

OWOSSO CITY COUNCIL

NOVEMBER 4, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR KENNETH HERBRUCK
OWOSSO ASSEMBLY OF GOD

PLEDGE OF ALLEGIANCE: LED BY OUTGOING COUNCIL MEMBERS

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

Mayor Frederick asked council to consent to remove item 5 from consent agenda, which is the dog and cat ordinance, there has been some interest expressed at the commission level and would like to have additional time for conversations to take place prior to making a decision. Mayor Frederick also asked to add the purchase of a library boiler as new item 5 under Items of Business.

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

Delete – Items of Business

5. Dog & Cat Ordinance. Consider the proposal to amend Chapter 5, Animals, of the Code of Ordinances of the City of Owosso to establish regulations governing the licensing, confinement, sanitation, and impoundment of cats and dogs.

Add – Items of Business

5. 2013 Shiawassee District Library Steam Boiler Replacement.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 21, 2013

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of October 21, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

SRI PRESENTATION

David Shorter introduced Arnie Frobum, President of the Board of Directors for the Steam Railroading Institute (SRI). The SRI is a nonprofit educational organization headquartered in Owosso, MI. Frobum talked about the history of the railroad system here in Michigan and the restoration of steam engine 1225, costing approximately \$750,000 to overhaul. He said the organization will resume offering steam powered trips starting the day after Thanksgiving of this year as part of the North Pole express out of Owosso. Owosso will be the only place in North America where people can come and see a 220-ton steam locomotive as well as take a ride in the winter. He went on to talk about Train Expo 2014: Locomotive, Wings and Wheels. This event will be similar, but slightly larger event than was held in 2009, that attracted 32,000 people to Owosso. Their goal is to have 12 steam locomotives and other historic trains brought into Owosso from other museums and institutions and to offer short one hour trips, half day trips, and dinner trains. Further attractions will include the addition of an exposition of 1940's era vintage aircraft to be held at the Owosso Airport. Special airshow events will offer inspections of the old airplanes and short rides for a few select people. They are also planning an exposition of approximately 100 vintage cars with judging in various categories to be held on the west side of town. An auto race will be promoted and will take place during the Expo weekend at the Owosso Speedway west of town. Events will happening simultaneously at the SRI, the Owosso Airport and the Owosso Speedway and will give people a better view of Owosso as a whole town rather than just one section. These events will take place June 12-14, 2014.

Council Discussion:

Councilperson Cook asked for clarification of the dates for the Expo. Mr. Frobum gave the corrected date of June 20-22, 2014. Mr. Forbum also took the opportunity to introduce Chief Mechanical Officer Kevin Mayer who, along with a crew of volunteers, has helped to restore and reassemble the 1225, as well as fellow board member Paul Cook.

Mayor Frederick expressed thanks to Mr. Myer and all of the other volunteers for the thousands of hours that they have put forth.

Mayor Pro-tem Popovitch asked for clarification about maiden voyage date. Mr. Frobum did not have an exact date yet because the restoration has taken longer than expected. There will be a re-announcement of the new date for the maiden voyage in the future so that people will be able to plan accordingly.

Mayor Frederick said the 1225 is largest feature we have to bring prestige to Owosso both nationally and internationally. He wished the SRI every success as they continue to promote this to the world and he said he celebrated the strides the SRI has made over the last few years in this journey.

HONORS FOR OUTGOING COUNCIL MEMBERS

THOMAS B. COOK

Mayor Frederick read the following proclamation from the Mayor's office for Thomas Cook acknowledging his service to the City of Owosso:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING**

THOMAS B. COOK

- WHEREAS, Thomas B. Cook was elected to a four-year term on the City Council in November 2009; and
- WHEREAS, Tom has faithfully discharged the duties of the offices of Councilman during his four years of service to the City by regularly attending meetings, serving on various boards and commissions and representing the City at official and community events; and
- WHEREAS, Tom has lent his wide-ranging expertise as a trained planner, the administrator of a charitable trust, and an environmental advocate through his participation on the Mid-County Waste Water Treatment Plant Board, the City of Owosso Employees' Retirement System Board of Trustees, the Friends of the Shiawassee River, the Brownfield Redevelopment Authority, and, prior to his service on the city council, the Blue Ribbon Committee; and
- WHEREAS, Tom has paid particular attention to the long-term mission of the City. He has ensured that clear goals were established, articulated, and adhered to. He has also been a champion of collaboration and cooperation, offering to bridge the gap whenever he can to ensure the highest and best outcome of city business. In all of his work in various capacities, he has always sought improvements through positive engagement and never divisiveness. His steady presence and thoughtful contributions will truly be missed; and
- WHEREAS, it is fitting that this record of dedicated community service devoted to the interests of the citizens of Owosso, and the greater Owosso community, be officially recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick, on behalf of my fellow Council members and the residents of Owosso, do hereby acknowledge Thomas B. Cook for his years of service to Owosso and thank him for contributing his time and energy to improving the community.

Tom shared it has been an honor to be on the council with the mayor and other council members. He also thanked City Manager Crawford and City staff for all their hard work and dedication to the City.

MICHAEL J. ERFOURTH

Mayor Frederick read aloud the following proclamation from the Mayor's office for Michael Erfourth acknowledging his service to the City of Owosso.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING**

MICHAEL J. ERFOURTH

- WHEREAS, Michael J. Erfourth was elected to a four-year term on the City Council November 2009; and

WHEREAS, Mike has faithfully discharged the duties of the offices of Councilman during his four years of service to the City by regularly attending meetings, serving on various boards and commissions and representing the City at official and community events; and

WHEREAS, Mike has never been afraid to get involved, identify priorities, and then tackle them. Mike asks the tough questions and is willing to put in the time and personal effort required. This has been evidenced by his participation in the Helping Hands neighborhood improvement program and service on an ad hoc effort to form a coherent policy approach on medical marijuana. He also stepped forward to reshape the Historical Commission, bringing clarity to its mission and leading the group in bringing back the famous Home Tour; and

WHEREAS, Mike's financial background has been invaluable in his service to the City. In addition to his work on the City Council, Mike lent his financial knowledge to the Westown Corridor Improvement Authority and the City of Owosso Employees' Retirement System Board of Trustees; and

WHEREAS, it is fitting that this record of dedicated community service devoted to the interests of the citizens of Owosso be officially recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick, on behalf of my fellow Council members and the residents of Owosso, do hereby acknowledge Michael J. Erfourth for his years of service to Owosso and thank him for contributing his time and energy to improving the community.

Mike said thank you and that it has been a pleasure to serve taxpayers and residents and to work with City employees.

CINDY S. POPOVITCH

Mayor Frederick read aloud the following proclamation from the Mayor's office for Pro-Tem Cindy Popovitch acknowledging her service to the City of Owosso.

A PROCLAMATION OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN RECOGNIZING

CINDY S. POPOVITCH

WHEREAS, Cindy S. Popovitch was elected to a four-year term on the City Council in November 2009; and

WHEREAS Cindy was twice elected by her peers to serve as the City's Mayor Pro-Tempore, serving in this capacity during her entire tenure; and

WHEREAS, Cindy has faithfully discharged the duties of the offices of Councilwoman during her four years of service to the City by regularly attending meetings, serving on various boards and commissions and representing the City at official and community events; and

WHEREAS, Cindy has a servant's heart, seeking to improve the circumstances of everyone she comes in contact with through diligent, intelligent, and thoughtful effort. This has led to work on neighborhood initiatives and park improvements during her tenure, including a lead role in the successful Bentley Park Playscape initiative; and

WHEREAS, Cindy's passion for service led her to volunteer her time to City efforts long before her City Council tenure, in particular through her participation in the Blue Ribbon Committee. She continued her service in this vein through her terms on the Planning Commission, seeing the goals first articulated by the Blue Ribbon Commission take shape in the development of the City's first official Master Plan in over 50 years; and

WHEREAS, it is fitting that this record of dedicated community service devoted to the interests of the citizens of Owosso, and the greater Owosso community, be officially recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick, on behalf of my fellow Council members and the residents of Owosso, do hereby acknowledge Cindy S. Popovitch for her years of service to Owosso and thank her for contributing her time and energy to improving the community.

Cindy thanked citizens and her fellow council members and expressed appreciation for the City staff, specifically Adam Zettel, whom she said she will miss greatly. Mayor Pro-Tem Popovitch then introduced her children and stated they are the reason she is not seeking reelection at this time but plans to stay actively involved in other ways in the background.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 621 Wright Avenue, raised questions regarding the Vandekarr Road project stating the city owns the house now. He wanted to know who is living in the house and if they are paying rent. He went on to ask who is paying the utilities and who is taking care of the lawn.

Eddie Urban, 601 Glenwood, wanted to know what T.V.C. is and if it is like Charter or a different company? He asked if Charter would be gone if it is a different company. He stated he would like them to do advertising in the Independent paper which reaches out into Shiawassee County.

Phil Hathaway, 736 Elmwood, said he would like to add his name to thank the three outgoing council members personally and thank them for the civility they brought to the council. A lot of good morale came out of this city and Phil believes the three outgoing council members had a lot to do with that.

John Greenway, 115 Curwood Castle Drive, commended the outgoing council members and said he hopes to do as good a job if he is elected. He raised questions about the Public Safety Radio system and wanted to know why it took so long to pay the \$9,800.00 bill when Perry had long paid their bill.

Council comments:

Mayor Frederick addressed Mr. Greenway's concerns about the 911 policy stating legal research showed this was something the city would have to be involved with but there was a back and forth dialogue with the attorney with the County and with the city attorney and that took longer than Perry's process. Additionally, form changes were made as a result of the discussions, further adding to the timeline.

Councilperson Bailey addressed the outgoing council members to thank them for their hard work and diligence. She went on to complement Gary Burk for his work on the hazardous waste event, saying it was very successful with two semi loads of waste gathered. Gary and a few other volunteers worked in the rain that day to complete this job.

Councilperson Eveleth extended his personal thanks to the outgoing council members stating this was a remarkable period of stability. He said the Council had gone through four and a half years of working together without a single resignation, they worked through disagreements with professionalism and civility, and he appreciates the service they put forth.

Councilperson Fox stated he served with Cindy for 3 years on the Planning Commission. He has worked through difficulties on the committees but appreciates that everyone worked well together and were there to support the decision once made. He expressed appreciation for all members of council and their hard work for the city. He said he was interested in the SRI presentation and would like Council to make it a point between now and June 20th to give them all the support the SRI needs. He asked the Council to come up with programs because Owosso will have a great opportunity with a massive number of people visiting to put Owosso boldly on the map. He also thanked the SRI for their involvement in this process.

Mayor Frederick gave a verbal thank you to council members during his recent illness two weeks ago. He noted that Councilperson Bailey represented the City of Owosso during the jobs announcement with Midwest Bus in which Governor Snyder was present, Councilperson Eveleth filled in for him during his office hours, and Mayor Pro-Tem Popovitch chaired the Council meeting.

CITY MANAGER REPORT

City Manager Crawford noted the following in his Project Status Report: In response to the inquiry about the Vandekarr Road property he said he hopes no one is living in it. The seller had to replace the septic system because it did not work. Another reason they are asking to have this property annexed to the city was because when the property was purchased the idea was to develop a plan for the property within a year and administration is moving in that general direction. He said right now, the property is outside the city limits and any approvals must be through Caledonia Township and the City cannot take the action on its own. He went on to note that the Library boiler stopped working. The City worked rapidly to get temporary heat in the library. Staff worked hard to get requests for proposal out to contractors for bid. He said insurance will cover most of the costs associated with purchasing a new boiler. Three new copiers were purchased rather than leasing. Howard Street has water problems after it rains due many complicating factors including the State Highway Drainage System. A study is underway to determine what the drainage issue is and the best way to resolve it. Standardization of bid documents has been done as well as revision of memorandums.

Façade work is coming along well and will bring a great improvement to the downtown area. The auditors will be coming this week and should complete the ground work for the audit in about four weeks. The new street sweeper has arrived and the DPW is currently working to get minor bugs out. One hundred trees have been planted in various locations throughout the city with special emphasis in Green Meadows Park (Harmon Patridge) and Bentley Park to replace trees. A new museum director has been employed for the Historical Commission, and an assessment of the wastewater treatment plan will take place between now and the end of December.

Council Comments:

Councilperson Fox asked who was hired for museum director position. City Manager Crawford replied Mitchell Speers, a former docent at the Castle had been hired for the position.

Mayor Pro-Tem Popovitch apologized for being late, saying the battery in her van had died.

CONSENT AGENDA

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

Glow Parade & 5k Run Permission. Consider granting the request from Owosso Main Street for the closing of the following streets at the listed times on Saturday, November 29, 2013 for the Glow Parade and 5K Run, waiving the insurance requirement, and authorizing Traffic Control Order No. 1303 formalizing the action:

Exchange Street from Water to Dewey	5:30 p.m. – 7:00 p.m.
Oliver Street from Washington to Dewey	6:30 p.m. – 7:30 p.m.
Washington Street from Oliver to Comstock	6:30 p.m. – 7:30 p.m.

Professional Services Agreement – Employee Benefit Management Consulting Services. Authorize professional services agreement with Gallagher Benefit Services, Inc. for employee benefit management consulting services in an amount not to exceed \$50,000.00 per year.

RESOLUTION NO. 121-2013

**RESOLUTION AUTHORIZING AN AGREEMENT WITH
GALLAGHER BENEFIT SERVICES, INC.
FOR EMPLOYEE BENEFIT MANAGEMENT CONSULTING SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, provides employees with employee benefits including medical, dental, eye, short-term disability, long-term disability and life insurance; and

WHEREAS, the City of Owosso sought and received proposals for employee benefit consulting services; reviewed and analyzed the proposals and has determined that Gallagher Benefit Services, Inc. is qualified to provide such employee benefit consulting services; and

WHEREAS, this is a budgeted item from various funds and accounts within those funds;

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 obtain employee benefit consulting services including medical, dental, eye, short-term disability, long-term disability and life insurance for an annual cost to the City of Owosso of \$50,000.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Gallagher Benefits Services, Inc. up to the amount of \$50,000 a year.

THIRD: The above expenses shall be paid from various funds and accounts.

Bid Award – New Police Vehicles. Waive competitive bidding requirements and authorize a contract with Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso for the purchase of two 2014 Ford Interceptor police sedans in the amount of \$53,806.00.

RESOLUTION NO. 122-2013

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
PURCHASE OF POLICE VEHICLES WITH SIGNATURE AUTO GROUP OF
OWOSSO**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a police department requiring the use of police vehicles; and

WHEREAS, the City of Owosso desires to purchase two new police vehicles and a bid was received from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso, holder of the contract for police vehicles with Macomb County; and it is hereby determined that Signature Auto Group of Owosso is qualified to provide such vehicles and that it has submitted the responsible and responsive bid; and

WHEREAS, the City of Owosso may waive competitive bidding requirements when purchasing equipment in coordination with another municipality.

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 purchase two 2014 Ford Interceptor Police Vehicles from Signature Auto Group of Owosso, utilizing the Macomb County contract, for a cost to the City of Owosso of \$53,806.00
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Signature Auto Group, Inc. in the amount of \$53,806.00.
- THIRD: Authorize payment to Signature Auto Group in the amount of \$53,806.00 upon delivery of the police vehicles.
- FOURTH: The above expenses shall be paid from the Police Division Capital Outlay fund 101-300-978.000.

Grant Amendment – Downtown Façade Program. Approve amendment to the grant contract with the State of Michigan for the downtown Façade Program increasing the amount the City is responsible for by \$1,581.00 due to changes in the financial status of the project, including the pull out of one of the participants in the program.

RESOLUTION NO. 123-2013

A RESOLUTION TO APPROVE A CHANGE ORDER 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 is essential to the community's future so that they can sustain modern economic and residential functions in the new economy; and

WHEREAS, six properties have been selected by state and local processes for inclusion in an application 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. (The city holds title to half of the northern wall)
112 W. Exchange St.
117-119 N. Washington St.
207 N. Washington St.

WHEREAS, bids have been received for the entire project and an award was made to First Contracting Inc.; and

WHEREAS, the owner of 207 N. Washington Street dropped out of the program and the MEDC amended the budget for all projects accordingly; and

WHEREAS, the original total project cost of the project was projected to be \$360,500, with \$270,375 from the MEDC, \$83,853 from private property owners, and \$6,397 from the City of Owosso; and

WHEREAS, the amended total project cost of the project is \$340,945, with \$249,000 supplied by the MEDC, \$84,261 from private property owners, and \$7,578 to be provided by the City of Owosso (towards 112 S. Washington party wall); and

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 allocate funding to the project in the amount of

\$7,578, plus an additional \$400 to cover incidentals related to document registration, inspections, and miscellaneous professional services related directly to the façade program and the city portion of 112 S. Washington Street, such funds to be paid out of the city's CDBG fund.

SECOND: The same council hereby authorizes staff to continue to administer the projects to completion and permits city staff to make such payments and payment requests as necessary to satisfy the contractor, property owners, professional service providers, and the State of Michigan in accordance with the approved grant agreement and applicable contracts.

Change Order No. 1 – 2013 Sidewalk Replacement Program. Approve Change Order No. 1-Final adding to the 2013 Sidewalk Replacement Program contract with Seifert Masonary, Inc. for the removal and replacement of additional sections of bad sidewalk not included in the original proposal, in the amount of \$7,163.11.

RESOLUTION NO. 124-2013

**AUTHORIZING CHANGE ORDER #1-FINAL
TO THE CONTRACT WITH
SEIFERT MASONARY, INC.
FOR THE 2013 SIDEWALK REPLACEMENT PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Seifert Masonary, Inc. on August 5, 2013 for the 2013 Sidewalk Replacement Program; and

WHEREAS, additional sections of deteriorated sidewalk were discovered after approval of the original contract and additional labor and materials were required to repair these sections of sidewalk, and to correct a hazardous low spot in sidewalk at the Shellmart on Main 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 Seifert Masonary, 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 B, Amendment to the Contract for services between the City of Owosso and Seifert Masonary, Inc. adding \$7,163.11 to the contract.

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

Progress Payment – 2013 Sidewalk Replacement Program. Authorize Progress Payment No. 3 – Final to Seifert Masonary, Inc. for work completed on the 2013 Sidewalk Replacement Program, as amended by Change Order No. 1, in the amount of \$8,638.38 (this amount includes a \$500 retainer which will be paid in the spring pending determination by City staff that no further lawn restoration is necessary).

RESOLUTION NO. 125-2013

**AUTHORIZING PAYMENT
TO SEIFERT MASONARY, INC.
FOR WORK COMPLETED ON THE
2013 SIDEWALK REPLACEMENT PROGRAM
AS AMENDED BY CHANGE ORDER #1-FINAL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Seifert Masonary, Inc. on August 5, 2013 for the 2013 Sidewalk Replacement Program; and

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

WHEREAS, the City project manager recommends Pay Estimate #3-Final in the amount of \$8,138.38 for work completed through October 15, 2013, with said unit quantities and amounts agreed to by Seifert Masonary, 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 Seifert Masonary, Inc. for work completed on the 2013 Sidewalk Replacement Program as amended by Change Order #1-Final.

SECOND: The Accounts Payable Department is authorized to submit payment to Seifert Masonary, Inc. in the amount of \$8,638.38 as detailed on attached Payment Estimate #3-Final.

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

Warrant No. 472. Authorize Warrant No. 472 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance 2 nd installment FY 2013-2014	General	\$26,698.00
Key Government Finance Inc.	Annual phone system payment 2 nd installment	General	\$26,248.57
Owosso Charter Township	Owosso Charter Township Water Sales Payment – Revised July 1, 2013 – September 30, 2013	Water	\$9,726.51

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

CABLE FRANCHISE AGREEMENT – T.V.C., INCORPORATED

Consider a Uniform Cable Franchise Agreement with T.V.C., Incorporated d/b/a T.V.C. Cable with a 3% franchise fee and a 0% PEG fee for a period of 10 years to provide cable service throughout the City limits.

City Manager Crawford explained this is the Lennon Telephone Company who has formed a new company and will be using the Daystar lines. He said citizens should not get too excited though because they will not be able to serve everyone in town because of where Daystar has current lines they will be able to connect people along those lines; however, they only cover a small area. This agreement uses the standardized Uniform Cable Franchise as the state law establishes what we have. The City already has one with Charter and this one has to basically be identical to the one Charter has.

Council Discussion:

Councilperson Fox stated that according to the Argus Press, T.V.C. will be using the fiber cable, which covers a pretty large area of the city according to the Argus. He asked if T.V.C. be more competitive against Frontier and Charter? City Manager Crawford stated he could not really answer that question but assumes that T.V.C. is in the business of making money.

Motion by Councilperson Eveleth to approve the Cable Franchise Agreement with T.V.C., Incorporated.

RESOLUTION NO. 126-2013

ESTABLISHMENT OF UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT WITH T.V.C., INCORPORATED

WHEREAS, Public Act 480 of 2006 (the "Act") requires video service providers to obtain a franchise from a municipality by means of a Uniform Video Service Local Franchise Agreement ("Uniform Franchise"); and

WHEREAS, on October 21, 2013, the clerk of the City of Owosso received a proposed Uniform Video Service Local Franchise Agreement ("Agreement") from T.V.C., Incorporated; and

WHEREAS, the City of Owosso Council required as a part of its existing franchise agreement with Charter Communications that the provision of two public, educational, and governmental channels currently provided would continue to be provided at no cost to the City of Owosso; and

WHEREAS, the same requirement will be asked of T.V.C., Incorporated; and

WHEREAS, the Owosso City Council wishes to establish video service provider franchise fees and to designate the city officials to sign the Agreement.

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

- FIRST: that a fee of 3% (three percent) of gross revenues from the video service provider is hereby established as the annual video service provider franchise fee.
- SECOND: that a fee of 0% (zero percent) of the gross revenues from the video service provider is hereby established as the fee to support public educational and governmental channels.
- THIRD that the video service provider shall provide not less than two public, educational and governmental channels at no charge to the City of Owosso.
- FOURTH: the mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Uniform Video Service Local Franchise Agreement with T.V.C., Incorporated.
- FIFTH: that this Resolution and the execution of the Agreement in no way shall be considered a waiver of any rights the City of Owosso may have under the United States Constitution, federal law, the Michigan Constitution, Michigan law, the Act and particularly if the Act is amended or is found unlawful in whole or in part.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ANNEXATION – 1155 VANDEKARR ROAD

Consider approval of a resolution authorizing the annexation of the property located at 1155 Vandekarr Road, Owosso, Michigan.

City Manager Crawford said this process is necessary so that the property is under city control for several reasons: 1) so that the process happens now before anyone resides on the property; 2) so the City can retain the planning aspects of the property; 3) additional square footage within the City would increase eligibility for grants.

Council Discussion:

Councilperson Erfourth asked if there are any restrictions if we annex this property such as selling it? City Attorney Brown stated there are no restrictions other than that under the City Charter.

Councilperson Fox asked how long will it be after this is annexed before there will be a proposal brought to Council of possible uses of this property. City Manager Crawford shared there has been a lot of work done on the property to date, especially when dealing with the eastern part of the property which adjoins the industrial park. Working with the SEDP there have been various concept being looked at there and he hopes to have recommendations brought forth to Council within the next few months. Problems involve the drainage system that was not developed correctly that need to be dealt with first as well as access issues. City staff are working on it and we will see proposals come forward.

Councilperson Erfourth asked for clarification of access issues and if they are related to an easement or other legal instrument. City Manager Crawford stated he does not believe there are any real access issues as far as being able to get there because the city adjoins the property. The problem is with the terrain.

Motion by Councilperson Cook to annex the property known as 1155 Vandekarr Road.

RESOLUTION NO.127- 2013

**A RESOLUTION TO ANNEX CERTAIN REAL PROPERTY
COMMONLY KNOWN AS 1155 VANDEKARR ROAD**

WHEREAS, the City of Owosso owns the real property located at 1155 Vandekarr Road, Owosso, Michigan and described below; and

WHEREAS, the real property described below is vacant, by virtue of the buildings being vacated upon acquisition and not put to use, and is without any one residing thereon; and

WHEREAS, the real property described below is adjacent to the City of Owosso.

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

FIRST: The annexation of the following described property is hereby approved: *A parcel of land in Section 30, Township 7 North, Range 3 East, described as commencing 29 rods 1 foot 1 inch South of Northwest corner, East 150 rods, South 48 rods 1 inch, West 150 rods North to beginning, Except North 10 feet and Except commencing 77 rods 1 foot 2 inches South of Northwest corner of section, East to center of Ang Rd, Northwesterly to West section line South to beginning and Except commencing 489.58 feet South of Northwest corner of section, South 94.20 feet, South 36 degrees 55 minutes East, 339.8 feet, North 53 degrees 5 minutes East, 625.8 feet; South 89 degrees 10 minutes West, 705.4 feet to beginning, Caledonia Township, Shiawassee County, Michigan.*

EXCEPT lands conveyed to Shiawassee County Road Commission for highway purposes.

SECOND: This annexation shall be effective immediately.

THIRD: The city clerk shall file certified copies of this resolution with the State Boundary Commission, the Shiawassee County Clerk, the Michigan Secretary of State and a courtesy copy to Caledonia Charter Township.

Motion Supported by Mayor Pro-tem Popovitch.

Roll Call Vote.

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

NAYS: None.

911 PUBLIC SAFETY RADIO SYSTEM AND COST PARTICIPATION POLICY

Consider approval of the 911 Public Safety Radio System and Cost Participation Policy and further approve payment of \$9,800.00 to Shiawassee County Central Dispatch per the terms of the policy.

Councilperson Erfourth asked about City representation on the board and if the City has actual representation or if it is just de facto. Mayor Frederick stated the board structure remains the same so there is City representation from somewhere in the county. Councilperson Erfourth reiterated he is still not comfortable with that aspect of the agreement. Councilperson Bailey asked what would happen if we say no. Mayor Frederick stated the radios would go away and that it has been vetted by our legal team exhaustively. Councilperson Fox stated he is not comfortable with the lack of representation but would not let that stand in the way right now, but is something we could handle later on and also feels that as the largest city we should have a little more input on the 911 than what we have.

Motion by Councilperson Eveleth for approval of the policy participation and payment.

RESOLUTION NO. 128-2013

RESOLUTION AUTHORIZING THE APPROVAL OF SHIAWASSEE COUNTY 911 PUBLIC SAFETY RADIO SYSTEM AND COST PARTICIPATION POLICY

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Safety Department uses the Shiawassee County Public Safety Radio System; and

WHEREAS, the City of Owosso Public Safety Department received a 911 Cost Participation Policy from Shiawassee County Central Dispatch in June 2013; and

WHEREAS, the City of Owosso and Shiawassee County have agreed to an addendum to the original policy.

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 agreed to sign the 911 Cost Participation Policy and the addendum to the policy.

SECOND: The Mayor and city clerk are instructed and authorized to sign the documents substantially in the forms attached.

THIRD: Authorize payment to Shiawassee County Central Dispatch in the amount of \$9,800.00 for fiscal year 2013-2014 per the terms of the agreement.

FOURTH: The above expenses shall be paid from 101-300-818.000.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: Councilpersons Erfourth and Bailey.

GENERAL FUND BUDGET AMENDMENT

Consider resolution amending the 2013-2014 budget incorporating adjustments made since its adoption in May 2013.

City Manager Crawford shared six or seven items the budget amendment covers and why they are necessary. 1) Bentley Park, the project wasn't completed in the last fiscal year so there is a carry-over of items. We need to show the revenues coming in and the expenditure going out. Some of that is deferred donations that came in after the budget was prepared. 2) Public safety – the school district has a grant for the school liaison officers so that shows income coming and expenditures under contractual services. 3) Public safety – microphone fees for 911 we just spoke about which show money going out. 4) Money going out for retirement contributions will be different. 5) Library boiler replacement. 6) Purchase of copiers. 7) City is a member of Michigan Municipal Risk Management Authority and the city received a \$108,725.00 rebate.

Council Discussion:

Councilperson Erfourth asked about the Bentley Park project and the splash pad if there are still some fees that need to be paid to the county and/or state; do we know if those have all been paid at this time? City Manager Crawford stated he did not think they had been paid. Councilperson Erfourth asked if there is any way we can use the surplus to pay for these at this point. Assistant City Manager Zettel stated Mr. Sedlak intends to take that out of general operating budget in the spring when those inspections will occur. City Manager Crawford asked if that is simply for the DEQ inspections. Assistant City Manager Zettel stated yes, the county fee is nominal and the state fee is over \$600.00.

Councilperson Cook made a comment to existing and future council members to please continue to pay attention to pension payments because they are challenging and will continue to be but the basic reality of it is that with the declining number of employees contributing to that plan and an increasing number of retirees means that it will continue to be a financial challenge to the City. He noted that he knows the Mayor will be quick to provide replacements to that board but it can be complex and needs Council attention in the future rather than just deferring to staff.

Motion by Councilperson Fox to approve the general fund budget amendment.

RESOLUTION 129-2013

RESOLUTION AMENDING 2013-14 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 May 20, 2013 a budget for the fiscal year beginning on July 1, 2013; and

WHEREAS, the operating budget for fiscal year 2013-14 was adopted at the fund level, authorizing administrators managerial control of line items at department level by budget classification; and

WHEREAS, there have been seven material events affecting line items since the time of adoption which are memorialized in the document attached, highlighted by line item and detailed as follows:

Parks (756) – the Bentley Park project was delayed to this fiscal year with a budget of \$104,450 and offsetting revenues of \$29,450 in grant funds, \$12,250 in deferred donations and the balance from operating revenues

Public Safety (300) - school liaison officers' contract with Owosso Public Schools to provide two officers has neutral impact with increased revenues offsetting increased contractual service expenditures of \$46,200, except for additional costs to equip the officers

Public Safety (300/335) - microphone fees are an additional expenditure of \$9,800 payable to Shiawassee County with Council passage of the related agreement

Various Departments – employer retirement contributions adjusted based on subsequent actions taken by the Employees Retirement Board

Building and Grounds (265) – an additional expenditure estimated at \$30,000 for unexpected failure of steam boiler plant at the Library Information Technology (258) – increase of \$11,200 for purchase of copiers rather than lease

Revenues (000) – dividend distribution of \$108,725 from self-insured property and liability pool (Michigan Municipal Risk Management Authority)

WHEREAS, the collective effect of the events impacts the General Fund budget at the fund level;

NOW THEREFORE, BE IT RESOLVED, that the City Council has received the 2013-14 amended budget document attached hereto and made part hereof reflecting a balanced budget in total of \$6,721,250 and authorizes the City Clerk to include in the official minutes.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

DOG & CAT ORDINANCE (Removed from the agenda.)

2013 SHIAWASSEE DISTRICT LIBRARY STEAM BOILER REPLACEMENT (Added to the agenda.)

At this time, administration recommends the city should award the contract to the lowest bidder, Wm. Floyd Heating, Cooling and Plumbing for no more than \$24,455.00.

City Manager Crawford said the boiler problem caused staff to rush to get this out for bid. Maintenance contractors told us they would do it for \$31,000.00 as an emergency item to which he said no. A temporary heating system has been placed in the library to give the City more time. City Manager Crawford recommended accepting the low bid from Wm. Floyd Heating Co. for \$24,455.00.

Council Discussion:

Mayor Pro-Tem Popovitch asked what the life expectancy of a boiler is. City Manager Crawford stated this is a steam boiler and can normally expect about 30 years. Mayor Pro-Tem Popovitch asked how long we got out of the last one. City Manager Crawford replied 10 years. Mayor Pro-Tem Popovitch asked if there is a warranty. City Manager Crawford replied that is another issue to be addressed.

Councilperson Erfourth wanted to know if any local contractor bid on this. City Manager Crawford stated no and that the City received information from Maurer who said he could not do it. Several bids from contractors outside the City were received. Wm. Floyd Heating Co. is out of Grand Blanc. Johnson Controls is out of Saginaw, and Johnson & Wood is out of Burton.

Councilperson Fox asked if we received anything from McLaren or from Lamphere. City Manager Crawford replied no, it was his thought that part of the lack of local bidders is that steam boilers require a special license they may not have.

Mayor Pro-Tem Popovitch stated it may be obvious but is a steam boiler our only option because of the current system, are there any other options? City Manager Crawford answered we looked at alternatives in the form of a hot water boiler system and the bid we got for that was over \$200,000.00. The other option is converting to a forced air system like City Hall has but would take 8-10 months to accomplish and it would be just as expensive.

Motion by Councilperson Eveleth to approve the purchase of the library boiler.

RESOLUTION 130-2013

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF A NEW STEAM BOILER FOR THE SHIAWASSEE DISTRICT LIBRARY

WHEREAS, the Shiawassee District Public Library, owned by the City of Owosso and is responsible for all maintenance costs over \$1,000.00, has determined the library is in need of a new steam boiler for heating; and

WHEREAS, the City of Owosso received the bid from Wm. Floyd Heating, Cooling and Plumbing; and it is hereby determined that Wm. Floyd Heating, Cooling and Plumbing is qualified to provide such equipment and that it has submitted the 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 theretofore determined that it is advisable, necessary and in the public interest to replace the existing boiler unit at the Shiawassee District Library from Wm. Floyd Heating, Cooling and Plumbing for a cost to the City of Owosso of \$24,455.00
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Wm. Floyd Heating, Cooling and Plumbing up to the amount of \$24,455.00.
- THIRD: The above expenses shall be paid from the Building and Grounds Fund, Account 101-265-978.000.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Richard C. Williams, Finance Director. Cash and Investment Report – 1st Q Fiscal 2014
Richard C. Williams, Finance Director. Revenue & Expenditure Report – September 2013.

CITIZEN COMMENTS AND QUESTIONS

Kevin Brown, 205 East Oliver, expressed thanks to outgoing councilpersons for their service.

Greg Remington, business rep for IBEW Local 948, said he is a Shiawassee County resident and feels as if Owosso is his second home. He announced a Labor Night scheduled at the Comstock Inn on December 11th to hear a labor speaker at 7:00 p.m. He also noted a Senate bill hearing will happen tomorrow morning regarding Senate bill 358 to eliminate licensing and manufacturing facilities and we have a lot of those in Owosso. He left a flyer about the upcoming Labor Night for anyone interested in attending.

Eddie Urban, 601 Glenwood Avenue, talked about a good program from the DNR at the Conservation Club saying three spokesmen came. He shared what happened at during the program and said he hopes they get better coverage next year. He said he also hopes outgoing Council members will keep coming back and stay involved.

Mike Cline, 621 Wright Avenue, asked for clarification from the discussion about the 911 policy and asked who is representing the City of Owosso within the county? Mayor Frederick replied the city has representation collectively and that person is Mayor Deb Doyle of Durand.

Council Discussion:

Councilperson Cook shared he appreciates the personal recognition that the Mayor and citizens have given. He gave his thanks to Mayor Frederick for his leadership to both manage meetings and promote an atmosphere of civility.

Mayor Pro-Tem Popovitch feels it will not be hard to fill her shoes as Mayor Pro-Tem but it will be hard to fill the Mayor's shoes. She also noted that if she were mayor for a day she would deputize Eddie Urban into the Council as backfill because he has been to more meetings than most people. She said she appreciates longtime City Council attendees for their support through thick and thin.

Mayor Frederick shared that a team is only as effective as the team members who comprise the team. He said he believes this has been a good season for the City over the last four years. He thanked Mike for his work and getting to know him, and paint with him on projects. He thanked Tom for working with him and his positive impact on the City. And he thanked Cindy for her heart and friendship, persistence and hard work.

Councilperson Fox said he does not like to see any Council members leave but especially Mike. Mike is leaving for an outstanding trait...because his wife is working on her doctorate degree...she gave him four years so he feels he needs to reciprocate it back.

NEXT MEETING

Correction for next meeting which is an Organizational – Tuesday, November 12, 2013, 7:30 p.m.
Regular - Monday, November 18, 2013, 7:30 p.m.

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 8:53 p.m.

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

Benjamin R. Frederick, Mayor

Susan Montenegro, Recording Secretary