

**OWOSSO CITY COUNCIL**

**MARCH 18, 2013**

**7:30 P.M.**

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** PASTOR CAL EMERSON  
RETIRED
- PLEDGE OF ALLEGIANCE:** SHANE NELSON  
SHIAWASSEE FAMILY YMCA CEO
- PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
- ABSENT:** Councilpersons Loreen F. Bailey.

A moment of silence was held in memory of Mayor William Himburg on the occasion of his passing. Mayor Himburg served as the City's first mayor under the new Charter from 1964-1968.

Congratulations were offered to Councilperson Bailey upon the birth of her first grandchild just hours before the meeting.

**APPROVE AGENDA**

Motion by Councilperson Fox to approve the agenda as presented.

Motion supported by Councilperson Erfourth and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 4, 2013**

Motion by Councilperson Erfourth to approve the Minutes of the Regular Meeting of March 4, 2013 as presented.

Motion supported by Councilperson Fox and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Mayor Frederick welcomed County Commissioners Horvath and Bartz to the meeting and thanked them for attending.

Mayor Pro-Tem Popovitch reported that Owosso was well represented at the recent Destination Imagination Regional Competition, sending 6 teams. Three of which advanced to the State competition.

Councilperson Cook announced the annual meeting of the Friends of the Fred Meijer Clinton Ionia Shiawassee Trail this Thursday at 7:00 pm at the Baker College Welcome Center.

**CITY MANAGER REPORT**

City Manager Crawford informed the Council the City was in receipt of a notification for liquor license transfer for the Class C and SDM licenses held by Mootzie's Gallery to be transferred for the establishment of a restaurant at 112 N. Washington Street. Local approval of the request is not required. All local checks had been completed and staff had no objections to the transfer.

**CONSENT AGENDA**

Motion by Councilperson Eveleth to approve the Consent Agenda as follows:

Recreation Service Agreement. Approve Recreation Service Agreement with the Shiawassee Family YMCA for use of the Hugh Parker Soccer Complex for youth soccer and tee-ball for a period expiring December 31, 2018 as follows:

**RESOLUTION NO. 22-2013**

**AUTHORIZING EXECUTION OF A CONTRACT FOR RECREATION SERVICES BETWEEN  
THE CITY OF OWOSSO, MICHIGAN AND THE SHIAWASSEE FAMILY YMCA  
FOR THE USE OF HUGH PARKER SOCCER COMPLEX  
FOR YOUTH SOCCER AND TEE-BALL LEAGUES**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that recreation opportunities for area youth are important not only to the youth but to the community as a whole; and

WHEREAS, the Shiawassee Family YMCA has dedicated itself to providing exercise and recreation opportunities for all community members and sponsors a youth soccer league and a tee-ball league each year; and

WHEREAS, the city wishes to contribute to youth recreation opportunities by allowing the use of the Hugh Parker Soccer Complex for said leagues; and

WHEREAS, the YMCA has agreed to administer both leagues and coordinate all use of the fields, whether by YMCA athletes or others.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract the Shiawassee Family YMCA to provide organized recreation opportunities in the form of youth soccer league and a tee-ball league.
- SECOND: The mayor and the city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached memorializing use of the Hugh Parker Soccer Complex and the responsibilities of the city and the YMCA regarding said leagues.

**RECREATION SERVICE AGREEMENT**

This Recreation Service Agreement is made the \_\_\_\_ day of \_\_\_\_\_, 2013, between the City of Owosso, a Michigan municipal corporation ("City") and the Shiawassee Family YMCA ("YMCA"), a non-profit community service organization which conducts youth recreation programs. This agreement shall run until December 31, 2018 unless terminated by either party upon written notice by December 31 of any year.

1. This agreement allows the YMCA to use the property commonly known as the Hugh Parker Soccer Complex for youth soccer leagues and tee-ball leagues. The City will receive Thirty (\$30.00) upon execution of this agreement and will receive the annual participation fee provided for in Paragraph 4 Section C.
2. This agreement does not grant YMCA the exclusive use of the property. YMCA shall permit other individuals and entities to use the premises when such use does not conflict with YMCA's activities. The YMCA will manage and control the use of the premises by other individuals and entities through scheduling.
3. The YMCA agrees to defend, indemnify and hold City harmless from any claim, loss, expense or damage to any person or property in or upon the said premises or any area allocated to the YMCA, arising out of the YMCA's use or occupancy of said premises, or any act or neglect of YMCA or its servants, employees or agents, or any change, alteration or improvement in the premises made by the YMCA.
4. City and YMCA agree to allocate duties and responsibilities for maintaining the premises as follows:
  - A. The City will be responsible for all major maintenance responsibilities associated with maintaining the physical facilities which are a part of the soccer complex including: (a) mowing; (b) repairing fields; (c) seeding and fertilizing fields; (d) landscaping; (e) repairing fences, signs, picnic tables, etc.; (f) structural repairs and modifications to the concession stand; and (g) irrigation.
  - B. The YMCA will be responsible for all minor maintenance responsibilities associated with use of the facilities for soccer and tee-ball play including: (a) lining fields; (b) installing and repairing goals and nets; (c) litter pickup; (d) trash collection; (e) cleaning of concession stand; and (f) utilities (except water for irrigation).
  - C. To reimburse the City for costs associated with its maintenance of the soccer complex, the YMCA shall pay to the City on or before June 30 of each year a fee of \$2.00 per soccer and tee-ball participant. This fee is based on the number of soccer and tee-ball

participants the Owosso YMCA records as having paid registration fees for each spring and fall season.

5. YMCA shall not make permanent improvements or construct or install any structures on the premises without prior written approval of the City. If permanent improvements or structures are installed, they become part of the premises and remain thereon upon this agreement's termination.
6. The YMCA shall not assign this agreement.
7. The YMCA shall maintain, at its expense, insurance on the premises throughout the term of this agreement with the City as an additional insured. The insurance shall be with such companies, in such amounts and with such coverage as approved by the City.

Repair Authorization. Waive competitive bidding procedures and authorize repair contract with Northern Pump & Well for rehabilitation of one of the vertical turbine pumps at the WWTP on a cost basis not to exceed \$15,000.00 as follows:

**RESOLUTION NO. 23-2013**

**AUTHORIZING SERVICE CONTRACT AND PAYMENT TO  
NORTHERN PUMP AND WELL COMPANY  
FOR REHABILITATION OF RT(West) VERTICAL TURBINE PUMP  
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the rehabilitation of a 100 HP vertical turbine pump in line with the plant's preventive maintenance program, and

WHEREAS, the pump has been pulled and inspected at a cost of \$2,250, which also includes re-installation, and determined to need replacement parts and rehabilitation as detailed on the March 7-8, 2013 proposal from Northern Pump and Well Company in the estimated amount of \$11,163.05 for a total estimated cost of \$13,413.05; and

WHEREAS, the City Utility Director has reviewed the proposal from Northern Pump and Well and verified the parts and work needed to restore the pump to full capacity, and recommends authorizing Northern Pump and Well to perform the work with payment based on actual cost but not to exceed the budget allocation of \$15,000 upon satisfactory completion.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with Northern Pump and Well Company for the rehabilitation and resetting of the RT(West) vertical turbine pump at the Wastewater Treatment Plant.
- SECOND: The accounts payable department is authorized to submit payment to the Northern Pump and Well Company in the amount of actual cost but not to exceed \$15,000 upon satisfactory completion of the work in accordance with their proposal dated March 7-8, 2013 as authorized by Council this 18<sup>th</sup> day of March, 2013.
- THIRD: The above expenses shall be paid from the Wastewater Plant Replacement Fund.

Warrant No. 460. Accept Warrant No. 460 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services - Feb 12, 2013 – March 11, 2013	General	\$ 8,769.24

\*Check Register – February 2013. Affirm check disbursements totaling \$2,378,165.55 for the month of February 2013.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Eveleth, Mayor Pro-Tem Popovitch, Councilperson Cook, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

\*Due to its length, full text of the Check Register is not included in the minutes. Copies of this document are on file in the Clerk's Office.

**ITEMS OF BUSINESS**

**EXECUTIVE SESSION**

Motion by Councilperson Eveleth to authorize holding executive session at the conclusion of the second session of Citizen Comments and Questions for the purpose of discussing collective bargaining and consider the purchase of real property.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Eveleth, Fox, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Cook, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

**COMMUNICATIONS**

Charles P. Rau, Building Official. February 2013 Building Department Report.  
Charles P. Rau, Building Official. February 2013 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. February 2013 Public Safety Department Report.  
Downtown Development Authority/Main Street. Minutes of February 6, 2013.  
Downtown Development Authority/Main Street. Minutes of March 6, 2013.

Tom Manke, business owner at 118 South Washington Street, thanked the City for sending Public Safety officers to the send-off event for the 144<sup>th</sup> Military Police National Guard unit based in Corunna. The unit will be deployed to Afghanistan for the next year.

Mayor Frederick noted that Sunday's ceremony for the troops was moving, emotional, and humbling.

Councilperson Fox inquired about the status of the issues between the City and the County regarding 911 fees and dog licenses. City Manager Crawford noted that he has received no further requests for funds since the City submitted a written objection to the billing for 911 mic fees. Further he noted no progress had been made to resolve the problem with dog licenses saying the County still receives the funds for dog licenses but will refuse to impound any animals picked up within the City limits. Councilperson Fox asked that this issue be revisited with the County. Mayor Frederick asked the County Commissioners present this evening for their help in resolving the situation.

**ADJOURNED TO EXECUTIVE SESSION**

Motion by Councilperson Eveleth to adjourn to Executive Session at 7:46 p.m.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Cook, Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Fox, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

**RETURNED FROM EXECUTIVE SESSION AT 8:44 PM**

**APPROVAL OF THE MINUTES OF THE EXECUTIVE SESSION OF JANUARY 22, 2013**

Motion by Councilperson Eveleth to approve the minutes of the Executive Session of January 22, 2013 as presented.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Eveleth, Fox, Mayor Pro-Tem Popovitch, Councilpersons Cook, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

**\*COLLECTIVE BARGAINING AGREEMENT-AFSCME**

Motion by Councilperson Eveleth to approve AFSCME Local 1059 Labor Agreement effective March 2013 through April 1, 2019 as presented.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilperson Fox, Mayor Pro-Tem Popovitch, Councilpersons Cook, Eveleth, and Erfourth.

NAYS: Mayor Frederick.

ABSENT: Councilperson Bailey.

\*Full text of the agreement is on file in the Clerk's Office.

**NEXT MEETING**

Monday, April 01, 2013

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – 2 Alternates, terms expire 06-30-2015 (candidates must possess construction knowledge)

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:47 p.m.

Motion supported by Councilperson Erfourth and concurred in by unanimous vote.

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk