

OWOSSO CITY COUNCIL

JUNE 2, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND RAY STRAWSER
MEMORIAL HEALTHCARE HOSPICE

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

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

ABSENT: None.

APPROVE AGENDA

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

Add Special Presentation

1. Corunna Public Schools – Certificate of Appreciation

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 14, 2014

Motion by Councilperson Bailey to approve the Minutes of the Special Meeting of May 14, 2014 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 19, 2014

Motion by Councilperson Fox to approve the Minutes of the Special Meeting of May 14, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

CORUNNA PUBLIC SCHOOLS – RECOGNITION OF STUDENT PARTICIPATION IN PUBLIC SAFETY TRAINING

This item was added to the agenda.

Public Safety Director Kevin Lenkart and Police Officer Matthew Fray presented a certificate of appreciation to the Corunna High School Drama Club to thank them for their participation in the recent emergency preparedness training exercise, assisting all county first responders by giving them a realistic hands-on experience in responding to a large scale emergency. Corunna Superintendent David Moore and teachers Mike Windnagle and Robyn Lentz were on hand to receive the certificate on behalf of the Drama Club.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – CHAPTER 2, HISTORICAL COMMISSION

The proposed amendment would adjust the stated purpose of the Historical Commission.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article IV, Boards and Commissions, Division 2, Historical Commission.

There were no citizen comments.

Councilperson Greenway indicated she felt the amendment was well written and would be a distinct improvement over the current language.

Historical Properties Director Mitchell Speers indicated this amendment had been in the works for some time and he felt it would help to better define the mission of the Historical Commission going forward.

Councilperson Bandkau inquired how the amendment would make the Commission more effective. It was noted that one big change was to remove the directive to concentrate on the arts. The amendment also removed some duties from the Commission with the idea they would be taken over by the Director.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

ORDINANCE NO. 750

**AMENDMENT TO DIVISION 2, CHAPTER 2, ADMINISTRATION
OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN,
HISTORICAL COMMISSION**

WHEREAS, the city of Owosso has previously adopted ordinances creating and governing a historical commission; and

WHEREAS, the city has changed since the adoption of the ordinances creating and governing the historical commission which necessitates the modification of Division 2.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 2, Administration, Article IV, Boards and Commissions, Division 2, Historical Commission, of the *Code of Ordinances of the City of Owosso, Michigan* be amended as follows:

SECTION 1. REPEAL AND ADDITIONS. That Chapter 2, Administration, Division 2, Historical Commission, of the *City of Owosso Code of Ordinances*, be amended by repealing and adding sections as follows:

DIVISION 2. HISTORICAL COMMISSION

Sec. 2-226. Established.

Sec. 2-227. Purpose.

Sec. 2-228. Members; appointment, terms, etc.

Sec. 2-229. Reserved.

Sec. 2-230. General duties.

Sec. 2-231. Curwood Castle.

Sec. 2-232. Donations.

Sec. 2-233. Program sponsorship.

Sec. 2-234. Committees.

Secs. 2-235--2-239. Reserved.

Sec. 2-226. Established.

The Owosso Historical Commission for the city is hereby established.

The following Sec. 2-227. Purpose shall be deleted in its entirety.

~~Sec. 2-227. Purpose.~~

~~The purpose of the historical commission shall be to recognize and preserve and bring public attention to the historical treasures of the city and to promote an historical interest in the arts. (Art shall include, but not restricted to, architecture, dance, drama, literature, music, painting and sculpture.)~~

The following shall be added as Sec. 2-227 Purpose.

Sec. 2-227. Purpose.

The purpose of the historical commission shall be to recognize, preserve and bring public attention to the city's historical treasures.

The following Sec. 2-228. Members; appointment, terms, etc. shall be deleted in its entirety.

~~Sec. 2-228. Members; appointment, terms, etc.~~

~~The members of the historical commission shall be appointed by the council. Membership shall consist of one (1) member from the council and eight (8) members at large appointed for three-year terms. Qualifications for the eight (8) members at large shall be the same as for the council. The terms of three (3) members at large shall expire as of December 31, 2013, and December 31, 2014, respectively, and the terms for the remaining two (2) at large members shall expire as of December 31, 2015. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.~~

The following shall be added as Sec. 2-228 Members; appointment, terms, etc.

The members of the historical commission shall be appointed by the city council. Membership shall consist of one (1) member from the council and eight (8) members at large appointed for three-year terms. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.

The following Sec. 2-229. Ex-officio members shall be deleted in its entirety.

~~Sec. 2-229. Ex-officio members.~~

~~Upon recommendation of the historical commission, the council may appoint ex officio members to the commission who do not have the qualifications for membership as required above. The exofficio members so appointed shall not have a vote on the historical commission, but shall sit in on an advisory capacity.~~

The following Sec. 2-230. General duties shall be deleted in its entirety

~~Sec. 2-230. General duties.~~

~~The historical commission shall be responsible for the permanent perpetuation of the history of the city through such means as may be developed by the commission and approved by the council and to include, but not be limited to:~~

- ~~(1) — Receipt, cataloging and preservation and security of articles of historic interest as determined by the commission.~~
- ~~(2) — Displaying for the public of artifacts through cooperation with other organizations and the council.~~
- ~~(3) — Encourage the preservation and perpetuation of historic architecture in the city, and particularly in such historic districts in the city as may be established from time to time in accordance with the principles set forth by the National Trust for Historic Preservation.~~

The following shall be added as Sec. 2-230 General duties.

Sec. 2-230. General duties.

The historical commission shall be responsible for the permanent perpetuation of the city's history through means developed by the commission, to include, but not be limited to:

- (1) Receipt, cataloging, preservation and security of articles of historic interest as determined by the commission.**
- (2) Displaying of artifacts for the public through cooperation with other organizations and the city council.**
- (3) Encouragement of the preservation and perpetuation of historic architecture in the city.**

The following Sec. 2-231. Curwood Castle shall be deleted in its entirety.

~~Sec. 2-231. Curwood Castle.~~

~~The historical commission shall be responsible for the permanent perpetuation and use of Curwood Castle and its adjoining park by such maintenance and operational programs and rules and regulations as may be proposed by the commission and approved by the council.~~

The following shall be added as Sec. 2-231 Curwood Castle.

Sec. 2-231. Curwood Castle.

The historical commission shall be responsible for the permanent perpetuation and use of Curwood Castle and nearby historic buildings by such maintenance and operational programs and rules and regulations as may be proposed by the commission.

The following Sec. 2-232. Donations shall be deleted in its entirety.

~~Sec. 2-232. Donations.~~

~~The historical commission shall be empowered to receive gifts and donations in the name of the city for the purposes of the commission, and shall have the sole right of determination of the use of such gifts and donations. An annual audit of gifts, donations, and disposition at a regular meeting thereof.~~

The following shall be added as Sec. 2-232 Donations.

Sec. 2-232. Donations.

The historical commission shall be empowered to receive gifts and donations of money and personal property in the name of the city for the purposes of the commission and shall have the sole right to determine the use of such gifts and donations. Disposal of personal property shall be in accordance with Sec 2-347.

The following Sec. 2-233. Program sponsorship shall be deleted in its entirety.

~~Sec. 2-233. Program sponsorship.~~

~~The historical commission shall sponsor programs for public appreciation of the arts.~~

The following shall be added as Sec. 2-233 Program sponsorship.

Sec. 2-233. Program sponsorship.

The historical commission shall sponsor programs for public appreciation of the city's historical treasurers.

The following Sec. 2-234. Committees shall be deleted in its entirety.

~~Sec. 2-234. Committees.~~

~~The historical commission shall be empowered to appoint such committees as may be found necessary to accomplish the purposes of this division. Qualifications of committee members shall be as by policy adopted by the commission and approved by the council.~~

The following shall be added as Sec. 2-234 Committees.

The historical commission shall be empowered to appoint committees as necessary. Qualifications of committee members shall be as by policy adopted by the commission.

Sections 235--239. Reserved

SECTION 4. SEVERABILITY. The various sections and provisions of this ordinance shall be deemed to be severable, and should any section or provision of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this ordinance as a whole or any section or provision of this ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 5. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 6. EFFECTIVE DATE. This amendment shall become effective July 23, 2014.

SECTION 7. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, volunteered himself as a “stunt man” for future emergency training exercises as he has suffered numerous serious injuries over the years and he could lend his experience to add to the realism of the training. He also encouraged everyone to thank emergency responders for what they do.

Laura Birchmeier, 1140 Jackson Drive, indicated she and her husband had submitted the offer for the property on Juniper Street that is the subject of discussion tonight. She said she believes her offer is more than fair when compared to the price of other lot sales in the subdivision. She said she has wanted to purchase the property for a number of years and intends to build a new home on the combined lots.

Richard Theile, 1331 Jackson Drive, president of the Osburn Lakes Condominium Association, said he like the idea of selling the lots but wondered if the property would be considered part of the Association as it is outside the boundaries for Phase 1 of the subdivision, if so he felt the Association should be more directly involved in the transaction. He also encouraged the City to consider amending the Master Deed for the development to allow for larger lots and combined lots in an effort to entice sales, though he cautioned that if the undeveloped area is to be included in the Association that consistency is a must.

Mayor Frederick thanked the Veterans and the citizens that turned out for the Veteran’s Day Parade. He also thanked the Baker College Maintenance Department and Life in Christ Church for their work on the Helping Hand project at 805 South Cedar Street saying they all worked very hard to improve the home for the Veteran living there.

Councilperson Fox reported that the Baker College Diesel mechanics class had successfully restored the 1921 LaFrance pumper truck to running condition and the vehicle would be on display during the Train Expo to help raise funds for the proposed firemen’s memorial. He also noted volunteers would be needed to help with fundraising.

Councilperson Bailey said the SRI volunteer coordinator had expressed her thanks to the City for working with them so diligently on the Train Expo. She also inquired whether the City had ever sprayed for mosquitos in the past.

CITY MANAGER REPORT

City Manager Crawford indicated he had no knowledge of the City spraying for mosquitos in the past. He said fogging is many times not very effective and the targeting of mosquito breeding areas usually yields better results. There was discussion regarding posting something on the website to encourage people to remove standing water and whether fogging could be a possibility.

CONSENT AGENDA

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

First Reading and Set Public Hearing – Ordinance Amendment. Conduct first reading and set a public hearing for Monday, June 2, 2014 to hear citizen comment regarding the proposed amendment to Chapter 19, Offenses, Article V, Offenses Against Public Peace, Section 19-89, Curfews for minors to adjust the age of those affected by the curfew to match State law as follows:

RESOLUTION NO. 68-2014

**SETTING A PUBLIC HEARING FOR
AN ORDINANCE AMENDING SECTION 19-89 (b)
OF THE OWOSSO CITY CODE REGARDING
CURFEWS FOR MINORS**

WHEREAS, the City of Owosso has an ordinance on its books prohibiting minors age 17 and under from loitering and congregating in public areas at unacceptable hours; and

WHEREAS, the State of Michigan defines minors as being 16 years of age and under; and

WHEREAS, this discrepancy should be remedied to avoid conflict and confusion.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 19, Offenses, Article V, Offenses against public peace, Section 19-89, Curfews for minors, be amended as follows:

SECTION 1. Section 19-89 (b) of the Owosso City Code is hereby amended to read:

Sec. 19-89(b). Curfews for minors.

No minor, ~~seventeen (17)~~ **sixteen (16)** years of age or under, shall loiter, idle or congregate on any public area, street, highway, alley or park between the hours of 12:00 midnight and 6:00 a.m. immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

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

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk’s 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, June 16, 2014 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

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

Name	Board/Commission	Term Expires
Richard Williams*	Building Authority	06-30-2017
David Acton*	DDA/Main Street Board	06-30-2018
Kenn Cushman*	DDA/Main Street Board	06-30-2018
Meredith Landino*	DDA/Main Street Board	06-30-2018
Christopher Eveleth*	Zoning Board of Appeals	06-30-2017

*Indicates reappointment

Traffic Control Order No. 1315. Approve Traffic Control Order No. 1315 authorizing the removal of four parallel parking spaces on the east side of the 100 block of North Park Street to accommodate revised lane assignments for south-bound traffic.

Contract Adjustment – Curwood Castle Couches. Approve adjustment to the contract with Melco Interiors of Owosso for the creation of two custom couches for Curwood Castle to reflect the fact the vendor requires a 50% deposit at the time of the order as follows:

AMENDED RESOLUTION NO. 27-2014

**RESOLUTION AUTHORIZING
THE PURCHASE OF CUSTOM COUCHES FOR CURWOOD CASTLE
FROM MELCO INTERIORS OF OWOSSO, MICHIGAN**

WHEREAS, the Owosso Historical Commission, a Charter Commission of the City of Owosso, has been charged with the responsibility of maintaining the historic buildings owned by the City, and of promoting the appreciation of architecture and history to the general public and citizens alike and collecting and displaying object of historical interest; and

WHEREAS, the Owosso Historical Commission has determined that Owosso’s most iconic building is Curwood Castle, and that Curwood as an author and conservationist is largely unappreciated and undervalued; and

WHEREAS, the Owosso Historical Commission determined by vote to elevate Curwood Castle to a first rate museum by increasing interest both in the man Curwood and his body of works, and the historic building itself; and

WHEREAS, the Owosso Historical Commission approved by vote to refurbish the Castle according to existing photos of the Great Room with Curwood present; and

WHEREAS, the Owosso Historical Commission voted to earmark monies earned from the Owosso Historic Home Tour to recreate the atmosphere and setting of Curwood’s time at his Castle, replicating the interior furnishings according to the existing photos; and

WHEREAS, Owosso Historical Commission the has selected for purchase custom-made sofas as some of the first items to be added to furnish the Castle; and

WHEREAS, the has Owosso Historical Commission selected local vendor Melco Interiors to perform this work based on historically related products they have produced or refurbished in the past.

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

- FIRST: The Owosso City Council concurs with the Historical Commission that it is beneficial to preserve and promote the history of one of the City’s foremost citizens and to increase tourism through careful additions to the collection of Curwood Castle.

SECOND: The Council hereby approves of the purchase of two custom sofas from Melco Interiors of Owosso for display in Curwood Castle.

THIRD: Expenses in the amount of \$5,389.20 shall be paid from the Owosso Historical Commission Historic Home Tour Fund.

FOURTH: It is hereby authorized the payment of a \$2,694.60 deposit with the balance of \$2,964.60 to be paid upon satisfactory completion of the project.

Change Order No. 1 – DIG Project Part 1 & 3. Approve Change Order No. 1 to the contract with Fleis & Vandendbrink Engineering Inc. for the DIG Project, Parts 1 & 3, to add additional work beyond the scope of the original contract in the amount of \$4,650.00 as follows:

RESOLUTION NO. 69-2014

**RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
WITH
FLEIS & VANDENBRINK ENGINEERING, INC. FOR
ENGINEERING SERVICES FOR DOWNTOWN INFRASTRUCTURE GRANT
PROJECT PARTS 1&3**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fleis & Vandendbrink Engineering Inc. on April 21, 2014 for Engineering Services for the Downtown Infrastructure Grant Project Parts 1&3; and

WHEREAS the city requests additional services of the consultant to analyze existing site conditions of the project site(s) 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 Fleis & Vandendbrink Engineering Inc. for a cost to the City of Owosso of \$4,650.00.

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 Fleis & Vandendbrink, Inc.

THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$57,693.00 to Fleis & Vandendbrink Engineering, Inc. upon successful completion of stated work. The above expenses shall be paid from the Contractual Services Fund, Account No. 494-901-965.585.

Change to Standard Lighting Contract. Approve amendment to the Standard Lighting Contract with Consumers Energy to reflect the installation of one standard high intensity discharge light at the intersection of Hopkins Lake Drive and Palmer Avenue and authorize the Mayor and City Clerk to execute appropriate documents as follows:

RESOLUTION NO. 70-2014

AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT

Consumers Energy Company is authorized as of May 29, 2014, by the City of Owosso, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Owosso, dated October 01, 2013.

1. General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit A.

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated October 01, 2013, shall remain in full force and effect.

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Owosso, dated October 01, 2013, in accordance with the Authorization for Change in Standard Lighting Contract dated as of June 2, 2014, heretofore submitted to and considered by this Council; and

RESOLVED, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

Change Order No. 1-Final – 2014 South Park Street Improvement Project, Phase 1. Approve Change Order No. 1-Final to the 2014 South Park Street Improvement Project, Phase 1 contract with Perrin Construction Co., Inc., increasing the amount of the contract \$2,581.09 for additional labor and materials needed to complete the project as follows:

RESOLUTION NO. 71-2014

**AUTHORIZING CHANGE ORDER NO. 1-FINAL TO THE CONTRACT FOR
2014 SOUTH PARK STREET IMPROVEMENT PROJECT, PHASE 1
WITH PERRIN CONSTRUCTION COMPANY**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has approved a contract with Perrin Construction Co., Inc. on February 18, 2014 in the amount of \$46,486.00 for the 2014 South Park Street Improvement Project, Phase 1 ; and

WHEREAS, additional materials and labor were required to complete the project pursuant to Change Order #1-Final in the amount of \$2,581.09 (i.e. furnish and install pea stone in existing pit next to Lebowsky Center, drill holes in bottom of pit, furnish and install two layers of geotextile.), increasing the contract to \$49,067.09 ; and

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

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to amend the contract with Perrin Construction Co. Inc., for a cost to the City of Owosso of \$2,581.09, increasing the original contract from \$46,486.00 to \$49,067.09.
- SECOND: The mayor and city clerk are instructed and authorized to approve Change Order #1-Final between the City of Owosso, Michigan and Perrin Construction Co., Inc. in the amount of \$49,067.09.
- THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

Payment Authorization – 2014 South Park Street Improvement Project, Phase 1. Approve Final Payment to Perrin Construction Co., Inc. for work completed on the 2014 South Park Street Improvement Project, Phase 1, including Change Order No. 1-Final, in the amount of \$17,998.82 as follows:

RESOLUTION NO. 72-2014

**AUTHORIZING PAYMENT TO PERRIN CONSTRUCTION CO. INC.,
FOR WORK COMPLETED ON THE
2014 SOUTH PARK STREET IMPROVEMENT PROJECT, PHASE 1
AS AMENDED BY CHANGE ORDER #1-FINAL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has approved a contract with Perrin Construction Co., Inc. for the 2014 South Park Street Improvement Project, Phase 1 and found it necessary and beneficial to amend the original contract as detailed in Change Order #1-Final; and

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

WHEREAS, the City project manager recommends Pay Estimate #3-Final in the amount of \$17,998.82 for work completed through April 21, 2014, as agreed to by Perrin Construction Co., 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 heretofore determined that it is advisable, necessary and in the public interest to amend the contract with Perrin Construction Co. Inc., for work completed on the 2014 South Park Street Improvement Project, Phase 1, as amended by Change Order #1-Final.
- SECOND: The accounts payable department is authorized to submit payment to Perrin Construction Co., Inc. in the amount of \$17,998.82 as detailed on the attached Payment Estimate #3-Final as authorized by Council on June 2, 2014.
- THIRD: The above expenses shall be paid from 2010 General Obligation Unlimited Tax Bonds.

New Front End Loaders – Contract Adjustment. Adjust the contract with AIS Construction Equipment Corporation for the purchase of two new John Deere Loaders, bringing the total contract to \$282,558.00, to reflect the fact the City will no longer be trading in the current loaders but will be selling them on the open market as follows:

**RESOLUTION NO. 73-2014
AMENDING RESOLUTION NO. 10-2014**

**RESOLUTION AUTHORIZING AN ADJUSTMENT TO THE CONTRACT
WITH AIS CONSTRUCTION EQUIPMENT CORPORATION FOR THE
PURCHASE
OF TWO NEW JOHN DEERE LOADERS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved the purchase of two new John Deere loaders for a total of \$218,558.00 from AIS Construction Equipment Corporation on February 3, 2014; and

WHEREAS, this contract price reflected a trade in value of \$64,000.00 for two used loaders; and

WHEREAS, the City of Owosso decided to use the MITN online auction service to sell the two used loaders, in an effort to secure a higher price for the equipment; and

WHEREAS, the original contract with AIS Construction Equipment Corporation must be amended to reflect the adjusted purchase price without credit for trade in equipment.

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 adjust the contract with AIS Construction Equipment Corporation for the purchase of two new John Deere loaders to \$282,558.00, removing the trade in credit of \$64,000.
- SECOND: The mayor and city clerk are instructed and authorized to execute appropriate documents to complete the adjustment.
- THIRD: The Accounts Payable Department is hereby authorized to adjust the Purchase Order for payment to AIS Construction Equipment Corporation in an amount not to exceed \$282,558.00 upon satisfactory receipt of the named equipment.

Bid Award – Sale of Used Front End Loaders. Approve the bid of Nolan's Farm Equipment, Inc. for two 1999 John Deere Front End Loaders (#3608 & #3592) in the amount of \$58,600.00 as follows:

RESOLUTION NO. 74-2014

**RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTS
FOR THE SALE OF TWO (2) USED JOHN DEERE FRONT END LOADERS
TO NOLAN'S FARM EQUIPMENT, INC.**

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

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

WHEREAS, the City of Owosso used the MITN online auction service to sell this equipment at a processing fee of 5% of the bid; and

WHEREAS, a bid solicitation for said used equipment was advertised and responsive bids were received from Joe Nolan of Nolan's Farm Equipment, Inc. in the amount of \$75,500.00; and

WHEREAS, subsequent to the bid one of the loaders suffered severe mechanical problems, and Nolan's Farm Equipment, Inc. negotiated a reduced bid of \$58,600.00 as follows:

- \$20,000.00 for one (1) 1999 John Deere Front End Loader, #DW544HX573608
- \$38,600.00 for one (1) 1999 John Deere Front End Loader, #DW544HX573592

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 the named equipment to the high bidder as detailed above.
- SECOND: The mayor and city clerk are instructed and authorized to execute appropriate documents to complete the sale of these items.

Purchase Authorization – File Server. Waive competitive bidding requirements, authorize the purchase of one HP ProLiant DL360p Gen8 rack mountable file server for the IT Department through the National Joint Powers Alliance contract with CDW-G in the amount of \$8,035.50, and further authorize payment up to the contract amount upon satisfactory receipt of the equipment as follows:

RESOLUTION NO. 75-2014

**RESOLUTION AUTHORIZING PURCHASE OF A NEW FILE SERVER
FROM CDW-G**

WHEREAS, the City of Owosso, Shiawassee County, Michigan finds it necessary and advisable to purchase a rack mountable file server for the Information Technology department; and

WHEREAS, the City of Owosso, technical staff have determined the best possible price meeting the city's specifications for the file server would be to purchase through the National Joint Powers Alliance; and

WHEREAS, city ordinance section 2-345(3) provides for an exception to competitive bidding when the best interest of the city would be served by jointly purchasing with another governmental unit; and

WHEREAS, this purchase is a budgeted item in the Information Technology department, account number 101-258-978000.

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 an HP ProLiant DL360p Gen8 rack mountable file server from the National Joint Powers Alliance contract with CDW-G for a cost not to exceed \$8,035.50
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached,
- THIRD: The above expenses are hereby authorized to be paid from the General Fund, account number 101-258-978000 upon delivery and departmental verification of contract compliance.

Purchase Authorization - Castle Floor Refinishing. Waive competitive bidding requirements, authorize a contract with Accent Hardwood Floors, Inc. for the refinishing of the wood floors at Curwood Castle in the amount of \$7,831.60 and further authorize payment up to the contract amount per the terms of the estimate as follows:

RESOLUTION NO. 76-2014

**AUTHORIZING THE WAVIER OF THE BID PROCESS AND APPROVAL OF A CONTRACT
WITH ACCENT HARDWOOD FLOORS, INC.,
FOR REPAIR AND REFINISHING OF THE WOOD FLOORS AND STEPS OF
CURWOOD CASTLE**

WHEREAS, the Owosso Historical Commission, a Charter Commission of the City of Owosso, has been charged with the responsibility of maintaining the historic buildings owned by the City, and of promoting the appreciation of architecture and history to the general public and citizens alike and collecting and displaying objects of historical interest; and

WHEREAS, the Owosso Historical Commission has determined that Owosso's most iconic building is Curwood Castle; and

WHEREAS, the Owosso Historical Commission is determined to elevate Curwood Castle to a first rate museum by increasing interest both in the man Curwood and his body of works, and the historic building itself; and

WHEREAS, the Owosso Historical Commission determined by vote to have Dick Martin, of Accent Hardwood Floors, Inc. repair and refinish the wood flooring and steps of Curwood Castle; and

WHEREAS, there are sufficient funds in the current budget of the Owosso Historical Commission's Curwood Castle/Buildings and Grounds account for such work.

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

- FIRST: the City of Owosso determines it beneficial to preserve and promote the history of one of its foremost citizens and to increase tourism through the careful restoration of Curwood Castle.
- SECOND: that the competitive bid process be waived and that a contract be awarded to Dick Martin, of Accent Hardwood Floors, Inc. for repair and refinishing of the wood floors and steps of Curwood Castle in the amount of \$7,831.60.

THIRD: the Accounts Payable department is authorized to issue payment up to the amount of \$7,831.60, per the terms of the attached Estimate.

FOURTH: funds for said work shall be paid from the Owosso Historical Commission/Curwood Castle Buildings and Grounds.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

Mayor Frederick thanked those that volunteered their time to serve on City boards and commissions.

ITEMS OF BUSINESS

GENERAL APPROPRIATIONS RESOLUTION – REVISED

Motion by Mayor Pro-Tem Eveleth to authorize rescinding Resolution No. 64-2014 and approving a revised General Appropriations Resolution reflecting a downward adjustment in the millage levied for SATA as follows:

RESOLUTION NO. 77-2014

GENERAL APPROPRIATIONS RESOLUTION - 2014-15

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter, the City Council has received the proposed budget for the fiscal year beginning July 1, 2014 and held a public hearing on May 5, 2014; and

WHEREAS, it is the intent of the City Council to levy ad valorem and specific property taxes for general operating purposes of the City; for payment of principal and interest on voted indebtedness; and for special voted millage to support public transportation, based on the budget summary for fiscal year 2014-15 attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically, MCL 211.34(d) provide for a compound millage reduction calculation applied to the City Charter maximum authorized operating millage rate of fifteen mills per thousand of taxable value; and

WHEREAS, this millage reduction commonly known as the Headlee rollback results in a maximum operating millage rate of 13.0370 for which the City is authorized to levy; and

WHEREAS, the Garbage Disposal Plants Act, MCL 123.261, allow for the City to levy up to three mills on all taxable property to provide for the collection and disposal of certain solid wastes; and

WHEREAS, it has been determined that a levy of one mill per \$1,000 of taxable value is required to operate a solid waste recycling program; and

WHEREAS, the voters approved, by a majority, in an election held on August 7, 2012, a millage, not to exceed .3333 mills per \$1,000 of taxable value to support public transportation; and

WHEREAS, the board of the Shiawassee Area Transportation Authority have requested funding from the City equating to a millage of .2634 mills per thousand of taxable value for which the City is authorized to levy; and

WHEREAS, it has been determined that a millage rate of .2728 mills per thousand of taxable value is required for the annual debt service on unlimited tax general obligations bonds;

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2014 shall be the rate of 14.5732 per \$1,000 of taxable value of the 2014 assessment roll as approved by the Board of Review; and

The total levy shall be composed of the constituent rates for purposes and with revenue yields described as follows:

GENERAL OPERATING	13.0370	\$3,122,191
GARBAGE DISPOSAL	1.0000	\$239,486
DEBT SERVICE	.2728	\$65,332
SATA	<u>.2634</u>	<u>\$65,435</u>
	14.5732	\$3,492,444

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

PROPERTY SALE DISCUSSION – OSBURN LAKES UNDEVELOPED PROPERTY

The Council discussed the potential sale of city owned property at 1120-1170 Juniper Street located in the yet undeveloped portion of the Osburn Lakes Subdivision. There was talk regarding who owns the streets in the subdivision, what condo association dues are used for, whether to include the property in the existing association, and getting more information on the history of the development.

Motion by Councilperson Bailey to authorize the 21-day posting for the property at 1120-1170 Juniper Street.

There was debate as to whether the sale should be officially posted now or if the posting should wait until Council has more information on the bigger picture of the development.

Councilperson Fox asked if Councilperson Bailey would consider amending her motion to include a request for an agenda item on the June 16th agenda to discuss the matter further.

Councilperson Bailey agreed to the friendly amendment and the motion was supported by Councilperson Fox.

Discussion continued regarding the timing of the 21-day posting and allowing more time for Council to educate themselves on the project.

Councilperson Bailey rescinded her motion.

Motion by Councilperson Teich to set a staff presentation on the history of the Osburn Lakes development for the June 16th meeting, along with consideration to authorize the 21-day posting period. Further, discussion of the development will be added to the June 30th planning session agenda.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: Councilpersons Fox and Bailey.

City Manager Crawford indicated he would try to get information on the development to Council within the next few days.

COMMUNICATIONS

None.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, expressed his concern about the collapse in an old abandoned sewer line in the Matthews Building parking lot presenting a danger during Curwood. He also encouraged people to build bat houses to help combat mosquitos.

Ray Strawser indicated he now lives in Saginaw County and they spray periodically for mosquitos. He said he felt it was very effective though there may be some health issues to consider with spraying.

Councilperson Bandkau noted that with the coming Curwood Festival Owasso will be experiencing the end of an era with the final TMB performance under long-time band director Carl Knipe.

Councilperson Fox encouraged people to plant marigolds to chase mosquitos away.

Councilperson Bailey inquired about the status of the way-finding signs saying it would be nice to have them up for Curwood and the Train Expo. It was noted the frames have been constructed but the DDA ran out of money to purchase the inserts.

NEXT MEETING

Monday, June 16, 2014

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:49 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk