

OWOSSO CITY COUNCIL

MARCH 5, 2012

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR DAVID WOODBY
REDEEMER LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE: LARRY ALPERT
SATA DIRECTOR

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Popovitch to approve the agenda with the addition of Item of Business 3. LED Street Lighting Retrofit Bid Award.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 21, 2012

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of February 21, 2012 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Bozena Bienias, 1432 Mallard Circle, indicated she was thankful for all those that play a leadership role in the City. She went on to announce the premiere of the documentary film After the Factory at the Middle School auditorium on March 29th at 7:00 pm.

Shaffer Fox, 510 East Oliver Street, also expressed his thankfulness for City leadership. He went on to note a number of the notable people that were born in Owosso or lived a portion of their lives here, saying he could add to that list the film makers of After the Factory. He gave a brief description of the film and indicated the film makers would be present at the premiere and there would be a question and answer session after it was shown.

County Commissioner Ron Elder updated the Council on recent discussions at the County, saying there were plans for a millage question on the August ballot to fund the MSU Extension, and veterans issues continue to be at the forefront with a push to increase the hours of operation for the county VA office.

Eddie Urban, 601 Glenwood Avenue, said he attended a meeting in Perry addressing veteran's issues and he learned a lot. He encouraged the County to offer more assistance to veterans through the Veteran's Affairs Office.

Michael Tillotson, 1299 South Shiawassee Street, indicated he had also attended the meeting in Perry and that some benefits are transferable to the spouses and children of veterans. He also noted that a video of the meeting will be broadcast on Channel 95.

Tom Manke, owner of 118 South Washington Street, indicated there is a group of organizations that would be planning fund raising events in the coming months to raise money for the establishment of a splash pad(s). The intent was to raise enough funds for the establishment of at least one splash pad this year.

Mayor Frederick announced the Farm City Dinner on April 10th at 6:30 p.m. hosted by the Chamber of Commerce, the Kiwanis Club and various agricultural organizations. He also announced the Polar Plunge to be held at 1:00 p.m. on St. Patrick's Day at Hopkins Lake to benefit the Bentley Park playscape. Anyone interested in participating in the event can contact him for more details.

Councilperson Bailey reminded everyone of the movie and event for the Child Advocacy Center on March 13th at 5:30 p.m. She encouraged everyone to support the organization.

Mayor Pro-Tem Popovitch announced 3 fund raising events for the Bentley Park playscape: a can drive by The Edge Christian youth group at local stores, a pancake breakfast March 24th from 8:00 am to 11:00 am at the Fire Station, and a group of local 5th grade girls that will be asking for donations outside of VG's on St. Patrick's Day.

Councilperson Fox gave an update on the fireman's memorial project saying \$1,240 had already been received. He also noted the importance of having your house clearly numbered for emergency services. He asked for some publicity on the issue and encouraged stepped up enforcement of the ordinance requiring house numbers.

Mayor Frederick indicated he was happy to see so many different groups come together to make things happen in the community.

CITY MANAGER REPORT

City Manager Crawford detailed a recent grant received by a community organization to combat childhood obesity. He noted he will be involved in the educational component of the program and would have a power point presentation to help him convey his message to anyone that was interested in hearing it.

He also reminded everyone of the Regional Parks meeting March 15th at 7:00 pm at the Baker College Welcome Center.

CONSENT AGENDA

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

Set Public Hearing – Personal Property Tax Exemption Transfer - Owosso Automation. Set a public hearing for March 19, 2012 to receive citizen comment regarding the proposed transfer of New Personal Property Tax Exemption Certificate 114-2007 from Owosso Automation, located at 1650 East South Street, to Rivers Fab & Welding, Inc., located at 1650 East South Street as follows:

RESOLUTION NO. 11-2012

SETTING PUBLIC HEARING TO CONSIDER REQUEST FOR A TRANSFER OF NEW PERSONAL PROPERTY EXEMPTION OWOSSO AUTOMATION, INC. TO RIVERS FAB & WELDING, INC.

WHEREAS, request for a transfer of New Personal Property Exemption #114-2007, was received February 17, 2012 from Rivers Fab & Welding, Incorporated; and

WHEREAS, the exemption is currently under the name of Owosso Automation, Incorporated, located at 1650 E. South Street; and

WHEREAS, the transfer of PA 328 of 1998 as amended by P.A. 20 of 1999 is available according Section 211.9f, subsections 4 and 5 of the General Property Tax Act; and

WHEREAS, PA 328 of 1998 as amended by PA 20 of 1999 is available to the city of Owosso; and

WHEREAS, city of Owosso is an Eligible Local Assessing District and permits the city of Owosso to grant a New Personal Property Tax Exemption; and

WHEREAS, Rivers Fab & Welding, Incorporated is an Eligible Business; and

WHEREAS, the exemption is located in an Eligible District; and

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

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

FIRST: the Owosso City Council sets public hearing for March 19, 2012 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso; and

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

Set Public Hearing – Personal Property Tax Exemption Transfer – Target Industries. Set a public hearing for March 19, 2012 to receive citizen comment regarding the proposed transfer of New Personal Property Tax Exemption Certificate 110-2007 from Target Industries, Inc, located at 222 South Elm Street, to Professional Gallery, Inc., located at 520 South Gould Street as follows:

RESOLUTION NO. 12-2012

**SETTING PUBLIC HEARING TO CONSIDER REQUEST FOR A
TRANSFER OF NEW PERSONAL PROPERTY EXEMPTION
TARGET INDUSTRIES, INC. TO PROFESSIONAL GALLERY, INC.**

WHEREAS, request for a transfer of New Personal Property Exemption #110-2007, was received February 14, 2012 from Target Industries, Incorporated; and

WHEREAS, Professional Gallery, Incorporated has purchased the business and assets from Target Industries, Incorporated, 312 S. Elm Street; and

WHEREAS, the transfer of PA 328 of 1998 as amended by PA 20 of 1999 is available according Section 211.9f, subsections 4 and 5 of the General Property Tax Act; and

WHEREAS, PA 328 of 1998 as amended by PA 20 of 1999 is available to the city of Owosso; and

WHEREAS, city of Owosso is an Eligible Local Assessing District and permits the city of Owosso to grant a New Personal Property Tax Exemption; and

WHEREAS, Professional Gallery, Incorporated is an Eligible Business; and

WHEREAS, the exemption is located in an Eligible District; and

WHEREAS, the operations of Professional Gallery, Inc. will be relocating to 520 S. Gould Street in the future; and

WHEREAS, the property at 520 S. Gould Street is located in an Eligible District; and

WHEREAS, that district was established as an Industrial Development District, approved by council March 18, 1996; and

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

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

FIRST: the Owosso City Council sets public hearing for March 19, 2012 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso; and

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

Planning Commission Referral – Rezone 1484 West King. Refer to the Planning Commission a request to rezone the parcel at 1484 West King Street from I-1 Light Industrial District to R-1 Single Family Residential District.

Crop Walk Permission. Consider approval of the application of The Owosso Kiwanis Club for use of Hopkins Lake Park, Hopkins Lake Trail and Palmer Avenue and Hopkins Lake Drives on Sunday, May 6, 2012 from noon until 4:00 p.m. for the annual Crop Walk and authorize Traffic Control Order No. 1262 formalizing the action.

Humane Society Permission. Consider granting request from the Shiawassee Humane Society for use of streets adjacent to Wilman Field (Jerome Avenue and Oakwood Avenue) and the river trail on April 28, 2012 from 8:00 am until noon for their 4th annual Dog Walk/Run and authorize Traffic Control Order No. 1263 formalizing the action.

Warrant No. 438. Accept Warrant No. 438 as follows:

Vendor	Description	Fund	Amount
Netarx	Network Engineering – January 2012	General	\$8,568.00

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Bailey, Erfourth, Cook, Fox, Mayor Pro-Tem Popovitch, Councilperson Eveleth and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

SATA PRESENTATION

SATA Director Larry Alpert was on hand to give a presentation regarding a potential SATA millage question for the August 2012 ballot. He explained that the 5 year model SATA had been using previously had run its course and after extensive examination the Board determined that the best route forward would be to maintain the model as it currently exists save an increase in the millage request from .25 mills to .333 mills.

SATA MILLAGE REQUEST

Council discussed the proposal and asked questions of Mr. Alpert to clarify some of the numbers he had presented.

Motion by Councilperson Erfourth to approve the resolution authorizing the placement of a millage request for SATA on the August 7, 2012 ballot as follows:

RESOLUTION NO. 13-2012

PLACING A PUBLIC TRANSIT MILLAGE ON THE AUGUST 7, 2012 BALLOT

WHEREAS, the Shiawassee Area Transportation Agency (SATA) is an intergovernmental agency with no taxing authority;

WHEREAS, the city of Owosso has an intergovernmental agreement with SATA whereby SATA provides transit services to the residents of the city;

WHEREAS, in 2007 the voters of the city of Owosso amended the city charter and approved a 0.2500 maximum millage for five (5) years on all property within the city which would go toward the support of public transit;

WHEREAS, the SATA board of directors has concluded that additional funding will be required beginning in 2013 and they have made a request to place on the election ballot a millage proposal requesting the electors to approve a 0.3333 maximum millage for five (5) years beginning in 2013 and ending in 2017;

WHEREAS, it is estimated that such levy would generate \$83,398 each year from property within the city of Owosso which will be sufficient to operate the system without further contributions from the city of Owosso;

WHEREAS, Michigan election laws provide for an August 7, 2012 election when the millage question can be placed on the ballot;

NOW THEREFORE BE IT RESOLVED THAT:

1. The city clerk is hereby authorized and directed to file a request with the Shiawassee County Clerk's office requesting that the millage proposal be placed on the August 7, 2012 election ballot.
2. The proposition be placed on the ballot for consideration by the registered voters in the city of Owosso be printed as follows:

PUBLIC TRANSPORTATION MILLAGE 0.3333 FOR FUNDING PUBLIC TRANSIT SYSTEM IN THE CITY OF OWOSSO

This proposal requests authorization for the levy of a millage upon real and tangible personal property for supporting the provision of a public transit system in the city of Owosso. The millage proceeds would be used according to Section 3.2(6) of the Owosso City Charter. It is estimated that the levy of the entire millage would generate \$83,398 in the first year.

Shall a millage for a public transit system be levied in the amount of 0.3333 mills (\$0.33 per \$1,000 of taxable value) annually for five (5) years beginning in 2013 and ending in 2017?

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Erfourth, Fox, Bailey, Mayor Pro-Tem Popovitch, Councilpersons Cook, Eveleth and Mayor Frederick.

NAYS: None.

BID AWARD – LED STREET LIGHTING RETROFIT PROJECT (Added to the agenda.)

City Manager Crawford started the conversation saying the bid was rather complex due to the requirements of the grant that will be used to pay for the project. He noted that neither of the two main contenders for the bid would be able to fulfill all the requirements. Due to the timing of when each bidder could get the work done council would be asked to choose between using the grant and accepting parts manufactured outside the state of Michigan or using Michigan made products and bearing the entire cost of the project. Council expressed support for use of the grant funds, though they were disappointed that Michigan made products would be out of the question for this project.

Motion by Councilperson Fox to approve the following resolution authorizing award of the LED Street Lighting Retrofit Project Bid to Lennox Electrical in the amount of \$38,475.95, plus costs for any additional lights over 101.

RESOLUTION NO. 14-2012

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE 2012 LED STREET LIGHTING RETROFIT PROJECT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, received a grant from The Michigan Strategic Fund/Michigan Energy Office (MEO-11-81) in the amount of \$40,500 for retrofitting approximately 100 exterior lighting fixtures with LED lighting from a Michigan manufacturer; and

WHEREAS, on February 10, 2012 a request for proposals was issued and on February 28, 2012 eight bids were received; and

WHEREAS, the bids have been analyzed and it is hereby determined that Thomas R. Lennox d/b/a Lennox Electrical is qualified to provide such services and 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 award the 2012 LED Street Lighting and Retrofit project to Thomas R. Lennox d/b/a Lennox Electrical.
- SECOND: Waive The Buy Michigan Preference whereby a preference is given to products manufactured or services offered by Michigan-based firms if all other things are equal and if not inconsistent with federal statute because no Michigan based manufacture could supply materials within the grant period time frame to allow installation before May 31, 2012.
- THIRD: The mayor, city clerk and any other city officials as may be required are instructed and authorized to sign the document substantially in the form attached as Exhibit A, between the city of Owosso, Michigan and Thomas R. Lennox d/b/a Lennox Electrical, with a base bid totaling \$38,475.95 plus added cost per light unit beyond 101.
- FOURTH: The above expenses, including the local contribution, are hereby authorized up to the amount of \$50,000 to be paid from the general fund 101-441-974000 upon satisfactory completion and acceptance by the city.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilperson Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Cook, Bailey, Fox and Mayor Frederick.

NAYS: Councilperson Erfourth.

COMMUNICATIONS

Shiawassee Economic Development Partnership. 2011 Audit Report.
Shiawassee Economic Development Partnership. 2011 Annual Report & 2012 Business Plan.
Owosso Historical Commission. Minutes of January 17, 2012.
Owosso Planning Commission. Minutes of February 13, 2012.

CITIZEN COMMENTS AND QUESTIONS

Michael Tillotson, 1299 South Shiawassee Street, noted that riding a SATA bus is a very inexpensive form of transportation. He also encouraged any veterans suffering from hearing loss to get their hearing checked as there may be possible veteran’s benefits that would allow them to receive a hearing aid.

Tom Manke, owner of 118 South Washington Street, commended the Public Safety Department for their work saying he sees them out and about all the time and especially appreciates them checking on his business at night.

Bozena Bienias, 1432 Mallard Circle, sought clarification on the details of the LED Street Lighting bid.

Eddie Urban, 601 Glenwood Avenue, thanked Mr. Tillotson for filming the meeting this evening. He also noted that in some cases the spouse and children of a veteran can receive benefits.

Mayor Frederick commended Memorial Healthcare for their pursuit of a grant to connect all of their satellite locations using fiber optics. He indicated he hoped that other businesses in the area would have the opportunity to connect to such a network.

Councilperson Fox noted the retirement of local jeweler Steve Schmidt. He also made note of the popular new bakery in town, Lance’s Bakery, saying they make good cakes as well as donuts.

Councilperson Cook announced the Jordan Gallery will be hosting a show March 16 from 3:00 pm to 8:00 pm showcasing items related to the Shiawassee River.

NEXT MEETING

Monday, March 19, 2012

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:08 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk