

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF NOVEMBER 16, 2015
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: MAYOR BENJAMIN R. FREDERICK

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

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 following addition to Items of Business:

4. Fifth Monday Meeting.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 2, 2015

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of November 2, 2015 as presented.

Motion supported by Councilperson O'Leary and concurred in by unanimous vote.

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Rezoning Request - 117 South Shiawassee Street

A public hearing was conducted to receive citizen comment regarding request to rezone 117 South Shiawassee Street from RM-2, Multiple-Family Residential District, to B-1, Local Business District.

There were no citizen comments received prior to, or during the meeting.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Fox that the following ordinance be adopted:

ORDINANCE NO. 771

**AN ORDINANCE AMENDING CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES
TO REZONE 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, and described as follows, to rezone the parcel from RM-2 Multiple-Family Residential to 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; 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 City Council held a public hearing November 16, 2015 and having heard all interested persons and deliberated on the request; and

WHEREAS, the City Council find that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of the City of Owosso.

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	Parcel Number	Current Zoning	Amended Zoning
117 S. Shiawassee St	050-700-001-013-00	RM-2 Multiple Family Residential	B-1 Local Business District

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective December 7, 2015.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

John Horvath, County Commissioner District 2, was on-hand to invite all interested parties to participate in the Committee of the Whole meeting scheduled for Wednesday at 4:00 p.m. saying important subjects, such as the status of the emergency coordinator position and probable millage proposal, will be discussed and public input is important.

Mayor Frederick applauded the elementary schools for their efforts in honoring local veterans on Veteran's Day.

CITY MANAGER REPORT

City Manager Donald D. Crawford gave a brief status report on the rental inspection program saying 290 properties had been inspected so far this year. He went on to note that approximately 50% of units pass upon first inspection, 25% pass after one follow-up, and approximately 25% of units have on-going, chronic issues.

CONSENT AGENDA

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

Glow Owosso Permission. Approve request from Owosso Main Street for use of various downtown streets and a parking lot at various times on November 27, 2015 for Owosso Glow events, waive the insurance requirement, and approve Traffic Control Order No. 1339 formalizing the request.

Bid Award – Stop Signs and Posts. Approve bid award to Osburn Associates Inc. for the bulk purchase of stop signs and posts in the amount of \$6,935.00 to comply with the Federal Retro Reflectivity Standard, and authorize payment up to the purchase order amount upon satisfactory delivery as follows:

RESOLUTION NO. 103-2015

AUTHORIZING THE EXECUTION OF A PURCHASE ORDER FOR THE PURCHASE OF STOP SIGNS, ALL WAY SIGNS, AND U POSTS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined it necessary to purchase stop signs, all way signs and U posts to comply with the Federal Retro Reflectivity Standard 23 CFR PART 655; and

WHEREAS, City staff received 11 bids for the noted signs and posts and the lowest bid was from Osburn Associates, Inc. in the amount of \$6,935.00.

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 purchase 250 stop signs for \$5,345.00, 50 "All Way" signs for \$142.00 and 100 2# U posts for \$1,448.00 from Osburn Associates, Inc..
- SECOND: The contract between the City and Osburn Associates, Inc. shall be in the form of a city purchase order for the amount of \$6,935.00.
- THIRD: The accounts payable department is authorized to pay Osburn Associates, Inc. up to the purchase order amount upon satisfactory delivery of said product.
- FOURTH: The above expenses shall be initially paid from the inventory account, 101-000-160000, until installed, at which time they will be expensed to the major and local street funds (202-474-728000 & 203-474-728000).

Purchase Authorization – DPW Fleet Pickup Trucks. Waive competitive bidding requirements, authorize purchase of five Ford pickup trucks for the DPW fleet from Signature Ford Lincoln Mercury in the amount of \$136,545.00 utilizing State Contract No. 071B1300009, and further authorize payment to the vendor upon satisfactory delivery of the vehicles as follows:

RESOLUTION NO. 104-2015

RESOLUTION AUTHORIZING PURCHASE OF FLEET VEHICLES (PICKUPS) FROM OWOSSO MOTORS, INC. D/B/A SIGNATURE FORD LINCOLN MERCURY UTILIZING CONTRACT # 071B1300009

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Public Works Department requiring the use of pickups; and

WHEREAS, these vehicles must be periodically replaced to ensure a mechanically sound and reliable fleet is available at all times; and

WHEREAS, the City of Owosso desires to purchase five new pickups at this time and staff has determined it is in the best interest of the City to utilize State of Michigan Contract No. 071B1300009, held by Owosso Motors, Inc. d/b/a Signature Ford Lincoln Mercury, for said purchase; and

WHEREAS, city ordinance section 2-345(3) provides for an exception to competitive bidding when the best interest of the city would be served by jointly purchasing with another governmental unit.

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 purchase the following vehicles from Signature Ford Lincoln Mercury using State of Michigan Contract No. 071B1300009*:

2	4X2 Pickups	DPW	\$23,960.00 ea
2	4X4 Pickups	DPW	\$27,129.00 ea
1	4X2 Utility Truck	DPW	\$34,367.00 ea

- SECOND: The Deputy Director of Public Services is hereby instructed and authorized to sign any necessary documents to complete said purchase.
- THIRD: Payment is authorized to Signature Ford Lincoln Mercury in an amount not to exceed \$136,545.00 upon delivery and acceptance of the vehicles. Payment shall be made for vehicles as they become available and satisfactorily delivered.
- FOURTH: Said purchase shall be paid for using funds from the following account in the noted amount:

DPW	Acct. # 661-901-979000	\$136,545.00
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Purchase Authorization – Sewer Push Camera. Waive competitive bidding requirements, authorize purchase of one 200ft VeriSight Pro-Push Camera from Bell Equipment Company in the amount of \$8,500.00, utilizing Grand Rapids Contract No. 840-70-22, and further authorize payment in full to the vendor upon satisfactory delivery of the equipment with 50% of said price to be reimbursed via a MMRMA RAP Grant as follows:

RESOLUTION NO. 105-2015

AUTHORIZING THE EXECUTION OF A PURCHASE ORDER FOR THE PURCHASE OF STOP SIGNS, ALL WAY SIGNS, AND U POSTS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined it necessary to purchase stop signs, all way signs and U posts to comply with the Federal Retro Reflectivity Standard 23 CFR PART 655; and

WHEREAS, City staff received 11 bids for the noted signs and posts and the lowest bid was from Osburn Associates, Inc. in the amount of \$6,935.00.

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 purchase 250 stop signs for \$5,345.00, 50 “All Way” signs for \$142.00 and 100 2# U posts for \$1,448.00 from Osburn Associates, Inc..
- SECOND: The contract between the City and Osburn Associates, Inc. shall be in the form of a city purchase order for the amount of \$6,935.00.
- THIRD: The accounts payable department is authorized to pay Osburn Associates, Inc. up to the purchase order amount upon satisfactory delivery of said product.
- FOURTH: The above expenses shall be initially paid from the inventory account, 101-000-160000, until installed, at which time they will be expensed to the major and local street funds (202-474-728000 & 203-474-728000).

Warrant No. 512. Approve Warrant No. 512 as follows:

Vendor	Description	Fund	Amount
William C. Brown, P.C.	Professional service- October 12, 2015-November 6, 2015	General	\$11,474.28
Logicalis, Inc.	Network engineering- October 2015	Various	\$ 7,056.00
State of Michigan	Community public water supply annual fee	Water	\$ 5,237.59

Check Register – October 2015.* Affirm check disbursements totaling \$1,013,179.43 for the month of October 2015.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Easement Acceptance – 1445 West North Street

City Attorney William C. Brown noted the language of the easement document must indicate it is a permanent easement.

Motion by Mayor Pro-Tem Eveleth to authorize acceptance of a permanent easement along the property at 1445 West North Street from Frederick J. & Kimberly M. Toman in the amount of \$1.00 and other considerations as follows:

RESOLUTION NO. 106-2015

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FREDERICK J. TOMAN AND KIMBERLY M. TOMAN FOR A PERMANENT EASEMENT ALONG 1445 WEST NORTH STREET

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to reconstruct the culvert crossing under North Street over Corlett Creek; and

WHEREAS, there is an existing water main near the culvert and the Public Service Department recommends relocating the water main away from and around the proposed culvert structure and onto adjacent privately owned property; and

WHEREAS, relocation of the water main would require an easement from the property owners; and

WHEREAS, property owners Frederick M. Toman and Kimberly M. Toman, 1445 W. North Street, Owosso, Michigan, are willing to grant said easement to the City for the sum of one dollar (\$1.00) and other considerations.

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 agree to the terms set forth in the attached permanent easement documents* between the city of Owosso, Michigan and Frederick M. Toman and Kimberly M. Toman, 1445 W. North Street, Owosso, Michigan.

SECOND: The City Clerk is instructed and authorized to file said easement documents with the Shiawassee County Register of Deeds.

THIRD: The accounts payable department is authorized to pay Frederick M. Toman and Kimberly M. Toman for necessary expenses as set forth in the permanent easement documents.

FOURTH: The above expenses shall be paid from the City Water Fund Account 591-552-833200.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

Contract Termination – 2015 Sidewalk Replacement Program

City Manager Crawford noted that the contractor worked today but there was no way for them to finish the project with cold weather looming and he advised the Council to terminate the contract in light of the fact they have missed contract deadlines and have not communicated with staff. The City is currently in contact with another contractor that may be willing to finish the work that was started and complete the project in the spring. He went on to say that no payment will be issued to the contractor until final costs for the entire project are determined.

Mayor Frederick noted that the contractor in question had worked for the City previously without issue and the trouble this year was unanticipated.

Motion by Mayor Pro-Tem Eveleth to approve the following resolution terminating the 2015 Sidewalk Replacement Program contract with Black Jack Asphalt.

RESOLUTION NO. 107-2015

AUTHORIZING THE TERMINATION OF THE CONTRACT FOR THE 2015 SIDEWALK REPLACEMENT PROGRAM WITH BIBI, INC. AKA BLACK JACK ASPHALT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the sidewalks on many of the streets in the city need to be permanently repaired and replaced; and

WHEREAS, the city of Owosso sought bids to permanently repair said cracked and raised sidewalks; 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 had 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 for the 2015 Sidewalk Replacement Program; and

WHEREAS, Bibi, Inc. aka Black Jack Asphalt has completed very little of the work specified in the contract, has left open holes without pouring cement, doesn't return for long periods of time, and 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 sidewalk replacement as part of the 2015 Sidewalk Replacement Program.*

SECOND: The city manager along with other appropriate city officials is hereby authorized to take the required actions to terminate the above named contract in the amount of \$61,125.00.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

Purchase Agreement Extension – 1509 West Oliver Street

City Manager Crawford explained that Cargill has requested an extension of the due diligence period so they may properly vet a contractor. He went on to say that he felt there was little risk in extending the agreement as Cargill has invested significant funds in preparing plans for the site.

Motion by Mayor Pro-Tem Eveleth to authorize extending the terms of the purchase agreement with Cargill, Inc. for the property at 1509 West Oliver Street until March 15, 2016 as follows:

RESOLUTION NO. 108-2015

FIRST AMENDMENT TO SALE AND PURCHASE OF PROPERTY AGREEMENT WITH CARGILL, INCORPORATED

WHEREAS, the city entered into a purchase agreement with Cargill, Incorporated on June 15, 2015 to sell a vacant industrial-zoned 19.118 acre parcel commonly known as 1509 West Oliver Street and described as follows:

PART OF S W 1/4 & PART OF SE FR 1/4 SEC 14 T7N R2E BEG AT CEN POST, TH S 1*32 1/2' W 33', TH E 418.73', TH S 42*07' E 1066.59', TH N 48*30' E 34.45', TH S 43*23' E 177.7' TH S 46*45' E 180', TH S47*52'47"W 52.92', TH S47*07'00"E 146.16', TH ON A CURVE TO THE LEFT HAVING A RADIUS OF 245', A DELTA ANGLE OF 38*22'13" AND A CHORD BEARING AND DISTANCE OF S61*18'07"E 161.02', TH ON A CURVE TO THE LEFT HAVING A RADIUS OF 245', A DELTA ANGLE OF 09*29'47" AND A CHORD BEARING DISTANCE OF S85*14'07"E 40.56', TH S89*59'00"E 154.05', TH ON A CURVE TO THE RIGHT HAVING A RADIUS OF 305.00, A DELTA ANGLE OF 36*33'20" AND A CHORD BEARING AND DISTANCE OF S71*42'20"E 191.31' TO THE EAST AND WEST 1/8 LINE IN THE SE 1/4 OF SAID SEC 14, TH N 89*59' W ALG 1/8 LN 1026.59' TO NE LN OF AARR R/W, TH N40*33 1/2 W ALONG SAID R/W LN TO N-S 1/4 LN, TH N TO BEG. (EX EASMT FOR POWER LNS CON POWER CO.

and

SEC 14, T7N, R2E ALL THAT PART OF THE SW ¼ OF SEC 14 LYING NE'LY OF AARR R/WY; and

WHEREAS, the original purchase agreement stipulated a 180-day period for Cargill, Incorporated to conduct its due diligence; and

WHEREAS, Cargill, Incorporated has realized the need to extend the due diligence period to March 15, 2016.

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

1. The due diligence period in Article VI, Section 6.1 of the Purchase Agreement is amended to extend the Due Diligence Period to March 15, 2016.*
2. 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, Greenway, Teich, Mayor Pro-Tem Eveleth,
Councilpersons Bailey, Fox, and Mayor Frederick.

NAYS: None.

5th Monday Meeting (This item was added to the agenda.)

Motion by Mayor Pro-Tem Eveleth to cancel the work session scheduled for November 30, 2015.

Motion supported by Councilperson Bailey.

Councilperson Fox indicated he wanted to hold the 5th Monday meeting and discuss the street program and water main replacement. Mayor Frederick asked that the items be included on the December 7th agenda as some members would be unable to attend on November 30th due to the proximity to the holiday.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Charles P. Rau, Building Official. October 2015 Building Department Report.

Charles P. Rau, Building Official. October 2015 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. October 2015 Police Report.

Kevin D. Lenkart, Public Safety Director. October 2015 Fire Report.

CITIZEN COMMENTS AND QUESTIONS

John Horvath, County Commissioner District 2, indicated that those wishing to formally participate on a County committee would need to express their interest to him as soon as possible.

Councilperson Bailey inquired about rental units that fail inspection and whether they are still "rentable". City Manager Crawford noted that units that fail inspection should not be rented though preventing this from happening is difficult. He went on to say that when conditions warrant the City will move people and red tag a building.

NEXT MEETING

Monday, December 07, 2015, Regular Meeting

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 7:55 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

*Full text of all marked documents is available for examination at the Clerk's Office.