

OWOSSO CITY COUNCIL

OCTOBER 21, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR PRO-TEMPORE CINDY S. POPOVITCH

OPENING PRAYER: LT. SEAN GREY
SALVATION ARMY

PLEDGE OF ALLEGIANCE: COUNCILMAN THOMAS B. COOK

PRESENT: Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

ABSENT: Mayor Benjamin R. Frederick.

APPROVE AGENDA

Motion by Councilperson Fox to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 7, 2013

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of October 7, 2013 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – CHAPTER 5, ANIMALS

The proposed amendment would establish regulations governing the licensing, confinement, sanitation, and impoundment of cats and dogs.

Prior to the public hearing Mayor Pro-Tem Popovitch asked City Manager Crawford to describe key elements of the proposed ordinance. Upon doing so City Manager Crawford indicated that he anticipated further changes to the ordinance based on feedback he has received to date and suggested Council postpone consideration of the proposed ordinance to allow for further refinement.

Further discussion was had in an attempt to clarify some common misunderstandings of the proposed ordinance including: in-door only cats would not have to be licensed, City residents would not be required to immediately purchase a City license if they have a pet currently licensed under the County system, hiring an outside firm to administer the licensing program, and contracting with a local organization for sheltering services.

Mayor Pro-Tem Popovitch opened the public hearing to gather citizen comment to further refine the proposed ordinance. She asked that commenters keep in mind the clarification that was offered prior to the hearing.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 5, Animals, of the Code of Ordinances of the City of Owosso.

The following people commented regarding the proposed amendment:

Michael Cline, 621 Wright Avenue, wanted to know the logistics of how feral cats would be trapped, fixed, and tattooed as well as the cost for such a program. He further inquired where feral cat problems exist in town. He said he had a lot of questions about the proposed ordinance.

Daniel Pennell, 208 Oakwood Avenue, said lots of other cities have tried to regulate cats through licensing and he did not want to see the City handing out tickets to the very people that were trying to help with the feral cat problem. He felt it would do no good to ticket people for feeding cats.

Janice DeAugustino, 305 North Shiawassee Street, explained that she is a home health aide and that she was recently severely attacked by a client's house cat. She showed pictures of her injuries as well as paperwork she completed at the hospital that documented the attack. She asked why she had to complete an attack report if the information was not going to be forwarded to the police department. She went on to say that she wanted language included in the ordinance regarding vicious cats similar to that for vicious dogs.

Tom Manke, business owner at 118 South Washington Street, said the animal issue was one of the top issues he had posted on his website, receiving numerous comments. He said he felt the proposed ordinance was another attempt to overregulate citizens' lives. He also wanted to know how the City would shelter any animals it picks up and what employee would pick them up.

Kenneth Alto, 635 North Washington Street, said there was a problem in his neighborhood with feral cats. He said he cannot walk through his yard without having to watch for cat feces. He said he wanted the stray cats out of his neighborhood as they are a health hazard.

Teresa Skaryd, 601 Ryan Street, mentioned some of the other animals the current ordinance regulates including homing pigeons. She said she felt the City was pushing people out and she was tired of mismanagement. She commented that she had a stray dog hanging around her house over the weekend and she couldn't find anyone to help her with the issue, including 911. She said any solution needed to be 24/7 to prevent animal cruelty.

Councilperson Cook asked Ms. Skaryd if she would prefer to keep the County responsible for stray animals or if she felt the City should move into the licensing business to attempt to get things under control. Ms. Skaryd responded she would prefer the County handle it.

Eddie Urban, 601 Glenwood Avenue, said he has 10-15 live traps that the City could borrow if it decides to start a trapping program. He said whatever solution the City works out needs to be humane.

Carol Vaughn, owner of Heavenly Scent Pet Resort and former member of the Shiawassee County Humane Society Board of Directors, said that in 2009 she was part of a group of people that developed and deployed a licensing database for the county. She indicated it was a web-based system that is available to all public safety officials 24/7 to allow easy identification and return of stray animals if they are wearing a tag. She asked that Council not duplicate what already exists and encouraged collaboration with the County. She said surrounding counties have robust animal control systems that we could learn from.

David Faulkner, Executive Director of the Shiawassee County Humane Society, said that while he recognized that the Council had an obligation to maintain community safety he felt the ordinance may be a bit rushed. He said he felt it could be more thought out. He asked that Council to look into collaborating with the County before deciding to create something independent.

James Huguelet, Mayor of the City of Perry, indicated his community has faced many of the same issues that Owosso has including the County's refusal to pick up stray and nuisance animals within the city limits. He suggested the two communities work together on the issue, saying that a group of communities may have the critical mass necessary to force the County to act. He went on to invite all communities in the county to a conversation on the issue.

Recognizing there were no further citizen comments Mayor Pro-Tem Popovitch closed the public hearing.

Council then took the time to answer the questions raised by citizens during the hearing.

There was Council discussion regarding: collaborating with other communities in the county, gaining access to the County licensing database, and another instance where funds go the County but no service is received. It was generally agreed that further refinement was needed, including an exploration of collaboration with other Shiawassee County communities and the County itself.

Motion by Councilperson Fox to postpone the item until the November 4th meeting to allow time to explore collaboration with other communities and the County, and meet with local experts to further refine the proposal.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Frederick.

CITIZEN COMMENTS AND QUESTIONS

Lorraine Austin, REV Center Business Incubator Coordinator, announced the REV Center Business Incubator open house scheduled for November 6th at the Baker College Center for Technical Studies.

Tom Manke, business owner at 118 South Washington Street, thanked Council for not adopting the proposed pet ordinance in favor of seeking collaboration. He also commented on his feeling that the Friends of the Shiawassee River are trying to monopolize control of the river.

City of Perry Mayor James Huguelet introduced Perry City Councilwoman Karen Davis saying Council should feel free to contact either of them regarding the animal issue. He said he looks forward to working with the Council.

Michael Cline, 621 Wright Avenue, inquired whether his leaves would be picked up at the same time as the other homes on his street as his block had inadvertently been left off the leaf pick-up map. Staff noted his leaves would definitely be picked up.

Eddie Urban, 601 Glenwood Avenue, said he was happy the City of Perry Mayor came to the meeting to invite collaboration on the animal issue.

Ann Danek, 1108 North Water Street, inquired what service she receives in exchange for paying the County for a dog license and if she receives no service what is her recourse.

Greg Remington, Lytle Road resident, wondered if the County would pay to prosecute anyone that abused cats in light of the fact they receive money from animal licenses issued to City residents.

Councilperson Fox thanked the City of Perry for their assistance when two of the City's ambulances were taken out of service for repair, saying it was one instance where the cities had already collaborated. He also noted that money generated from dog licenses currently goes into the County general fund.

Councilperson Cook pointed out that while the Friends of the Shiawassee did recently hold a summit on the river they were not trying to monopolize the river. Local government officials from multiple jurisdictions and counties were invited to discuss what government can do to maintain the health of the river. He said no one was turned away from the summit.

Councilperson Eveleth noted that during the public hearing one commenter had said the City did not have a balanced budget. He this was not true, the City is required by law to have a balanced budget and in fact the City had a surplus last year.

CITY MANAGER REPORT

City Manager Crawford distributed a handout containing information on the street bond ballot proposal. He said he also had a PowerPoint presentation that he would be happy to show or send if anyone was interested on further information on the proposal.

Councilperson Fox inquired why the handout only had information on the streets that would be improved in the next 5 to 8 years. City Manager Crawford noted that he anticipated the bond money would be spent entirely within that 5-8 year period.

Councilperson Cook commended staff for all of the work done on the street program over the course of the last couple of years, saying he felt confident that as he leaves City Council he was confident that any money spent on streets would be used to its full advantage.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the Mayoral appointment of James Gutting to the Historical Commission to fill the vacant seat expiring December 31, 2014.

Professional Services Agreement – WWTP SAW Grant. Approve professional services agreement with Capital Consultants, Inc. d/b/a C2AE for engineering services in the preparation of a SAW Grant application for the Waste Water Treatment Plant in an amount not to exceed \$5,000 as follows:

RESOLUTION NO. 115-2013

AUTHORIZING THE EXECUTION OF A CONTRACT FOR FOR PREPARATION OF A GRANT APPLICATION FOR A STORMWATER, ASSET MANAGEMENT, WASTEWATER (SAW) GRANT WITH CAPITAL CONSULTANTS, INC. D/B/A C2AE

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is desirable to prepare and submit a grant application for a stormwater, asset management, wastewater (SAW) grant; and

WHEREAS, Capital Consultants, Inc. d/b/a C2AE has the necessary personnel and facilities to provide the professional services needed to prepare the application; and

WHEREAS, the engineer desires to contract with the owner for rendering professional services for the project.

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 Capital Consultants, Inc. d/b/a C2AE to provide the professional services needed to prepare a SAW Grant application.

SECOND The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Agreement for Preparation of a Grant Application for a Stormwater, Asset Management, Wastewater (Saw) Grant With Capital Consultants d/b/a C2AE in the amount not to exceed \$5,000 plus additional amounts that may become eligible upon grant approval.

THIRD: The above expenses shall be paid from the wastewater fund.

Change Order No. 1– 2013 Jackson Drive Sidewalk Program. Approve Change Order No. 1-Final to the 2013 Jackson Drive Sidewalk Program contract with Mike & Son Asphalt, Inc. for additional earth excavation, sidewalk placement, and lawn restoration for the construction of sidewalk from Jackson Drive to Gould Street not included in the original proposal, in the amount of \$10,459.23 as follows:

RESOLUTION NO. 116-2013

**AUTHORIZING A CHANGE ORDER #1-FINAL
TO THE CONTRACT WITH
MIKE & SON ASPHALT, INC.
FOR THE 2013 JACKSON DRIVE SIDEWALK PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Mike & Son Asphalt, Inc. on July 2, 2013 for the 2013 Jackson Drive Sidewalk Program; and

WHEREAS, additional labor and materials were required for earth excavation, lawn restoration and placement of 5" sidewalk for the construction of sidewalks on Jackson Drive.

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

FIRST: The City of Owosso amends the contract with Mike & Son Asphalt, Inc. for the 2013 Jackson Drive Sidewalk Program to add additional work to their contract.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit A, Amendment to the Contract for services between the City of Owosso and Mike & Son Asphalt, Inc. adding \$10,459.23 to the existing contract.

THIRD: The above expenses shall be paid from the Local Street Maintenance Fund.

Progress Payment No. 1 – 2013 Jackson Drive Sidewalk Program. Authorize Progress Payment No. 1 to Mike & Son Asphalt, Inc. for work completed on the 2013 Jackson Drive Sidewalk Program, as amended by Change Order No. 1, in the amount of \$45,854.23 as follows:

RESOLUTION NO. 117-2013

**AUTHORIZING PAYMENT
TO MIKE & SON ASPHALT, INC.
FOR WORK COMPLETED ON THE
2013 JACKSON DRIVE SIDEWALK PROGRAM
AS AMENDED BY CHANGE ORDER #1**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Mike & Son Asphalt, Inc. on July 2, 2013 for the 2013 Jackson Drive Sidewalk Replacement Program, as amended by Changer Order No. 1 on October 21, 2013; and

WHEREAS, the work is substantially completed and is now eligible for payment; and

WHEREAS, the City project manager recommends Pay Estimate #1 in the amount of \$45,854.23 for work completed through October 5, 2013, with said unit quantities and amounts agreed to by Mike & Son Asphalt, Inc.

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

- FIRST: The City of Owosso has hereto determined that it is advisable, necessary and in the public interest to pay Mike & Son Asphalt, Inc. for work completed on the 2013 Jackson Drive Sidewalk Program as amended by Change Order #1.
- SECOND: The Accounts Payable Department is authorized to submit payment to Mike & Son Asphalt, Inc. in the amount of \$45,854.23 as detailed on the attached Payment Estimate #1.
- THIRD: The above expenses shall be paid from the Local Street Maintenance Fund.

Change Order No. 1 – 2013 Street Patches Program. Approve Change Order No. 1-Final to the 2013 Street Patches Program contract with One-Way Asphalt Paving & Excavating, Inc. for additional 6" patches on North Chipman Street and Hamblin Street in the amount of \$4,601.34 as follows:

RESOLUTION NO. 118-2013

**AUTHORIZING CHANGE ORDER #1-FINAL
TO THE CONTRACT WITH
ONE-WAY ASPHALT PAVING & EXCAVATING, INC
FOR THE 2013 STREET PATCHES PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with One-Way Asphalt Paving & Excavating, Inc. on September 16, 2013 for the 2013 Street Patches Program; and

WHEREAS, additional labor and materials were required for additional 6" patches on North Chipman Street and Hamblin Street.

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

- FIRST: The City of Owosso amends the contract with One-Way Asphalt Paving & Excavating, Inc. to add additional work to their contract.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit A, Amendment to the Contract for services between the City of Owosso and One-Way Asphalt Paving & Excavating, Inc. adding \$4,601.34 to the existing contract.
- THIRD: The above expenses shall be paid from the Local Street Maintenance Fund.

Progress Payment No. 1 – 2013 Street Patches Program. Authorize Progress Payment No. 1 to One-Way Asphalt Paving & Excavating, Inc. for work completed on the 2013 Street Patches Program, as amended by Change Order No. 1, in the amount of \$23,531.34 as follows:

RESOLUTION NO. 119-2013

**AUTHORIZING PAYMENT TO
ONE-WAY ASPHALT PAVING & EXCAVATING, INC.
FOR WORK COMPLETED ON THE
2013 STREET PATCHES PROGRAM
AS AMENDED BY CHANGE ORDER #1-FINAL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into a unit price contract with One-Way Asphalt Paving & Excavating, Inc. for the 2013 Street Patches Program Bid, and found it necessary and beneficial to extend unit prices to accomplish additional street patches on North Chipman and Hamblin Streets pursuant to Change Order #1-Final; and

WHEREAS, work on the project is complete and is now eligible for payment; and

WHEREAS, the City project manager recommends Pay Estimate #1-Final in the amount of \$23,531.34 for work completed through October 7, 2013, and said unit quantities and amounts have been agreed to by One-Way Asphalt Paving & Excavating, Inc.

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

FIRST: The City of Owosso has hereto determined that it is advisable, necessary and in the public interest to pay One-Way Asphalt Paving & Excavating, Inc. for work completed on the 2013 Street Patches Program as amended by Change Order #1-Final.

SECOND: The accounts payable department is authorized to submit payment to One- Way Asphalt Paving & Excavating, Inc. the amount of \$23,531.34 as detailed on attached Payment Estimate #1-Final.

THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

Warrant No. 471. Authorize Warrant No. 471 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services – September 9, 2013 – October 14, 2013	General	\$10,035.48
Shiawassee Economic Development Partnership	Annual investment – FY 2013/2014	General	\$31,426.00
Logicalis, Inc	Network engineering support - September 2013	General	\$ 7,616.00
Michigan Municipal Risk Management Authority	Building and property insurance – 2nd installment – July 1, 2013 – June 30, 2014	General	\$71,609.75
Owosso Charter Township	Owosso Charter Township water sales payment – July 1, 2013 –September 30, 2013	Water	\$ 8,874.83
Caledonia Charter Township	Caledonia Utility fund payment – July 1, 2013 – September 30, 2013	Water	\$19,330.12

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Frederick.

ITEMS OF BUSINESS

RESOLUTION OF INTENT – LEBOWSKY CENTER SIDEWALK CONSTRUCTION

City Manager Crawford briefly detailed the situation noting the complexities of the project and Council’s desire to declare their intent to complete the reconstruction of the sidewalk along the east side of the Lebowsky Center. He said plans were being developed to address the project’s complexities and money from two sources (Streetscape funds and MDOT funds) was being targeted to pay for the project. The project would involve the reconstruction of South Park Street and reconstruction of the sidewalks continuing the streetscape from Washington and Exchange Streets.

Linda Keenan, Owosso Communities Players Executive Director, expressed her appreciation for Council’s consideration of the resolution. She said it was essential for her group to know that patrons of the theater would have a safe path to enter and exit the building when the rebuild project is completed in March of next year.

City Manager Crawford noted the street reconstruction portion of the project would not be completed by the March opening but the sidewalk should be completed by that time.

Motion by Councilperson Fox to authorize the following resolution of intent for the design and reconstruction of the sidewalk adjacent to the Lebowsky Center:

RESOLUTION NO. 120-2013

**DECLARING THE INTENT OF THE CITY OF OWOSSO
TO CONSTRUCT A STREET SCAPE PROJECT
ON PARK STREET BETWEEN MAIN AND COMSTOCK STREETS**

WHEREAS, it is the intent of the city council of the city of Owosso, Michigan to design, construct and make improvements to Park Street between Main and Comstock Streets:

WHEREAS, it is the intent of the city council to pay all or a portion of the costs associated with said project by the sale of bonds, in one or more series, or other debt obligations of the city;

WHEREAS, it is anticipated that it will be necessary to make expenditures in payment of said costs prior to the issuance of said bonds or debt obligations; and

WHEREAS, the city council wishes to state its intentions with respect to reimbursements for said expenditures in accordance with the requirements of final regulations applicable thereto promulgated by the United States Department of the Treasury and the Michigan Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Michigan as follows:

- FIRST: It is reasonably expected that the plans for the project will be completed by December 2013;
- SECOND: It is reasonably expected that bids for the project will be received and a contract awarded during January 2014;
- THIRD: It is reasonably expected that the project will be substantially completed by April 2014;
- FOURTH: The city will reimburse itself for costs incurred in connection with the activities herein above described. The city intends to reimburse all such expenditures by issuing its general obligation bonds or other debt obligations through its Downtown Development Authority and the Michigan Department of Transportation.
- FIFTH: The expenditures made prior to the issuance of said bonds, other debt obligations and Michigan Department of Transportation funds are expected to be paid from the city's General Fund and reimbursement shall be made to said fund.
- SIXTH: This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.
- SEVENTH: All resolutions or parts of resolutions in conflict herewith are hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Frederick.

COMMUNICATIONS

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

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

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

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

Downtown Development Authority/Main Street. Minutes of October 2, 2013.

Historical Commission. Minutes of October 14, 2013.

CITIZEN COMMENTS AND QUESTIONS

Teresa Skaryd, 601 Ryan Street, said she felt Clinton Street should be included on the list of streets that would be improved with the street bond money.

Linda Keenan, Executive Director of the Owosso Community Players, thanked the Council for continually supporting their organization and the community in general. She said she was crushed that the Council would soon be losing some great members and that she has appreciated their service.

David Bandkau, Planning Commissioner, announced that the Planning Commission will soon be taking on the task of "right" zoning certain areas of the City to set the zoning to better reflect what those areas have historically been used for. He hoped that this "right" zoning would help to reverse the trend of declining single family home values and encouraged everyone to participate in the process.

Lorraine Austin, 906 Chipman Lane, also thanked Council for being open to many ideas over the course of the last few years. She said she too was sorry to see those not seeking re-election leave the group but was also looking forward to working with the new members.

Eddie Urban, 601 Glenwood Avenue, said he hoped the area had plenty of qualified workers to fill the positions opening up due to the expansion of Midwest Bus.

NEXT MEETING

Monday, November 04, 2013

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:11 p.m.

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

Cindy S. Popovitch, Mayor Pro-Tempore

Amy K. Kirkland, City Clerk