

OWOSSO CITY COUNCIL

APRIL 7, 2014

7:30 P.M.

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** MAYOR BENJAMIN R. FREDERICK
- PLEDGE OF ALLEGIANCE:** DANIEL VARGAS
- PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons David B. Bandkau, Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.
- ABSENT:** Councilperson Loreen F. Bailey.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following changes:

- Remove Consent Item 8. New Front End Loaders – Contract Adjustment
- Remove Consent Item 9. Bid Award – Sale of Used Front End Loaders
- Add Item of Business 3. Open Burning Discussion

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 17, 2014

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of March 17, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

PARKINSON’S AWARENESS MONTH

Mayor Frederick delivered the following proclamation of the Mayor’s Office declaring April 2014 as Parkinson’s Awareness Month in the City of Owosso.

**A PROCLAMATION
OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING APRIL 2014 AS
PARKINSON’S AWARENESS MONTH IN THE CITY OF OWOSSO**

- WHEREAS, Parkinson’s disease is a chronic, progressive neurological disease that causes motor system disorders; and
- WHEREAS, Parkinson’s disease affects nearly 35,000 in the State of Michigan and its prevalence continues to rise significantly with increasing age of the Baby Boom generation; and
- WHEREAS, a local support group, the Owosso Parkinson’s Support Group, has been meeting for over twenty-three years in an effort to provide education, support and fellowship to those affected by this frustrating disease.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of April 2014 as Parkinson’s Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Owosso Parkinson’s Support Group and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 7th day of April, 2014.

Karen Prussner of the Owosso Parkinson’s Support Group was on hand to receive the proclamation and she presented the Mayor with a tulip plant, a symbol of Parkinson’s awareness, as a thank you for supporting their group.

50TH ANNIVERSARY OF OWOSSO CHARTER

Mayor Frederick delivered the following proclamation of the Mayor’s Office acknowledging the 50th anniversary of the adoption of the City Charter.

**A PROCLAMATION OF THE MAYOR’S OFFICE
OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING
THE 50TH ANNIVERSARY OF THE OWOSSO CITY CHARTER**

- WHEREAS,** the City of Owosso, Michigan was officially incorporated on February 15, 1859 with a population of approximately 1,000 residents; and
- WHEREAS,** since that time the City has experienced great change as ebbs and flows in the economy and the population necessitated revisions to its charter to accommodate the demand for public services; and
- WHEREAS,** on April 6, 1964, after a number of unsuccessful attempts and significant effort on the part of citizens, a new charter was adopted by the voters; and
- WHEREAS,** this new charter marked the City’s move to the Council-Manager form of government opening a new era in the life of the City; and
- WHEREAS,** the Council-Manager form of government has served the City well, having been amended several times in the ensuing 50 years, but remaining largely intact; and
- WHEREAS,** the current residents, civil servants, and public officials of the City of Owosso owe a debt of gratitude to the following nine Charter Commission members for their efforts in creating a governing document that is brief and clear, permits home rule yet limits governing powers when prudent, provides for a plan of government that is simple and logical, and embodies the flexibility necessary to weather the winds of change that inevitably come with the passage of time:

1963-64 Owosso City Charter Commission

- | | |
|--------------------------|----------------------------|
| Chairman William Himburg | Vice Chairman Gerald Hoddy |
| Eugene Lyons | James Miner |
| Dr. Leon Montague | Samuel Roth |
| Ralph Towne | R. Douglas Trezise |
| Joseph Woodbury | |

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, on behalf of the citizens of the City of Owosso, do take great pride in recognizing the 1963-1964 City Charter Commission and celebrating the document they created which still governs this city 50 years later.

Proclaimed this 7th Day of April, 2014.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 621 Wright Avenue, inquired when the DPW will be picking up brush left by winter storms and suggested leaving the DPW yard open during the week to allow citizens to drop off brush themselves. He also inquired if the Public Safety Department could patrol the area around the skate park more often, when the Gould Street bridge project would begin and end, and when the subject of rentals would be discussed by Council again. It was noted that the DPW is currently picking up brush and will continue to do so when they have the opportunity, but there is a significant amount of brush so people will need to be patient. The Mayor asked for extra police patrols around Bentley Park and the skate park in an effort to prevent further vandalism. Further, it was noted the Gould Street Bridge project is anticipated to get underway in the next 30 days and should be finished within 60 days. City Manager Crawford also noted that bids for the bridge work had come in significantly higher than anticipated and the City was currently working with MDOT to come to an agreement on how the cost of the project would be divided. Lastly, Mayor Frederick noted that rental registration was not on the agenda tonight because of the anticipated absence of Councilperson Bailey. The item is planned for discussion at the April 21st meeting.

Justin Horvath, CEO of the SEDP, pointed out the Council would be setting a public hearing to gather comment on the application of Alliance HNI for a new personal property tax exemption. He said they would be making a substantial investment in their company and the SEDP was excited about their expansion.

Daniel Vargas, 615 North Washington Street, inquired when Lynn Street would be repaved.

Anne Danek, 1108 North Water Street, brought back her concerns with the condition of the dog park, asking who was in charge of its care and volunteering herself to take the job on. She also expressed her concern with the lack of knowledge of cycling laws.

Hartman Ave, 305 Stoney Ridge Court, indicated he had spoken with the DPW and brush pick up was underway.

City Manager Crawford indicated Lynn Street is in bad shape but would probably not be reconstructed any time soon due to budget constraints.

Mayor Frederick encouraged Ms. Danek to contact the Parks & Recreation Commission to see if the current custodian of the dog park is still active.

Mayor Frederick went on to detail the recent Plunge for Parks saying the event was a success.

Mayor Pro-Tem Eveleth thanked everyone that participated in the river trail clean-up organized by the Kiwanis Club over the weekend.

Councilperson Fox expressed interest in establishing community gardens throughout the city. He also indicated he would like to see another street bond proposal placed on the ballot this year and that he shares Ms. Danek's concerns with bicyclists not knowing the rules of the road.

Mayor Frederick encouraged the community garden idea be presented to the Parks & Recreation Commission and indicated he too would like another discussion of a street bond proposal.

CITY MANAGER REPORT

City Manager Crawford briefly detailed the Project Status Report.

City Manager Crawford went on to briefly highlight the 2014-2015 Proposed Budget saying it was balanced without any tax increases though they accomplished this through severe program and project cuts. He said the City continues to kick major expenditures down the road in an effort to remain within budget constraints but this could not continue forever. He noted that in his 46 years as a City Manager he had never before worked on such a difficult budget.

Mayor Frederick noted his hope that the State Legislature would increase the EVIP and make cities whole with the anticipated loss of Personal Property Tax revenues. He also asked that Council members examine their calendars for potential budget discussion dates.

CONSENT AGENDA

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

Set Public Hearing – New Personal Property Tax Abatement. Set a Public Hearing for Monday, April 21, 2014 to receive citizen comment regarding the application of Alliance HNI, LLC, 525 South Gould Street, for a New Personal Property Tax Exemption as follows:

RESOLUTION NO. 34-2014

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR A NEW PERSONAL PROPERTY EXEMPTION CERTIFICATE ALLIANCE HNI LEASING COMPANY, LLC 525 S. GOULD STREET

WHEREAS, application for New Personal Property Exemption Certificate under 211.9f of the General Property Tax Act was received March 20, 2014 from Alliance HNI Leasing Company, LLC, for property at 525 S. Gould Street described as:

PRT OF BLK 21, BLK A, VAC PARKDALE AVE, VAC OAKDALE AVE OF THE RESUBDIVISION OF BLK 19, 20 & 21 OF GEORGE T ABREY'S WOODLAWN PARK ADDN, ALSO PRT OF BLKS 22 & 23 OF GEORGE TO ABREY'S WOODLAWN PARK ADDN ALSO PRT OF SE 1/4 SEC 19 T7NR3E DESC. AS BEG AT A PT THAT IS S71*00'00"E ON S'LY LN OF CORUNNA AVE(M-71) 323.83 FT & S17*28'30"W 39.65 FT FROM NE COR BLK 20 - ALNG W'LY R/W OF AARR SE'LY 812.66 FT - N62*20'33"W ON N'LY R/W LN OF RR 569.15 FT - NE'LY ON E'LY R/W LN OF GOULD ST TO POB 1.93 ACRES M/L; and

WHEREAS, the applicant's property is part of a Brownfield Redevelopment Zone established April 21, 1997 and described as:

PRT OF BLK 21, BLK A, VAC PARKDALE AVE, VAC OAKDALE AVE OF THE RESUBDIVISION OF BLK 19, 20 & 21 OF GEORGE T ABREY'S WOODLAWN PARK ADDN, ALSO PRT OF BLKS 22 & 23 OF GEORGE TO ABREY'S WOODLAWN PARK ADDN ALSO PRT OF SE 1/4 SEC 19 T7NR3E DESC. AS BEG AT A PT THAT IS S71*00'00"E ON S'LY LN OF CORUNNA AVE(M-71) 323.83 FT & S17*28'30"W 39.65 FT FROM NE COR BLK 20 - ALNG W'LY R/W OF AARR SE'LY 812.66 FT - N62*20'33"W ON N'LY R/W LN OF RR 569.15 FT - NE'LY ON E'LY R/W LN OF GOULD ST TO POB 1.93 ACRES M/L; and

WHEREAS, the New Personal Property Exemption Certificate, being part of Act 328 of 1998, is available to the city of Owosso as a tool to induce business; and

WHEREAS, the city of Owosso is a qualified local governmental unit under the Act and as such is permitted the city of Owosso to grant a New Personal Property Exemption Certificate; and

WHEREAS, it has been determined by city staff that the New Personal Property Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification was sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010 and Public Act 328 of 1998.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: the Owosso City Council sets a public hearing for April 21, 2014 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law.

Set Public Hearing – Housing Grant Application. Set a Public Hearing for Monday, April 21, 2014 to receive citizen comment regarding the grant application to the MSHDA Housing Resource Fund for funds to assist in the creation and/or rehabilitation of downtown rental housing units as follows:

RESOLUTION NO. 35-2014

**TO SET A PUBLIC HEARING FOR A
MICHIGAN STATE HOUSING AUTHORITY (MSHDA)
HOUSING RESOURCE FUND
GRANT APPLICATION**

WHEREAS, the City of Owosso is interested in the continuing effort to improve housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, City Councilmembers accept the recommendation of the City of Owosso Housing & Neighborhood Development Division to apply for funding through the Michigan State Housing Development Authority Resource Fund for a Downtown Rental Rehabilitation Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a public hearing and resolution authorizing submission of the aforementioned grant application;

THEREFORE, BE IT RESOLVED that the City of Owosso consents to hold a public hearing regarding said grant application on April 21st, 2014.

Boards and Commissions Appointment Correction. Correct the appointment of Sally Sue Gale to the Board of Review to reflect a term expiration of December 31, 2019, instead of December 31, 2018.

Boards and Commissions Appointment. Approve the appointment of Gary Burk as the City's representative to the Mid-County Waste Water Treatment Plant Review Board for a term expiring December 31, 2016.

Curwood Festival Permission. Approve the application from the Curwood Festival for use of various parking lots and streets from June 4, 2014 through June 9, 2014 for conduct of the annual Curwood Festival and authorize Traffic Control Order No. 1308 formalizing the action.

Preferred Ambulance Provider Contract. Approve contract with The Memorial Hospital naming the City of Owosso as its preferred ambulance provider effective July 2, 2014 as follows:

RESOLUTION NO. 36-2014

**RESOLUTION AUTHORIZING A PREFERRED AMBULANCE PROVIDER
CONTRACT
WITH THE MEMORIAL HOSPITAL**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Public Safety Department that maintains an ambulance service with Advanced Life Support (ALS) and Basic Life Support (BLS) capabilities; and

WHEREAS, the City of Owosso and The Memorial Hospital have negotiated an agreement in which the City of Owosso will become the preferred ambulance provider for The Memorial Hospital.

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

- FIRST: The City of Owosso will be the preferred ambulance provider for the patients of The Memorial Hospital.
- SECOND: The Mayor and the City Clerk are instructed and authorized to sign the document substantially in the form attached, ambulance service agreement* between the City of Owosso, Michigan and The Memorial Hospital.
- THIRD: The contract shall become effective July 2, 2014.

*Full text of the contract is on file in the Clerk's Office.

EMS Supplies – Contract Adjustment. Adjust the contract with J & B Medical Supplies Co., Inc. to reflect a change from the State of Michigan purchasing program contract to the SMEMS cooperative contract to obtain better product selection and pricing, with a contract amount not to exceed \$15,000 for the 2013-14 fiscal year as follows:

RESOLUTION NO. 37-2014

RESCINDING RESOLUTION NO. 133-2013 AND AUTHORIZING A 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, In November of 2013 the City had contracted with J & B Medical Supply Co., Inc. through the State of Michigan purchasing program for the 2013-14 fiscal year; and

WHEREAS, it was discovered that the Southeast Michigan Emergency Medical Supply (SMEMS) cooperative could provide a better selection of products with better pricing; and

WHEREAS, the SMEMS cooperative uses the same supplier, J & B Medical Supply, as the State purchasing program, presenting the opportunity to switch contracts to take advantage of the advantageous selection and pricing of the SMEMS contract.

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

- FIRST: Resolution No. 133-2013 approving a contract with J & B Medical Supply Co., Inc. through the State of Michigan purchasing program is hereby rescinded.
- SECOND: it has theretofore been determined that it is advisable, necessary and in the public interest to approve a contract with J & B Medical Supply Co., Inc. through the Southeast Michigan Emergency Medical Supply cooperative for the provision of ambulance supplies for the 2013-14 fiscal year in an amount not to exceed \$15,000.00.
- FOURTH: 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 according to the terms of the SMEMS cooperative contract.*
- FIFTH: 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.

*Full text of the contract is on file in the Clerk's Office.

New Front End Loaders – Contract Adjustment. This item was removed from the Agenda.

Bid Award – Sale of Used Front End Loaders. This item was removed from the Agenda.

Bid Award – Sale of Used Police Vehicle. Approve the bid of Trumbull Auto Sales, Inc. for one 2007 Chevrolet Impala (VIN #2G1WS58R679230882) in the amount of \$3,438.00 as follows:

RESOLUTION NO. 38-2014

RESOLUTION AUTHORIZING THE EXECUTION OF SALE FOR ONE 2007 CHEVROLET IMPALA TO TRUMBULL AUTO SALES, INC.

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

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

WHEREAS, a bid solicitation for used equipment was advertised and responsive bids were received. And Trumbull Auto Sales, Inc. of Livonia, Michigan submitted the highest bid in the amount of \$3,438.00.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to sell this vehicle to the high bidder as detailed above.

SECOND: City Staff is instructed and authorized to execute appropriate documents to complete the sale of this item for the amount listed.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

ITEMS OF BUSINESS

UNPAID UTILITY CHARGES

Charter provisions require the Council to authorize the publication of a notice in the newspaper notifying residents with unpaid water and sewer bills that charges left unpaid after April 30 will be added to taxes for the parcel that received the service (unless otherwise directed by law).

City Clerk Amy K. Kirkland pointed out the updated list of unpaid charges. City Manager Crawford indicated that many of the charges listed will be paid prior to April 30th negating the need for a lien.

Motion by Mayor Pro-Tem Eveleth to authorize the annual notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

QVF EQUIPMENT GRANT APPROVAL

City Clerk Kirkland indicated the grant agreement had already been executed and submitted to the Bureau of Elections because the grant required submission by April 4, 2014. She further indicated the grant had no financial requirement of the City and the equipment provided as a part of the grant was essential to elections administration.

Motion by Mayor Pro-Tem Eveleth to confirm the grant agreement with the Michigan Department of State for the provision of one desktop computer, with mouse and keyboard, for use as the City's dedicated access to the State Qualified Voter File as follows:

RESOLUTION NO. 39-2014

A RESOLUTION TO APPROVE GRANT AGREEMENT WITH THE MICHIGAN DEPARTMENT OF STATE FOR THE QUALIFIED VOTER FILE EQUIPMENT UPGRADE PROJECT

WHEREAS, the City of Owosso recognizes the importance of maintaining an accurate voter file and administering fair and accurate elections; and

WHEREAS, the Michigan Department of State has assisted the City complete these objectives by providing equipment dedicated to serving as a connection to the statewide voter database; and

WHEREAS, this equipment requires a major upgrade, effectively changing the operating system; and

WHEREAS, again the Michigan Department of State has sought to assist communities through the provision of new computer equipment funded by the Help America Vote Act; and

WHEREAS, the Department of State delivered the grant agreement without sufficient time to allow Council approval prior to its submission; and

WHEREAS, staff made the decision to execute the agreement prior to Council approval because acceptance of the grant will have no fiscal bearing on the City and the equipment provided is essential to carrying out the duties of the Clerk's Office.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that the City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to affirm and accept the grant agreement with the Michigan Department of State for the provision of new QVF equipment.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

OPEN BURNING DISCUSSION (This item was added to the agenda.)

Councilperson Fox indicated he had recently received a communication from a citizen that made him consider making changes to the City's open burning ordinance. He said that burning was a privilege and breathing was a right and as such he could not ignore the situation. He asked that the ordinance be scheduled for re-examination, suggesting changes could be made to limit recreational burning to a few days per week without banning burning all together.

There was discussion regarding the number of times open burning has been discussed and the clear signals from the community that open burning should continue. Mayor Frederick said he was satisfied with the current ordinance saying that enforcement is the key issue.

COMMUNICATIONS

Downtown Historic District Commission. Minutes of March 19, 2014.

Historical Commission. Minutes of February 27, 2014.

Historical Commission. Minutes of March 10, 2014.

Parks & Recreation Commission. Minutes of March 24, 2014.

Planning Commission. Minutes of March 24, 2014.

CITIZEN COMMENTS AND QUESTIONS

Greg Weinert, 530 Martin Street, commented that people's asthma and allergies can be bothered by many different things and you cannot legislate so that everyone is protected from everything.

Daniel Vargas, 615 N. Washington Street, commented regarding a crossing guard that parks her car in such a way that it blocks visibility at the corner of Stewart Street and Cedar Street. He also noted that if the City needed funds for the operation of the splash pad he would be happy to raise the necessary funds.

Mike Tillotson, 1299 S. Shiawassee Street, said he had recently had some trouble with the manager of his apartment complex and he would have liked the assistance of a housing commission to help him but the City does not have one.

NEXT MEETING

Monday, April 21, 2014

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, term expiring December 31, 2014

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:55 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk