

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF MARCH 7, 2016  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** MAYOR BENJAMIN R. FREDERICK

**PLEDGE OF ALLEGIANCE:** TY KRAUSS  
NORTHERN MICHIGAN UNIVERSITY STUDENT

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Michael O’Leary, Burton Fox, Loreen F. Bailey, and Elaine M. Greenway.

**ABSENT:** Councilperson Robert J. Teich, Jr.

**APPROVAL AGENDA**

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following changes:

– **Remove**

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

1. Plunge for Parks Awards.

– **Add**

**STUDENT REPRESENTATIVE REPORT**

– **Postpone**

**CONSENT AGENDA**

3. MDOT Cost Agreement No. 16-5000 for North Street Road Improvements

Tentative discussion date of March 21, 2016, due to budget cost.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 16, 2016**

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of February 16, 2016 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF FEBRUARY 20, 2016**

Motion by Councilperson Fox to approve the Minutes of the Special Meeting of February 20, 2016 with the following revision, by Attorney William Brown:

~~It was agreed the properties to be auctioned would first be listed for sale by a local realtor~~ **The council resolves to auction property, but only with the seller's final approval.**

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

### **STUDENT REPRESENTATIVE REPORT**

**Owosso High School.** Owosso High School student representative Natalie Taylor provided an update on recent events at the school.

### **PUBLIC HEARINGS**

None.

### **CITIZEN COMMENTS AND QUESTIONS**

Scott Idle (property owner) – 208-214 W. Exchange Street – Mr. Idle submitted plans to the Building Department on February 11, 2016 for On Cue Billiards which were approved by the City's Interim Building Official then subsequently denied approximately one week later when the new Building Official came on board. There was confusion as to whether the project could proceed or was under a stop-work order. Mr. Idle found this all very disheartening. His goal is to bring business to Owosso, and he does not feel the current staff is working with him. He states he is not fighting code – he has conceded to bring the building up to the current building code, but as a business owner and investor in the city of Owosso, Mr. Idle wants to work *with* the city... not work against it.

Mark Hanna (property owner) – 220 W. Main Street – Mr. Hanna commented on the difficulties he has been having with the Building Department in regard to his plans to make some changes to his building. Mr. Hanna is estimating the cost of repairs required by the Building Official to be about a \$40,000 investment. The rents Mr. Hanna is able to charge in Owosso are not sufficient to support the cost associated with the required building renovations. Mr. Hanna questioned how the leadership within the city of Owosso could strictly stick to code and not provide a balance. He suggested that instead of creating a list of things that could be done to our older buildings, create a list of exceptions to those things, because that would be a service to the community.

Tom Manke (Owosso Township) – Friends and Community News & Views – Mr. Manke has heard from two other business owners within the city of Owosso that have had the same type of problems the other two property owners that spoke tonight have had. Mr. Manke thought the Council did the hiring for the Building Official position, and he inquired why he cannot find meeting minutes where the Council hired this Building Official. Mr. Manke referred to the current and the last building officials as “carpetbaggers”, “interlopers” that cause problems, and then move on.

Eddie Urban – 601 Glenwood Avenue – Mr. Urban questioned the early start time of last council meeting stating that he felt the special meeting time was not publicized well. He said he missed the meeting, as the exact time of special meeting was not publicized. Mr. Urban then inquired whether the auxiliary aids for the hearing impaired were fixed yet, as they had been out of service for about a year. Mr. Urban also commended the DPW for the snow plow route for the year.

### **COUNCIL COMMENTS**

Mayor Benjamin R. Frederick – Stated that the City Council hires the City Manager, and the City Manager is, and always has been, in charge of hiring all department heads and staff within the City. That is our Council/Manager form of government.

Mayor Frederick inquired whether Mr. Hanna has pursued his issues with the Building Board of Appeals at this time. Mr. Hanna responded he had not, but is aware that avenue is available. He was hoping to resolve issues with management. Mayor Frederick explained the building code's purpose is not financial, but safety driven. The two then went on to discuss the issuance of Hanna's 2002 occupancy permit and whether he obtained a permit for work done to the lighting. It was noted there is currently no record of an electrical permit for the 60+ can lights in place, and in question.

City Manager Donald D. Crawford was asked for any updates regarding the project underway at Scott Idle's building. He indicated that as of the close of business Friday, there had not been any communication or revised plan updates from the architect regarding the design. Today, revised plans were submitted by Jeff Peltier and subsequently approved by the Building Official. Community Development Susan Montenegro added that the Building Department had been waiting for the revised plans from the architect causing the delay.

Councilperson Fox – Stated that the conflict between the Interim Building Official and the newly hired Building Official regarding their approval and denial of the same plans puts the City Council in a bad spot. He agreed with Mr. Idle saying he feels it changes day-by-day what someone can do and build in the City. He said he wants to see the City prosper, and not deter business investors and tenants from opening businesses in Owosso.

Mr. Crawford stated he has not been involved in this case from the beginning and is not sure how the original plans submitted in February may have changed up until this point causing the conflict between the two inspectors.

Mayor Frederick inquired whether there is a list of items that should take precedence and be remediated before a business can operate, while other items can be remediated after a temporary certificate of occupancy has been issued. He said would like to see the City partner with business owners, and not serve only a regulatory role. He would like to explore the option of issuing a temporary certificate of occupancy, when building issues are not a life safety issue.

Councilperson O'Leary – Mr. O'Leary indicated he was a building official for twenty-five years. He said the building code is State law and staff at the City level have no control over it. He went on to opine that from the submitted documentation, it appears the current building official is spot on in his judgments and the issues in question need to go to the Building Board of Appeals.

Councilperson Bailey – Asked if the issues are not safety related, could a business move forward and correct the issues later? She said she appreciated the inquiry regarding issuing a temporary certificate of occupancy.

Mayor Pro-Tem Eveleth – Indicated he would like City staff to pursue issuing a temporary certificate of occupancy for Mr. Idle's building.

### **CITY MANAGER REPORT**

City Manager Crawford detailed the latest Project Status Report. Mr. Crawford asked Public Safety Director Kevin Lenkart if the new ambulance went in to operation today. Chief Lenkart replied the ambulance had to be inspected by the state before it could be used.

In relation to the Cargill, Inc. project and rumors of a requested tax abatement, Mr. Crawford stated that if any tax abatement is requested by Cargill, the request would have to be approved by City Council.

### **CONSENT AGENDA**

Motion by Councilperson 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>
Julie Omer	L DFA/Brownfield Authority (filling unexpired term of M. Erickson)	06-30-2016
Julie Omer	L DFA/Brownfield Authority (full term)	06-30-2020
Carolyn Ebert	Owosso Historical Commission (filling unexpired term of R. Dean Ebert)	12-31-2016

**Amendment to Standard Lighting Contract with Consumers Energy** - Approve change to the Standard Lighting Contract with Consumers Energy, adding a streetlight at 917 George between Henry Street and Fredrick Street as follows:

**RESOLUTION NO. 12-2016**

**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT**

Consumers Energy Company is hereby authorized as of March 7, 2016, by the City of Owosso, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Owosso, dated October 1, 2013.

Number of Luminaires	Nominal Watts	Luminaire Type	Fixture Style	Install/ Remove	Location
1	100W	HPS	Cobrahead	Install	917 George Street

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated October 1, 2013, shall remain in full force and effect.

Resolved, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Owosso, dated October 1, 2013, in accordance with the Authorization for Change in Standard Lighting Contract approved March 7, 2016, heretofore submitted to and considered by this Council; and

Resolved, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

**MDOT Cost Agreement No. 16-5000 for North Street Road Improvements** – This item was postponed to a future meeting.

**Bid Acceptance & Contract Approval for Pyramid Paving Company** – Accept the bid from Pyramid Paving Company, Saginaw MI for the resurfacing of Gould Street, and approve a contract as follows:

**RESOLUTION NO. 13-2016**

**AUTHORIZING THE EXECUTION OF A CONTRACT & CHANGE ORDER NO. 1 WITH  
PYRAMID PAVING AND CONTRACTING CO. AKA PYRAMID PAVING CO.  
FOR THE RESURFACING OF GOULD STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to resurface Gould Street, from M-71 (Corunna Ave) to M-21 (Main St); and

WHEREAS, the city has signed a cost sharing agreement with the Michigan Department of Transportation to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the Gould Street Resurfacing Project and a bid was received from Pyramid Paving and Contracting Co. aka Pyramid Paving Co. and it is hereby determined that Pyramid Paving Co. is qualified to provide such services and that it has submitted the lowest responsible and responsive bid; and

WHEREAS, subsequent to receiving the bids the City of Owosso sought to negotiate better terms for the cold milling of pavement.

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 Pyramid Paving and Contracting Co. aka Pyramid Paving Co. for the Gould Street Resurfacing Project.

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 Pyramid Paving Co. in the amount of \$521,827.54.

THIRD: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit B, Amendment No. 1 to the Contract for services between the City of Owosso, Michigan and Pyramid Paving Co. in the amount of (\$13,035.00) (decrease). This change results in a revised contract amount of \$508,792.54

FOURTH: The accounts payable department is authorized to pay Pyramid Paving Co. for work satisfactorily completed on the project up to the revised contract amount.

FIFTH: The above expenses shall be paid from the 2010 Unlimited Obligation Bond Proceeds Account and other funds as appropriated.

**Donation of Fire House Trailer** - Authorize donation of the Fire Department "Fire House Trailer" to the Shiawassee County Firefighters Association for complete refurbishment and future scheduled access by the City of Owosso as follows:

#### **RESOLUTION NO. 14-2016**

#### **RESOLUTION APPROVING DISPOSITION OF CITY-OWNED PERSONAL PROPERTY ROYAL CARGO TRAILER, AKA "FIRE HOUSE TRAILER" TO THE SHIAWASSEE COUNTY FIREFIGHTERS ASSOCIATION**

WHEREAS, the city of Owosso is the owner of a Royal Cargo trailer which has been used as the "fire house trailer;" and

WHEREAS, the trailer is in disrepair and the cost of repair is \$12,000, which far exceeds its value; and

WHEREAS, the Shiawassee County Firefighters Association has agreed to rehabilitate and repair the trailer and make it available to area fire organizations.

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 dispose of the Royal Cargo trailer which has been used as the "fire house trailer."

SECOND: The best method of disposing of the Royal Cargo trailer is to donate the trailer and transfer or assign the title to the Shiawassee County Firefighters Association.

THIRD: The city clerk and /or any other city official are instructed and authorized to sign the necessary documents to transfer or assign the title of the Royal Cargo trailer to the Shiawassee County Firefighters Association.

**Authorization and Approval to Amend the Professional Service Agreement with Orchard, Hiltz, and McCliment (OHM)** - Amend Addendum No. 1 to the professional services agreement with OHM Advisors concerning Task No.5 of the SAW Grant Wastewater Asset Management Plan to allow for the televised inspection of 100% of the sanitary sewer system, additional heavy cleaning, and for OHM to subcontract with Red-Zone Robotics to perform said work with no increase in the overall project budget as follows:

**RESOLUTION NO. 15-2016**

**AUTHORIZING AMENDMENT NO. 1 TO ADDENDUM NO. 1 TO THE  
APRIL 6, 2015 PROFESSIONAL SERVICES AGREEMENT WITH  
ORCHARD, HILTZ, AND MCCLIMENT  
AMENDING TASK 5, CLEANING AND TELEVISIONING**

WHEREAS, the City of Owosso entered into a professional services agreement, dated April 6, 2015, with Orchard, Hiltz, and McCliment for engineering services as they relate to the SAW Grant for the Sanitary Sewer Collection System; and

WHEREAS, Task 5 of Addendum No. 1 to the above stated contract details the steps involved in televising and cleaning a portion of the City's Sanitary Sewer Collection System; and

WHEREAS, new methods of televising and cleaning sewer lines have recently been developed and tested and the City wishes to avail itself of the new methods; and

WHEREAS, these new methods result in an overall cost savings allowing users to accomplish more without increasing the funding necessary for the project; and

WHEREAS, Task 5 of Addendum No. 1 must be amended to reflect the new methods and the portion of the System that can be analyzed and cleaned.

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 amend the agreement with Orchard, Hiltz, and McCliment (OHM) for services as they relate to the SAW Grant Projects for the Sanitary Sewer Collection System, amending Task 5 increasing the portion of the Sanitary Sewer System that can be cleaned and televised and authorizing OHM to contract with Red-Zone Robotics for said cleaning and televising.

SECOND: The amendment shall be in the form of the attached Amendment No. 1 to Addendum No. 1 of the April 6, 2015 agreement with Orchard, Hiltz, and McCliment which details the services to be performed.

THIRD: The accounts payable department is authorized to make periodic payments to Orchard, Hiltz, and McCliment in an amount not to exceed \$488,260.00 upon satisfactory completion of said work or a portion thereof, with those expenses to be paid from the SAW Grant – Sanitary Sewer Collection System.

FOURTH: This amendment results in no change in the overall budget for tasks related to the SAW Grant.

**Authorization to Enter into a Services Agreement with Peerless Midwest Inc.** - Authorize the repair and overhaul of a one vertical turbine pump (one of five) at the wastewater treatment plant by Peerless Midwest Inc. in an amount not-to-exceed \$10,261.86.

**RESOLUTION NO. 16-2016**

**AUTHORIZING SERVICE AGREEMENT AND PAYMENT TO  
PEERLESS MIDWEST INC.  
FOR REHABILITATION OF ONE VERTICAL TURBINE PUMP  
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the rehabilitation of a 100 HP vertical turbine pump in line with the plant's preventive maintenance program, and

WHEREAS, the pump has been pulled and inspected at a cost of \$3,200, which also includes re-installation, and determined to need replacement parts and rehabilitation as detailed on the February 25, 2016 proposal from Peerless Midwest Inc. in the amount of \$10,261.86; and

WHEREAS, the City Utilities Director has reviewed the proposal and verified the parts and work needed to restore the pump to full capacity, and recommends authorizing Peerless Midwest Inc. to perform the work with payment in an amount not to exceed \$10,261.86 upon satisfactory completion and re-installation.

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 contract with Peerless Midwest for the rehabilitation and resetting of one vertical turbine pump at the Wastewater Treatment Plant.

SECOND: The accounts payable department is authorized to submit payment to Peerless Midwest Inc. in an amount not to exceed \$10,261.86 upon satisfactory completion of the work in accordance with their proposal dated February 25, 2016.

THIRD: The above expenses shall be paid from account no. 599-901-977000.

**First Reading & Set Public Hearing - Repeal of City's Soil and Erosion Control Ordinance** – Schedule a hearing for Monday, March 21, 2016 to receive citizen comment regarding the proposed repeal of the city's soil and erosion control regulation ordinance as follows:

**RESOLUTION 17-2016**

**FIRST READING & SETTING A PUBLIC HEARING REGARDING AN ORDINANCE TO REPEAL  
CHAPTER 27, SOIL EROSION AND SEDIMENTATION CONTROL  
OF THE CODE OF THE CITY OF OWOSSO**

WHEREAS, the city of Owosso has an ordinance designating the city of Owosso as the municipal enforcing agency responsible for the prevention of soil erosion and off-site sedimentation; and

WHEREAS, Part 91 of the Natural Resources and Environmental Protection Act (NREPA) requires municipal enforcing agencies to have certified staff to administer the program; and

WHEREAS, the City does not have staff certified to administer the program as a municipal enforcing agency pursuant to Part 91 of the NREPA; and

WHEREAS, counties are mandated by the state to act as enforcing agencies and Shiawassee County has agreed to assume responsibilities within the city's jurisdiction.

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

SECTION 1. REPEAL. That Chapter 27, Soil Erosion and Sedimentation Control, of the Code of Ordinances of the City of Owosso, be repealed in its entirety.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, March 21, 2016 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

**Resolution Authorizing the Execution of an Agreement for Professional Engineering Services With Rowe Professional Services Company** – Approve a professional services agreement with Rowe Professional Services Company aka Rowe Engineering for Roadway Construction to serve Owosso Brownfield Redevelopment Authority District No. 8 as follows:

#### **RESOLUTION 18-2016**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH ROWE PROFESSIONAL SERVICES COMPANY (A MICHIGAN CORPORATION) FOR ROADWAY CONSTRUCTION TO SERVE OWOSSO BROWNFIELD REDEVELOPMENT AUTHORITY DISTRICT NO. 8**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary road construction and public utilities to serve the proposed Cargill Animal Nutrition Facility; and

WHEREAS, this project requires the services of a professional engineering firm; and

WHEREAS, the City considered from its QBS list of firms to perform such work; and

WHEREAS, Rowe Professional Services Company (A Michigan Corporation) is selected as the most qualified firm to perform such work and offers to complete full design and construction administration services of said project in return for compensation in the amount of \$75,000.00.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to employ the firm of Rowe Professional Services Company (A Michigan Corporation) aka Rowe Engineering for providing professional engineering services for a new road accessing Owosso Brownfield Redevelopment Authority District No. 8.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum to an Agreement for Professional Engineering Services between the City of Owosso, Michigan and, Rowe Professional Services Company (A Michigan Corporation).
- THIRD: The above expenses shall be paid from the tax increment from Owosso Brownfield Redevelopment Authority District No. 8.



**Resolution Authorizing the Execution of an Agreement for Professional Engineering Services With Orchard, Hiltz, & McClement (OHM)** – Approve an agreement for professional engineering services with OHM for water main to serve Owosso Brownfield Redevelopment Authority District No. 8 as follows:

**RESOLUTION 19-2016**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
FOR PROFESSIONAL ENGINEERING SERVICES WITH  
ORCHARD, HILTZ & MCCLIMENT, INC. WATER FOR MAIN TO SERVE  
OWOSSO BROWNFIELD REDEVELOPMENT AUTHORITY DISTRICT NO. 8**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary water main to serve the Owosso Brownfield Redevelopment Authority District No.8; and

WHEREAS, this project requires the services of a professional engineering firm; and

WHEREAS, the City considered from its QBS list of firms to perform such work; and

WHEREAS, Orchard, Hiltz & McCliment, Inc. is selected as the most qualified firm to perform such work and offers to complete full design and construction administration services of said project in return for compensation in the amount of \$68,500.

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 employ the firm of Orchard, Hiltz & McCliment, Inc. to provide professional engineering services for the design and construction administration of new water main to Owosso Brownfield Redevelopment Authority District No 8.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum to an Agreement for Professional Engineering Services between the City of Owosso, Michigan and, Orchard, Hiltz & McCliment, Inc.

THIRD: The expenses shall be paid from the tax increment from Owosso Brownfield Redevelopment Authority District No. 8.

**Warrant No. 519.** Authorize Warrant No. 519 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Reeves Wheel Alignment Inc.	Maintenance/repairs on public safety vehicles – February 2016	General	\$ 6,852.39
		<b>TOTAL</b>	<b>\$ 6,852.39</b>

**Check Register – February 2016** – Affirm check disbursements totaling \$2,286,217.05 for February 2016.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

**ITEMS OF BUSINESS**

**Price Restructuring of Lots in Osburn Lakes Subdivision**

Motion by Mayor Pro-Tem Eveleth to approve the Price Restructuring of Lots in the Osburn Lakes Subdivision as follows:

**RESOLUTION 20-2016**

**RESOLUTION ADJUSTING SALE PRICES FOR SMALLER FRONT LOTS IN THE OSBURN LAKES SUBDIVISION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, previously determined that it was advisable, necessary and in the public interest to develop the Osburn Lakes Subdivision; and

WHEREAS, the city of Owosso retains ownership of 25 lots which the city intends to sell; and

WHEREAS, the development agreement provided a price schedule designed to allow the city to recoup development costs and other provisions pertaining to the sale of each lot; and

WHEREAS, the prices established for smaller lots abutting Gould Street are no longer reasonable in today's market following the real estate market collapse, and a new schedule has been proposed.

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 establish the sale price of lots in the Osburn Lakes Subdivision as follows:

Area	Description	Lots	Previous Price	New Price*
A-1	Lots abutting Gould Street	5	\$10,040	\$7,500
A-2	60 foot frontage lots with 120-130' depth	3	\$10,040	\$10,040
B-1	Small corner lots and 68 and 69	1	\$10,525	\$10,525
D	Walk-out lots/small lots	3	\$15,600	\$15,600
E	Walk-out large privacy lots	4	\$15,980	\$15,980
F	Large basement window	7	\$16,500	\$16,500
G	Walk-out large lots	2	\$17,530	\$17,530

\*if sidewalks were installed prior to sale the cost of installation will be added to the price of the lot.

SECOND: the city of Owosso will maintain all other sale conditions including but not limited to those requiring that construction begin within one year and that lots shall not be combined.

Available Lots	Price Designation
1	A-1
2	A-1
4	A-1
5	A-1
6	A-1
23	F

26	F
27	F
28	F
30	F
33	G
44	E
46	E
54	G
58	D
59	D
60	D
61	F
63	F
64	E
65	E
68	B-1
79	A-2
80	A-2
82	A-2

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Bailey, Fox, Greenway, Mayor Pro-Tem Eveleth, Mayor Frederick.

NAYS: None.

ABSTAIN: Councilperson O'Leary.

ABSENT: Councilperson Teich.

**Amended Purchase Agreement with Cargill, Inc.**

Motion by Mayor Pro-Tem Eveleth to approve the Amendment No. 2 to the Purchase Agreement with Cargill as follows:

**RESOLUTION 21-2016**

**SECOND 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 May 15, 2016.

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

FIRST: The due diligence period in Article VI, Section 6.1 of the Purchase Agreement is amended to extend the Due Diligence Period to May 15, 2016.

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

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

**Authorize Lot Split – 1404 Rain Street**

Motion by Mayor Pro-Tem Eveleth to approve the Lot Split of 1404 Rain Street as follows:

**Current Parcel:**

Address	Status	Parcel #
1404 Rain Street	Before split	050-113-011-012-00
<b>Description</b> LOT 11, BLK 11, CITY ASSESSORS PLAT 3		

**New Parcel After Split:**

Address	Status	Parcel #
1404 Rain Street	After Split	050-113-011-019-00
<b>Description</b> THE S 140' OF LOT 11, BLK 11, CITY ASSESSORS PLAT 3		

**Original Parcel After Split:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
Rain Street – back land	After split	050-113-011-012-00
<b>Description</b> LOT 11, BLK 11, CITY ASSESSORS PLAT 3, (EXCEPT THE S 140')		

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

**Authorize Lot Split – 1410 Rain Street**

Motion by Councilperson Fox to approve the Lot Split of 1410 Rain Street as follows:

**Current Parcel:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
1410 Rain Street	Before split	050-113-011-013-00
<b>Description</b> LOT 12, BLK 11, CITY ASSESSORS PLAT 3		

**New Parcel After Split:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
1410 Rain Street	After split	050-113-011-017-00
<b>Description</b> THE E ½ OF THE S 140' OF LOT 12, BLK 11, CITY ASSESSORS PLAT 3		

**Original Parcel After Split:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
Rain Street – back land	After split	050-113-011-013-00
<b>Description</b> LOT 12, BLK 11, CITY ASSESSORS PLAT 3, (EXCEPT THE S 140')		

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

**Authorize Lot Split – 1416 Rain Street**

Motion by Mayor Pro-Tem Eveleth to approve the Lot Split of 1416 Rain Street as follows:

**Current Parcel:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
1416 Rain Street	Before split	050-113-011-014-00
<b>Description</b> LOT 13, BLK 11, CITY ASSESSORS PLAT 3		

**New Parcel After Split:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
1416 Rain Street	After split	050-113-011-018-00
<b>Description</b> THE S 140' OF LOT 13, BLK 11, CITY ASSESSOR'S PLAT 3		

**Original Parcel After Split:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
Rain Street – back land	After split	050-113-011-014-00
<b>Description</b> LOT 13, BLK 11, CITY ASSESSORS PLAT 3, (EXCEPT THE S 140')		

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

**City Of Owosso Real Estate Auction**

Motion by Mayor Pro-Tem Eveleth to authorize the auction sale of specified city-owned parcels of real property as follows:

**RESOLUTION 22-2016**

**AUTHORIZING THE SALE OF CERTAIN PARCELS  
OF REAL PROPERTY OWNED BY THE CITY BY AUCTION**

WHEREAS the City of Owosso owns 27 parcels of real property which are stated on the attached Auction List; and

WHEREAS the City of Owosso wishes to sell said properties by auction; and

WHEREAS the City of Owosso has contracted with Troy Crowe of Sheridan Realty and Auction Co. to auction said properties.

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

- FIRST: The City of Owosso hereby determines that it is beneficial to sell the real property stated on the attached Auction List.
- SECOND: It is in the best interest of the City of Owosso to auction said real property with Sheridan Realty and Auction Co.
- THIRD: The auction shall be conducted and said real property shall be sold to the highest and/or accepted bidder.
- FOURTH: The Mayor and City Clerk are instructed to sign all purchase agreements, deeds and any other documents necessary to consummate the sale of said real property.
- FIFTH: Any property sold for less than Five Hundred Dollars (\$500.00) shall be conveyed by Quit Claim Deed without title insurance.
- SIXTH: All properties shall be sold on an "as is" basis with a recommendation that the buyer conduct all necessary inspections, surveys and title examinations. The City shall disclaim all warranties, implied or expressed.

#### AUCTION LIST

#	PARCEL	ZONING	ADDRESS	USE
1	050-010-033-021-00	R1	WRIGHT AV	Vacant-Res Lot -S of 607
2	050-011-021-002-00	B4	S GOULD ST	Vacant-Commercial
3	050-113-011-019-00	R1	RAIN ST	Vacant-Residential Lot
4	050-113-011-017-00	R1	RAIN ST	Vacant-Residential Lot
5	050-113-011-018-00	R1	RAIN ST	Vacant-Residential Lot
6	050-350-000-001-00	R2	W SOUTH ST	Vacant-Residential Lot
7	050-350-000-002-00	R2	W SOUTH ST	Vacant-Residential Lot
8	050-350-000-003-00	R2	W SOUTH ST	Vacant-Residential Lot
9	050-350-000-004-00	R2	W SOUTH ST	Vacant-Residential Lot
10	050-350-000-005-00	R2	W SOUTH ST	Vacant-Residential Lot
11	050-350-000-006-00	R2	W SOUTH ST	Vacant-Residential Lot
12	050-350-000-007-00	R2	W SOUTH ST	Vacant-Residential Lot
13	050-350-000-011-00	R2	1351 W SOUTH ST	Vacant-Residential Lot
14	050-420-001-003-00	I1	520 CORUNNA AV	Sliver-ROW
15	050-420-001-004-00	I1	CORUNNA AV	Sliver-ROW
16	050-420-003-015-00	R1	602 LINGLE	To be combined and sold as a single parcel
17	050-420-003-016-00	R1	410 MONROE	
18	050-430-000-002-00	R2	425 HAMBLIN	Residential-Red tagged
19	050-430-000-003-00	R2	429 HAMBLIN	Vacant-Residential
20	050-560-000-059-00	R1	WARD ST	Vacant-Outlot
21	050-602-038-001-00	RM1	W SOUTH ST	Vacant-Residential Lot
22	050-602-039-001-00	R1	SHORT ST	Vacant-Residential Lot
23	050-602-039-004-00	R1	W SOUTH ST	Vacant-Residential Lot
24	050-602-039-006-00	R1	W SOUTH ST	Vacant-Residential Lot
25	050-660-007-017-00	R1	1112 BEEHLER ST	Vacant-Residential Lot

26	050-660-011-001-00	R2	219 N CEDAR	Vacant-Residential Lot
27	050-470-000-011-00	B3	S WASHINGTON	Vacant-Commercial

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Greenway, Fox, Bailey, and Mayor Frederick.

NAYS: None.

ABSTAIN: Councilperson O’Leary

ABSENT: Councilperson Teich.

**Resolution Submitting Bond Proposal for Street Improvements**

City Manager Crawford explained that street conditions in Owosso continue to deteriorate. It seems that every ballot in recent times that includes a millage renewal or a millage increase have been turned down by voters, voters perhaps being influenced by other millage proposals on the ballot. The engineer’s preliminary estimate for the planned 2017 reconstruction of East Oliver is \$1,736,000 (since this was prepared state bids have come in at 10% over estimates).

The city has been approved for \$375,000 in state funding. The water fund can contribute \$550,000 for water mains. The traditional special assessment would generate \$147,000, though without bonds the up-front money won’t be there. This leaves a deficit of \$664,000. Don Crawford is suggesting a \$10 million dollar street bond issue, with a maturity of 25 years. An issue could be placed on either the August or November ballot. Proposed street improvements would include paving, repaving, reconstructing and improving sidewalks, parking areas, lights and trails in addition to local and major street improvements.

To have the bond issue on the August ballot, a resolution would have to be in place by May 10, 2016. To have the bond issue on the November ballot, a resolution would have to be in place by August 16, 2016. There are upcoming millage requests on both the August and November ballots.

Councilperson Fox believed the city did not do enough work to pass previous proposals.

Mayor Frederick said the issue will be discussed again at budget meetings in April. He stated the council could look at possible alternatives to a bond, such as using its budget reserves.

Councilperson O’Leary inquired as to how many wooden water mains are remaining in Owosso. Mark Sedlak, Director of Public Services, responded we have none. Councilperson Fox inquired how many lead water mains remain in the city. Mark Sedlak responded there are no lead water mains remaining in the city. Lead service lines at individual properties exist in some areas.

The council agreed the street improvements need to be brought before voters again.

**COMMUNICATIONS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke – Owosso Township – Friends and Community News & Views – Mr. Manke reiterated he feels the city building official is making it hard on property owners and investors to open businesses in the



city. He is displeased the current and last building officials were not residents of the area, and again referred to them as “carpet baggers.”

Kori Shook – Owner, Century 21 Looking Glass – Thanked the council for using her as listing broker for sale of lots in Osburn Lakes Subdivision. Ms. Shook referred to a recent ad-hoc meeting and is pleased with the relationship between the city and the ad-hoc committee. She thanked the council for the price reduction in the saleable lots in Osburn Lakes Subdivision and detailed her marketing strategy for these parcels. Ms. Shook went on to say she has pride in the city of Owosso and believes it is a great place to live, and states it is a positive investment.

Nick Pidek – 317 S. Elm - co-owner of Foster Coffee Company – Mr. Pidek thanked the city staff and former building inspector for making the opening of Foster Coffee Company a pleasant experience. A temporary certificate of occupancy was issued by the building department, and appreciated by the co-owners. Foster Coffee Company enjoyed a great grand opening and has had nothing but pleasant and warm welcomes from city council and city residents. As an entrepreneur, there are many reasons to continue investing in Owosso and choose to stay here and build here.

Eddie Urban – 601 Glenwood – Mr. Urban verified the next city council meeting time will be 7:30 p.m.

### **COUNCIL COMMENTS**

Councilperson O’Leary stated he has not met the current building inspector. O’Leary states it appears from his work, he knows exactly what he is doing. Mr. Lussenden is doing nothing more than enforcing the state building code, which is state law. Building officials have a thankless job, and do not earn many friends when doing their job correctly. O’Leary suggests a performance bond as a means of work being completed on commercial renovations, etc.

Councilperson Bailey – Bailey reiterated Ms. Shook’s statement the ad-hoc meeting went well, and all involved did a nice job. Owosso is a great place to live and asks for continued support.

Councilperson Fox – Fox requested the auxiliary aids that have been out of service be replaced. City Manager Crawford agreed auxiliary aids should be ordered and made available to the public as soon as possible. He also noted that there was a recent CIS Trail meeting, and he outlined a proposed bike path that would allow the trail to run through the city. The approved lot splits on Rain Street have allowed the proposed trail to extend further in to the city. Councilperson Fox said he would like to continue the discussion regarding the bike path and would like to bring the path into the city and tie it into surrounding townships.

Mayor Frederick indicated he appreciated the bike trail discussion. Councilperson Fox would like to see getting the Mid-County Parks Authority with members from city council and would like to see the bike path discussion as future agenda item.

### **NEXT MEETING**

Monday, March 21, 2016

### **BOARDS AND COMMISSIONS OPENINGS**

Board of Review – term expires December 31, 2020  
Building Board of Appeals – Alternate - term expires June 30, 2018  
Downtown Historic District Commission – term expires June 30, 2016

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:56 p.m.  
Motion supported by Councilperson Bailey and concurred in by unanimous vote.

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Benjamin R. Frederick, Mayor

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Bridget Cannon, Recording Secretary