

**OWOSSO CITY COUNCIL  
REGULAR MEETING**

**JANUARY 20, 2015**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** BISHOP GUSTAVO PILON  
OWOSSO CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

**PLEDGE OF ALLEGIANCE:** COUNCILPERSON DAVID B. BANDKAU

**PRESENT:** Mayor Benjamin R. Frederick, Councilpersons David B. Bandkau, Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.

**ABSENT:** Mayor Pro-Tem Christopher T. Eveleth and Councilperson Loreen F. Bailey.

**APPROVE AGENDA**

Motion by Councilperson Bandkau to approve the agenda with the following changes:

**Add Consent Item**

7. Boards and Commission Appointment.

**Postpone Consent Item**

1. First Reading and Set Public Hearing – Westown Rezoning until the February 2, 2015 meeting.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 5, 2015**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 5, 2015 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

A public hearing was conducted to receive citizen comment regarding Special Assessment District No. 2015-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 1018 Beehler Street.

The following people commented regarding the proposed special assessment:

Representative from Guardian Angel Services, by mail, indicated the owner of the property passed away in late December 2014 and his estate would be handled in the Shiawassee County Probate Court.

There were no comments received at the meeting.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, Motion by Councilperson Bandkau to adopt Special Assessment Resolution No. 2 for Special Assessment District No. 2015-01 - Hazards & Nuisances as follows:

**RESOLUTION NO. 05-2015**

**HAZARDS & NUISANCES ROLL FOR  
1018 BEEHLER STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property described as follows:

PARCEL NUMBER	ADDRESS	BALANCE
050-660-007-012-00	1018 Beehler Street	\$6,848.47

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$6,848.47 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2015-01.
2. Pursuant to MCL 211.78k(c) said special assessment roll shall be divided into fifteen (15) equal annual installments, the first of which shall be due and payable on September 1, 2015, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2015.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2015 and shall be paid annually on each installment due date.
4. Said Special Assessment Roll-Hazards and Nuisances No. 2015-01 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Greenway, Bandkau, Fox, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth and Councilperson Bailey.

#### **CITIZEN COMMENTS AND QUESTIONS**

Mark Beattie, 202 Bingham Road, Henderson, said he had purchased the property at 804 Center Street through the annual September tax sale and has been asking the City for paperwork discharging the debts specially assessed to the property prior to his ownership without success. He said the City has been giving him the run-around for months and he wanted Council's assistance with the matter.

Mike Cline, 621 Wright Avenue, indicated his desire to purchase a portion of the City-owned property adjacent to his residence on Wright Avenue. He said he had no intention of developing it but would like to add it to his current property. He asked that Council formally consider his proposal in the next 4-6 weeks. Council expressed a desire to explore the proposition and asked staff to look into the details.

#### **CITY MANAGER REPORT**

The City Manager indicated he had nothing of substance to report.

Councilperson Bandkau inquired about the status of the December Revenue & Expenditure Report. City Clerk Kirkland apologized for the oversight and agreed to email the report to Council in the morning.

#### **CONSENT AGENDA**

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

First Reading and Set Public Hearing – Rezoning of Westtown. (This item was postponed until the February 2, 2015 meeting.)

Change to Street Lighting Contract – Update to HPS. Authorize amendment to the Street Light Contract with Consumers Energy to reflect the removal and replacement of 338 mercury vapor street lights with high pressure sodium fixtures throughout the City, the removal of one damaged light in the in the Main Street alley between Washington and Park Streets, and authorize the Mayor and City Clerk to execute appropriate documents as follows:

**RESOLUTION NO. 06-2015**

**CHANGE TO STANDARD STREET LIGHTING CONTRACT  
WITH CONSUMERS ENERGY COMPANY  
UPDATE TO HIGH PRESSURE SODIUM FIXTURES**

WHEREAS, the city of Owosso holds a contract with the Consumers Energy Company for the provision of street lighting; and

WHEREAS, the Consumers Energy Company is proposing the conversion of approximately 338 mercury vapor fixtures to high pressure sodium units, resulting in an overall reduction in on-going street lighting costs to the city.

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

FIRST: it is advisable to authorize Consumers Energy Company to make changes in the lighting service provided in the Standard Lighting Contract between the Company and the City of Owosso, dated October 1, 2013, in accordance with the Authorization for Change in Standard Lighting Contract dated December 8, 2014\*, heretofore submitted to and considered by this Council.

SECOND: the Mayor and City Clerk are hereby authorized to execute such authorization for change on behalf of the City.

Change to Street Lighting Contract – Bradley Street Light Installation. Authorize amendment to the Street Light Contract with Consumers Energy to reflect the installation of a high pressure sodium street light on the south side of Bradley Street between Shiawassee Street and Curwood Castle Drive and further authorize payment of the \$100 installation charge for said luminary as follows:

**RESOLUTION NO. 07-2015**

**CHANGE TO STANDARD STREET LIGHTING CONTRACT  
WITH CONSUMERS ENERGY COMPANY  
BRADLEY STREET INSTALLATION**

WHEREAS, the city of Owosso holds a contract with the Consumers Energy Company for the provision of street lighting; and

WHEREAS, a request has been received for the installation of a street light on Bradley Street, to replace a street light taken out of service in 1998 due to storm damage.

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

FIRST: it is advisable to authorize Consumers Energy Company to make changes in the lighting service provided in the Standard Lighting Contract between the Company and the City of Owosso, dated October 1, 2013, in accordance with the Authorization for Change in Standard Lighting Contract dated January 20, 2015\*, heretofore submitted to and considered by this Council.

SECOND: the Mayor and City Clerk are hereby authorized to execute such authorization for change on behalf of the City.

THIRD: the Accounts Payable department is authorized to submit payment of \$100.00 to Consumers Energy Company for installation of said luminary.

Change Order & Payment Authorization – 2014 Tree Removal Program. Authorize Change Order No. 1 to the 2014 Tree Removal Program contract with Advanced Tree Care Service, Inc. for additional work performed in the amount of \$20,680.00 and further authorize Progress Payment No. 3 to the contractor in the amount of \$26,599.50 as follows:

**RESOLUTION NO. 08-2015**

**AUTHORIZING CHANGE ORDER NO. 1 TO THE  
2014 TREE REMOVAL PROGRAM CONTRACT  
AND  
AUTHORIZING PAYMENT TO ADVANCED TREE CARE SERVICES, INC.  
FOR WORK COMPLETED TO DATE**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has approved a contract with Advanced Tree Care Services for the 2014 Tree Removal Program, and found it necessary and beneficial to amend the original contract as detailed in Change Order #1 for additional work requested by staff; and

WHEREAS, an estimate of the work to date has been submitted and is eligible for payment; and

WHEREAS, the city project manager recommends approval of Change Order #1 in the amount of \$20,680.00 and authorization of Pay Estimate #3 in the amount of \$26,599.50 for work completed through January 12, 2015, as agreed to by Advanced Tree Care Services, 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 amend the contract for the 2014 Tree Removal Program for additional work provided in the amount of \$20,680.00 as detailed in Change Order #1\*.
- SECOND: The accounts payable department is authorized to submit payment to Advanced Tree Care Services, Inc. in the amount of \$26,599.50 as detailed in Cost Estimate #3\*.
- THIRD: The above expenses shall be paid from the Major and Local Street Tree Removal Funds, 203-480-818.000 and 202-480-818.000.

Warrant No. 496. Authorize Warrant No. 496 as follows:

Vendor	Description	Fund	Amount
SunGard Public Sector Inc	Software maintenance/licensing fees for public safety computer system- January 1, 2015-December 31, 2015	General	\$ 9,408.09
Logicalis, Inc	Network engineering support- December 2014	General /Sewer	\$ 8,716.50
Caledonia Charter Township	Caledonia utility fund payment- October – December 2014	Water	\$19,367.36
Owosso Charter Township	Owosso Charter township 2011 water agreement payment- October – December 2014	Water	\$ 9,295.60
William C. Brown, P.C.	Professional services- December 8, 2014 – January 12, 2015	General	\$ 8,900.32

Check Register – December 2014\*. Affirm check disbursements totaling \$ 1,010,360.97 for the month of December 2014.

Boards and Commissions Appointment. (This item was added to the agenda.) Approve the following Mayoral boards and commissions appointment:

Name	Board/Commission	Term Expires
Adrian Montague	Historical Commission filling unexpired term of S. Ludington	12-31-2016

Motion supported by Councilperson Bandkau.

Roll Call Vote.

AYES: Councilpersons Fox, Greenway, Teich, Bandkau, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth and Councilperson Bailey.

\* Due to their length these documents are not included in the minutes. Full text of these items is on file in the Clerk's Office.

**ITEMS OF BUSINESS**

**SIGN ORDINANCE AMENDMENT**

City Manager Crawford indicated the proposed amendment would allow a sign totaling forty square feet in a residential district if it was advertising lots for sale within a development (up from 15 sq. feet currently). He went on to say that the total area of the sign was in keeping with the regulations for signs of a similar nature in areas with other zoning designations.

Motion by Councilperson Bandkau to conduct the first reading and set a public hearing for Monday, February 2, 2015 to receive citizen comment regarding the proposal to rezone various parcels in Westtown to comply with the Master Plan, reduce spot zoning, and ease future development of the area as follows:

**RESOLUTION NO. 09-2015**

**AN ORDINANCE AMENDING CHAPTER 26, SIGNS, SECTION 26-17 (6) a. OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN**

WHEREAS, the *Code of Ordinances of the City of Owosso, Michigan* regulates signs within the city; and

WHEREAS, the *Code of Ordinances of the City of Owosso, Michigan* establishes requirements for many signs it fails to address development signs within residential zoning districts.

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

Section 1. AMEND. Section 26-17 (6) a. - Signs not requiring a permit. be amended to add the following:

- (6) Temporary real estate signs advertising the premises for rent, sale, or lease, under the following conditions:
  - a. One (1) sign not more than six (6) square feet in area for a single-dwelling or building or vacant land for residentially zoned premises less than one (1) acre. For vacant residential parcels larger than one (1) acre, one sign not more than fifteen (15) square feet in area.

**Development signs advertising the availability of lots or living units within a subdivision, a planned development or complex may be placed at an entrance to the subdivision, planned unit development or complex, with a maximum height of seven feet and a maximum area of forty (40) square feet. The sign shall be permitted for three (3) years or until eighty (80) percent of the development is sold-out or leased, whichever comes first.**

Section 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. SAVINGS. All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. SEVERABILITY CLAUSE. Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

SECTION 5. 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 6. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 7. PUBLIC HEARING. A public hearing is set for Monday, February 2, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bandkau, Fox, Greenway, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth and Councilperson Bailey.

**COMMUNICATIONS**

S. Ludington, Historical Commission. Letter of resignation.  
J. Demis, Downtown Development Authority. Letter of resignation.  
Donald D. Crawford, City Manager. Annual liquor license inspection report.  
Charles P. Rau, Building Official. December 2014 Building Department Report.  
Charles P. Rau, Building Official. December 2014 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. December 2014 Police Report.  
Kevin D. Lenkart, Public Safety Director. December 2014 Fire Report.  
Planning Commission. Minutes of December 8, 2014.

Mayor Frederick thanked Sue Ludington and Jim Demis for their contributions to their respective Boards and Commissions.

**CITIZEN COMMENTS AND QUESTIONS**

Mike Cline, 621 Wright Avenue, asked that Council utilize the same map from the Assessing Office when considering his purchase proposal to ensure the clarity of any potential agreement.

Mark Beattie, 202 Bingham Road, Henderson, asked to meet with the City Attorney after the meeting to ensure his request for discharge was clear, he indicated that he did not want to go to court on the matter but would rather the City issue discharge paperwork now. City Attorney Brown responded to Mr. Beatty’s questions, saying in summary, that the issue would be resolved when a visiting judge is available to handle the case.

Councilperson Fox inquired whether the Charter required that a performance evaluation for the City Manager be conducted annually, and if so he requested said evaluation be scheduled.

**NEXT MEETING**

Monday, February 02, 2015

**BOARDS AND COMMISSIONS OPENINGS**

None.

**ADJOURNMENT**

Motion by Councilperson Bandkau for adjournment at 7:58 p.m.

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

\_\_\_\_\_  
Benjamin R. Frederick, Mayor

\_\_\_\_\_  
Amy K. Kirkland, City Clerk