

OWOSSO CITY COUNCIL

JULY 7, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK
OPENING PRAYER: PASTOR DAVID WOODBY
REDEEMER LUTHERAN CHURCH
PLEDGE OF ALLEGIANCE: THOMAS TAYLOR
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 changes:

Postponing Special Presentation 1. ELEVATE Program to a future meeting.
Adding Special Presentation 1. World War I Centennial Recognition.
Moving Consent 10. Bid Award – Portable Toilets to Item of Business 3.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 16, 2014

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of June 16, 2014 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

ELEVATE PROGRAM This item was postponed to a future meeting due to scheduling conflicts.

WORLD WAR I CENTENNIAL RECOGNITION (This item was added to the agenda.)

Councilperson Bandkau read aloud a history of WWI, including the events that led up to the war, the conditions of battle, and Owosso's part in the fighting. He ended his presentation by thanking those that served during WWI and named the Owosso citizens that were lost in the course of the war. A moment of silence was held in memory of those lost.

PUBLIC HEARINGS

REZONING OF EAST MAIN STREET

A public hearing was conducted to receive citizen comment regarding the proposal to rezone various parcels along East Main Street to comply with the Master Plan and ease future development of the area.

The following people commented regarding the proposed amendment:

Randy Smith, 830 East Main Street, sought Council's assurance that despite the rezoning his taxes would not be affected and his property rights would remain intact. Council indicated that Mr. Smith's thoughts seemed consistent with their understanding, though it was pointed out that should his home catch fire and it is determined the property is over 50% destroyed the new zoning would kick in and he would not be allowed to rebuild.

Dave Stechschulte, Jr., owner of numerous properties along East Main Street and adjoining areas, inquired whether a small parcel along Exchange Street would be included in the rezoning. It was noted it would.

Beverly Coon, owner of 628 East Main Street, written comments detailing questions on the proposal received June 30, 2014. Ms. Coon's questions were addressed in written fashion.

Councilperson Fox encouraged the Planning Commission to make further zoning changes along Exchange and Comstock Streets as he was concerned that the properties along Main Street would not be viable for commercial development despite a new zoning designation.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the rezoning of various parcels on East Main Street be approved as follows:

ORDINANCE NO. 752

**AMENDING CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES
TO REZONE SPECIFIC PARCELS OF REAL PROPERTY ON EAST MAIN STREET
AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso submitted a petition to rezone various parcels along East Main Street, as identified in the attached map; and

WHEREAS, the planning commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the planning commission finds that the proposed ordinance meets the intent and criteria for a zoning amendment; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of the noted parcels along Main Street, as indicated; and

WHEREAS, the council published and mailed notices for the request, held a public hearing, and deliberated on the request; and

WHEREAS, the city council finds that the zoning petition meets the intent and criteria for a zoning map amendment.

THEREFORE, BE IT RESOLVED, that Chapter 38, Zoning Code of the City of Owosso be amended as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27 Zoning Districts and Map reflect the changes as illustrated and attached to the record hereto as Exhibit A and filed with the city clerk.

Section 2. This amendment shall become effective July 28, 2014.

Section 3. 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.

EXHIBIT A

Parcel Address	Parcel Number	Current Zoning	Potential Zoning
515 East Main	050-666-000-048-00	R2	OS1
615 East Main	050-112-000-013-00	RM1	B1
617 East Main	050-112-000-014-00	OS1	B1
827 East Main	050-112-000-030-00	OS1	B4
831 East Main	050-112-000-032-00	OS1	B4
835 East Main	050-112-000-033-00	RM1	B4
508 East Main	050-180-001-005-00	RM1	OS1
512 East Main	050-180-001-004-00	RM1	OS1
830 East Main	050-580-000-072-00	RM1	B4
832 East Main	050-580-000-073-00	RM1	B4
834 East Main	050-580-000-074-00	RM1	B4
910 East Main	050-580-000-075-00	B1	B4

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ORDINANCE AMENDMENT – OFFICE OVERLAY DISTRICT

The proposed amendment would repeal the office overlay district along East Main Street in an effort to reduce confusion and bring the area into compliance with the 2012 Master Plan.

A public hearing was conducted to hear citizen comment regarding the proposed amendment to repeal Chapter 38, Zoning, Article II, Zoning Districts and Map, Section 38-33, Main Street office overlay district.

There were no citizen comments.

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. 753

**AUTHORIZING THE REPEAL OF SECTION 38-33
OF THE OWOSSO CITY CODE REGARDING
OFFICE OVERLAY DISTRICTS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Planning Commission believes Section 38-33 of the Zoning Code, commonly known as the Main Street office overlay district, to be prohibitive in nature to business development in the city of Owosso; and

WHEREAS, the City of Owosso seeks to continue economic growth and vitality through business development in the downtown and surrounding areas but is constrained by outdated and unnecessary restrictions put in place by the Main Street office overlay district zoning.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. REPEAL. Chapter 38, Zoning, Article II, *Zoning Districts and Map*, Section 38-33, Main Street office overlay district, of the Code of the City of Owosso is repealed.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective July 28, 2014.

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.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, said he was looking for WWII veterans to participate in the parade in Lennon on July 19th. He will provide transportation if necessary. He also indicated his grandfather was a veteran of WWI that was severely injured during the war.

Councilperson Fox said he had been approached by folks that were concerned that the sledding hill was too high and steep. He asked that some soil be removed from the crest of the hill to reduce the height and slope. He also asked that a railing of some sort be installed along the stairs leading up the hill. Lastly, he indicated there was a drainage problem on the corner of Martin and Milwaukee Streets that something needs to be done about.

Mayor Frederick suggested the idea for the sledding hill be taken to the Parks & Recreation Commission for recommendation, with any changes proposed as an Eagle Scout project. It was further suggested staff check out the Corunna sledding hill for ideas.

CITY MANAGER REPORT

City Manager Donald D. Crawford distributed and detailed the Project Status Report. The report indicated that the project to combine private property with public property for the creation of a parking lot on the south side of West Main Street was scrapped because of a lack of interest by private property owners in the area. In light of this revelation the Council discussed ways to approach the subject with property owners again as they felt the establishment of substantial parking in the area was very important and would be provide a distinct improvement for the area. Mayor Frederick indicated he would like to hold a meeting of stakeholders to discuss the matter further and potentially move forward.

CONSENT AGENDA

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

Special Assessment District No. 2014-04 Alley bounded by King Street, Clark Avenue, Oliver Street, and First Street

RESOLUTION NO. 91-2014

WHEREAS, the City Council of the City of Owosso deems it may be necessary to acquire and construct the following described improvement:

Block 2 of H N and S A Williams Addition, Public Alley, from First Street to Clark Avenue
Alley Resurfacing

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2014-05 Alley bounded by Williams, Ball, Mason, and Water Streets

RESOLUTION NO. 92-2014

WHEREAS, the City Council of the City of Owosso deems it may be necessary to acquire and construct the following described improvement:

Block 13 of Original Plat, City of Owosso, Public Alley, From Mason Street to Williams Street
Alley Resurfacing

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2014-06 Alley bounded by Oliver, Ball, Williams, and Water Streets

RESOLUTION NO. 93-2014

WHEREAS, the City Council of the City of Owosso deems it may be necessary to acquire and construct the following described improvement:

Block 4 of Original Plat, City of Owosso, Public Alley, From Williams Street to Oliver Street
Alley Resurfacing

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2014-07 Alley bounded by Oliver, Ball, Williams, and Washington Streets

RESOLUTION NO. 94-2014

WHEREAS, the City Council of the City of Owosso deems it may be necessary to acquire and construct the following described improvement:

Block 5 of Original Plat, City of Owosso, Public Alley, From Williams Street to Oliver Street
Alley Resurfacing

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2014-04

Alley bounded by King Street, Clark Avenue,
Oliver Street, and First Street

RESOLUTION NO. 95-2014

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described:

Block 2 of H N and S A Williams Addition, Public Alley, From First Street to Clark Avenue
Alley Resurfacing

and

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$14,042.60 and determines that \$14,042.60 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$0.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, July 21, 2014 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Block 2 of H N and S A Williams Addition, Public Alley, From First Street to Clark Avenue

TAKE NOTICE that the City Council may acquire and construct the following described public improvement: **Alley Resurfacing.**

The City Council intends to defray a part or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, July 21, 2014 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2014-05

Alley bounded by Williams, Ball, Mason, and Water Streets

RESOLUTION NO. 96-2014

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Block 13 of Original Plat, City of Owosso, Public Alley, from Mason Street to Williams Street
Alley Resurfacing

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$19,136.70 and determines that \$19,136.70 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$0.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, July 21, 2014 for the purpose of hearing all persons to be affected by the proposed public improvement.
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CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Block 13 of Original Plat, City of Owosso, Public Alley, From Mason Street to Williams Street

TAKE NOTICE that the City Council may acquire and construct the following described public improvement: **Alley Resurfacing.**

The City Council intends to defray a part or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, July 21, 2014 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2014-06 Alley bounded by Oliver, Ball, Williams, and Water Streets

RESOLUTION NO. 97-2014

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Block 4 of Original Plat, City of Owosso, Public Alley, From Williams Street to Oliver Street
Alley Resurfacing

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$12,446.50 and determines that \$12,446.50 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$0.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, July 21, 2014 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Block 4 of Original Plat, City of Owosso, Public Alley, From Williams Street to Oliver Street

TAKE NOTICE that the City Council may acquire and construct the following described public improvement: **Alley Resurfacing.**

The City Council intends to defray a part or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, July 21, 2014 for the purpose of hearing any person to be affected by the proposed public improvement.

RESOLUTION NO. 98-2014

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Block 5 of Original Plat, City of Owosso, Public Alley, From Williams Street to Oliver Street
Alley Resurfacing

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$17,967.40 and determines that \$17,967.40 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$0.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, July 21, 2014 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
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NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Block 5 of Original Plat, City of Owosso, Public Alley, From Williams Street to Oliver Street

TAKE NOTICE that the City Council may acquire and construct the following described public improvement: **Alley Resurfacing.**

The City Council intends to defray a part or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, July 21, 2014 for the purpose of hearing any person to be affected by the proposed public improvement.

Boards and Commissions Appointment. Approve the appointment of Susan Osika to the Historical Commission for a term expiring December 31, 2016 (filling the unexpired term of Justin Parker).

Bid Award – Portable Toilets. (This item was moved to Items of Business.)

Bid Award – HVAC Units for Gould House. Approve the bid James A. Brown d/b/a Brown's Plumbing & Heating for the supply and installation of three furnaces and one air conditioning unit for the Gould House in the amount of \$9,800.00 and authorize payment up to the contract amount upon satisfactory installation of said equipment as follows:

RESOLUTION NO. 99-2014

**RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
THREE HIGH EFFICIENCY FURNACES AND ONE AIR CONDITIONING UNIT
AT THE GOULD HOUSE**

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 home of Owosso's first Mayor, Amos Gould, is under the purview of the Owosso Historical Commission; and

WHEREAS, the Owosso Historical Commission has determined there to be a need to replace the three poorly functioning furnaces of the Gould House and add an air conditioning unit on the lower level; and

WHEREAS, the Owosso Historical Commission requested bids and determined by vote to accept the bid from James A. Brown d/b/a Brown's Plumbing & Heating for the removal of the three furnaces of the Gould House and the supply and installation of three high efficiency furnaces and one air conditioning unit in the amount of \$9,800.00; and

WHEREAS, there are sufficient funds in the current budget of the Owosso Historical Commission's Gould House/Buildings and Grounds account for said expenditure.

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

- FIRST: It has determined it is beneficial to preserve and maintain the Amos Gould House, and as such approves the replacement of the three furnaces of the Gould House and the installation of an air conditioning unit for the lower level.
- SECOND: That the bid from James A. Brown d/b/a Brown's Plumbing & Heating for replacement of the three furnaces and installation of an air conditioning unit is hereby accepted and contract approved.
- THIRD: Expenses in the amount of \$9,800.00 are hereby authorized for payment and shall be paid from the Owosso Historical Commission Gould House/Building and Maintenance account upon satisfactory installation of said equipment.

MDOT Cost Agreement No. 13-5619 Amendment. Amend Cost Agreement No. 13-5619, for construction of additional parking spaces on West Main Street, with the Michigan Department of Transportation to include emergency repair of the sanitary sewer line in the project area at a cost of \$31,173.03 and authorize payment for said additional services as follows:

RESOLUTION NO. 100-2014

**AUTHORIZING AMENDMENT OF MDOT COST AGREEMENT NO. 13-5619
FOR EMERGENCY SEWER REPAIRS ALONG M-21 (MAIN STREET)**

WHEREAS, the City of Owosso entered a contract with the Michigan Department of Transportation (MDOT) No. 13-5619 for the construction of additional parking spaces along West Main Street; and

WHEREAS, during the course of the project emergency repairs were necessary to the sanitary sewer in the project area; and

WHEREAS, this emergency repair required expertise outside that of City staff; and

WHEREAS, MDOT offered to perform the work with its contractor and process its billing through the above cost agreement.

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 MDOT Cost Agreement No. 13-5619 to include the performance of emergency repairs to a sanitary sewer along M-21 in the amount of \$31,173.03.

SECOND: Payment for services is approved upon their completion, or as otherwise requested by the State, in accordance with the contract and amendment, and staff is hereby directed to allocate \$31,173.03 from the Sanitary Sewer Fund, account number 590-549-833.200 for said payment.

Change Order No. 2 – DIG Project Part 1 & 3. Approve Change Order No. 2 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 \$7,445.00 as follows:

RESOLUTION NO. 101-2014

**AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT WITH
FLEIS & VANDENBRINK ENGINEERING, INC.
FOR ADDITIONAL 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 have additional work performed 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 \$7,445.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment #2 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 \$69,788.00 to Fleis & Vandendbrink Engineering, Inc. upon successful completion of stated work.
- FOURTH: The above expenses shall be paid from the Contractual Services Fund, Account No. 494-901-965.585.

Change Order No. 2 – DIG Project Part 2. Approve Change Order No. 2 to the contract with Fishbeck Thompson Carr & Huber, Inc. for the DIG Project, Part 2, to add additional work beyond the scope of the original contract in the amount of \$29,000.00 as follows:

RESOLUTION NO. 102-2014

**RESOLUTION AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT
WITH FISHBECK THOMPSON CARR & HUBER, INC.
FOR ENGINEERING SERVICES FOR
DOWNTOWN INFRASTRUCTURE GRANT PROJECT PART 2**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fishbeck Thompson Carr & Huber, Inc. on April 21, 2014 for Engineering Services for the Downtown Infrastructure Grant Project, Part 2; 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.

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 \$29,000.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment #2 to the Contract between the City of Owosso, Michigan and Fishbeck Thompson Carr & Huber, Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$92,800.00 to Fishbeck Thompson Carr & Huber, Inc. upon successful completion of stated work required by the above contract, and amendments.

FOURTH: The above expenses shall be paid from the Capital Outlay Fund, Account No. 466-901-974.000 (\$11,500.00) and Contractual Services, Account No. 494-901-965.756 (\$17,500.00).

Change Order No. 1-Final – 2014 South Park Street Improvement Project, Phase 2. Approve Change Order No. 1-Final to the contract with Michigan Paving & Materials Company, Inc. for the 2014 South Park Street Improvement Project, Phase 2, adding \$50.06 for additional materials required to complete the project as follows:

RESOLUTION NO. 103-2014

**AUTHORIZING THE APPROVAL OF CHANGE ORDER # 1-FINAL FOR
2014 SOUTH PARK STREET IMPROVEMENT PROJECT, PHASE 2
WITH MICHIGAN PAVING & MATERIALS COMPANY, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has approved a contract with Michigan Paving & Materials Company, Inc. on May 19, 2014 in the amount of \$44,724.00 ; and

WHEREAS, additional materials and labor were required to complete the project pursuant to Change Order #1-Final in the amount of \$50.06.

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 Michigan Paving & Materials Company, Inc. in the amount of \$50.06, increasing the original contract from \$44,724.00 to \$44,774.06.

SECOND: The mayor and city clerk are instructed and authorized to sign Change Order #1-Final between the City of Owosso, Michigan and Michigan Paving & Materials Company, Inc..

Payment Authorization – 2014 South Park Street Improvement Project, Phase 2. Authorize Payment #1-Final to Michigan Paving & Materials Company, Inc. in the amount of \$44,774.06 for work completed on the 2014 South Park Street Improvement Project Phase 2, as amended by Change Order No. 1-Final as follows:

RESOLUTION NO. 104-2014

**AUTHORIZING PAYMENT TO MICHIGAN PAVING & MATERIALS COMPANY, INC.
FOR WORK COMPLETED ON THE
2014 SOUTH PARK STREET IMPROVEMENT PROJECT PHASE 2
AS AMENDED BY CHANGE ORDER #1-FINAL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has approved a contract with Michigan Paving & Materials Company, Inc. for the 2014 South Park Street Improvement Project Phase 2 and found it necessary and beneficial to amend the original contract as detailed in Change Order #1-Final; and

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

WHEREAS, the City project manager recommends Pay Estimate #1-Final in the amount of \$44,774.06 for work completed through June 20, 2014, as agreed to by Michigan Paving & Materials Company, 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 thereto determined that it is advisable, necessary and in the public interest to pay Michigan Paving & Materials Company, Inc. for work completed on the 2014 South Park Street Improvement Project Phase 2 as amended by Change Order #1-Final.

SECOND: The accounts payable department is authorized to submit payment to Michigan Paving & Materials Company, Inc. up to the amount of \$44,774.06 as detailed in Cost Estimate #1-Final.

THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

Warrant No. 484. Authorize Warrant No. 484 as follows:

Vendor	Description	Fund	Amount
Waste Management	Landfill charges-6/1/14-6/15/14	WWTP/Streets	\$5,368.27

*Check Register–May 2014. Affirm check disbursements totaling \$656,551.41 for the month of May 2014.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

*Full text of the check register is available in the Clerk's Office.

ITEMS OF BUSINESS

BOND FUND TRANSFER – SOUTH PARK STREET SIDEWALK IMPROVEMENTS

Motion by Mayor Pro-Tem Eveleth to approve the request of the DDA/Main Street Board for transfer of \$12,017.00 from the 2009 LTGO bond fund to cover the DDA's share of the cost of the South Park Street sidewalk improvements as follows:

RESOLUTION NO. 105-2014

**AUTHORIZING THE TRANSFER OF FUNDS FROM
THE 2009 LTGO BOND ISSUE TO
THE DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, the city of Owosso, Shiawassee county, Michigan, issued the first series of Limited Tax General Obligation Bonds (LTGO) for \$950,000 in June 2009 for the purpose of matching a Vibrant Small Cities Initiative grant for capital improvements in the downtown; and

WHEREAS, at a regular meeting of the Downtown Development Authority (DDA) held on November 7, 2007 the board unanimously approved a resolution pledging tax increment revenues for the full payment of principal and interest on the 2009 LTGO Series I Bonds as they come due; and

WHEREAS, the remaining unspent 2009 LTGO bond proceeds on deposit with the City at this date amounts to \$49,495.10; and

WHEREAS, the DDA has since agreed to cost share the sidewalk improvements on South Park Street with the City in the amount of \$12,017.00; and

WHEREAS, it has been determined that the South Park Street improvements meet the definition of capital expenditures as defined in Treasury Regulation §1.150-1(b) and are public improvements meeting the private activity tests as described in §1.141-12 and are thus eligible for bond funding; and

WHEREAS, the DDA wishes to use a portion of the remaining bond funds to cover this expense, requiring a transfer from said bond fund.

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

FIRST: It has been determined that the South Park Street improvements meet the definition of capital expenditures as defined in Treasury Regulation §1.150-1(b) and are public improvements meeting the private activity tests as described in §1.141-12.

SECOND: The Finance Director is hereby authorized to transfer the amount of \$12,017.00 from the Downtown Capital Projects Fund 494.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

STREET MILLAGE PROPOSAL DISCUSSION

City Manager Crawford briefly detailed the pros and cons of bond issues and millages, as well as relayed his concerns that a millage proposal would not provide for a pool of matching funds necessary to take advantage of potential grant funding. The Council discussed the details of the potential street millage proposal, noting they felt the concerns presented by staff were not insurmountable and it offered the most conservative approach to funding street improvements. There was further discussion regarding using reserve funds to match grants, bonding for the citizen portion of special assessment projects, and using funds from the Lebowky Center bridge loan repayment for grant matches.

Motion by Mayor Pro-Tem Eveleth to proceed with a millage proposal for the November 2014 ballot and request staff bring additional information regarding the proposal to the July 21st meeting.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

Councilperson Bailey had temporarily excused herself from the meeting prior to the vote on this item. She returned shortly thereafter.

BID AWARD – PORTABLE TOILETS (This item was moved from the Consent Agenda.)

Mayor Frederick noted that with the extra traffic generated by the splash pad the current unit was very often unusable and inquired whether an additional porta-john or extra cleaning services could be provided for the unit(s) at Bentley Park in light of the fact that the bathrooms at the park have to be locked to prevent vandalism. Public Services Director Mark Sedlak indicated he would look into making changes to accommodate the request.

Motion by Mayor Pro-Tem Eveleth to approve the bid of Jay's Septic Tank Service for the supply and service of nine portable toilets for the City's parks for the 2014-15 fiscal year in the amount of \$1,055.00 per month and further approve payment up to the contract amount as follows:

RESOLUTION NO. 106-2014

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE SUPPLY AND SERVICE OF PORTABLE TOILETS
WITH JAY'S SEPTIC TANK SERVICE
FOR THE 14-15 FISCAL YEAR**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, owns and operates numerous parks and these parks do not have permanent bathroom facilities; and

WHEREAS, the City of Owosso sought bids for the supply and service of portable toilets for fiscal years 2013-14 and 2014-15; a bid was received from Jay's Septic Tank Service; and it is hereby determined that Jay's Septic Tank Service is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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

FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Jay's Septic Tank Service for the supply and service of portable toilets for the city park system for the fiscal year 2014-2015.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the City of Owosso, Michigan and Jay's Septic Tank Service with a bid of \$1055/month for the 2-Year of the Portable Toilet Bid for the fiscal year 2014-2015.

THIRD: The above expenses shall be paid from the General Fund.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

- Charles P. Rau, Building Official. May 2014 Building Department Report.
- Charles P. Rau, Building Official. May 2014 Code Violations Report.
- Historical Commission. Minutes of May 12, 2014.
- Zoning Board of Appeals. Minutes of May 20, 2014.
- Downtown Historic District Commission. Minutes of May 21, 2014.
- Downtown Development Authority/Main Street. Minutes of June 4, 2014.
- Historical Commission. Minutes of June 9, 2014.
- Zoning Board of Appeals. Minutes of June 17, 2014.
- Downtown Historic District Commission. Minutes of June 18, 2014.
- Parks & Recreation Commission. Minutes of June 23, 2014.
- Planning Commission. Minutes of June 23, 2014.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Councilperson Greenway inquired about the Historic Facilities Director position and whether there would be a workshop including the Historical Commission to determine how the properties can become more self-sufficient. City Manager Crawford indicated little progress had been made on that goal as the position had not been in place but a few months.

Councilperson Fox inquired whether the City had hired anyone to mow the overgrown lots in light of the fact the contractor backed out of the contract. Staff indicated a couple of young people had been hired to mow the lots, but he asked that people be patient as the list of lots was quite long.

NEXT MEETING

Monday, July 21, 2014

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:51 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk