

OWOSSO CITY COUNCIL

JUNE 17, 2013

7:30 P.M.

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** LT. SEAN GRAY
SALVATION ARMY
- PLEDGE OF ALLEGIANCE:** DOUG HASKINS
- PRESENT:** Mayor Benjamin R. Frederick, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, and Burton D. Fox.
- ABSENT:** Mayor Pro-Tem Cindy S. Popovitch and Councilperson Christopher T. Eveleth.

APPROVE AGENDA

Motion by Councilperson Fox to approve the agenda with changes to the following items:

PROCLAMATIONS/SPECIAL PRESENTATIONS

- 1. Add a short presentation by Justin Haskins regarding "Busking"

CONSENT AGENDA

- 1. Add the following appointments to Item 1 on the consent agenda:

Name	Board/Commission	Term Expires
Donald Crawford	Building Authority	06-30-2016
James Demis	DDA/Owosso Main Street	06-30-2017
Lance Omer	DDA/Owosso Main Street	06-30-2017

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 3, 2013

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of June 6, 2013.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF JUNE 11, 2013

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of June 11, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

BUSKING (STREET PERFORMANCE)

Justin Haskins gave a brief presentation and requested council approval on busking, also known as street performance for gratuities. He also handed out a list of businesses in the downtown that supported busking. Mayor Frederick was just made aware of it this evening and wanted to make council aware. Mayor Frederick stated his support and encouraged Mr. Haskins to get in contact with the Main Street Board. Councilperson Erfourth questioned if there would be any ordinance violation to do this. Councilperson Fox thought it would be a good way to bring more people downtown to support the businesses.

PUBLIC HEARINGS

A public hearing was conducted to receive citizen comment regarding the Obsolete Property Rehabilitation Exemption Certificate #3-11-0016 for the property located at 104-108 North Washington Street. There were not any citizen comments.

Motion by Councilperson Cook to adopt the following resolution:

RESOLUTION NO. 60-2013

**REVOCATION OF OBSOLETE PROPERTY REHABILITATION EXEMPTION
CERTIFICATE # 3-11-0016**

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 has not occurred within the time authorized by the city council of eighteen (18) months; and

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

FURTHERMORE, in the best interest of all involved, the owner of this facility does not request an extension of that time period for this Obsolete Property Rehabilitation Exemption Certificate;

NOW, THEREFORE, BE IT RESOLVED, that per Act 146 of 2000, 125.2792, section 12, the City of Owosso has determined that due to circumstances beyond the control of the property owner, the rehabilitation was unable to proceed in the manner consistent with the purposes of the act and complete the project within the eighteen (18) month authorized time; and

ALSO, BE IT RESOLVED, that due to the findings mentioned above and by the authority granted to this legislative body, the Obsolete Property Rehabilitation Exemption Certificate # 3-11-0016 is hereby revoked.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Bailey, Erfourth, Fox, Cook and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch, Councilperson Eveleth.

CITIZEN COMMENTS AND QUESTIONS

Carolyn Mitchem, 1204 Orchard Street, asked about a tree she had requested to be removed two meetings prior.

Norm Pugh, 3030 Copas Road, commented that he received a letter about demolishing property he didn't own. He also asked for the resignation of several staff members for various reasons.

Mike Cline, 621 Wright Avenue, commented that he had noticed several signs in the city right of way lately. He said that recently he was removing signs in the city right of way and OPD showed up and he was told he would go to jail if he didn't stop taking the signs. He said he thought citizens had the right to remove offending signs. He also pointed out a number of properties with mowing violations and said he felt if these properties were on the north end of town they wouldn't be this way. Lastly, he said that OPD also told him that they turn their head on certain violations.

Tom Manke, business owner at 118 South Washington Street, requested a clarification for the audience on how the minutes are written. He felt they are not being written exactly as things were said. He felt Justin Horvath's comments from the June 11th meeting were not correctly stated with regard to the fee schedule and that the minutes are being sanitized. He wanted to know if an audience member did not agree with the minutes what they could do.

Ed Urban, 601 Glenwood Avenue, commented on signs in the right of way and he was told that you could take down signs that had expired.

Doug Haskins, 415 Mack Street, Corunna, commented on how nice the street is where his rental property is located. He also encouraged council to attend the Civil Air Patrol Meeting on Tuesday from 6-8:30pm at the SRI.

Mayor Frederick congratulated Councilperson Cook for all his years of involvement with Leadership Shiawassee on the occasion of his "retirement" from the serving as a Leadership facilitator. He also shared how many positive comments he had heard regarding the Curwood Festival.

Councilperson Erfourth requested the address of the house that Norm Pugh was referring to.

Councilperson Fox commented that it upset him to see people nailing signs to the trees and questioned if a person could be ticketed for that.

CITY MANAGER REPORT

None.

CONSENT AGENDA

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

Boards and Commissions Appointments. Consider the following Mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Ken Cushman	DDA/Owosso Main Street (fill the unexpired term of Mistie Jordan)	06-30-2014
Donald Crawford*	Building Authority	06-30-2016
James Demis*	DDA/Owosso Main Street	06-30-2017
Lance Omer*	DDA/Owosso Main Street	06-30-2017

* indicates reappointment

Bid Award – 2013 Sidewalk Replacement Program. Authorize low bid of West Branch Greenhouse & Flowershop, LLC. in the amount of \$33,105.00 for the 2013 Sidewalk Replacement Program and authorize payment up to the contract amount as follows:

RESOLUTION NO. 61-2013

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2013 SIDEWALK REPLACEMENT PROGRAM
WITH WEST BRANCH GREENHOUSE & FLOWERSHOP, LLC.**

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

WHEREAS, the city of Owosso sought bids for the replacement of these sections of sidewalk as part of the 2013 Sidewalk Replacement Program; a bid was received from West Branch Greenhouse & Flowershop, LLC.; and it is hereby determined that West Branch Greenhouse & Flowershop, LLC. 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 West Branch Greenhouse & Flowershop, LLC. for the replacement of sections of damaged or misaligned sidewalk as part of the 2013 Sidewalk 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 West Branch Greenhouse & Flowershop, LLC., with a \$33,105.00 bid.
- THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Funds.

Bid Award – Class II Backfill Sand. Authorize low bid of Fuoss Gravel Company in the amount of \$4.14 per ton and \$4.34 per ton for Class II Backfill Sand for fiscal years 2013-14 and 2014-15 respectively, and authorize payment in accordance with unit prices up to 2100 tons per year as follows:

RESOLUTION NO. 62-2013

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
CLASS II BACKFILL SAND WITH
FUOSS GRAVEL COMPANY**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires backfill sand to fill underground trenches; and

WHEREAS, the City of Owosso sought bids for Class II backfill sand for fiscal years 2013-14 and 2014-15; a bid was received from Fuoss Gravel Company; and it is hereby determined that Fuoss Gravel Company is qualified to provide such product and that it has submitted the lowest responsible and responsive bid for both years.

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 Class II Backfill Sand from Fuoss Gravel Company in the amount of \$4.14 per ton for fiscal year 2013-14 and \$4.34 per ton for fiscal year 2014-15, with an estimated quantity of 2100 tons per year.
- 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 Fuoss Gravel Company.
- THIRD: The above expenses shall be paid from the Water Fund, and the Major and Local Street Funds.

Bid Award – 22A Gravel. Authorize low bid of Sumbera Excavating, Inc. in the amount of \$7.75 per ton and \$8.00 per ton for 22A gravel for fiscal years 2013-14 and 2014-15 respectively, and authorize payment in accordance with unit prices up to 1800 tons per year as follows:

RESOLUTION NO. 63-2013

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
22A GRAVEL WITH
SUMBERA EXCAVATING, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires 22A Gravel to cap underground trenches; and

WHEREAS, the City of Owosso sought bids for 22A Gravel for fiscal years 2013-14 and 2014-15; a bid was received from Sumbera Excavating, Inc. and it is hereby determined that Sumbera Excavating, Inc. is qualified to provide such product and that it has submitted the lowest responsible and responsive bid for the both years.

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 22A Gravel from Sumbera Excavating, Inc. in the amount of \$7.75 per ton for the fiscal year 2013-14 and \$8.00 per ton for the fiscal year 2014-15 with an estimated quantity of 1800 tons per year.
- 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.
- THIRD: The above expenses shall be paid from the Water Fund, and the Major and Local Street Funds.

Bid Award – Legal Printing Services. Authorize low bid of The Argus Press Company in the amount of \$2.50 per column inch for legal notice and minutes synopsis printing services for fiscal years 2013-14 and 2014-15 as follows:

RESOLUTION NO. 64-2013

**AUTHORIZING THE EXECUTION OF A CONTRACT
FOR LEGAL ADVERTISING 2013-2015
WITH THE ARGUS-PRESS COMPANY**

WHEREAS, various laws and ordinances applying to the city of Owosso, Shiawassee County, Michigan, require publication of legal notices such as public hearing notices, meeting notices, and the minutes of meetings in a newspaper of general circulation; and

WHEREAS, the city of Owosso sought bids for the publication of required items; a bid was received from The Argus-Press Company; and it is hereby determined that The Argus-Press Company 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 The Argus-Press Company for legal advertising for fiscal years 2013-14 and 2014-15.

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 The Argus-Press Company, with a unit price of \$2.50 per column inch and \$5.00 per affidavit of publication.

THIRD: Authorization is given for the above expenses to be paid from the General Fund according to unit prices.

Purchase Authorization – Variable Frequency Drives. Authorize the purchase of two variable frequency drives (VFDs) at the Wastewater Treatment Plant from McNaughton-McKay Electric Co. in the amount of \$15,020.68 as follows:

RESOLUTION NO. 65-2013

**AUTHORIZING PURCHASE AND PAYMENT TO
MCNAUGHTON-MCKAY ELECTRIC CO.
FOR TWO EATON CUTLER HAMMER VARIABLE FREQUENCY DRIVES
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, two variable frequency drives have failed and require replacement at the city of Owosso Wastewater treatment Plant, Shiawassee County, Michigan, and

WHEREAS, the Plant Replacement Fund can readily finance this necessary replacement cost, and

WHEREAS, three competitive quotations were obtained for provision of the drives, and

WHEREAS, McNaughton-Mckay Electric Co. provided the lowest bid in the amount of \$15,020.68.

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 2 replacement variable frequency drives from McNaughton-Mckay Electric Co. in the amount of \$15,020.68.

SECOND: The purchase contract shall be in the form of a city purchase order and the accounts payable department is authorized to submit payment to McNaughton-Mckay Electric Co. in an amount up to \$15,020.68 upon satisfactory City receipt of the drives.

THIRD: The above expenses shall be paid from the Wastewater Plant Replacement Fund.

Warrant No. 464. Authorize Warrant No. 464 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services May 14, 2013 – June 10, 2013	General	\$9,117.96
Logicalis, Inc	Network engineering support - May 2103	General	\$8,568.00
ERES International Inc	Pavement Condition Survey- Payment for Professional Services October 15, 2012 – June , 2013	Street Improvement Bond Fund	\$18,198.00

*Check Register – May 2013. Affirm check disbursements totaling \$640,255.01 for the month of May 2013.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Cook, Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

*Due to its length full text of the Check Register is not included in the minutes. A copy of this document can be found on file in the Clerk's Office.

ITEM OF BUSINESS

Motion by Councilperson Cook to set the public hearing for July 1, 2013 to hear citizen comment regarding the proposal to amend the code of ordinances as follow:

RESOLUTION NO. 66-2013

**AN ORDINANCE TO AMEND
CHAPTER 32 TAXATION OF THE CODE OF ORDINANCES
TO PROVIDE FOR A PAYMENT IN LIEU OF TAXES
FOR THE LINCOLN HOUSE PROJECT**

WHEREAS, the Woda Group, also known as the Lincoln House LDHA Limited Partnership, has proposed a 28 unit low income housing development that is to be targeted toward seniors; and

WHEREAS, the project is located at 120 Michigan Avenue, parcel number 050-700-001-008-00, at the corner of Michigan Avenue and Clinton Streets, partially within the former Lincoln School; and

WHEREAS, the City of Owosso 2012 Master Plan explicitly indicates that this property and structure would be ideally reused as senior housing; and

WHEREAS, the City of Owosso City Council has approved the rezoning of this parcel to PUD and subsequently approved the final site plan for the development; and

WHEREAS, the rents for the housing will be controlled for the purpose of creating affordable low income housing for seniors, thereby reducing property revenues; and

WHEREAS, the reuse of this vacant structure and the housing of senior citizens near the downtown has a recognized public purpose; and

WHEREAS, all zoning and site plan approvals required by ordinance have been approved by the city council; and

WHEREAS, additional provisions are required in the ordinance in order to satisfy state requirements for funding this project.

NOW THEREFORE, THE CITY OF OWOSSO ORDAINS that Chapter 32, Taxation, Article III, Service Charge in Lieu of Taxes for Certain Housing Developments, Sections 43, of the City of Owosso city code be added as follows:

SECTION 1. ADDITION. That a new Section 32-43 which readS as follows, shall be adopted:

Sec. 32-43. Contractual effect. Notwithstanding the provisions of section 15a(5) of the Act (MCL 125.1415a(5), MSA 16.114(15a)(5)), to the contrary, a contract between the city and the sponsor with the authority as third part beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of this article.

SECTION 2. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 3. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 5. AVAILABILITY. 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.

SECTION 8. PUBLIC HEARING. A public hearing is set for Monday, July 1, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

Motion supported by Councilperson Bailey.

AYES: Councilpersons Bailey, Erfourth, Cook, Fox and Mayor Frederick

NAYS: None

ABSENT: Mayor Pro-Tem Popovitch, Councilperson Eveleth

CITY BUDGET AMENDMENT

Finance Director Richard C. Williams presented the amended budget to the council.

There was discussion between Council and Mr. Williams. Director Williams detailed the changes and answered council’s questions.

Motion by Councilperson Cook to approve the resolution amending the 2012-2013 budget incorporating adjustments made during the fiscal year.

RESOLUTION NO. 67- 2013

**RESOLUTION
AMENDING 2012-13 BUDGET**

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter and the Uniform Budgeting and Accounting Act, the City Council adopted on June 4, 2012, a budget for the fiscal year beginning on July 1, 2012; and

WHEREAS, the operating budget for fiscal year 2012-13 was adopted at the fund level, authorizing administrators managerial control of line item and activity level; and

WHEREAS, amendments made throughout the year by management and actions taken by City Council are hereby ratified, presented comprehensively, and incorporated with the original 2012-13 adopted budget for comparison and further presentment in the City's general purpose financial statements for which budget data is required;

NOW THEREFORE, BE IT RESOLVED, that the City Council has received the 2012-13 amended budget document attached hereto and made part hereof reflecting a balanced budget and authorizes the City Clerk to include in the official minutes.

Fund	Amended FY 13
General Fund	\$ 7,076,200
Major St. Fund	\$ 978,325
Local St. Fund	\$ 913,100
CDBG Revolving Fund	\$ 59,425
Housing Fund	\$ 297,700
Historical Commission	\$ 63,800
Debt Service Funds	\$ 619,325
Transportation Fund	\$ 59,175
Fleet Maintenance Fund	\$ 449,425
Brownfield Redevelopment Funds	\$ 58,350
Downtown Development Authority	\$ 18,050
Capital Projects Funds	\$ 500,700

Motion supported by Councilperson Bailey.

AYES: Councilperson Cook, Bailey, Erfourth, Fox and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch, Councilperson Eveleth.

COMMUNICATIONS

Charles P. Rau, Building Official. May 2013 Building Department Report.

Charles P. Rau, Building Official. May 2013 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. May 2013 Police Report.

Kevin D. Lenkart, Public Safety Director. May 2013 Fire Report.

Parks & Recreation Commission. Minutes of May 28, 2013.

Planning Commission. Minutes of May 28, 2013.

CITIZEN COMMENTS AND QUESTIONS

Ed Urban, 601 Glenwood Avenue, questioned the time for the next meeting.

Tom Manke, business owner at 118 South Washington Street, commented that he didn’t receive an answer about the minutes. Mayor Frederick pointed out that the minutes are handled through the clerk’s office and directed him to contact the clerk’s office. Attorney Bill Brown commented

that there is not any duty to report on comments by council or the public. Robert's Rule of Order require the type of meeting, time and action taken.

Councilperson Fox commented on the copies received from Shiawassee County 911 were not legible and he felt it was a slap in the face. Mayor Frederick felt that council could receive a cleaner copy from the county.

Councilperson Bailey requested some type of staff report so when a resident comes to a council meeting and request something be done then council could receive an update on the request.

NEXT MEETING

Special Meeting – Monday, June 24, 2013

Regular Meeting – Monday, July 1, 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 Bailey for adjournment at 8:26 p.m.

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

Benjamin R. Frederick, Mayor

Roxane K. Cramer, Clerk's Assistant