

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF SEPTEMBER 8, 2015
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTORAL ASSOCIATE EDWARD HORSKI
ST. JOSEPH CATHOLIC CHURCH

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM CHRISTOPHER T. EVELETH

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway, Michael J. O'Leary, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 17, 2015

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of August 17, 2015 with the following correction:

PUBLIC HEARINGS

Rezoning – Corunna Avenue Corridor

Motion by Councilperson Teich to direct City staff to re-start the code enforcement process for the properties owned by Robert Selleck that are not in compliance with the code.

Motion supported by Councilperson ~~Teich~~ Fox.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments. The Mayor proceeded on to Council comments.

Mayor Frederick commended the DPW for their quick response on Sunday when one of the sprayers failed on the splash pad at Bentley Park.

Councilperson Fox expressed an interest in examining potential legislation governing drone use, he distributed pictures of sidewalk damage caused by neighboring trees, he asked that the tree be removed and sidewalk repaired, he asked for an update on the code enforcement issues involving Trebor Industries, LLC, he also asked that the offer by Michael Cline for property near the skate park be placed on the next agenda for potential 21-day posting.

City Manager Donald D. Crawford updated the Council on the status of the code enforcement issues with Trebor Industries, LLC saying staff, as requested by Council, had met with a local attorney to seek legal advice on the matter. A direct course of action has not been determined at this time. Mr. Crawford noted that pursuing the issue through the code enforcement process would take approximately 90-120 days and would cost the City approximately \$1,000 for each violation, while pursuit of the case through the circuit court is projected to take 1-2 years at a cost to the City of at least \$25,000. He said that staff continues to work with the property owner to try to get the area cleaned up.

Councilperson Teich expressed his sincere frustration with the lack of progress asking what the timeline was for resolution of the issue. City Manager Crawford indicated that staff had completed the tasks assigned by Council and he could use direction on which way the Council wanted to proceed. He said he was not convinced that proceeding through circuit court was the best idea and indicated he could have the attorney write up the offenses to proceed with formal code enforcement action. Councilperson Fox agreed with Councilperson Teich saying he wanted to set a timeline for action. He also asked for more solid information on the cost of enforcement.

It was requested the formal notices be written in time for the next Council meeting, at which they would consider setting a timeline for action.

Councilperson Bailey said she was concerned that Council members remain cognizant of not causing the City undue financial strain as the clean-up action is pursued. Councilperson O'Leary noted that there are ways for the City to recoup any losses via the court system.

CITY MANAGER REPORT

City Manager Crawford gave a brief overview of the latest Project Status Report.

Councilperson Fox indicated that he had received complaints from homeowners saying the claw used to pick up leaves in the fall was damaging the surface of the pavement in some areas. He asked that a remedy for this be explored.

Councilperson Bailey, in response to the Status Report item addressing the large number of water shut-offs this quarter, asked how many people have had their water service restored. She asked that shut-off days not be scheduled just prior to a weekend so that homeowners would have the opportunity to have service restored and not have to go a weekend without water.

CONSENT AGENDA

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

Owossopalooza Permission. Approve the application of Owosso Main Street/DDA for use of Main Street Plaza, Town Square Park, and Comstock Street from Washington Street to the entrance to the Gilbert's parking lot from 4:00 p.m. to 8:00 p.m. Thursday, October 1, 2015 for the annual Owossopalooza event, waive the insurance requirement, and authorize Traffic Control Order No. 1335 formalizing the action.

Art Walk Permission. Approve the application of Owosso Main Street/DDA for use of Main Street Plaza September 11, 2015 from 9:00am to 10:00pm and Exchange Street from Water Street to Ball Street from 1:00pm to 10:00pm for the Art Walk event, waive the insurance requirement, and authorize Traffic Control Order No. 1336 formalizing the action.

Party in the Plaza Permission. Approve the application of Owosso Main Street/DDA for use of Main Street Plaza September 14, 2015 from 5:30pm to 8:30pm for the Party in the Plaza event, waive the insurance requirement, and authorize Traffic Control Order No. 1337 formalizing the action.

Bid Award - Lime Residuals Removal/Reuse. Authorize three-year contract with Prolime for the removal/re-use of Water Treatment Plant lime residuals at \$14.00 per cubic yard in an amount not to exceed \$197,000.00 and further authorize payment upon successful completion of the work or a portion thereof as follows:

RESOLUTION NO. 78-2015

AUTHORIZING CONTRACT WITH PROLIME CORPORATION FOR REMOVAL OF LIME RESIDUAL MATERIAL AT THE WATER TREATMENT PLANT

WHEREAS, the city has determined it necessary remove lime residual material at its water treatment plant lagoons to gain lagoon capacity; and

WHEREAS, the city of Owosso sought bids for the removal of lime residuals at the water treatment plant; a bid was received from Prolime Corporation; and it is hereby determined that Prolime Corporation is qualified to provide such services and that it has submitted the lowest responsible and responsive bid; and

WHEREAS, the proposed cost is within the current Water Fund budget.

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 Prolime Corporation to remove approximately 14,070 cubic yards of lime residuals at the water treatment plant at a cost of \$14.00 per yard.

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 Prolime Corporation in the amount of \$197,000.00 covering the period of September 1, 2015 through June 30, 2018.

THIRD: The accounts payable department is authorized to pay Prolime Corporation according to unit prices up to the contract amount for work satisfactorily completed and certified correct by the city utilities director or his designee.

FOURTH: The above expenses shall be paid from the Water Fund.

Warrant No. 508. Authorize Warrant No. 508 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	Various	\$19,823.00

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Fire Fighter Contract Approval

Motion by Mayor Pro-Tem Eveleth to approve the contract with the International Association of Fire Fighters, Local 504 for a three year contract beginning July 1, 2015 and ending June 30, 2018.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

Councilperson Greenway left the meeting prior to discussion of the next two items.

Property Sale – South 20' of 415 Bradley Street

City Manager Crawford noted for Council that should they approve the sale of the property the closing could not take place until the Council considered a lot split for the property.

Motion by Mayor Pro-Tem Eveleth to approve the sale of the south 20' of the city owned parcel located at 415 Bradley Street to Elaine Greenway for \$4,710.00 as follows:

RESOLUTION NO. 79-2015

**AUTHORIZING THE SALE OF
A PORTION OF THE CITY-OWNED PARCEL AT 415 BRADLEY STREET**

WHEREAS, the City owns the vacant parcel commonly known as 415 Bradley Street and described as follows;

LOT 3, BLOCK 9 OF LUCY L. COMSTOCK'S ADDITION; and

WHEREAS, the parcel is vacant and serves no named purpose at this time; and

WHEREAS, the land is strategically placed and could be developed as a parking resource in the future; and

WHEREAS, the neighbor adjacent to the property, Elaine M. Greenway, has approached the City offering to purchase a portion of the parcel, described as follows, for a reasonable price to provide a buffer between her home and any future parking resource:

THE SOUTH 20' OF LOT 3, BLOCK 9 OF LUCY L. COMSTOCK'S ADDITION; and

WHEREAS, the value of the land in question has been determined according to the city's Property Sale Policy; and

WHEREAS, the City Council authorized a 21-day posting period for the proposed sale at the meeting of August 3, 2015; and

WHEREAS, no citizen comments or other offers for the property were received during the posting period.

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

FIRST: the property be sold to Elaine Greenway for the price of \$4,710.00 in accordance with the terms included in the attached purchase agreement.

SECOND: the Mayor and City Clerk are instructed and authorized to execute appropriate documents to execute the sale.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons O'Leary, Bailey, Teich, Mayor Pro-Tem Eveleth, Councilperson Fox, and Mayor Frederick.

NAYS: None.

ABSTAIN: Councilperson Greenway.

Property Lease – North 46' of 415 Bradley Street

Motion by Mayor Pro-Tem Eveleth to approve a lease agreement for the north 46' of the city owned parcel located at 415 Bradley Street to Elaine Greenway on a month to month basis in exchange for routine property maintenance as follows:

RESOLUTION NO. 80-2015

**AUTHORIZING A MONTH-TO-MONTH
LEASE AGREEMENT FOR USE OF CITY PROPERTY
WITH ELAINE M. GREENWAY**

WHEREAS, the City of Owosso, Michigan ("City") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Owosso City Charter adopted April 6, 1964, as amended ("Charter"); and

WHEREAS, the City owns the vacant parcel commonly known as 415 Bradley Street and described as follows;

LOT 3, BLOCK 9 OF LUCY L. COMSTOCK'S ADDITION; and

WHEREAS, the parcel is vacant and serves no named purpose at this time; and

WHEREAS, the land is strategically placed and could be developed as a parking resource in the future; and

WHEREAS, adjacent property owner Elaine M. Greenway has approached the City offering to purchase a portion of the parcel, described as follows, for a reasonable price; and

WHEREAS, Elaine M. Greenway has also expressed an interest in leasing the remaining portion of the parcel on a month to month basis in exchange for routine property maintenance; and

WHEREAS, the remaining portion of the parcel is described as follows:

THE NORTH 46' OF LOT 3, BLOCK 9 OF LUCY L. COMSTOCK'S ADDITION; and

WHEREAS, the City Council authorized a 21-day posting period for the proposed lease at the meeting of August 3, 2015; and

WHEREAS, no citizen comments or other offers for the property were received during the posting period.

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

FIRST: the lease agreement with Elaine M. Greenway for the above described property is hereby approved subject to termination providing 30-days notice.

SECOND: the Mayor and City Clerk are hereby instructed and authorized to sign the document attached as Exhibit A, Property Use Agreement, on behalf of the City of Owosso.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, Mayor Pro-Tem Eveleth, Councilpersons Fox, O'Leary, and Mayor Frederick.

NAYS: None.

ABSTAIN: Councilperson Greenway.

Councilperson Greenway returned to the meeting at 8:02 p.m.

COMMUNICATIONS

Revenue & Expenditure Report. August 2015.
Historical Commission. Minutes of July 13, 2015.
Downtown Development Authority/Main Street. Minutes of July 29, 2015.
Downtown Development Authority/Main Street. Minutes of August 5, 2015.
Historical Commission. Minutes of August 10, 2015.
Downtown Historic District Commission. Minutes of August 12, 2015.
Zoning Board of Appeals. Minutes of August 18, 2015.
Downtown Historic District Commission. Minutes of August 19, 2015.
Parks & Recreation Commission. Minutes of August 24, 2015.
Planning Commission. Minutes of August 24, 2015.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, inquired about the latest legal opinions on drones saying he would like to learn more about the subject.

Mayor Frederick drew attention to the open boards & commissions seats saying he was looking for volunteers and recommendations.

NEXT MEETING

Monday, September 21, 2015

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018
Historical Commission, term expires December 31, 2017
Planning Commission (2), both terms expire June 30, 2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:07 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk