement and maintenance of these banners.

This Agreement shall continue from the date set forth until termination. Either party may terminate this Agreement at any time and for any reason upon thirty days written notice to the other.

The Agreement is approved by me as to substance and the City Attorney as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-9

From: Timothy Morales, City Manager

Subject: Delta College Light Pole Attachment Agreement

Prepared by: Phillip Karwat, Public Services Department

Manager's Recommendation:

I recommend the approval of a Light Pole Attachment Agreement with Delta College.

Justification:

Delta College has requested permission to place banners on City owned decorative poles, located on Genesee Avenue. Delta College has opened a campus in Downtown Saginaw and has commissioned banners supporting the new location, as well as other banners celebrating events throughout the year. The banners will be placed at various times of the year as determined by Delta College following review and approval by Public Services.

This agreement will allow the City to regulate the proper attachments for these banners and Delta College will indemnify the City for any damage caused as a result of their placement and maintenance of these banners. This Agreement shall continue from the date set forth until termination. Either party may terminate this Agreement at any time and for any reason upon thirty days written notice.

I have approved the Light Pole Attachment Agreement as to substance and the City Attorney as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-10

From: Timothy Morales, City Manager

Subject: MNRTF Grant Declaration and Notice – TF16-0098

Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of the Michigan Natural Resources Trust Fund Grant Declaration and Notice for the Engineering Section, Right of Way Division.

Justification:

The construction of the Ojibway Island Improvements for restroom building renovations, pedestrian bridge, six foot access pathway and landscaping is complete and a ribbon cutting ceremony and dedication is scheduled for September 16, 2019. This project was partially funded by a Michigan Natural Resources Trust Fund (MNRTF) Grant. MNRTF requires the City of Saginaw to sign and approve the MNRTF Grant Declaration and Notice for the Ojibway Island Improvements. The Declaration and Notice is to ensure the long-term conservation of the property and its use for public outdoor recreation. The Declaration and Notice will have to be filed and recorded with the Register of Deeds of Saginaw County.

The MNRTF Grant Agreement was approved by City Council on August 21, 2017. The construction contract with Geiersbach Construction, Inc. for the restroom building renovations, pedestrian bridge, six foot access pathway and landscaping was approved by City Council on October 8, 2018. The project was completed on July 31, 2019.

Council Action:

This Council Communication is for informational purposes of the resolution to be adopted.

RESOLUTION CC-10 R

Michigan Natural Resources Trust Fund Grant
Ojibway Island Improvements

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: the declaration contained herein is based on the following factual recitals; and

WHEREAS: the City of Saginaw has developed the Property, in part, through the grant of money from the Michigan Natural Resources Trust Fund; and

WHEREAS: a condition of the grant by the MNRTF, the City has agreed to impose certain restrictions on the development portion of the Property; and

NOW, THEREFORE, BE IT RESOLVED, the City of Saginaw hereby declares that the portion of the property identified as the project area is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the obligation hereinafter set forth, all of which shall run with the land.

The lands included in this deed were developed by the City with funding assistance from the Michigan Natural Resources Trust Fund pursuant to project agreement TF16-0098 between the Michigan Department of Natural Resources and City of Saginaw, executed on August 21, 2017. The project agreement describes certain requirements to ensure the long-term conservation of the property and its use for public outdoor recreation. City of Saginaw is placing this notice on record as confirmation of its obligations as set forth in the project agreement, including the requirement that the consent of the Michigan Department of Natural Resources and the Michigan Natural Resources Trust Fund Board of Trustees is required prior to the conveyance of any rights or interest in the property to another entity, or for the use of the property for purposes other than conservation or public outdoor recreation.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2019; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____
Janet Santos, MMC
City Clerk

COUNCIL COMMUNICATION CC-11

From: Timothy Morales, City Manager

Subject: Crushed Stone Purchase

Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with Wirt Stone Dock, for $13,500 for crushed washed stone for the Streets Section, Right of Way Division.

Justification:

On July 30, 2019, the City received one bid for 500 tons of crushed washed H1 Limestone. The Streets Section of the Right of Way Division requires crushed washed stone to make road repairs on City streets using the Durapatch machine. The following is a tabulation of the bid received:

Vendor	Per Ton	Total Cost
Wirt Stone Dock Saginaw, Michigan	$27.00	$13,500.00

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Local Streets Fund, Routine Maintenance Division's Street and Road Materials Account No. 203-4651-743.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-12

From: Timothy Morales, City Manager

Subject: Emulsified Asphalt and Tack Coat

Prepared by: Beth D. London, Public Services Department

Manager's Recommendation:

I recommend a purchase with Bit-Mat Products of Michigan, for $26,650 for Emulsified Asphalt and tack coat for the Streets Section, Right of Way Division.

Justification:

On July 30, 2019, the City received one bid for 10,000 gallons of HF RS-2 Anionic Emulsified asphalt and 3,000 gallons of LTBC-2 Tack Coat. The Streets Section of the Right of Way Division requires these materials to make road repairs on City streets using the Durapatch machine and hot mix asphalt. The following is a tabulation of the bid received:

Vendor	Material	Total Cost
Bit-Mat Products of Michigan Bay City, Michigan	Emulisified Asphalt Tack Coat	$20,500.00 $ 6,150.00
	Total Costs:	$26,650.00

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Local Streets Fund, Routine Maintenance Division's Street and Road Materials Account No. 203-4651-743.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-13

From: Timothy Morales, City Manager

Subject: Purchase Undercarriage Washing Units

Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with Mosmatic Pro for $4,506.80 for two undercarriage washing units as specified for the Streets Section, Right of Way Division.

Justification:

On July 9, 2019, two bids were received for undercarriage washing units. These Mosmatic Hurricane Pro model HURPZ-520 Portable Undercarriage Washers allow operators to clean the underside of truck and equipment chassis with a heated high pressure spray of detergent and water to remove debris and salt buildup and also neutralize residual salt with a low pressure application of a neutralizing product. The addition of these washing units will reduce the progress of corrosion, improving the overall condition and reliability of the City's Plow fleet. The following is a listing of the bids received:

Vendor	Total Cost
Mosmatic Pro	$2,253.40 each
Hotsy of Mid-Michigan	$2,380.00 each

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Major Streets, Winter Maintenance, Less Than $5,000 Account No. 202-4655-971.000 $3,506.80, and the Local Streets, Winter Maintenance, Less Than $5,000 Account No. 203-4655-971.000 $1,000.00.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-14

From: Timothy Morales, City Manager

Subject: Horizontal Boring Tool

Prepared by: Joshua Hoffman, Public Services Department

Manager's Recommendation:

I recommend approval of a purchase with AIS Construction Equipment for $12,551.40 for two 3" Grundomat 75P Horizontal Boring Tools for the Maintenance and Service Division.

Justification:

On August 27, 2018, City Council approved a purchase with AIS Construction Equipment for the purchase of a 3" Grundomat 75P Horizontal Boring Tool, to be utilized for the installation of new water service connections and extensions in various sizes from ¾ inch to 2 inch in diameter throughout the City's water distribution system. A quote from AIS Construction Equipment dated July 25, 2019 agrees to extend their bid price of $6,275.70 each. One of the boring tools will be a direct replacement of an older unit that is broken beyond repair and the second unit will be utilized by the newly established Lead and Copper Water Service Line replacement crew within the Maintenance and Service Division.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operation and Maintenance Fund, Maintenance and Service Division's Maintenance Equipment Account No. 591-4721-978.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-15

From: Timothy Morales, City Manager

Subject: Purchase Mini Excavator

Prepared by: Don Riley, Public Services Department

Manager's Recommendation:

I recommend approval of purchases with Michigan CAT for $103,936.20 for a 2019 Caterpillar 308E2 CR Excavator; and with AIS Equipment Co. for $40,556.68 for Allied Attachments and a Felling Trailer equipped as specified for the Maintenance and Service Division.

Justification:

The Maintenance and Service Division has budgeted in FY 2020 to purchase a 2019 Caterpillar 308E2 CR Excavator, an Allied Hammer and Ho-Pac Attachments, and a Felling 10 Ton tilt bed Trailer. The Division currently has one of these units; this is a frontline piece of equipment used in the daily maintenance and repairs of utilities. The purchase of this additional Mini Excavator and trailer will improve the division's frost breakage, digging, and lifting capabilities. This purchase will be made using Sourcewell contract no. 032119-CAT and MiDeal contract no. 071B7700090 pricing.

These vendors meet all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Water Surplus, Sewer Division's Maintenance Equipment Account No. 591-4740-978.000 $72,246.44 and the Sewer Operations and Maintenance Fund, Sewer Surplus, Sewer Division's Maintenance Equipment Account No. 590-4840-978.000 $72,246.44.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-16

From: Timothy Morales, City Manager

Subject: Purchase of Traffic Signal Radar Vehicle Detection Equipment

Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Wavetronix for $7,502.50 for traffic signal radar vehicle detection equipment for the Traffic Maintenance Section, Right of Way Division.

Justification:

The Wavetronix traffic signal radar vehicle detection equipment is being purchased through State of Michigan contract number 591B7700209, at the state bid price.

The Traffic Maintenance Section maintains and installs the traffic signals throughout the City of Saginaw. The existing traffic signal vehicle loop detection system at the intersection of S. Jefferson Avenue and Rust Avenue (M-46) was removed when S. Jefferson Avenue was resurfaced earlier this year. The Wavetronix radar vehicle detection equipment will replace the loops that were removed. The cost of the equipment will be shared equally between the City of Saginaw and the Michigan Department of Transportation (MDOT) and MDOT will be billed for their half of the equipment after it is installed.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Major Street Fund, Traffic Engineering Division's Parts and Supplies Account No. 202-4621-742.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-17

From: Timothy Morales, City Manager

Subject: Ratification of Emergency Purchase–Repairs Overhead Doors Public Works Building

Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend ratification of a purchase with Dover and Company for $4,008.37 for the preventive maintenance and emergency repairs of the overhead doors located at City Hall and the Public Works Building.

Justification:

On February 18, 2019, Council approved a purchase with Dover and Company for an amount not to exceed $5,000 annually for FY 2019 for overhead door maintenance service for City Hall and the Public Services Building. The monthly inspections, preventative maintenance and repair costs on the 40 doors at the Public Service Building for the months of March through June totaled $9,008.37 to keep the doors operational.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

This expense will be incurred against the FY 2019 budget through the Public Works Building Fund, Operating Services Account No. 641-4439-805.000 in the amount of $118.86 and General Repairs Account No. 641-4439-930.000 in the amount of $3,889.51.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-18

From: Timothy Morales, City Manager

Subject: Rockwell Automation, Inc. TechConnect Support Agreement Renewal

Prepared by: Dan Simmer, Water and Wastewater

Manager's Recommendation:

I recommend approval of an Agreement with Kendall Electric, a sole source, for $4,773.00 for hardware and software product support through Rockwell Automation, Inc. at the Water and Wastewater Treatment Divisions for the Instrumentation and Process Controls Division.

Justification:

On June 26, 2019, the City of Saginaw received a quote for a TechConnect Support Agreement renewal to provide automation software support services at the Water and Wastewater Treatment Divisions through September of 2020. This support covers hardware, software updates and phone and e-mail support for the Supervisory Control and Data Acquisition System which runs the electrical controls. Kendall Electric is the distributor for Rockwell Automation, Inc. and the sole provider of this service.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Sewer Operations and Maintenance Fund, Instrumentation and Process Controls Subscriptions Account No. 590-4815-823.002 $2,386.50 and the Water Operations and Maintenance Fund, Instrumentation and Process Controls Subscriptions Account No. 591-4715-823.002 $2,386.50.

I have approved the Agreement as to substance and the City Attorney approves as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-19

From: Timothy Morales, City Manager

Subject: Hach Brand Reagent Distribution Plan

Prepared by: Amanda Kiel, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with HACH Company for $3,740.85 for Hach chemical reagents for the Water Treatment Division.

Justification:

July 30, 2019, the City received bids for Hach chemical reagents. The Water Treatment Division performs Turbidity and Free Chlorine Residual analyses using HACH Company's on-line and benchtop instruments. Turbidity analysis is an indication of water quality. The Environmental Protection Agency and Michigan Department of Environment, Great Lakes, and Energy require continuous and periodic monitoring of these parameters. The requested reagents are on a one-year Reagent Distribution Plan for automatic quarterly delivery and include shipping costs. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

HACH Company Loveland, CO	$3,740.85
USABlueBook Waukegan, IL	$3,753.47

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operation and Maintenance Fund, Treatment and Pumping Division's Operating Services Account No. 591-4730-805.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-20

From: Timothy Morales, City Manager

Subject: Powdered Activated Carbon Purchase, Joint Bid

Prepared by: Theodore Bomba, Water and Wastewater

Manager's Recommendation:

I recommend the approval of a purchase with Carbon Activated Corporation for $47,600.00 for 70,000 pounds of powdered activated carbon for the Water Treatment Division.

Justification:

Powdered activated carbon is used to assist in the elimination of organic and chemical impurities that affect the taste and odor of water. The Cities of Saginaw, Midland, and Bay City issued a Joint Bid for chemical purchases. On June 5, 2019, sealed bids were opened. The low bid of $0.68 per pound is a 6.8% decrease from FY 2019.

Following is a tabulation of the bids received:

	Per Pound	*Total Bid*
Carbon Activated Corporation Compton, CA	$0.68	$47,600.00
Donau Carbon dba Dunnellon, FL	$0.727	$50,890.00
Cabot North America Marshall, TX	$1.06	$74,200.00
Calgon Carbon Moon Township, PA	$1.44	$100,800.00

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Treatment & Pumping Division's Chemicals Account No. 591-4730-727.000.

Council Action:

Motion to approve the recommendation of the City Manager.

COUNCIL COMMUNICATION CC-21

From: Timothy Morales, City Manager

Subject: Radar Level Meters

Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with Vega Americas, Inc., a sole source, for $7,290.00 for five radar level detection units for the Remote Facilities Division.

Justification:

The City operates seven retention and treatment basins and six sewage pumping stations. Each one of these locations requires some form of level monitoring and control; many of the locations have multiple level monitors. Radar meters are the preferred technology for level measurement due to their accuracy and durability. Experience has proven that the Vega meters are the most robust in harsher environments. They have been used to replace other older failing units and have proven to be extremely reliable. We currently have 3 units requiring replacement and will use two units as emergency spares.

On July 29, 2019, we received a quote from Vega Americas, Inc. the manufacturer of Vega Radar Level Sensors and the sole source for these products.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Sewer Operations and Maintenance Fund, Remote Facilities Division's Repairs and Replacements Account No. 590-4835-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

ORDINANCE O-1

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced August 5, 2019, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO ADD CHAPTER 118, “PROHIBITION OF MARIHUANA ESTABLISHMENTS AND FACILITIES,” OF TITLE XI, “"BUSINESS REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. Chapter 118, "Prohibition of Marihuana Establishments and Facilities," of Title XI, “Business Regulations,” of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

CHAPTER 118: PROHIBITION OF MARIHUANA ESTABLISHMENTS AND FACILITIES

§ 118.01 PROHIBITION.

(A) Marihuana Establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “MRTMA”), being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, and its corresponding administrative rules, are prohibited in the City of Saginaw. Such prohibited establishments include, but are not necessarily limited to, marihuana growers, marihuana safety compliance facilities, marihuana processors, marihuana microbusinesses, marihuana retailers, marihuana secure transporters, designated consumption establishments, marihuana event organizers, temporary marihuana events, excess marihuana growers, and any other type of marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs, the Michigan Marijuana Regulatory Agency, or other state agency under the provisions of the MRTMA.

(B) No business that constitutes or purports to be a Marihuana Establishment authorized by the MRTMA or Marihuana Facility authorized by the Medical Marihuana Facilities Licensing Act (the “MMFLA”), being Public Act 281 of 2016, MCL 333.27101 *et seq*, or either of their corresponding administrative rules, that was engaged in business prior to the enactment of this chapter, shall be deemed to have been legally established under the provisions of the City’s Code.

(C) This section does not supersede any rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the MRTMA or the MMFLA.

§ 118.02 PENALTIES.

(A) Violations of this chapter shall be deemed a public nuisance in accordance with chapter 94 of this code of ordinances and are subject to the penalties established in §94.999.

§ 118.03 CONFLICT AND REPEAL. All ordinances or parts of ordinances in conflict with this chapter are repealed.

§ 118.04 SUNSET. This chapter shall automatically be repealed one year from its adoption if not otherwise repealed, amended, or replaced by City Council prior to that date.

This ordinance shall become effective August 29, 2019.
Enacted: August 19, 2019.

Yeas:
Nays:
Absent:
Abstain:

ORDINANCE DECLARED ADOPTED

_____ _____

Floyd Kloc
Mayor

Janet Santos, MMC
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2019; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____

Janet Santos, MMC
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced August 5, 2019, entitled and reading as follows, be taken up and enacted:

O-_____

AN ORDINANCE TO AMEND §§151.001 THROUGH 151.117, OF CHAPTER 151, "PROPERTY MAINTENANCE REGULATIONS," OF TITLE XV, “LAND USAGE,” OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. §§151.001 through 151.117 of Chapter 151, "Property Maintenance Regulations," of Title XV, “Land Usage,” of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

CHAPTER 151: PROPERTY MAINTENANCE REGULATIONS

§151.001 TITLE.

This chapter shall be known as the “Property Maintenance Code of the City of Saginaw”, may be cited as such, and will be referred to herein as “this chapter”.

§151.002 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard health, safety, property, and public welfare of the people of the city by regulating and controlling the use and occupancy, repair, alteration, maintenance, and operation of certain buildings, structures, and lots within the city; to provide for registration of non-owner-occupied residences and unoccupied properties; to determine responsibilities of owners and occupants of residences; and to provide for the administration and enforcement of this chapter and penalties for its violation.

§151.004 SCOPE.

(A) *Application.*

(1) The provisions of this chapter shall apply to all buildings or portions thereof used, designed, or intended to be used for human habitation and to accessory buildings and structures. These buildings may not be occupied if they are in violation of the requirements contained in this chapter. All non-owner-occupied residences and unsupervised properties shall be registered with the office of the City Clerk.

(2) Where any building or portion thereof is used or intended to be used as a combination apartment house and hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings.

(B) *Alteration.* All alterations, enlargements, additions to, and/or relocations of existing buildings shall be in conformance with the provisions of this chapter and all other applicable laws or ordinances.

§151.110 FINDINGS AND PURPOSE.

(A) Unsupervised properties have a negative impact on surrounding properties and neighborhoods. Owners of such properties should be held accountable for the condition of same, because properties which are not maintained constitute a hazard to the public health, safety, and welfare, create blight and nuisances, and lower property values and neighborhood integrity.

(B) It is the purpose and intent of the city, through the adoption of this subchapter, to establish a non-owner occupied property registry and unoccupied property registry as a mechanism to protect residential neighborhoods and other areas from becoming blighted through the lack of adequate maintenance and security of such properties.

§151.111 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Saginaw.

CONTROLLER. The person under contract with the owner for the management and/or maintenance of the property or who is otherwise authorized by the owner to exercise any physical control over the property, including but not limited to any property management or property preservation company responsible for the maintenance and security of the property.

DRUG RELATED ACTIVITY. The illegal manufacture, sale, distribution, possession, or use of a controlled substance (as defined by Article 7, Controlled Substances, of Michigan's Public Health Code, Public Act 368 of 1978, being M.C.L. §§ 333.7101 et seq.).

LOCAL AGENT. A Michigan-based person or business entity appointed in writing by the owner to be the contact person on behalf of the owner and/or controller with the city.

NON-OWNER OCCUPIED PROPERTY. Any dwelling, dormitory, dwelling unit, apartment house, or guest room in a lodging house, rooming house, bed and breakfast establishment, hotel or motel within the city which is occupied by someone other than the owner.

NUISANCE. A nuisance as defined by §94.001 of this code of ordinances.

OWNER. The person noted as the last owner of record (i.e. person holding legal title to the property) in the records of the City Assessor.

PERSON. An individual, firm, corporation, trust, estate, partnership, incorporated or unincorporated association, limited partnership, limited liability company, or any other legal entity.

QUALITY OF LIFE VIOLATION.

(1) Occurs when the resident, any members of the resident's household or a guest or other person under the resident's control has been convicted of, defaulted on, or otherwise held responsible for, by or in a court of competent jurisdiction, a violation of any state law or local ordinance on the non-owner occupied property that involves:

(a) Drug related activity,
(b) Prostitution,
(c) Criminal gang activity,
(d) Assaultive, threatening, or intimidating behavior (including but not limited to unlawful discharge of firearms),
(e) Malicious destruction of property, or
(f) Conduct that jeopardizes the health, safety, and/or welfare of others. "Conduct that jeopardizes the health, safety, and/or welfare of others" could include, but is not limited to, the following:
1. Dangerous dog violation contrary to §§ 94.031 and 94.999 of this code of ordinances,
2. Unlawful discharge of a firearm violation contrary to § 130.03(D) of this code of ordinances,
3. Illegal business or occupation violation contrary to § 130.33 of this code of ordinances,
4. Noise violation contrary to § 94.047 of this code of ordinances, and
5. Violation of the maximum occupancy overcrowding, illegal use of space provisions of the city ordinance contrary to Chapter 153 of this code of ordinances.

(2) A violation shall be deemed to have occurred in the vicinity of non-owner occupied property if it occurs in an adjacent common area or in the adjacent public right-of-way in front of the non-owner occupied property.

REPEATED QUALITY OF LIFE VIOLATIONS. Will be considered to be three quality of life violations by one or more tenants or their guests, with respect to any dwelling unit within any 12-month period.

UNOCCUPIED PROPERTY. Any improved property or lot that contains a vacant dwelling or other structure, and regardless of the zoning classification of such property.

§151.112 NON-OWNER OCCUPIED PROPERTY; PROHIBITED CONDUCT.

(A) No owner or controller of non-owner occupied property shall allow it to be occupied by someone other than the owner without first registering the property with the Office of the City Clerk.

(B) No owner or controller of non-owner occupied property shall allow occupancy of the property without first being in compliance with this subchapter.

(C) No owner or controller of non-owner occupied property shall allow occupancy of the property without first paying any property taxes or other city debts, such as rubbish and water, due and owing on the property.

(D) No owner or controller shall allow a non-owner occupied property to fall into a state of disrepair, to become in violation of applicable state statutes or city codes, or to otherwise become a nuisance or create a nuisance condition.

(E) Once registered, no owner or controller shall allow non-owner occupied property to remain occupied if it is in a state of disrepair, in violation of applicable state statutes or city codes, or otherwise has become a nuisance condition or created a nuisance condition.

(F) No owner or controller shall knowingly permit a resident to remain in occupancy of non-owner occupied property if that resident, members of the resident's household, or guests or other persons under the resident's control commit repeated quality of life violations.

§151.113 NON-OWNER OCCUPIED PROPERTY; REGISTRY.

(A) To register non-owner occupied property, the owner or controller shall:
(1) Complete and file with the City Clerk a registration application for each non-owner occupied property, which shall state or have attached, as applicable:
(a) The name, date of birth, driver's license number, mailing address, telephone number, email address, and webpage address of the owner and of any controller of the property. If the owner of the property resides out-of-state, the applicant shall designate a local agent by name, mailing address, telephone number, email address, and webpage address.
(b) A copy of the written agreement appointing a local agent or controller for the owner.
(2) Pay in full the registration fees, as well as any applicable late fees, owed to the city for each non-owner occupied property.
(3) Provide a copy of a current certificate of compliance to the City Clerk, where such is required pursuant to §151.115.
(4) Pay in full any property taxes and other city debts due and owing on the property.
(5) Pay in full any fines that may be owed due to a violation of this subchapter.
(6) Agree to provide all residents a lease disclosure letter which provides information regarding frequently violated city regulations, including:
(a) The city's noise ordinance (as codified in §§ 94.045 through 94.047 of this code of ordinances);
(b) The city's curfew for minors ordinance (as codified in §§ 130.50 through 130.54 of this code of ordinances);
(c) The city's disturb the peace of neighborhoods ordinance (as codified in § 130.32 of this code of ordinances);
(d) The city's property maintenance regulations (including §§ 151.097 and 151.098); and
(e) The city's parking regulations (including § 72.23 of this code of ordinances);
(7) Agree that each lease or rental agreement entered into for non-owner occupied property shall include the following addendum:

CRIME FREE LEASE ADDENDUM

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

1. Resident, members of the resident's household, and a guest or other person under the resident's control shall not engage in criminal activity, or any act intended to facilitate criminal activity, including drug-related criminal activity, on or near said premises.

2. Resident and members of resident's household will not permit the dwelling unit to be used for, or facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.

VIOLATION OF THE ABOVE PROVISIONS SHALL CONSTITUTE A QUALITY OF LIFE VIOLATION AND BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF THE TENANCY.

A single violation of any of the provisions of this addendum shall be deemed a serious violation and material and irreparable noncompliance with your lease.

In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern.

This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

This LEASE ADDENDUM is not intended to diminish Resident's or broaden Owner's rights with regard to Michigan's laws pertaining to the recovery of possession of property.

(B) Upon the City Clerk's receipt of the completed registration application and applicable fees, the City Clerk shall verify whether the property is eligible for registration and, if so, shall register the property.
(1) If the property is not eligible for registration, the City Clerk shall inform the owner or controller of the deficiencies preventing registration, including what additional information, documentation, and/or fees are required.

(C) After a non-owner occupied property has been registered, the owner or controller shall:
(1) Notify the City Clerk in writing of any change in the information provided in the original registration application, including but not limited to a change in occupancy status or a change in contact information for the owner, controller, or local agent, within 30 days of the date of the change.
(2) Cause the dwelling to be inspected by appropriate representatives of the city for compliance with this subchapter within 30 days of a new application for registration. Proof of such inspections must be provided to the City Clerk upon renewal of registration to document that the property remains in compliance with this subchapter.
(3) If the non-owner occupied property has become ineligible for this registry, the City Clerk shall remove the property from the registry and shall provide the owner or controller with written notification of this action, the reason therefor, and shall inform the owner or controller of the deficiencies preventing continued registration, including what additional information, documentation, and/or fees are required.

(D) An owner or controller of non-owner occupied property shall register the property with the City Clerk within 60 days of transfer of title to the property to the name of the new owner. If the title was transferred prior to the effective date of this subchapter, the owner or controller of the property shall register the property with the City Clerk no later than 60 days after the effective date of this subchapter.

(E) Exceptions:
(1) Owners or purchasers of structures which contain only one dwelling unit, with or without an accessory garage, carport or shed, and which contain no other occupancy, may occupy that dwelling unit themselves without registering the unit or paying a fee. The owner's immediate family, defined as the owner's spouse or significant other, children, and up to two grandparents, may also occupy that dwelling with the owner. All other requirements of this chapter shall apply in such instances.
(2) Owners and controllers of property properly registered under this section who are actively advertising and holding the property out for rental and/or sale shall not be required to also register the property as unoccupied property under § 151.114. Evidence

of same, such as a copy of any advertisement or listing, shall be provided to the City Clerk.

§151.114 UNOCCUPIED PROPERTY REGISTRY.

(A) The Office of the City Clerk shall maintain a registry of all unoccupied properties within the city.

(B) An owner or controller of unoccupied property shall register the property with the City Clerk within 60 days of transfer of title to the property to the name of the new owner. If the title was transferred prior to the effective date of this subchapter, the owner or controller of the property shall register the property with the City Clerk no later than 60 days after the effective date of this subchapter.

(C) To register unoccupied property, the owner or controller shall:
  (1) Complete and file with the City Clerk a registration application for each unoccupied property, which shall state or have attached, as applicable:
    (a) The name, date of birth, driver's license number, mailing address, telephone number, email address, and webpage address of the owner and of any controller of the property. If the owner of the property resides out-of-state, the applicant shall designate a local agent by name, mailing address, telephone number, email address, and webpage address.
    (b) A copy of the written agreement appointing a local agent or controller for the owner.
    (c) A statement describing the expected period of vacancy, a detailed plan for the regular maintenance of the property during the period of vacancy (for example, lawn maintenance and securing of any structures), and a timeline for the lawful re-occupancy of the property, the rehabilitation of the property, or the demolition of the dwelling and/or structure(s) on the property.
  (2) Pay in full the registration fees, as well as any applicable late fees, owed to the city for each unoccupied property.
  (3) Provide a copy of a current certificate of compliance to the City Clerk, where such is required pursuant to §151.115.
  (4) Pay in full any property taxes and other city debts due and owing on the property.

(D) Upon the City Clerk’s receipt of the completed registration application and applicable fees, the City Clerk shall verify whether the property is eligible for registration and, if so, shall register the property.
  (1) If the property is not eligible for registration, the City Clerk shall inform the owner or controller of the deficiencies preventing registration, including what additional information, documentation, and/or fees are required.

(E) Any change in the information provided in the registry, including but not limited to a change in ownership, change in vacancy status, or a change in contact information for the owner, controller, and/or local agent shall be provided in writing to the City Clerk within 30 days of the date of the change.

(F) Unoccupied property may not be occupied until all outstanding taxes, costs, assessments, and/or liens owed to the city have been paid in full and a certificate of occupancy has been issued by the city.

(G) Exceptions:
(1) Unoccupied properties owned by governmental subdivisions/agencies need not be registered in accordance with this chapter.
(2) An owner or controller of unoccupied property shall be exempt from registration under this section for the first 12 months following the owner's purchase of the property so long as the owner is actively working to rehabilitate the property for use and occupancy. Such rehabilitation shall be evidenced by the owner or controller obtaining the necessary permits for structural, electrical, mechanical, or similar work. It shall be the responsibility of the owner or controller to provide evidence supporting their right to this exemption from registration to the City Clerk.

§151.115 CERTIFICATES OF COMPLIANCE.

(A) Beginning with the registration cycle for the year 2020, all owners/controllers of non-owner occupied property and unoccupied property containing a building or other structure that is more than one story and less than 10 feet from the public right-of-way shall have all roof-mounted structures and every exterior wall of or part of the building's exterior, including connecting bridges, cornices, copings, eaves, bays, or similar projections, thoroughly inspected and examined by competent professionals, at their own expense, at intervals not to exceed 5 years and shall furnish the city's Chief Inspector with a written report setting forth the true condition of the structure inspected. The Chief Inspector shall be notified in advance of such an inspection of an existing building and may have an authorized designee present. Where conditions of a structure or wall cannot be determined by inspection of the exterior of the structure or wall, the Chief Inspector, or his or her designee, may require portions thereof to be removed for a more thorough examination.
(1) A competent professional shall be defined as a licensed architect, structural engineer, or other professional deemed acceptable by the city's Chief Inspector.

(B) Upon successful completion of such inspection, a certificate of compliance shall be issued by the Chief Inspector, or his or her designee. With regard to unoccupied property, the certificate of compliance shall be posted in a conspicuous place within the building or structure and readily available for inspection. Certificates of compliance for non-owner occupied property shall be maintained by the owner/controller and made available upon request by the Chief Inspector, or his or her designee, or by any current or prospective tenant.

(C) It shall be unlawful to occupy or use a building, premises, or structure required to have a certificate of compliance under this section, or cause same to be occupied, without the required certificate of compliance for the building, premises, or structure.

(D) Upon a finding that the building, premises, or structure is unsatisfactory for human habitation or is otherwise structurally unsound, the Chief Inspector may deem such property to be a nuisance and order such building, premises, or structure vacated, as well as issue a written order to repair/correct.

§151.116 VIOLATION; ABATEMENT.

(A) Except as otherwise stated, violations of this chapter shall be treated as strict liability offenses regardless of intent.

(B) An owner or controller of non-owner occupied property or unoccupied property that is found to be in violation of any article of this chapter shall be responsible for a municipal civil infraction as set forth in Ch. 37 of this code of ordinances.

(C)

(1) Properties subject to this subchapter shall at all times be kept free of weeds, dry brush, dead vegetation, trash, junk, building materials, and the accumulation of other debris and shall otherwise comply with the city property maintenance code. Additionally, the property shall be maintained free of graffiti, tagging, and similar markings. Yards shall be landscaped and maintained pursuant to this subchapter.

(2) If the property has not been maintained, the city may maintain the property and assess costs to the owner or controller. Such assessments may become a lien against the property.

(D)

(1) Properties subject to this subchapter shall at all times be maintained in a secure manner so as not to be accessible by unauthorized persons. The city shall have the authority to require the owner or controller to implement additional maintenance and/or security measures as deemed necessary.

(2) If a property has not been secured, the city may secure the property and assess costs to the owner or controller. Such assessments may become a lien against the property.

(E)

(1) Failure to properly maintain or secure either non-owner occupied property or unoccupied property will be deemed a nuisance for which the city may issue a written notice to correct. The city may abate any such nuisance upon the failure of the owner or controller of the property to take abatement action within ten days of the written notice to correct. When the city has abated such a nuisance, the cost of the abatement, including any applicable administrative charges, will be billed to the owner of the property. Such billing shall be a personal debt of the owner to the city, which may be collected as other personal debts, as enforcement costs or by restitution orders as allowed by law, or which may be assessed as a lien against the property, including interest thereon, until paid.

(2) The owner of the property where such a nuisance exists is also responsible for a Class D municipal civil infraction as set forth in § 94.002 of this code of ordinances.

(F) On each occasion that a resident in a non-owner occupied property, any members of the resident's household, or a guest or other person under the resident's control commits a quality of life violation, the City Manager or designee shall send notice of such violation to the owner or controller. Upon the occurrence and notice of three quality of life violations by a resident, any members of the resident's household or a guest or other person under the resident's control, with respect to any non-owner occupied property within any 12-month period, the non-owner occupied property will be deemed a nuisance. An unsuccessful good faith attempt to evict the offending resident, after commission of two quality of life violations, shall constitute an absolute defense. It is not a violation if the owner or controller reported the violation.

(1) The owner of the property where such nuisance exists is responsible for a Class F municipal civil infraction, subject to payment of a civil fine as set forth in § 37.07, plus costs and other sanctions for each infraction. Repeat offenses shall be subject to increased fines as provided by § 37.07.

§151.117 FEES.

(A) Fees for each registry shall be established by City Council and posted in the Office of the City Clerk.

(B)
(1) Registration renewals for non-owner occupied property shall be due on the fourth Friday of February of each year.
(2) Registrations shall all expire on the fourth Friday of February of each year regardless of application date.

(C) Registration renewals for unoccupied property shall be due on December 30 of each year.
(1) All unoccupied properties must be registered within 60 days of the enactment of this subchapter.
(2) Registrations shall expire on December 30 of each year regardless of application date. If December 30 should fall on a holiday or weekend the fee shall be due on the next regular business day.

(D) An additional late charge of 100% of the base fee shall apply and be assessed in the event of any of the following:
(1) Failure to register a non-owner occupied or unoccupied property within 30 days of date of written notice from the city that the property is in violation of this subchapter.
(2) Failure to pay the registration renewal fee by the required date each year.
(3) Failure to register a non-owner occupied or unoccupied property within 60 days of transfer of title in the property.
(4) Failure to provide the City Clerk the required notice of any change in the information provided in the registry, including but not limited to a change in vacancy status or a change in contact information for the owner and/or controller within 30 days of the date of the change.

(E) Failure to pay any applicable fees or late fees shall be deemed a personal debt of the owner to the city, which may be collected as other personal debts, as enforcement costs or by restitution orders as allowed by law, or assessed as a lien against the property, including interest thereon, until paid.

This ordinance shall become effective August 29, 2019.
Enacted: August 19, 2019.

Yeas:
Nays:
Absent:
Abstain:

ORDINANCE DECLARED ADOPTED

_____ _____

Floyd Kloc
Mayor

Janet Santos, MMC
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 19, 2019; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

_____

Janet Santos, MMC
City Clerk