

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF NOVEMBER 2, 2015
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTORAL ASSOCIATE EDWARD HORSKI,
ST. PAUL AND ST. JOSEPH CATHOLIC CHURCHES

PLEDGE OF ALLEGIANCE: AMOS GOULD AWARD WINNER DEBRA ADAMS

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 with the addition of the following to Items of Business:

3. **Authorize Termination of Contract.** Approve termination of the 2015 Street Patches contract with Black Jack Asphalt.
4. **Authorize Execution of Contract.** Approve the execution of a contract for the 2015 Street Patches program with One-Way Asphalt Paving & Excavating Inc.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 19, 2015

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of October 19, 2015 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

Amos Gould Outstanding Citizen Award

Mayor Frederick acknowledged past award recipients and introduced this year's 2015 Amos Gould Outstanding Citizen Award winner, Debra Adams. He spent a significant amount of time detailing her many activities and her significant contributions to the community.

There was a brief recess at 7:43 pm.
Session resumed at 7:47 pm.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Owosso Township, resident, commented that our community has a large population of elderly and single adults that are forced to rent sleeping rooms at \$300. He said that municipalities are dealing with this reality by embracing the micro home concept. Zoning is being changed to allow smaller homes. They were popular in the past and are becoming popular again with the income levels today. There are a few stand-alone cottages in Owosso today but not very many. Mr. Manke claimed to be spearheading an effort to build tiny homes in our community saying he will have a home done in 30 days and he will display it. He believes we need to acknowledge our elderly population and single people by accepting these micro homes. Many communities have embraced these homes and the young upwardly mobile love them.

Eddie Urban, 601 Glenwood Avenue, said he had lived in one of those type houses for the first 5 years of his life then moved to Glenwood.

Mayor Frederick commented on the successful weekend of trick or treating in the downtown. He said that we are getting used to busy weekends with long lines and families enjoying the downtown. The Main Street volunteers are allowing these great events to happen.

Councilperson Bailey wanted to remind people to vote tomorrow. She also said she hopes people vote yes.

Pro-Tem Eveleth wanted to congratulate Tracy Peltier for another successful farmer's market season. He also handed out candy at the market office and was impressed by how busy the downtown was.

Councilperson Greenway was curious as to where Tom Manke would like to see these micro homes go. Mr. Manke said that he is building a prototype and it is up to the community to decide where it will be placed. He believes that a few micro houses would go on a single parcel not just random throughout the city.

Councilperson Fox said he would like to see this work and not put too many restrictions to prevent it from working.

Councilperson O'Leary commented that he spent 25 years working in the building and zoning field and these types of structures run into problems with building and zoning ordinances. Building code is state law and if it is a habitable home it needs to meet the building code. There are significant issues and hurdles to go through to make the idea viable.

CITY MANAGER REPORT

City Manager Donald Crawford briefly detailed the latest Project Status Report.

Councilperson Fox inquired about the Cargill project and access road. City Manager Crawford stated that the Planning Commission meeting dealing with this will be in December, in the meantime plans continue to change and enlarge. Councilperson Fox asked about the location of the road and when construction would take place. City Manager Crawford stated that those were both still being discussed.

CONSENT AGENDA

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

Set Public Hearing for Rezoning of 117 S Shiawassee St. Conduct first reading and set a public hearing for November 17, 2015 to receive citizen comment regarding request to rezone 117 S Shiawassee from RM-2 Multiple-Family Residential District to B-1 Local Business District as follows:

RESOLUTION NO. 97-2015

TO SET A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE A PORTION OF THE PARCEL AT 117 S. SHIAWASSEE STREET AND AMEND THE ZONING MAP

WHEREAS, the city council of the city of Owosso received a petition from David Duryea, owner of real property identified as 117 S. Shiawassee Street, parcel number 050-700-001-013-00 to rezone the parcel from RM-2 Multiple-Family Residential to B-1 Local Business District; and

WHEREAS, the planning commission subsequently published the request and mailed notices of the request to surrounding property owners, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 117 S. Shiawassee Street as petitioned; and

WHEREAS, the item must now be considered by the city council and a public hearing by the council is required before any such ordinance amendment can be acted upon.

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

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, Zoning Districts and Map, reflect the following change, to be noted on the official map and filed with the city clerk:

Parcel Address	Current Zoning	Amended Zoning
117 S. Shiawassee Street, described as follows:	RM-2, Multiple Family Residential	B-1 Local Business District

LOT 14 OF THE PLAT OF WOODARD'S SUBDIVISION OF BLOCK NO. 1 OF A. L. WILLIAMS ADDITION TO THE VILLAGE (NOW CITY) OF OWOSSO, SHIAWASSEE COUNTY

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, November 16, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

Authorize Emergency Purchase of Heating Unit. Approve emergency purchase and installation of a unit heater for the Wastewater Plant.

RESOLUTION NO. 98-2015

RESOLUTION FOR THE EMERGENCY PURCHASE AND INSTALLATION OF A UNIT HEATER AND INSTALLATION AT THE WASTEWATER PLANT

WHEREAS, the wastewater treatment plant has an old boiler system which has been red tagged by the state of Michigan boiler inspector; and

WHEREAS, the sludge hauling dump truck bay requires heat before outdoor temperatures get substantially below freezing which would result in the sludge freezing in the truck.

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

- FIRST: It has been theretofore determined that the immediate purchase of a heating unit and installation is necessary.
- SECOND: The City of Owosso waives the competitive bid process to allow for this emergency purchase.
- THIRD: The City of Owosso therefore authorizes \$10,350.00 for the purchase of a Sterling TC 200AN211D 200,000 BTU natural gas two stage heat exchanger and installation by Victory Heating & Cooling in accordance with the attached estimate
- FOURTH: The above expenses shall be paid from the wastewater fund 599-901-975.000.

Warrant No. 511. Authorize Warrant No. 511 as follows:

Vendor	Description	Fund	Amount
Key Government Finance Inc	Annual payment on phone system – 4 of 5 payments	General	\$26,256.84
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	Various	\$19,823.00

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Approve Release of Special Assessment – 1711 Frederick Street

Motion by Pro-Tem Eveleth to approve the release of the special assessment on 1711 Frederick Street.

RESOLUTION NO. 99-2015

RESOLUTION APPROVING THE RELEASE OF A SPECIAL ASSESSMENT ON THE PROPERTY COMMONLY KNOWN AS 1711 FREDERICK STREET

WHEREAS, the city of Owosso undertook the condemnation and demolition upon real property within the corporate limits of the city of Owosso owned by Samuel T. Harwood, 24 Calle Lila, Sante Fe, New Mexico and further described as:

050-602-020-002-00
E ½ LOTS 2 & 3, ALSO W ½ ADJ VAC ALLEY, BLK 20 M L STEWART & CO'S 2ND ADDN;

WHEREAS, the city of Owosso by motion duly seconded and passed, assessed the cost of demolition by special assessment upon the owners thereof, in the sum of \$9,221.88 together with interest as set forth in Resolution No. 16-2014 Hazards & Nuisances Roll for 1711 Frederick Street approved February 18, 2014 and recorded in the office of the Shiawassee County Register of Deeds; and

WHEREAS, the property was sold by the state of Michigan for delinquent taxes, charges and assessments with insufficient amounts to pay off the special assessment; and

WHEREAS, in order for the current owner to have clear title it is necessary for the city of Owosso to discharge the special assessment lien.

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

FIRST: the Owosso City Council discharges the special assessment for 050-602-020-002-00 E ½ LOTS 2 & 3, ALSO W ½ ADJ VAC ALLEY, BLK 20 M L STEWART & CO'S 2ND ADDN.

SECOND: the city clerk is authorized and directed to instruct the Shiawassee County Register of Deeds to remove the special assessment lien from 050-602-020-002-00 E ½ LOTS 2 & 3, ALSO W ½ ADJ VAC ALLEY, BLK 20 M L STEWART & CO'S 2ND ADDN and to take any other actions as necessary and appropriate to remove the special assessment lien.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

Authorize Execution of Agreement for HVAC Services

Councilperson Fox acknowledged the reasonable hourly rate for labor in the contract, but was concerned that there was no warranty for labor.

City Manager Crawford commented that there typically is not a warranty for labor on preventative maintenance. He stated that the city wanted to make sure equipment was being properly maintained and that parts will be warranted.

Councilperson Fox made a motion to request a 30-day warranty in the contract before approval.

Motion supported by Councilperson O'Leary.

Pro-Tem Eveleth and Councilperson Teich had issues with the idea that old equipment could act up at any time and that the inspector would not be at fault if an old part failed after the inspection.

The Council further deliberated the issue with a 30-day warranty on the labor for preventative maintenance.

Motion by Pro-Tem Eveleth to approve the agreement for HVAC services as written.

RESOLUTION NO. 100-2015

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT FOR PREVENTIVE MAINTENANCE AND ON-SITE REPAIR SERVICES WITH BRAD HURLEY, SOLE PROPRIETOR, D/B/A VICTORY HEATING AND COOLING

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that providing heat, air conditioning and ventilation to city-owned buildings (city hall, public safety building, library, Curwood Castle), public works building, water filtration plant, wastewater treatment plant and Gould House) is advisable, necessary and in the public interest; and

WHEREAS, it is necessary to maintain and repair such equipment requires skilled services beyond those available from city employees; and

WHEREAS, Brad Hurley, sole proprietor, d/b/a Victory Heating and Cooling has the skills for maintaining and repairing the systems in city-owned buildings.

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 Brad Hurley, sole proprietor, d/b/a Victory Heating and Cooling.

SECOND: The mayor and city clerk are hereby instructed and authorized to sign the documents attached as Exhibit A, agreement for preventive maintenance and on-site repair services with Brad Hurley, sole proprietor, d/b/a Victory Heating and Cooling for the city of Owosso.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilperson Greenway, Bailey, Pro Tem Eveleth, Councilperson Teich, and Mayor Frederick.

NAYS: Councilperson O'Leary and Fox

Mayor Frederick clarified that Councilperson Fox's motion to request a 30-day warranty was moot, which was confirmed by City Attorney Bill Brown.

Termination of Contract – 2015 Street Patch Contract

City Manager Crawford explained that Black Jack Asphalt has been unable to provide the services they were contracted for. Staff recommends terminating the contract. The next item on the agenda will address who will take over the contract and complete the work.

Motion by Pro-Tem Eveleth to terminate the contract with Black Jack Asphalt

RESOLUTION NO. 101-2015

**AUTHORIZING THE TERMINATION OF A CONTRACT
FOR THE 2015 STREET PATCHES PROGRAM
WITH BIBI, INC. AKA BLACK JACK ASPHALT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the street patches in many of the streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub base of the street, accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids to permanently patch said areas; a bid was received from Bibi, Inc. aka Black Jack Asphalt; and it was determined that Bibi, Inc. aka Black Jack Asphalt was qualified to provide such services and that it has submitted the lowest responsible and responsive bid; and

WHEREAS, the city of Owosso awarded a bid and entered into a contract with Bibi, Inc. aka Black Jack Asphalt which has been unable to fulfill the contract.

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 terminate the contract with Bibi, Inc. aka Black Jack Asphalt for pavement patching as part of the 2015 Street Patches Program.

SECOND: The city manager along with other appropriate city officials is hereby authorized to take the required actions to terminate the contract that was awarded in the amount of \$32,264.80.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

Authorize Execution of Contract – 2015 Street Patch Contract

Motion by Pro-Tem Eveleth to approve the contract with One-Way Asphalt for the 2015 Street Patch program as follows:

RESOLUTION NO. 102-2015

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2015 STREET PATCHES PROGRAM
WITH ONE-WAY ASPHALT PAVING & EXCAVATING, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan has determined that the street patches in many of the streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub base of the street, accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso awarded the bid for said work to Black Jack Asphalt on August 17, 2015; and

WHEREAS, the contractor failed to perform to the standards required in the contract and the contract was terminated on November 2, 2015; and

WHEREAS, the next to lowest bid was received from One-Way Asphalt Paving & Excavating, Inc.; and it is hereby determined that One-Way Asphalt Paving & Excavating, Inc. is qualified to provide such services and that it has submitted a 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 One-Way Asphalt Paving & Excavating, Inc. for pavement patching as part of the 2015 Street Patches 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 One-Way Asphalt Paving & Excavating, Inc. based upon unit pricing.
- THIRD: The accounts payable department is authorized to pay One-Way Asphalt Paving & Excavating, Inc. for work satisfactorily completed on the project up to the bid amount of \$44, 035.25.
- FOURTH: The above expenses shall be paid from Water Maintenance Fund accounts 591-552-833.300 and 591-552-833.200.

Motion supported by Councilperson Bailey

Roll Call Vote.

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

NAYS: None.

Mayor Frederick noted his appreciation for staff work on this saying there needs to be consequences when expectations on contracts are not being met.

COMMUNICATIONS

- Zoning Board of Appeals. Minutes of October 20, 2015.
- Susan K. Montenegro, Assistant City Manager. Trebor Update.
- Parks and Recreation Commission. Minutes of October 26, 2015
- Planning Commission. Minutes of October 26, 2015

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Owosso Township resident, wanted to remind the Council of the local preference policy for bidders. And that Black Jack was the low bid for street patching.

Ed Urban, 601 Glenwood, discussed the courts and veterans in the system.

Mayor Frederick commented on and invited the public to view the new mural on the Wildermuth Hotel. It was completed by the same artist that did the Durand Depot mural. It was completed in a day and a half on the south face of the building on the corner of Comstock and Washington. He said there was great support for this project from Indian Trails and the Wildermuth Family. He joked that Indian Trails has received inquiries about rooms, but that the prices would have gone up by now. Staff is aware they have expressed interest in the façade program.

Councilperson Fox said that Friday night is going to be a great night in the city. The official lighting on the marquee of the Lebowsky Theater for a multi-million dollar project that will be an anchor to the city will take place that night. And he suggested that everyone should go out and see ghost.

NEXT MEETING

Monday, November 16, 2015

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:37 p.m.

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

Benjamin R. Frederick, Mayor

Tyler J. Leppanen, Recording Secretary