

**OWOSSO CITY COUNCIL**

**SEPTEMBER 16, 2013**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** REVEREND RAY STRAWSER  
MEMORIAL HOSPICE CHAPLAIN

**PLEDGE OF ALLEGIANCE:** LOGAN SNYDER  
OWOSSO MIDDLE SCHOOL STUDENT

**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.

A moment of silence was held in memory of the victims of the Washington Navy Yard shooting.

**APPROVE AGENDA**

Motion by Councilperson Eveleth to approve the agenda with the addition of a presentation to Logan Snyder.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 3, 2013**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of September 3, 2013 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**LOCAL HERO COMMENDATIONS – LOGAN SNYDER** (added to agenda)

Owosso youth Logan Snyder was honored by State Representative Ben Glardon, a representative from State Senator Joe Hune’s office, and Mayor Ben Frederick for his heroic efforts in rescuing his family when their boat capsized in a Michigan lake over the summer. Logan was presented with a certificate signed by the Governor and a Key to the City plaque in recognition of his heroic actions.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilperson Erfourth thanked everyone that was involved in the Art Walk saying it was a great success. He reminded everyone that the Home Tour is this coming weekend and tickets are available. He also announced that he is again running for the Ultimate Spartan designation this year benefiting Ele’s Place.

Councilperson Bailey said the new doors on City Hall look very nice.

**CITY MANAGER REPORT**

The City Manager had nothing to report.

**CONSENT AGENDA**

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

Professional Service Agreement – Cross Connection Control Program. Authorize professional service agreement with H<sub>2</sub>O Compliance Services, Inc. of Owosso for the provision of administrative services for the Cross Connection Control Program for a period of 16 months in the amount of \$1,299.38 per month and further authorize the accounts payable department to issue payment as terms of the contract are fulfilled as follows:

**RESOLUTION NO. 103-2013**

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH  
H<sub>2</sub>O COMPLIANCE SERVICES, INC.  
FOR CROSS CONNECTION CONTROL PROGRAM SERVICES  
FOR THE OWOSSO DRINKING WATER SYSTEM**

WHEREAS, H<sub>2</sub>O Compliance Services, Inc. specializes in managing and implementing municipal water system cross connection control programs and has submitted a detailed proposal date August 26, 2013 to manage and implement the Owosso Cross Connection Control Program over the next 16 months for the balance of calendar year 2013 and all of 2014, and

WHEREAS, the City of Owosso staff has determined that H<sub>2</sub>O Compliance Services, Inc. is qualified to perform this service and their rate of \$1,299.38 per month, for a total contract amount of \$20,790.08, is reasonable and the most cost-effective means for the City to carry out the Cross Connection Control Program requirements as required by state rules.

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 H<sub>2</sub>O Compliance Services, Inc. for professional services to manage and implement its water supply system cross connection control program.
- SECOND: The contract, attached in the form of Exhibit A, shall accept the August 26, 2013 Proposal from H<sub>2</sub>O Compliance Services, Inc. which details the services to be performed at a rate of \$1,299.38 per month over a 16 month term for a total contract amount of \$20,790.08.
- THIRD: The accounts payable department is authorized to make the monthly payments to H<sub>2</sub>O Compliance Services, Inc. in the amount of \$1,299.38 for a 16 month term not to exceed \$20,790.08 with those expenses to be paid from the Water Fund.

Bid Award – Used Police Vehicle. Approve the high bid of Grace Quality Used Cars for the sale of one 2007 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 230281, in the amount of \$1,786.00. (Resolution is included with next item.)

Bid Award – Used Police Vehicle. Approve the high bid of Grace Quality Used Cars for the sale of one 2008 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 227882, in the amount of \$1,786.00 as follows:

**RESOLUTION NO. 104-2013**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
SALE OF RETIRED POLICE VEHICLES WITH  
GRACE QUALITY USED CARS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, bid solicitations were advertised and the most responsive bids were received from Grace Quality Used Cars.

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 sell one 2007 Chevrolet Impala police vehicle, last six digits of the VIN# reading: 230281, in the amount of \$1,786.00; and one 2008 Chevrolet Impala police vehicle, the last six digits of the VIN# reading 227882, in the amount of \$1,786.00.
- SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership to Grace Quality Used Cars upon the remittance of \$3,572.00.

Bid Award – 2013 Street Patches Program. Authorize bid award to One-Way Asphalt Paving & Excavating, Inc. for the 2013 Street Patches Program in the amount of \$18,930.00 and further authorize payment up to that amount upon successful completion of the work as follows:

**RESOLUTION NO. 105-2013**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
THE 2013 STREET PATCHES PROGRAM  
WITH ONE-WAY ASPHALT PAVING & EXCAVATING, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the street patches in many of the streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub base of the street accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids to permanently patch said areas; a bid was received from One-Way Asphalt Paving & Excavating, Inc.; and it is hereby determined that One-Way Asphalt Paving & 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 One-Way Asphalt Paving & Excavating, Inc. for pavement patching as part of the 2013 Street Patches 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 One-Way Asphalt Paving & Excavating, Inc. with a \$18,930.00 bid.
- THIRD: The accounts payable department is authorized to pay One-Way Asphalt Paving & Excavating, Inc. for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

Payment Authorization – Bentley Park Project. Authorize payment to Oak Construction Corporation for work completed on the Bentley Park improvement project in the amount of \$71,100 and further authorize payment up to the contract amount of \$98,000 for future work performed and accepted by the contract engineer and city manager as follows:

**RESOLUTION NO. 106-2013**

**RESOLUTION AUTHORIZING PAYMENT TO OAK CONSTRUCTION CORPORATION IN ACCORDANCE WITH THE EXISTING CONTRACT FOR BENTLEY PARK IMPROVEMENTS**

WHEREAS, the City of Owosso approved a bid in the amount of \$98,000 to Oak Construction Corporation to complete certain portions of the Bentley Park Improvements project; and

WHEREAS, work has commenced and been invoiced accordingly for services rendered; and

WHEREAS, the contracted engineer has approved the progress payment submitted by Oak Construction Corporation.

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 make payment to Oak Construction Corporation in the amount of \$71,100 as invoiced on the attached Application for Payment.
- SECOND: The City of Owosso further authorizes city staff to make payments up to the contract amount of \$98,000 for services rendered and satisfactorily approved by the consultant engineer and city manager.

Warrant No. 470. Authorize Warrant No. 470 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services August 13, 2013 – September 9, 2013	General	\$ 8,583.12
Logicalis, Inc.	Network engineering support – August 2013	General	\$ 8,806.00

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**BROWNFIELD REDEVELOPMENT DISTRICT #13 AMENDMENT #3– WESENER BUILDING**

Community Development Director Adam Zettel indicated that the property owner was on hand tonight to answer any questions about the proposed amendment. He then gave a brief synopsis of the changes to the plan saying they entailed a revised timeline and method of payback.

Motion by Councilperson Eveleth to approve Amendment #3 to the Brownfield Redevelopment Plan for District #13 – Wesener Building as follows:

**RESOLUTION NO. 107-2013**

**A RESOLUTION TO AMEND BROWNFIELD PLAN #13 “WESENER BUILDING”,  
FOR THE CITY OF OWOSSO PURSUANT TO AND IN ACCORDANCE WITH THE  
PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996,  
AS AMENDED**

WHEREAS, the Brownfield Redevelopment Authority (the “Authority”) of the City of Owosso, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), has prepared and recommended for approval by the Authority a Brownfield Plan Amendment entitled “District #13, Wesener Multi-Use Building” (the “Plan”), pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Owosso Brownfield Authority has, at least ten (10) days but not more than forty (40) days before the meeting of the Authority at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the “Taxing Jurisdictions”) about the fiscal and economic implications of the proposed Financing Plan, and the Authority has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13 (10) and 14 (1) of the Act; and

WHEREAS, the Authority has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and
- F. The square footage of the building is 17,500 square feet
- G. Line item cost details are eligible expenses that serve a public good.
- H. Local redevelopment area details are accurate.

WHEREAS, as a result of its review of the plan and upon consideration of views and recommendations of the public, OBRA, and taxing jurisdictions, the city council desires to proceed with approval of the Amended Plan #3 and distribute accordingly.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Plan Approved. Pursuant to the authority vested in the Authority by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form considered by the city council on September 16, 2013, and maintained on file in the office of the City Clerk.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

**DOWNTOWN INFRASTRUCTURE GRANT APPLICATION**

Community Development Director Zettel detailed the course of action that lead to the proposal before Council this evening. He said that he was very excited about the possibility of getting the grant and even more excited about the improvements that it would bring to the downtown area including improved parking, construction of a trail head, possible public restrooms, repair of the retaining wall along the river, and direct access to the river trail from street level. He noted that he was in contact with several potential partners that could contribute to the project. In addition to seeking approval for submission of the grant application he asked the Council to consider earmarking up to \$125,000 in matching funds for the project.

Mayor Frederick noted the DDA's unanimous support for this project and the corresponding grant application.

Councilperson Cook inquired what would happen should the Armory redevelopment project not move forward. Director Zettel indicated that they were trying to develop a Plan B but it should be recognized that the Armory project would be a critical component in making the overall project work and should it not move forward the project would have to be scaled back or scrapped entirely.

Councilperson Fox said he felt the project was a good one regardless of whether or not the City received the grant and he encouraged approval of tonight's requests.

Motion by Councilperson Eveleth to approve submitting a preliminary application for a Downtown Infrastructure Grant for parking and trail improvements that will tie in with the potential redevelopment of the Armory as follows:

**RESOLUTION NO. 108-2013**

**A RESOLUTION TO APPROVE SUBMISSION OF A PART I APPLICATION TO THE MEDC FOR A DOWNTOWN INFRASTRUCTURE GRANT**

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

WHEREAS, the Owosso Master Plan, Parks Plan, and DDA plan indicate that investment in the downtown infrastructure is essential to the community's future; and

WHEREAS, the DDA is leading the pursuit for Downtown Infrastructure Grant funds to assist in improving the downtown infrastructure and has allocated up to \$200,000 to match any grant funds that may be awarded; and

WHEREAS, the Armory renovation project is moving forward successfully; and

WHEREAS, there is a need to provide for improvements related to public parking, building relocation, trailhead provision, trail improvements, and river improvements; and

WHEREAS, the cost of such improvements could be as much as \$1,000,000; and

WHEREAS, a Downtown Infrastructure Grant would allow the City and the DDA to leverage available funding to its maximum potential; and

WHEREAS, additional match money is likely required for the award of a Downtown Infrastructure Grant and time of application for a Part I submission is of the essence.

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 to work with the DDA, the Shiawassee Regional Chamber of Commerce, the Friends of the CIS Trail, the Friends of the Shiawassee River, and the Shiawassee Arts Council to draft a plan, as indicated, that would be submitted to the MEDC on behalf of the city for the 2013 DIG.

SECOND: The same council hereby allocates an amount not to exceed \$125,000 to support this project, to be allocated from certain funds at a future time, contingent upon the commencement of the armory project, the DIG award, and final approval of the project specifications.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

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

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

Historical Commission. Minutes of August 28, 2013.

Downtown Development Authority/Main Street. Minutes of September 4, 2013.

Planning Commission. Minutes of August 26, 2013.

Parks & Recreation Commission. Minutes of August 26, 2013.

**CITIZEN COMMENTS AND QUESTIONS**

Eddie Urban said he would bring Logan's story to the Military Order of the Purple Heart for further citation.

Councilperson Bailey said she understood the splash pad underwent its first test runs today.

Councilperson Fox said that he hoped the splash pad would be up and running in time for at least one warm day this year.

**NEXT MEETING**

Monday, October 7, 2013

**BOARDS AND COMMISSIONS OPENINGS**

Historical Commission – term expires 12-31-14

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:01 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