

OWOSSO CITY COUNCIL

JUNE 3, 2013

7:30 P.M.

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** DEBRA GRAZIER, MINISTER OF MUSIC
OWOSSO FIRST CONGREGATIONAL CHURCH
- PLEDGE OF ALLEGIANCE:** JENNIFER CLARK
- PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
- ABSENT:** None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda with the following change:

Clarify – Items of Business

- 1. Obsolete Property Rehabilitation Exemption Certificate Revocation. This item is simply to set a public hearing for June 17, 2013 to gather comment on the potential revocation of the certificate in question.

Add - Items of Business

- 3. Schedule Special Budget Meetings

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 20, 2013

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Regular Meeting of May 20, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

MARK AGNEW PROCLAMATION

Local business owner Mark Agnew utilized his Mayor for a Day certificate to deliver a proclamation declaring all of Owosso’s financial troubles solved! He went on to announce “The Mayor’s Party”, an event to raise money for his Mr. Owosso campaign supporting the Campaign for Shane to establish a perpetual scholarship fund in the name of fallen soldier Shane Cantu to benefit local young people wishing to pursue a career in law enforcement. The Party will be held Saturday at Roma’s Back Door starting at 6:00 p.m.

Mayor Frederick thanked Mr. Agnew for his outstanding support of the city over the years and presented him with a Key to the City pin saying he was a great ambassador for the city.

PROCLAMATION – MICHAEL WHEELER

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Officer Michael Wheeler for his years of service to the City upon the occasion of his retirement:

**A PROCLAMATION
OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF
MICHAEL WHEELER**

WHEREAS, Michael Wheeler began his service to the City of Owosso as a police patrol officer on May 31, 1988; and

WHEREAS, Mike has given 25 years of himself to the City, quietly going about his work without fanfair; and

WHEREAS, he was known as a hard worker that was conscientious and reliable, level-headed and calm; and

WHEREAS, Mike has been recognized for exemplary work on several occasions, receiving Officer of the Year honors after only two years with the department in 1990. He was awarded a Citation of Professional Excellence in October of 2009; and

WHEREAS, Mike was awarded the department's highest honor in November of 2002– receiving the Combat Cross for an individual act of heroism at imminent hazard to himself, wrestling and subduing a suspect yielding a semi-automatic shotgun; and

WHEREAS, in his spare time, he continued to give of himself through his involvement with his children and his church; and

WHEREAS, it is the intent of this Office that Mike's Honorable and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Mike for his years of dedicated service to the Owosso community and further express our sincere wishes to Mike and his family for a long, healthy and happy retirement.

Proclaimed this 3rd day of June, 2013.

Officer Wheeler addressed the group said it had been a privilege to serve and he thanked his wife, family, and those he worked with for their support over the years.

Public Safety Director Lenkart presented Officer Wheeler with a "retirement card" and a gift from the City.

Councilperson Fox indicated he had been witness to Officer Wheeler's entire career and he had been the epitome of the perfect officer always looking for a way to improve the lives of the people he came into contact with.

Councilperson Bailey humorously thanked Officer Wheeler for not shooting her when he responded to an alarm at Central School in the middle of the night!

PUBLIC HEARINGS

ORDINANCE AMENDMENT – NOTICES

The proposed amendment would clarify the procedure for notification of property owners when the City is required to perform work on private property.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 1, General Provisions, Section 1-9, *Notices*, of the Code of Ordinances of the City of Owosso, Michigan.

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Eveleth that the following ordinance be adopted:

ORDINANCE NO. 740

TO AMEND CHAPTER 1 GENERAL PROVISIONS SECTION 1-9, NOTICES OF THE CODE OF ORDINANCES TO AMEND THE SECTION REGARDING NOTICES

Whereas, Section 1-9 of the Code of the City of Owosso defines the manner in which notices shall be served to private individuals in the instance expenses have been accrued for work performed by the City on private property, including sidewalk repairs, sewer or water connections, abatement of dangerous structures, and abatement of nuisances; and

Whereas, the manner of notification in each of the above mentioned circumstances is clearly defined elsewhere in the Code or, in cases regarding property maintenance, in the International Property Maintenance Code (IPMC); and

Whereas, Section 1-9 causes confusion due to its redundancy, and sometimes conflict, with provisions of the Code and the IPMC.

Now, Therefore, Be It Resolved, by the Council of the City of Owosso, Michigan that the following amendment to the Code of the City of Owosso be adopted:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 1, General Provisions, Section 1-9, *Notices*, of the Code of Ordinances of the City of Owosso, Michigan is hereby amended as follows:

Sec. 1-9. - Notices.

Notices regarding any act, the expense of which, if performed by the city, may be assessed against the premises under the provisions of this Code, shall be served in the following manner if not otherwise specified elsewhere:

- (1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion; or
- (2) By mailing the notice by first class or certified mail to such owner at his or her last known address; or
- (3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is required or is to occur.

Section 2. This amendment shall become effective June 23, 2013.

Section 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ORDINANCE AMENDMENT – GRASS AND NOXIOUS WEEDS

The proposed amendment would update the list of prohibited plant species and reflect the provisions of the 2009 International Property Maintenance Code.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125, of the Code of Ordinances of the City of Owosso, Michigan.

There were no citizen comments.

Motion by Councilperson Fox to authorize the ordinance amendment as proposed.

Motion supported by Councilperson Erfourth.

Councilperson Cook noted that while he was generally supportive of the proposed ordinance he expressed concern that it didn't take into account certain situations in which taller vegetation may be allowed. He asked that language be added to clarify such situations to avoid confusion. Sample language was distributed to Council, though it was immediately discovered the language was not correct.

Motion by Councilperson Cook to table the item until the language proposed for addition could be corrected.

No support for the motion was required. Voice vote, ayes all.

(Please see continuation of this item below.)

SPECIAL ASSESSMENT DISTRICT NO. 2013-03 – HAZARDS AND NUISANCES

A public hearing was conducted to receive citizen comment regarding Resolution No. 2 for Special Assessment District No. 2013-03, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances located at 804 Center Street.

There were no citizen comments.

Motion by Councilperson Eveleth to approve Resolution No. 2 establishing Special Assessment District No. 2013-03 – Hazards & Nuisances as follows:

RESOLUTION NO. 51-2013

**HAZARDS & NUISANCES ROLL FOR
804 CENTER STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property described as follows:

PARCEL NUMBER	ADDRESS	BALANCE
050-450-000-021-00	804 Center Street	\$5,370.00

and

WHEREAS, there being no one to be heard and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$5,370.00 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2013-03.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2013-03 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington, indicated he felt he had been discriminated against when the Downtown Historic District Commission approved his request for a sign permit but included conditions saying other businesses in town had not been subject to the same conditions and he was being targeted. Mayor Frederick inquired whether Mr. Manke had appealed the decision of the HDC and he indicated he had not.

Carolyn Mitchem, 1204 Orchard Street, noted that she had recently started having trouble with her sewer lines being clogged by tree roots from a tree the City had planted a number of years ago, including sewage backing up into her finished basement. She asked that the City grant her permission to cut down the offending tree to resolve the issue. Council indicated they felt the request was common sense and asked that staff work with her to reach a resolution.

CITY MANAGER REPORT

City Manager Crawford detailed the Project Status Report for May noting the anticipated purchase of several pieces of heavy equipment for the DPW, the letting of the sidewalk repair bid, and the anticipated list of streets scheduled for maintenance this summer.

It was announced that State shared revenue for the coming year would be going up by approximately \$17,000. While not much it was noted as being distinctly better than the cuts of the last number of years.

Mayor Pro-Tem Popovitch inquired about the potential new police officers slated for duty in the schools. Director of Public Safety Lenkart indicated that should the Schools approve an agreement there would be two new part time police officers hired by the City for dedicated duty at the schools.

Councilperson Cook inquired whether used equipment had been considered for any of the anticipated heavy equipment purchases. City Manager Crawford noted that the equipment scheduled for purchase would be difficult to buy used because they would need to be very specific models capable of utilizing the existing attachments the City already owns as well as the fact the State purchasing contract for these items was extremely reasonable in its pricing.

Motion by Councilperson Fox to bring the tabled item back to the table.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

ORDINANCE AMENDMENT – GRASS AND NOXIOUS WEEDS (continued)

Mayor Frederick noted that the tabling of the item effectively killed the motion and support for adoption expressed earlier.

Corrected wording describing the situations in which tall grass would be allowed was distributed to Council.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Cook that the following ordinance be adopted, with the addition to Sect. 18-121 noted in bold text:

ORDINANCE NO. 741

**AMENDING CHAPTER 18 NUISANCES
ARTICLE V, GRASS AND NOXIOUS WEEDS
SECTIONS 18-121 THROUGH 18-125
OF THE CODE OF ORDINANCES**

AN ORDINANCE to amend Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125 of the Code of the City of Owosso, to update the list of prohibited plants and to reflect the provisions of the 2009 International Property Maintenance Code.

Whereas, prior to 1977 the City adopted an ordinance prohibiting the growth of tall grass and noxious weeds and defining a process by which violations of the ordinance would be handled; and

Whereas, since that time the State has added new species to the list of prohibited and restricted plants and the City has adopted the 2009 International Property Maintenance Code (IPMC) which contains provisions regulating the growth of weeds and grass; and

Whereas, amendment of the City Code is required to keep it up to date and bring it into symmetry with the provisions of the IPMC.

Now, Therefore, Be It Resolved, by the Council of the City of Owosso, Michigan that the following amendments to Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125 of the Code of the City of Owosso are proposed:

THE CITY OF OWOSSO ORDAINS:

Section 1. That The Code of Ordinances of the City of Owosso, Michigan is hereby amended by altering Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125 as follows:

Sec. 18-121. - Definitions.

For the purposes of this article "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (*charlock*, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow-thistle (*Sonchur arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior*!) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicondendron vernix*), and any species identified by the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994) as prohibited or restricted including: African oxygen weed (*Lagarosiphon major*), Brazilian elodea (*Egeria densa*), *Cylindro* (*Cylindrospermopsis raciborskii*), European frogbit (*Hydrocharis morsus-ranae*), Fanwort (*Cabomba caroliniana*), Giant hogweed (*Heracleum mantegazzianum*), Giant salvinia (*Salvinia molesta*, *auriculata*, *biloba*, or *herzogii*), Hydrilla (*Hydrilla verticillata*), Japanese knotweed (*Fallopia japonica*), Parrot's feather (*Myriophyllum aquaticum*), Starry stonewort (*Nitellopsis obtusa*), Water chestnut (*Trapa natans*), Yellow floating heart (*Nymphoides peltata*), Curly leaf pondweed (*Potamogeton crispus*), Eurasian watermilfoil (*Myriophyllum spicatum*), Flowering rush (*Butomus umbellatus*), Phragmites or common reed (*Phragmites australis*).

Weeds, tall grass and rank vegetation shall not include ornamental plants, vegetable gardens, rain gardens, wildflower plantings, green roofs, backyard habitants, shade gardens, or agricultural plants cultivated in an orderly fashion.

Sec. 18-122. - Prohibited conditions.

No person occupying any premises, nor any person owning any unoccupied premises, shall permit or maintain on any such premises:

- (1) Any growth of noxious weeds;
- (2) Any growth of grass or other rank vegetation to a greater height than eight (8) inches; or
- (3) Any accumulation of dead weeds, grass or brush.

Sec. 18-123. - Duty of occupant or owner.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass, at least once each year not later than the fifteenth day of May, and thereafter as often as may be necessary to comply with the provisions of this article.

Sec. 18-124. - Cutting by city.

If any person shall fail to comply with the provisions of Section 18-123 by the specified time, the city shall, cause all such grass and noxious weeds to be cut or destroyed upon lands of the person not complying with the provisions hereof. An accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this article shall be kept and presented for invoicing.

Sec. 18-125. - Collection of unpaid charges.

A copy of the account of the costs incurred on each of the several descriptions or parcels of property, shall be transmitted to the city treasurer. The city treasurer shall add to all such accounts fifteen (15) percent of all such expenditures to cover the costs of publication, overhead and other expense, and collect the total amount as provided in section 10.7 of the Charter.

Sec. 18-126. - Notice of requirements.

The city clerk shall on or before the first day of May of each year give notice of the requirements and provisions of this article by publishing a notice thereof once a week for two (2) successive weeks in a newspaper of general circulation in the city.

Secs. 18-127—18-130. - Reserved.

Section 2. This amendment shall become effective June 23, 2013.

Section 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

CONSENT AGENDA

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

Firefighters Association Parade Permission. Consider application of the Michigan State Firefighters Association for permission to use South Washington Street from Oliver Street to Gute Street, Gute Street from Washington Street to Palmer Avenue from 8:00am to 9:00am on Saturday, June 29, 2013 for a parade, waive the insurance requirement, and authorize Traffic Control Order No. 1295 formalizing the request.

Bid Award – Curb Replacement Program. Accept the low bid from Sumbera Excavating, Inc. for the 2013 Miscellaneous Curb Replacement Program in the amount of \$10,237.25 as follows:

RESOLUTION NO. 52-2013

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2013 MISCELLANEOUS CURB REPLACEMENT PROGRAM
WITH SUMBERA EXCAVATING, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that portions of the curb on various streets in the city have become misaligned and have deteriorated and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids for the replacement of misaligned curbs as part of the 2013 Miscellaneous Curb Replacement Program; a bid was received from Sumbera Excavating, Inc.; and it is hereby determined that Sumbera Excavating, Inc. is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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 employ Sumbera Excavating, Inc. for the replacement of misaligned curbs as part of the 2013 Miscellaneous Curb Replacement Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and Sumbera Excavating, Inc. with a \$10,237.25 bid.
- THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

Bid Award – Ferric Chloride. Accept low bid from Kemira Water Solutions, Inc. for Ferric Chloride in the amount of \$.588 per pound of iron, with an estimated annual contract of \$42,336.00, and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2014 as follows:

RESOLUTION NO. 53-2013

**RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE ORDER FOR
FERRIC CHLORIDE FOR WATER TREATMENT FOR FY 2013/14
WITH KEMIRA WATER SOLUTIONS, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires ferric chloride (iron) in bulk deliveries for use in treating municipal wastewater; and

WHEREAS, the City of Owosso sought bids for ferric chloride; a bid was received from Kemira Water Solutions Inc.; and it is hereby determined that Kemira Water Solutions Inc. is qualified to provide such product and that it has submitted the lowest responsible and responsive bid;

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 purchase ferric chloride from Kemira Water Solutions Inc. in the amount of \$0.588 per pound of iron for the city fiscal year 2013/2014 with an estimated total amount for the year of \$42,336.
- SECOND: The purchase agreement between the City and Kemira Water Solutions Inc. shall be in the form of a City Purchase Order and bid documents.
- THIRD: The above expenses shall be paid from the Wastewater Fund following delivery.

Bid Award – Sodium Hypochlorite. Accept low bid from Jones Chemical, Inc. for bulk Sodium Hypochlorite in the amount of \$.73 per gallon plus \$50 per truck load for split delivery with an estimated annual contract of \$40,020.00 and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2014 as follows:

RESOLUTION NO. 54-2013

**RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE ORDER FOR
BULK CHLORINE SOLUTION FOR WATER TREATMENT
FOR FY 2013/14
WITH JONES CHEMICAL INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires sodium hypochlorite (chlorine solution) in bulk deliveries for use in treating municipal drinking water and wastewater; and

WHEREAS, the City of Owosso sought bids for bulk chlorine solution (sodium hypochlorite); a bid was received from Jones Chemical Inc.; and it is hereby determined that Jones Chemical Inc. is qualified to provide such product and that it has submitted the lowest responsible and responsive bid;

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 purchase bulk chlorine solution from Jones Chemical Inc. in the amount of \$0.73 per gallon of solution plus \$50 per truckload for split delivery for the city fiscal year 2013/2014 with an estimated total amount for the year of \$40,020.

SECOND: The purchase agreement between the City and Jones Chemical Inc. shall be in the form of a City Purchase Order and bid documents.

THIRD: The above expenses shall be paid from the Water and Wastewater Funds following delivery.

Bid Award - Quicklime. Accept low bid from Graymont Western Lime Corporation for Quicklime in the amount of \$140.00 per ton, with an estimated annual contract of \$112,000.00 and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2014 as follows:

RESOLUTION NO. 55-2013

**RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE ORDER FOR
QUICKLIME FOR WATER TREATMENT
FOR FY 2013/14
WITH GRAYMONT WESTERN LIME CORPORATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires quicklime in bulk deliveries for use in treating municipal drinking water; and

WHEREAS, the City of Owosso sought bids for quicklime; a bid was received from Western Lime Corporation; and it is hereby determined that Graymont Western Lime Corporation is qualified to provide such product and that it has submitted the lowest responsible and responsive bid;

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 purchase quicklime from Graymont Western Lime Corporation in the amount of \$140 per ton for the city fiscal year 2013/2014 with an estimated total amount for the year of \$112,000.

SECOND: The purchase agreement between the City and Western Lime Corporation shall be in the form of a City Purchase Order and bid documents.

THIRD: The above expenses shall be paid from the Water Fund following delivery.

Professional Services Agreement – Electrical Circuit Breaker Replacement. Authorize professional services agreement with Powertech Services, Inc. for replacement and service to two main electrical circuit breakers (high voltage) at the Wastewater Treatment Plant at a cost of \$49,412.00 and further authorize payment up to the contract amount as follows:

RESOLUTION NO. 56-2013

**AUTHORIZING SERVICE CONTRACT AND PAYMENT TO
POWERTECH SERVICES, INC.
FOR SERVICE AND REPLACEMENT OF PRIMARY SWITCHES AND AUTOMATIC
SWITCHGEAR
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for replacement of elements of its main electrical circuit breakers and automatic switchgear, and

WHEREAS, last fall Council authorized Powertech Services Inc. to replace one of the three main circuit breakers in the automatic switchgear that had failed, and

WHEREAS, Powertech Services Inc. is an experienced electrical contractor specializing in switchgear and substation servicing, and successfully completed that work on time and within budget, and

WHEREAS, city staff recommends replacement of the other two main breakers, which have exceeded their useful life and are no longer manufactured or serviceable, but are critical to the reliable operation of the plant, and

WHEREAS, Powertech Services Inc. has proposed to provide and install two new main breakers at a total cost of \$49,412.

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 enter into a professional services agreement with Powertech Services Inc. for replacement of two main circuit breakers at the Wastewater Treatment Plant at a cost of \$49,412.

- SECOND: The accounts payable department is authorized to submit payment to the Powertech Services Inc. in the amount up to \$49,412 upon satisfactory completion of the work in accordance with their proposal dated May 1, 2013.
- THIRD: The above expenses shall be paid from the Wastewater Plant Replacement Fund.

Professional Services Agreement – Downtown Façade Improvements. Consider professional services agreement with Thomas Roberts Architect, LLC for design related services for the facade improvement projects at 110 East Exchange, 111 East Main, 112 South Washington, 207 North Washington, and 117-119 North Washington as a part of the downtown façade grant, in an amount estimated at \$14,250.00, and authorize payment of \$213.00 from the General Fund, the remaining balance to be paid by the individual property owners as follows:

RESOLUTION NO. 57-2013

**A RESOLUTION TO APPROVE
THE PROFESSIONAL DESIGN SERVICES
FOR THE 2013 OWOSSO FAÇADE PROJECT**

WHEREAS, the City of Owosso recognizes the importance of its downtown as it relates to the economic and cultural development of the community, as well as the overall quality of life; and

WHEREAS, the Owosso Master Plan indicates that investment in the downtown structures so that they can sustain modern economic and residential functions in the new economy is essential to the community's future; and

WHEREAS, six properties have been selected to receive façade grant support from the Michigan Economic Development Corporation, with such properties listed as follows:

- 110 E. Exchange St.
- 111 E. Main St.
- 112 S. Washington St.
- 112 W. Exchange St.
- 117-119 N. Washington St.
- 207 N. Washington St.

WHEREAS, professional design services for construction documents and bid specifications are now required to bid the individual façade projects out, with the description of such services attached as submitted by Thomas Roberts, AIA of Thomas Roberts Architect, LLC; and

WHEREAS, the city finds Thomas Roberts Architect, LLC to have the necessary qualifications to perform the work as well as competitive pricing given the uncertain nature of the project; and

WHEREAS, the property owners will be responsible for the costs associated with their respective façade projects, including the city.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to authorize city staff engage the services of Tom Roberts Architect, LLC in accordance with the pricing and scope of work that is attached, such services to be completed in accordance with a professional services agreement that will be approved as to form by the city manager and as to substance by the city attorney.

SECOND: The same council hereby directs staff to establish escrow accounts in which all engaged property owners will contribute the following amounts to cover the expected costs of the professional services (including \$213 general fund dollars to cover the city's share of 112 S. Washington design costs):

\$2,000	110 E. Exchange St.
\$2,500	111 E. Main St.
\$2,000	112 S. Washington St.
\$3,000	112 W. Exchange St.
\$4,500	117-119 N. Washington St.
\$2,000	207 N. Washington St.

2013-14 Water & Sewer Rates. Approve the proposed water and sewer rates for the 2013-14 fiscal year as follows:

RESOLUTION NO. 58-2013

**WATER AND SEWER RATE SCHEDULE
FOR THE CITY FISCAL YEAR BEGINNING JULY 1, 2013**

"Pursuant to Sections 34-248. Water Rates, and 34-249. Sewer Rates, of Article V, of Chapter 34, of the Owosso City Code, the City Council does hereby resolve that the following rate schedule for water and sewer service shall be in effect for the City fiscal year beginning July 1, 2013 and continuing thereafter until modified or replaced by further Council action. Bills issued with a nominal bill date of June 30, 2013 covering the quarter from April to June 2012 shall be billed under the previous rate schedule. All previous resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed following the effective date of this schedule."

CITY OF OWOSSO
 WATER AND SEWER RATE SCHEDULE
FOR THE CITY FISCAL YEAR BEGINNING JULY 1, 2013

I. QUARTERLY WATER AND SEWER RATES

In-town quarterly water service charges consist of: a demand charge based on water meter size (see table below), a capital charge dedicated for water main replacement, and a metered usage charge. One meter unit is equal to 100 cubic feet of water or about 750 gallons. Rates for retail out-of-town water service are double the in-town rate, except that the capital charge does not apply to out-of-town customers where the respective Township separately finances water main replacement. Twenty five percent of the out-of-town revenue is collected for and transferred to the respective Township for use in replacing and improving their water distribution system.

Quarterly sewer charges consist of a demand charge based on the water meter size (see table below) and a sewer usage charge based on metered water consumption. The City has no retail out-of-town sewer service.

Bills are issued on a quarterly basis and, if not paid by the due date as shown on the billing, a late payment charge of ten percent (10%) of the current amount due may be added for failure to make prompt payment.

QUARTERLY WATER SERVICE CHARGE:

- In-town: In-town Water Usage Charge of \$1.60 per meter unit plus In-town Water Demand Charge plus Capital Charge from Table below.
- Out-of-town: Out-of-town Water Usage Charge of \$3.20 per meter unit plus Out-of-town Water Demand Charge from Table below.

QUARTERLY SEWER SERVICE CHARGE:

Sewer Usage Charge of \$2.00 per unit plus Sewer Demand Charge from Table below.
 For residential customers without metered water service, the quarterly sewer charge shall be \$73.00 per residential unit.

QUARTERLY DEMAND CHARGE TABLES

A. Potable Water & Sewer Service

Water Meter Size	Water Demand	Water Capital	Sewer Demand	Combined In-Town	Water Only (Out-of-town)
5/8"	\$30.00	\$ 12.00	\$ 25.00	\$67.00	\$60.00
3/4"	45.00	18.00	37.50	100.50	90.00
1"	75.00	30.00	62.50	167.50	150.00
1.5"	150.00	60.00	125.00	335.00	300.00
2"	240.00	96.00	200.00	536.00	480.00
3"	450.00	180.00	375.00	1,005.00	900.00
4"	750.00	300.00	625.00	1,675.00	1,500.00
6"	1,500.00	600.00	1,250.00	3,350.00	3,000.00

For a residential user with a second 5/8" meter on a single service line for water only irrigation service, the user shall be charged a single water demand and capital charge equivalent to a 3/4" metered service on a year round basis.

The demand charge for multiple residential units served by a single water meter shall be based on actual meter size provided the meter meets the minimum size requirement per the following table:

<u>Number of Apartments</u>	<u>Minimum Meter Size</u>
1 - 3	5/8"
4 - 7	3/4"
8 - 11	1"
12 - 15	1&1/2"
16 - 24	2"
24 - 48	3"
Over 48	4"

B. Fire Protection Service

<u>Riser Size</u>	<u>Quarterly Water Charge</u>		
	<u>In-Town</u>		<u>Out-of-Town</u>
	<u>DEMAND</u>	<u>CAPITAL</u>	<u>DEMAND</u>
4 inch	\$ 45.00	\$ 18.00	\$ 90.00
6 inch	\$ 75.00	\$ 30.00	\$ 150.00
8 inch	\$ 150.00	\$ 60.00	\$ 300.00
10 inch	\$ 240.00	\$ 96.00	\$ 480.00

II. HYDRANT RENTAL CHARGES

Hydrants located outside the City of Owosso and private hydrants maintained by the City of Owosso shall be subject to an annual hydrant rental charge of \$144.

III. BULK WATER CHARGES

For users with an active city water service connection, bulk water delivered by the city from hydrants or other approved outlets for such purposes as pool filling, shall be charged at the standard metered usage rate given in Section I. above along with actual labor and equipment costs with a minimum charge of \$40.00.

Other bulk water sales, such as filling tank trucks, shall be charged at the rate of \$8.00 per thousand gallons with a \$40.00 minimum charge, which includes up to 5,000 gallons, if during the normal workday at an established city delivery point. After hours bulk water sales and/or sales at other than established city delivery points, shall be charged at the rate of \$8.00 per thousand gallons plus actual labor and equipment costs.

For customers who do not prepay a \$10 service charge shall apply for invoicing.

(Note: These charges do not apply to water supplied for fire fighting).

IV. INCREMENTAL WATER AND SEWER USAGE CHARGES FOR BILLING ADJUSTMENTS RELATED TO PLUMBING LEAKS

The incremental water and sewer usage charges shall be 50% of the normal usage charge. These incremental usage rates are for the purpose of making adjustments to significantly high bills attributable to plumbing leaks and may be applied in accordance with Guidelines separately approved by the Owosso City Council.

V. EXTRA STRENGTH WASTEWATER SURCHARGES

Extra strength wastewater surcharges shall apply to those users of the City wastewater treatment system approved for the discharge of extra strength wastewater in accordance with Section 34-170. of the Owosso City Code. The surcharge rate shall be applied to loadings in excess of the base or normal strength loading.

EXTRA STRENGTH WASTEWATER SURCHARGE SCHEDULE

<u>PARAMETER</u>	<u>BASE</u>	<u>SURCHARGE</u>
BOD-5	220 MG/L	\$0.11/pound in excess of base
TSS	300 MG/L	\$0.17/pound in excess of base
TP	10 MG/L	\$1.50/pound in excess of base
NH3-N	20 MG/L	\$0.80/pound in excess of base

(Note: BOD-5 = Biochemical Oxygen Demand; TSS = Total Suspended Solids; TP = Total Phosphorous; NH3-N = Ammonia Nitrogen; MG/L = Milligrams per Liter)."

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE REVOCATION – SET PUBLIC HEARING

Mayor Frederick reminded the Council again the item before them was simply to set a public hearing. He also noted that it was anticipated a new application for the property would be received at a later date.

Motion by Councilperson Eveleth to set a public hearing for June 17, 2013 to hear citizen comment regarding the proposal to consider revocation of Obsolete Property Rehabilitation Exemption Certificate #3-11-0016 for the property located at 104-108 North Washington Street as follows:

RESOLUTION NO. 59-2013

**SETTING PUBLIC HEARING FOR THE REVOCATION OF
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE # 3-11-0016**

**CITY OF OWOSSO
SHIAWASSEE COUNTY, MICHIGAN**

WHEREAS, Obsolete Property Rehabilitation Exemption application was approved by the City Council of the City of Owosso on August 15, 2011 for real property located at 104-108 N. Washington Street, and

WHEREAS, the State Tax Commission considered and approved Certificate # 3-11-0016 on October 31, 2011 for said exemption; and

WHEREAS, due to circumstances that were beyond the control of the holder of the exemption certificate, the rehabilitation of the facility did not occur within the eighteen (18) month time period authorized by the city council and as such revocation of the certificate can be considered per MCL 125.2792; and

WHEREAS, city staff recommends an examination, and potentially revocation, of exemption certificates should be considered in cases when the terms of the abatement resolution are not/cannot be adhered to; and

WHEREAS, the owner of the named facility has discussed revocation of the exemption with staff and accepts the City of Owosso's position for revocation of Obsolete Property Rehabilitation Exemption Certificate # 3-11-0016, as stated in a letter to City of Owosso Assessor, dated May 20, 2013; and

WHEREAS, in the best interest of all involved, the owner of this facility does not request an extension of the time period originally agreed upon for this Obsolete Property Rehabilitation Exemption Certificate.

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

FIRST: revocation of Obsolete Property Rehabilitation Certificate #3-11-0016 should be considered because the terms of the exemption resolution have not been fulfilled; and

SECOND: the Owosso City Council sets a public hearing for June 17, 2013 on or about 7:30 p.m. in the council chambers for the purpose hearing comments from those within the rehabilitation district and any other resident or taxpayer of the city of Owosso regarding the potential revocation of said exemption certificate; and

THIRD: the city clerk gives notifications as required by law.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

The Council recessed briefly to allow for set up of the projection equipment necessary for the presentation.

COMMUNITY DEVELOPMENT PRESENTATION

GIVEN BY COMMUNITY DEVELOPMENT DIRECTOR ADAM ZETTEL AND OWOSSO MAIN STREET DIRECTOR HEATHER RIVARD

Assistant City Manager and Community Development Director Adam Zettel noted that the presentation was intended to be a "State of Community Development" presentation, including the history of various community development issues, details of the current circumstances, and future community development efforts.

The presentation provided details on the following areas: housing, code enforcement, the status of the Downtown Development Authority and Owosso Main Street, and the numerous commercial construction projects slated to begin in the coming months. The overarching theme was that while there was still significant work to be done the City had made great strides in developing and implementing policies that directly improved the lives of citizens and at the same time spurred excitement and redevelopment among the business community.

Council inquired whether the City would benefit from the hire of a full time grant writer. Mr. Zettel noted that in his experience "chasing" grants didn't usually provide the results hoped for, though he didn't discount the idea of selectively contracting out for such services. He went on to say that he felt the current staff members of his division were a good fit for the programs now being implemented and that they would be able to fully maximize the effects of those programs.

Council commended Mr. Zettel and his staff for their creativity and diligence in implementing the programs detailed this evening, saying the City was lucky to have them.

COMMUNICATIONS

Richard C. Williams, Finance Director. Revenue and Expenditure Report – April 2013.
Downtown Development Authority/Main Street. Minutes of May 1, 2013.
Historical Commission. Minutes of May 13, 2013.
Downtown Historic District Commission. Minutes of May 22, 2013.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Councilperson Cook introduced the Owosso Fellows in attendance at the meeting, noting the group of four young women from all over the country would be spending the summer in Owosso assisting local non-profit organizations.

Mayor Pro-Tem Popovitch thanked staff for the great presentation this evening and said she was impressed with the dedication and energy of the staff members involved.

Mayor Frederick said he appreciates all that City staff does and he is very excited about all of the new construction projects that will be taking place.

Councilperson Bailey inquired whether any of the recommendations made by the MSU study of the South Washington Street corridor would be implemented. It was noted the City had plans to redo the lane striping and would be looking for grant funding to assist with right of way improvements.

Councilperson Fox said he had recently spoken with Tracey Peltier about the Community Garden and she indicated they would like more space and the provision of water at any current and future locations. He pointed out that he felt the undeveloped portion of Rain Street may be a good place for a second garden. Mayor Frederick noted that the City could allow permanent structures like rain capturing barrels if the organization would sign a contract spelling out the use of the land. It was noted that staff would be holding a meeting with Ms. Peltier later in the week to discuss her requests.

Mayor Frederick encouraged City staff to conduct strict enforcement on open burning now that the weather was warmer and more fires would be conducted. He said such efforts would help those that burn and those that don't burn to peacefully co-exist.

Councilperson Fox said people need to be aware of the health concerns of their neighbors saying it was a privilege to burn but a right to breathe.

NEXT MEETING

Tuesday, June 11, 2013 7:00 p.m.
Monday, June 17, 2013 7:30 p.m.

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 9:32 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk