

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JULY 1, 2019  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**OPENING PRAYER:** TOM MANKE  
COMMUNITY NEWS AND VIEWS

**PLEDGE OF ALLEGIANCE:** ELAINE GREENWAY, FORMER CITY COUNCILMEMBER

**PRESENT:** Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,  
Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C. Haber, and  
Nicholas L. Pidek.

**ABSENT:** Councilmember Daniel A. Law

**APPROVE AGENDA**

Motion by Councilmember Bailey to approve the agenda with the following changes:  
Add Item #11 to consent agenda -Traffic Control Order 1420.

Motion supported by Councilmember Pidek and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 17, 2019**

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of June 17, 2019

Motion supported by Councilmember Fear and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

Presentation by Elaine Greenway and Linda Perkins regarding the Morning Kawanis Group's new residential flag program – Flags Over Shiawassee.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, commented on how great the new skate park is and whoever was involved in it should get a pat on the back. Mr. Manke also shared his disappointment about the condition of Rosevear Park and wondered if it was going to be let go. He also commented Rosevear Park is very clean without garbage or cigarette butts being left behind.

Pete Yerian, Niche Bar owner, thanked the council for approving the TCO for the block party and shared that there were 700 plus people that attended.

Mayor Eveleth thanked Mr. Yerian for serving on the planning commission.

Ed Urban, 601 Glenwood Ave., stated he wanted to be the first one to purchase the Flag Over Shiawassee subscription. He also commented on the name plate on the council diaz.

Mayor Eveleth stated he agreed with Mr. Manke on the awesome skate park and thanked everybody who worked on fundraising for it.

### **CITY MANAGER REPORT**

City Manager Henne detailed the latest project status report.

As a result of the city manager report council asked the following questions:

Councilmember Bailey inquired if there was still anyone else beside the 51 that were eligible but didn't get their service line replaced.

City Manager responded yes and they will continue to come in and the city will be responsible for replacing 5 % of lines per year until all are replaced.

Councilmember Fear asked when the less than 200 water meter installations will be completed.

City Manager replied that they will take the most time because they are more difficult because sometimes unable to get a hold of the resident or residents will refuse at the door.

### **CONSENT AGENDA**

Motion by Councilmember Bailey to approve the Consent Agenda as follows:

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

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Randy Woodworth	LDFFA/Brownfield Redevelopment Authority	06-30-2023
Jeff Phillips*	LDFFA/Brownfield Redevelopment Authority	06-30-2023
Randy Woodworth*	Parks & Recreation Commission	06-30-2021
Andrew Workman*	Parks & Recreation Commission	06-30-2021

\* Indicates reappointment

**2019 Suicide Prevention Walk Permission.** Approved application of Penny Corbin & Tara Herald on behalf of Shiawassee Health & Wellness for the partial closure of Lot #10 (JC Penney lot) on Tuesday, September 10, 2019 from 4:00pm - 9:00pm for the 2019 Suicide Prevention Walk, and authorize Traffic Control Order No. 1418 formalizing permission.

**Cruise the Pits Car Show Permission.** Approved the request from The Child Advocacy Center for the closure of portions of Lot #10 (behind Romas), and portions of Washington Street, Exchange Street, and Comstock Street for the Cruise the Pits Car Show on Friday and Saturday, July 19 & 20, 2019 and authorize Traffic Control Order No. 1419 formalizing the action.

**Contract Amendment - 2018 Street Program Engineering Services Contract.** Approved Amendment No. 7 to the 2018 Street Program Engineering Services Contract with Fleis & Vandenbrink Engineering, Inc. adding \$12,000.00 for additional engineering design services, and authorize payment to the contractor up to the contract amount, including Amendment Nos. 1-7.

### **RESOLUTION NO. 102-2019**

#### **AUTHORIZING AMENDMENT NO. 7 TO ADDENDUM NO. 4 TO THE CONTRACT WITH FLEIS & VANDENBRINK ENGINEERING, INC. FOR THE 2018 STREET PROGRAM ENGINEERING SERVICES CONTRACT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a Contract with Fleis & Vandenbrink Engineering Inc. on July 3, 2017 for Engineering Survey and Design Services for the 2018 Street Program in the amount of \$251,000.00; and

WHEREAS, City Council approved Amendments Nos. 1 thru 6 totaling \$209,235.00 to the Contract with Fleis & Vandenbrink Engineering, Inc. for additional engineering services, making the current Contract amount \$460,235.00; and

WHEREAS, the city requests additional services of the consultant totaling \$12,000.00; to provide land surveying services for the City's 2019 Street Program-Contract 2 in the amount of \$2,800.00, and 2020 DPW Water Main Projects in the amount of \$9,200.00, that are 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 & Vandenbrink Engineering Inc. for a cost to the city of Owosso of \$12,000.00 as outlined within its proposal dated June 10, 2019.
- SECOND: The mayor and city clerk are requested and authorized to sign Contract Amendment No. 7 to Addendum No. 4 to the Contract between the City of Owosso, Michigan and Fleis & Vandenbrink Engineering, Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the amended amount of \$472,235.00 to Fleis & Vandenbrink Engineering, Inc. upon successful completion of contracted work.
- FOURTH: The above expenses shall be paid from the Water Main & Hydrants Account No. 591- 901-972.000 (\$9,200.00) and 2016 Unlimited Obligation Bond Proceeds Account No.18.000 (\$2,800.00).

**Contract Amendment - 2020 Street Program Engineering Services.** Approved Addendum No. 10 to the contract with OHM Advisors for engineering design and administrative services for the 2020 Street Program in the amount of \$188,800.00 and authorize payment up to the contract amount upon satisfactory completion of the work or portion thereof.

**RESOLUTION NO.101-2019**  
**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 10 TO AN AGREEMENT**  
**FOR PROFESSIONAL ENGINEERING SERVICES**  
**WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors by the adoption of Resolution No. 69-2017 on May 15, 2017; and

WHEREAS, the city and Director of Public Services & Utilities desires to expand the contract to include additional services for providing water main design and construction administration services for streets scheduled for rehabilitation in the 2020 Street Program.

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 waive competitive bidding requirements and approve Addendum No. 10 to the contract with Orchard, Hiltz & McClement, Inc. d/b/a OHM Advisors to include additional services in the amount of \$188,800.00 for engineering design and construction administration for the 2020 Street Program.

SECOND: The mayor and city clerk are requested and authorized to sign Addendum No. 10 to the General Engineering Services Contract between the City of Owosso, Michigan and Orchard, Hiltz & McClement, Inc. d/b/a OHM Advisors in an amount not to exceed \$188,000.00, attached as Exhibit A.

THIRD: The accounts payable department is authorized to submit payment to OHM Advisors, in the amount of \$188,800.00 upon satisfactory completion of the stated work, or portion thereof.

FOURTH: The above expenses shall be paid from FY2019-2020 Water Funds Account 591-901-972.000 Street Bond Fund Account 202/201-451-818.000.

**Bid Award - 2019 Chip Seal Program.** Approved bid award to Highway Maintenance and Construction Company for the 2019 Chip Seal Program in the amount of \$83,413.40 and authorize payment up to the contract amount upon satisfactory completion of the work or portion thereof.

#### **RESOLUTION NO. 103-2019**

#### **AUTHORIZING THE EXECUTION OF A CONTRACT WITH HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY FOR THE 2019 CHIP SEAL PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to perform surface improvements along portions of selected streets as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its 2016 Unlimited Obligation Bond Proceeds funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2019 Chip Seal Program, and a bid was received from Highway Maintenance and Construction Company and it is hereby determined that Highway Maintenance and Construction Company 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 Highway Maintenance and Construction Company for the 2019 Chip Seal Program.

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 Highway Maintenance and Construction Company, in an amount not to exceed \$83,418.40. Commencement of services not earlier than July 1, 2019 and to be completed not later than October 4, 2019.

THIRD: The accounts payable department is authorized to pay Highway Maintenance and Construction Company for work satisfactorily completed on the project up to the Contract amount of \$83,418.40.

FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Account Nos. 202-451-818.000.

**Bid Award - Sand and Gravel, Selection #1.** Accepted the low bid of Constine Gravel Company for Class II Backfill Sand in the amount of \$5.75 per ton, 22A gravel in the amount of \$9.75 per ton, 21 AA limestone in the amount of \$20.25 per ton, and 6A limestone in the amount of \$23.60 per ton for the fiscal year ending June 30, 2020, authorize payment in accordance with unit prices up to 3,000 tons, 1,000 tons, 200 tons, and 100 tons respectively for a total amount not to exceed \$33,410.00.

**Bid Award - Sand and Gravel, Selection #2.** Accept the low bid of Ocenasek, Inc. for H1 limestone chip in the amount of \$31.00 per ton for the fiscal year ending June 30, 2020; authorize payment in accordance with the unit price up to 200 tons for a total amount not to exceed \$6,200.00.

**RESOLUTION NO. 104-2019  
AUTHORIZING THE PURCHASE AND DELIVERY OF A SAND AND GRAVEL FROM CONSTINE  
GRAVEL COMPANY OF OWOSSO, MICHIGAN AND OCENASEK, INC. OF PERRY, MICHIGAN**

WHEREAS, the city of Owosso, Shiawassee County, Michigan requires backfill sand to fill underground trenches and gravel for use in permanent street patches and other city properties; and

WHEREAS, the city sought bids for Class II backfill sand, 22A gravel, 21AA gravel, 21AA Limestone, 6A limestone, and H1 limestone chip fiscal year 2019-2020; and

WHEREAS, it is hereby determined that Constine Gravel Company and Ocenasek, Inc. are qualified to provide such products and have submitted the lowest responsible and responsive bids.

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 award the following bids to Constine Gravel Company of Owosso, Michigan: Class II Sand in the amount of \$5.75 per ton, 22A gravel in the amount of \$9.75 per ton, 21AA Limestone in the amount of \$20.25 per ton, and 6A limestone in the amount of \$23.60 per ton for the fiscal year ending June 30, 2020.
- SECOND: The City of Owosso has further determined that it is advisable, necessary and in the public interest to award the following bid to Ocenasek, Inc. of Perry, Michigan: H1 Limestone Chip in the amount of \$31.00 per ton for the fiscal year ending June 30, 2020.
- THIRD: The agreement governing the purchase of these materials will be in the form of City of Owosso Purchase Orders.
- FOURTH: The accounts payable department is authorized to pay Constine Gravel Company up to the bid amount of \$33,410.00.
- FIFTH: The accounts payable department is authorized to pay Ocenasek, Inc. up to bid amount of \$6,200.00.
- SIXTH: The above expenses shall be paid from the Water and Wastewater Annual Operating Fund, and Local and Major Street Annual Operating Funds

**Purchase Authorization - Police Utility Vehicle.** Waived competitive bidding requirements, authorized a joint purchase from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso via Macomb County Contract No. 21-18 for one 2020 Ford Police Utility Vehicle in the amount of \$35,679.00, and further authorize payment up to the quoted amount upon satisfactory delivery of said vehicle.

**RESOLUTION NO. 105-2019**

**RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE UTILITY VEHICLE FROM SIGNATURE AUTO GROUP OF OWOSSO VIA MACOMB COUNTY CONTRACT NO. 21-18**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a police department requiring the use of police vehicles; and

WHEREAS, the City of Owosso may waive competitive bidding requirements when purchasing equipment in coordination with another municipality.

WHEREAS, the City of Owosso desires to purchase one new police vehicle from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso, holder of the Contract No. 21-18 for police vehicles with Macomb County; and it is hereby determined that Signature Auto Group of Owosso is qualified to provide such vehicles and that it has submitted the responsible and responsive bid; 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 purchase one 2020 Ford Interceptor Utility Police Vehicle from Signature Auto Group of Owosso, utilizing Macomb County Contract No. 21-18, for a cost to the City of Owosso of \$35,679.00.
- SECOND: The Finance Director and the Director of Public Safety are hereby instructed and authorized to sign necessary documents to complete the purchase.
- THIRD: Authorize payment to Signature Auto Group in the amount of \$35,679.00 upon delivery of the police vehicle.
- FOURTH: The above expenses shall be paid from the Police Division Capital Outlay fun 101- 978.000.

**Warrant No. 571.** Authorized Warrant No. 571 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and property insurance- 1 <sup>st</sup> of 3 installments for FY 19/20	Various	\$125,512.00
Shiawassee Area Transportation Agency	Annual local funding commitment for FY 19/20	General	\$62,938.74

**Margarita Fest Fundraiser permission.** Approved the request from the Owosso Community Players for the closure of the Oakwood Avenue Bridge and a portion of the James Miner River Trail in order to host a Margarita Fest Fundraiser on Saturday, August 10, 2019, from noon until 9 p.m. and authorize Traffic Control Order No. 1420 formalizing the action.

Motion supported by Councilmember Haber

Roll Call Vote.

AYES: Councilmembers Fear, Haber, Mayor Pro-Tem Osika, Councilmembers Bailey, Pidek and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Law.

**ITEMS OF BUSINESS**

Motion by Councilmember Pidek to approve an addendum to the Plan Adoption Agreements with the Municipal Employees' Retirement System of Michigan establishing a surplus division (reserve account) to which the City may remit any contributions in excess of the annual required employer contribution.

**Defined Benefit Plan Surplus Division  
Adoption Addendum**

The Municipal Employees' Retirement System of Michigan ("MERS")

And City of Owosso # 760 entered into an Adoption Agreement effective 07, 2019(Month, Year); and;

Employer may elect to remit Contributions to its reserve account with MERS in excess of the annual required Employer Contributions as determined by MERS' actuary, or in excess of the amount currently due from Employer, without such amounts being immediately attributable to the reserve of its employee divisions ("Surplus Contributions"). MERS has advised Employer that in order to accomplish this, MERS must establish a Surplus Division to account such Surplus Contributions.

To establish the Surplus Division(s) and memorialize the terms and conditions agreed to by MERS and Employer concerning their establishment, Employer and MERS hereby enter into this Surplus Contribution Addendum to Employer's Adoption Agreement ("Addendum"), to be effective as of the date set out above.

**I MERS Establishment of Surplus Division:** Commencing on the effective date of this Addendum, MERS shall establish the following Surplus Division(s) for Employer:

Associated Surplus Divisions:

- a) Surplus Division , to be associated with .
- b) Surplus Division , to be associated with .
- c) Surplus Division , to be associated with . Unassociated Surplus

Divisions:

- d) Surplus Division to be unassociated with any Employee Division.
- e) Surplus Division , to be unassociated with any Employee Division.
- f) Surplus Division , to be unassociated with any Employee Division.

**II Employer Remittance of Surplus Contributions:** At Employer's sole and exclusive discretion (which shall include Employer's obligations under terms agreed to by

Employer in the course of collective bargaining, if any), Employer may remit contributions to MERS that Employer expressly designates as Surplus Contributions, specifying the appropriate Surplus Division to which they are to be credited. It is understood by Employer that, once remitted to MERS, Surplus Contributions are not and shall never be refundable to Employer, nor used for any purpose other than the funding of its obligations for MERS benefits accrued by employees of Employer.

**III MERS' Crediting of Surplus Contributions:** Upon receipt from Employer of Employer Contributions designated as Surplus Contributions, MERS shall credit such amounts to the Surplus Division designated by Employer.

**IV Treatment of Surplus Contributions for Actuarial Purposes:** Surplus Contributions reflected in one or more Surplus Division established by MERS as directed by Employer shall be treated as follows for actuarial purposes:

- a) They shall not be included in the determination of the annual Employer Contributions requirement for any Employee Division, and
- b) They shall be included in the determination of the Employer's overall funded status.

**V Employer Use of Surplus Contributions:** At any time, upon 30 days' advance written notice to MERS, Employer may direct MERS to use the Surplus Contributions currently reflected in one or more established Surplus Division(s) be used by Employer as follows:

- a) Employer may transfer Surplus Contributions reflected in an Unassociated Surplus Division to one or more Employee Division(s).
- b) Employer may transfer Surplus Contributions reflected in an Assigned Surplus Division to such Employee Division.
- c) Employer may redesignate any Surplus Division (whether Associated or Unassociated) to either an Associated Surplus Division or to an Unassociated Surplus Division, as applicable.

Employer is solely responsible for any decision(s) it makes under Section V, and Employer agrees that by entering into this Addendum, it shall indemnify and hold MERS harmless from any claim, challenge, or litigation arising from its actions under Section V, including costs and attorneys' fees.

Once Surplus Contributions are transferred to an Employee Division, they may not thereafter be recharacterized as Surplus Contributions or transferred back to a Surplus Division.

**VI Recharacterization of Contributions:** By written notice to MERS, Employer may make a one-time election to transfer Employer Contributions it remitted prior to the effective date of this Addendum that were in excess of the amount then due from Employer from

an Employer Division to one or more Surplus Division(s) established by this Addendum, and recharacterize those amounts as Surplus Contributions. Employer may make the election described herein only once.

- VII Rights of MERS:** At any time following the occurrence of any or all of the following, MERS reserves the right to transfer some or all of the Surplus Contributions reflected in an Employer's Reserves to one or more Employee Division(s) of such Employer:
- a) Employer has defaulted on some or all of its contribution obligations to MERS.
  - b) Employer has filed for or is otherwise subject to bankruptcy protection or receivership.
  - c) An emergency manager or similar oversight authority has been appointed to conduct Employer's financial affair

**VIII Continuation of Adoption Agreement:** Except for the terms and conditions of this Addendum, all other terms and conditions of the Adoption Agreement, as it may be or may have been amended from time to time, shall continue unchanged.

Roll Call Vote.

AYES: Councilmembers, Pidek, Bailey, Mayor Pro-Tem Osika, Councilmember s Fear, Haber and Mayor Eveleth

NAYS: None

ABSENT: Councilmember Law

### **COMMUNICATIONS**

B. Kirkland, Downtown Loan Committee. Letter of resignation.  
Historical Commission. Minutes of May 20, 2019.  
Downtown Development Authority/Main Street. Minutes of June 5, 2019.  
Parks & Recreation Commission. Minutes of May 29, 2016.  
Planning Commission. Minutes of May 28, 2019.  
WWTP Review Board. Minutes of June 25, 2019

### **CITIZEN COMMENTS AND QUESTIONS**

Ed urban commented on the location of the clock.

Elaine Greenway thanked Ed Urban for being the first person to purchase a subscription to Flags Over Shiawassee.

City Manager commented that the he had an opportunity to visit 3 of the "Little Lending Libraries" in Owosso and was pleased with the condition of them and reported that they were full.

Councilmember Pidek thanked Mr. Yerian for organizing the block party and stated he would be interested in knowing the economic impact of all the events that bring people to the downtown. He also thanked the city manager, Josh Adams and the DDA Group for putting together the 4<sup>th</sup> of July graphic.

Councilmember Pidek also reported that July 9<sup>th</sup> Foster will be hosting the second Friends and Neighbors Community Conversation event. State Representative Ben Frederick will be speaking. That will begin at 6 p.m. at Foster Coffee. He shared that Mayor Eveleth spoke at the first one. Councilmember Pidek continued that these events are planned for the second Tuesday of the month at Foster and they have speakers scheduled until the end of the year. He stated that this is another way to engage citizens with governmental process.

City manager Henne asked what subject State Representative Frederick would be speaking on.

Councilmember Pidek responded that Representative Frederick will be speaking on "From Local to State, A Policy Conversation on Achieving Reform and Renewal".

Councilmember Fear questioned if these events could be held someplace other than Foster's.

Councilmember Pidek responded that they could be held anyplace and invited anyone with suggestions or help to respond.

### **NEXT MEETING**

Monday, July 15, 2019

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate - term expires June 30, 2019  
Building Board of Appeals – Alternate - term expires June 30, 2021  
Brownfield Redevelopment Authority – term expires June 30, 2022  
Historical Commission – 2 terms expire December 31, 2021  
Planning Commission – term expires June 30, 2019  
SATA Board of Directors – term expires October 1, 2022

### **ADJOURNMENT**

Motion by Councilmember Bailey for adjournment at 7:59 p.m.

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

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Christopher T. Eveleth, Mayor

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Roxane K. Cramer, Deputy City Clerk