

OWOSSO CITY COUNCIL

NOVEMBER 18, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

A moment of silence was held in memory of Matthew Guetschow, son of former City Manager Gregg Guetschow, on the occasion of his passing.

OPENING PRAYER: REVEREND WESLEY COFFEY
OWOSSO WESLEYAN CHURCH

PLEDGE OF ALLEGIANCE: MARSHA LADD
FORMER PARKS & RECREATION COMMISSION CHAIR

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, John V. Greenway, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the addition of Item of Business 3. Animal Control Ordinance.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 4, 2013

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of November 4, 2013 as presented.

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

APPROVAL OF THE MINUTES OF ORGANIZATIONAL MEETING OF NOVEMBER 12, 2013

Motion by Councilperson Bailey to approve the Minutes of the Organizational Meeting of November 12, 2013 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

SAFE CENTER PRESENTATION

(This presentation was postponed to a later date by request of the presenter.)

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Marsha Ladd, 735 Lingle Avenue, said she wanted to explain to Council why she and her husband felt they could not vote for the street bond, saying she felt it was too ambitious to include sidewalks and trails, the pay-back period was too long, and she wanted to see more streets in her neighborhood targeted for repair. She said that if the Council were to propose another bond that did not include sidewalks and trails and included more streets in her neighborhood she would consider voting for it.

Tom Manke, business owner at 118 South Washington Street, said he had posted Neil White's comments from the last meeting on his Facebook page and 100% of those that commented on his post were opposed to the City's new regulations on new construction. He asked Council to repeal the regulations.

Councilperson Bailey thanked all the volunteers and organizers that came together to decorate the downtown for the Glow, saying it was not only productive but fun.

Mayor Frederick sought clarification on the design standards asking if the color of paint was actually dictated by the ordinance (it was indicated it was not) and he asked if the newly adopted rules regarding shrubs were a restatement of the previous regulations (it was indicated that they were a restatement of what was already on the books). He said he would encourage debate on the issue but felt that first steps should be taken to clear up any misconceptions about the newly adopted standards.

Councilperson Fox said he had feared the inclusion of trails in the street bond question would cause its demise. He said Council needed to examine what to do going forward now that the bond has been defeated at the polls. He suggested possibly refining the question and putting it in front of voters again in 2014.

Councilperson Teich sought some clarification on the hedge issue asking what had prompted the examination of the ordinance in the first place. Mayor Frederick indicated that a review of the Zoning Ordinance was undertaken as a part of the implementation of the Master Plan and the revisions stemmed from that review.

Mayor Pro-Tem Eveleth clarified the ordinance amendment process for the new Council members saying that the language on hedges was repealed and reinstated as a part of a larger overall amendment to the pertinent section of the Code. He went on to say that the intent of the ordinance was only to regulate those hedges that caused an issue with traffic visibility.

CITY MANAGER REPORT

City Manager Crawford indicated that MDOT had recently completed a study of the traffic signal at the corner of Gould Street and Main Street and had concluded that a left-turn arrow was not necessary for those traveling north and south on Gould Street, but that a change to the timing of the light was warranted. Since then the timing has been adjusted and traffic seems to be moving smoothly through the intersection.

Councilperson Fox said he had received a couple of phone calls from folks concerned that the intersection of Gould Street and Main Street had become dangerous with the recent power outage. He wanted to know if the City had the authority to place temporary stop signs on a State highway in such an event. DPW Director Mark Sedlak indicated that MDOT strongly discouraged the practice of placing temporary stop signs because when the power is restored to the light drivers are unsure which traffic signal to follow leading to accidents and potential liability issues. He said he would consider placing temporary signs at an intersection when it is anticipated power will be out for a number of days.

CONSENT AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the Consent Agenda as follows:

Conduct First Reading and Set Public Hearing – Begging Ordinance. Conduct First Reading and Set a Public Hearing for Monday, December 2, 2013 to gather citizen comment on the proposed repeal of Chapter 19, Offenses, Article I, Section 19-3, *Begging*, of the Code of Ordinances of the City of Owosso to comply with the recent U.S. Court of Appeals ruling declaring begging a form of speech protected by the First Amendment as follows:

RESOLUTION NO. 131-2013

TO CONDUCT THE FIRST READING AND SET A PUBLIC HEARING FOR AN ORDINANCE TO REPEAL OWOSSO CITY CODE SECTION 19-3 BEGGING

WHEREAS, the City of Owosso has an ordinance on its books prohibiting begging; and

WHEREAS, a recent ruling by the United States Court of Appeals has ruled that begging is a form of free speech protected by the First Amendment; and

WHEREAS, in light of this ruling, the City has an obligation to repeal the local ordinance.

NOW, THEREFORE BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 19, Offenses, Article I, Section 19-3, *Begging*, of the Code of the City of Owosso be amended as follows:

SECTION 1. REPEAL. That Section 19-3 of the Owosso City Code pertaining to begging is repealed.

~~Sec. 19-3. Begging.~~

~~It shall be unlawful for any person to beg in any public place.~~

SECTION 2. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

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

SECTION 4. PUBLIC HEARING. A public hearing is set for Monday, December 2, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

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

Name	Board/Commission	Term Expires
Amber Fuller*	Board of Review	12-31-2018
Sally Sue Gale*	Board of Review	12-31-2018
David Bandkau	Planning Commission (Council representative)	11-13-2017
Sue Ludington	Historical Commission (effective 01-01-2013)	12-31-2016

* indicates a reappointment

Service Agreement – BidNet. Authorize service agreement with International Data Base Corp., d/b/a Interactive Procurement Technologies by BidNet for web-based solicitation and bidding services with an initial term of 36 months as follows:

RESOLUTION NO. 132-2013

**AUTHORIZING A SERVICE AGREEMENT WITH
INTERNATIONAL DATA BASE CORP.,
D/B/A INTERACTIVE PROCUREMENT TECHNOLOGIES BY BIDNET
FOR WEB-BASED SOLICITATION AND BIDDING SERVICES**

WHEREAS, International Data Base Corporation, doing business internationally under the registered name of BidNet, has developed a web based solicitation and bidding system that provides a portal for buyers and suppliers to conduct business on-line, and

WHEREAS, nine local units of government organized to form the Michigan Inter-Governmental Trade Network (MITN) and adopted the proprietary software developed by BidNet to facilitate an electronic marketplace for local governments and suppliers, and

WHEREAS, MITN has been in existence long enough to demonstrate sustainability and market recognition and currently has 121 local government members in Michigan, and

WHEREAS, increasingly suppliers to Michigan local governments are subscribing to MITN and participating in on-line bid solicitations, offering a more efficient and competitive market, and

WHEREAS, there are no annual fees for the City to become a member of the Michigan Inter-Governmental Trade Network except a five percent commission if the City sells surplus equipment, and

WHEREAS, participation in MITN will serve to supplement existing direct mail bid solicitations, local newspaper advertising, and posting on the City's website for merchants not currently involved in electronic commerce.

NOW THEREFORE BE IT RESOLVED:

- FIRST: the City of Owosso is hereby authorized to become a member of the Michigan Inter-Governmental Trade Network under the terms of the agreement attached.
- SECOND: the City is authorized to reimburse BidNet approximately ninety-five dollars for a direct mailing to every vendor on our existing bid list.
- THIRD: the City is authorized to pay a five percent commission upon the successful sale and payment for surplus equipment.
- FOURTH: the City is authorized to promote and encourage participation in MITN with our current vendors.

Bid Award – Ambulance Supplies. Waive competitive bidding requirements and authorize contract with the holder of the State contract for ambulance supplies, J&B Medical Supply Co., Inc. for the 2013-14 fiscal year in an amount not to exceed \$15,000.00 as follows:

RESOLUTION NO. 133-2013

**RESOLUTION WAIVING THE COMPETITIVE BID PROCESS AND
AUTHORIZING CONTRACT WITH J & B MEDICAL SUPPLY CO., INC. AND
FURTHER AUTHORIZING PAYMENT FOR AMBULANCE SUPPLIES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has an ambulance service that requires the purchase of ambulance supplies; and

WHEREAS, J & B Medical Supply Co., Inc. has the State of Michigan contract for ambulance supplies; and

WHEREAS, the Code of Ordinances provides an exception to competitive bidding requirements when doing so will benefit the city.

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

- FIRST: The competitive bidding requirements are hereby waived as prescribed in the City of Owosso Code of Ordinances Section 2-345 (3).
- SECOND: The City of Owosso is authorized to enter into a contract with J & B Medical Supply Co., Inc. for an amount not to exceed \$15,000.00 for ambulance supplies for the 2013-2014 fiscal year.
- THIRD: Payment to J & B Medical Supply Co., Inc. is hereby authorized in an amount not to exceed \$15,000.00 from account 101-335-728.100.
- FOURTH: The mayor and the 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 J & B Medical Supply Co., Inc.

Change Order No. 1 – Gould Street Bridge Engineering Services Contract. Authorize Change Order No. 1 to the contract with Fishbeck, Thompson, Carr & Huber, Inc. for engineering services for the repair of the Gould Street Bridge, increasing the contract in the amount of \$3,100.00 for additional repairs beyond the original contractual scope of services as follows:

RESOLUTION NO. 134-2013

**RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
WITH
FISHBECK, THOMPSON, CARR & HUBER, INC.
FOR
BRIDGE ENGINEERING SERVICES FOR GOULD STREET BRIDGE
OVER SHIAWASSEE RIVER**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fishbeck, Thompson, Carr & Huber, Inc. on August 5, 2013 for Bridge Engineering Services for the Gould Street Bridge over the Shiawassee River; and

WHEREAS the consultant has analyzed the bridge and finds it necessary to perform additional work beyond the original contractual scope of services; 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 amend the contract with Fishbeck, Thompson, Carr & Huber, Inc. for a cost to the City of Owosso of \$3,100.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment #1 to the Contract between the City of Owosso, Michigan and Fishbeck, Thompson, Carr & Huber, Inc.
- THIRD: The above expenses shall be paid from the Major Street Construction Contractual Services Fund, account 202-451-818000.

Change Order No. 2 – 2013 Street Paving Program. Authorize Change Order No. 2 – Final to the contract with Michigan Paving and Materials Company decreasing the amount by \$8,025.06 to account for the use of less material than originally estimated as follows:

RESOLUTION NO. 135-2013

**AUTHORIZING CHANGE ORDER #2-FINAL
TO THE CONTRACT WITH
MICHIGAN PAVING AND MATERIALS COMPANY
FOR THE 2013 STREET PAVING PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract Michigan Paving and Materials Company on August 19, 2013 for the 2013 Street Paving Program; and

WHEREAS, less material was required for the sidewalk and driveway removal and replacement on Krust Drive from Dewey Street to North Street, the patch work on Stewart Street, and the mill and fill on Lafayette Boulevard.

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 Michigan Paving and Materials Company to decrease the materials on their contract.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached, Amendment to the Contract for services between the City of Owosso and Michigan Paving & Materials Company decreasing the total amount by \$8,025.06.

Progress Payment – 2013 Street Paving Program. Authorize Progress Payment No. 1 – Final to Michigan Paving and Materials Company for work completed on the 2013 Street Paving Program, as amended by Change Orders No. 1 & 2 in the amount of \$230,188.30 as follows:

RESOLUTION NO. 136-2013

**AUTHORIZING PAYMENT TO
MICHIGAN PAVING AND MATERIALS COMPANY
FOR WORK COMPLETED ON THE
2013 STREET PAVING PROGRAM
AS AMENDED BY CHANGE ORDERS #1 & #2-FINAL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into a unit price contract with Michigan Paving and Materials Company for the 2013 Street Paving Program; and

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

WHEREAS, the City project manager recommends Pay Estimate #1-Final in the amount of \$230,188.30 for work completed through November 1, 2013, with said unit quantities and amounts agreed to by Michigan Paving and Materials Company.

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 Michigan Paving and Materials Company for work completed on the 2013 Street Paving Program as amended by Change Orders #1 & #2-Final.
- SECOND: The accounts payable department is authorized to submit payment to Michigan Paving and Materials Company in the amount of \$230,188.30 as detailed on attached Payment Estimate #1-Final.
- THIRD: The above expenses shall be paid from the 2010 General Obligation Unlimited Tax Bonds.

Change Order No. 1 – 2013 Slurry Seal & Double Chip Seal Program. Authorize Change Order No. 1-Final to the contract with Highway Maintenance and Construction Company for the 2013 Slurry Seal & Double Chip Seal Program decreasing the contract amount by \$2,051.58 because less material was needed to complete the program than originally estimated as follows:

RESOLUTION NO. 137-2013

**RESOLUTION AUTHORIZING CHANGE ORDER #1-FINAL
TO THE CONTRACT WITH
HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY
FOR THE 2013 SLURRY SEAL & DOUBLE CHIP SEAL PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Highway Maintenance and Construction Company on August 19, 2013 for the 2013 Slurry Seal & Double Chip Seal Program; and

WHEREAS, Highway Maintenance and Construction Company has completed the program using less material than estimated in the original contract.

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 amend the contract with Highway Maintenance and Construction Company for work completed on the 2013 Slurry Seal & Double Chip Seal Program.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment to the Contract for services between the City of Owosso, Michigan and Highway Maintenance and Construction Company, decreasing the total amount of the original contract by \$2,051.58.

Progress Payment – 2013 Slurry Seal & Double Chip Seal Program. Authorize Progress Payment No. 1-Final to Highway Maintenance and Construction Company for work completed on the 2013 Slurry Seal & Double Chip Seal Program contract, as amended by Change Order No. 1-Final, in the amount of \$178,108.46 as follows:

RESOLUTION NO. 138-2013

**RESOLUTION AUTHORIZING PAYMENT TO
HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY
FOR WORK COMPLETED ON THE
2013 SLURRY SEAL & DOUBLE CHIP SEAL PROGRAM
AS AMENDED BY CHANGE ORDER #1-FINAL**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Highway Maintenance and Construction Company on August 19, 2013 for the 2013 Slurry Seal and Double Chip Seal Program; and

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

WHEREAS, the City project manager recommends Pay Estimate #1-Final in the amount of \$178,108.56 for work completed through October 15, 2013, with said units and quantities agreed to by Highway Maintenance and Construction Company.

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 pay Highway Maintenance and Construction Company for work completed on the 2013 Slurry Seal & Double Chip Seal Program, as amended by Change Order #1-Final.

SECOND: The Accounts Payable Department is authorized to submit payment to Highway Maintenance and Construction Company in the amount of \$178,108.56 as detailed on attached Pay Estimate #1-Final.

THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Funds (Account numbers: 202-463-818000 & 203-463-818000).

Warrant No. 473. Authorize Warrant No. 473 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc	Network engineering support- October 2013	General	\$ 7,616.00
State of Michigan	Annual MDEQ fee for public water supplies	Water	\$ 5,358.66
McNaughton-McKay Electric Company	Emergency busway replacement at the Waste Water Treatment Plant	WWTP	\$24,000.00
Halligan Electric, Inc.	Emergency installation of an electrical busway at the Waste Water Treatment Plant	WWTP	\$ 6,840.00
Brown & Stewart, PC	Professional services- October 15, 2013 – November 18, 2013	General	\$ 9,929.50

*Check Register –October 2013. Affirm check disbursements totaling \$800,156.80 for the month of October 2013.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilperson Fox, Mayor Pro-Tem Eveleth, Councilpersons Bandkau, Greenway, Bailey, Teich, and Mayor Frederick.

NAYS: None.

* Due to its length, the Check Register is not included in the minutes. Full text of this item is on file in the Clerk's Office.

ITEMS OF BUSINESS

SAW GRANT APPLICATION – SANITARY SEWER COLLECTION SYSTEM

Utilities Director Gary M. Burk briefly detailed the grant applications saying that this was an opportunity to obtain grant money for things that the City will be required to do in the near future, potentially taking some pressure off of the sewer fund. He said the application process for this particular grant program was a little different in that Council would be approving the grant agreement prior to the award of any monies. And that one of the stipulations of the grant agreements is that a review of the financial health of the system must be conducted and if it is determined the system is not self-sustaining the City will be required to raise rates or pay back the grant funds.

Councilperson Fox inquired whether the potential grant funds would be able to help the City with its efforts to correct sanitary sewer overflows. Mr. Burk noted that the grant does have that potential in that all of the system will be televised and will help detect cross connections and footing drain connections. He also noted that should the City qualify as a Disadvantaged Community it could apply for up to \$500,000 in additional grant funds that could be used to help offset the costs of the overflow control project and the footing drain connection project.

Motion by Mayor Pro-Tem Eveleth to authorize application for a Stormwater, Asset Management, and Wastewater Grant through the Michigan Department of Environmental Quality for the development of an asset management program for the sanitary sewer collection system, accepting the terms of the grant should one be awarded, and further authorizing City Manager Donald Crawford as the City's authorized representative as follows:

RESOLUTION NO. 139-2013

RESOLUTION AUTHORIZING THE SAW GRANT AGREEMENT FOR THE SANITARY SEWER COLLECTION SYSTEM

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (select one or more) establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$1,201,348 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager, a position currently held by Donald D. Crawford, is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Bandkau, Fox, Teich, Greenway, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

SAW GRANT APPLICATION – MID-COUNTY WASTE WATER TREATMENT PLANT

It was noted a new resolution for the item had been distributed to correct an error in the amount of the request from \$230,020 to \$230,120.

Motion by Mayor Pro-Tem Eveleth to authorize application for a Stormwater, Asset Management, and Wastewater Grant through the Michigan Department of Environmental Quality for the development of an asset management program for the Mid-County Waste Water Treatment Plant, accepting the terms of the grant should one be awarded, and further authorizing City Manager Donald Crawford as the City's authorized representative as follows:

RESOLUTION NO. 140-2013

RESOLUTION AUTHORIZING THE SAW GRANT AGREEMENT FOR THE MID-COUNTY WASTE WATER TREATMENT PLANT

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (*select one or more*)
 establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$230,120 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager, a position currently held by Donald D. Crawford, is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Teich, Bandkau, Fox, Bailey, Greenway, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

ANIMAL CONTROL ORDINANCE (Added to the agenda.)

Councilperson Fox asked for an update on the issue saying he didn't want it to be forgotten. Mayor Frederick indicated that he and Councilperson Bailey had met with County Commissioners Horvath and Bartz about the issue and had found the meeting productive. He encouraged the City to be patient while the Commissioners discuss the issue, saying if the City pulled out of the County system now implementation of a separate system would be rushed and clunky. He said he had assurances from the Commissioners that they would take the City's issues back to the Commission for discussion and the City owed it to them to allow them the time to consider the issue.

Councilperson Fox said he was concerned because when he had recently mentioned the issue to the Commission Chairman he was not aware there was even a problem. He said there seemed to be a breakdown in communication and he didn't want the issue to fall through the cracks. He asked that the issue be placed on the agenda for the second meeting in December to allow for further refinement of the proposed ordinance should the County's reaction not be favorable.

COMMUNICATIONS

Gary M. Burk, Utilities Director. Emergency purchase report.
Charles P. Rau, Building Official. October 2013 Building Department Report.
Charles P. Rau, Building Official. October 2013 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. October 2013 Police Report.
Kevin D. Lenkart, Public Safety Director. October 2013 Fire Report.

Parks & Recreation Commission. Minutes of October 28, 2013.
Planning Commission. Minutes of October 28, 2013.
Brownfield Redevelopment Authority. Minutes of November 7, 2013.

Councilperson Fox inquired about the repeal of the begging ordinance asking why it wasn't repealed earlier when the ruling was handed down by the Court of Appeals. City Attorney Brown replied that it was a relatively obscure ordinance that had been on the books for a very long time and was one that he may have prosecuted only once in his time with the City.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, read aloud a short portion of the design standards ordinance. He said he felt the regulations were far too over-reaching and feels that the ordinance mandates that one's house must match your neighbor's house in color and building design. He asked again for Council to repeal the design standards. Councilperson Greenway inquired about the process for repealing the ordinance. It was noted the process was the same as that for adoption, the ordinance is proposed, a public hearing is held, and then Council has the opportunity to consider whether or not it becomes law.

Mayor Frederick said he had concerns about the ordinance but felt that it was more important at this point to make sure that everyone had a clear representation of the facts regarding the ordinance.

Councilperson Fox noted the ordinance had passed on a 4-3 vote and he felt a review of the ordinance was warranted and certainly wouldn't hurt.

Mayor Frederick asked that a staff presentation on the topic be scheduled so that everyone has a clear view of what actually is, and is not, in the ordinance. He further clarified that Neil White had implied during the November 12th meeting that he had come to the City with his house plans and was rejected and this was simply not true. He said Mr. White had assumed the City would reject his plans and so never even applied.

City Manager Crawford reminded Council that any changes to the Zoning Ordinance would need the recommendation of the Planning Commission as well.

Councilperson Bailey said that even those Council members that voted for the ordinance had some reservations. That being said she said the ordinance was intentionally written in a vague fashion to allow for a wide range of housing, noting that the variety was part of what makes Owosso charming.

NEXT MEETING

Monday, December 2, 2013

BOARDS AND COMMISSIONS OPENINGS

Planning Commission, term expires 06-30-2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:19 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk