

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 4, 2016
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: MAYOR BENJAMIN R. FREDERICK

PLEDGE OF ALLEGIANCE: COUNCILPERSON ELAINE M. GREENWAY

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 change:

Agenda Section	Change	Item Name	Comments
Proclamations	Postpone	3. Historical Commission Annual Review	Postpone until April 18 th

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 21, 2016

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of March 21, 2016 as presented.

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

Mayor Frederick noted the handouts each member received at the beginning of the meeting:

- Revised resolution for Special Assessment District No. 2016-01
- Feedback received on the Public Hearing for Special Assessment District No. 2016-01
- Updated list of unpaid utilities
- Liquor license transfer notice

PROCLAMATIONS / SPECIAL PRESENTATIONS

Parkinson's Awareness Month. Mayor Frederick read aloud the following proclamation of the Mayor's Office declaring the month of April 2016 as Parkinson's Awareness Month in the City of Owosso.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING APRIL 2016 AS
PARKINSON'S AWARENESS MONTH IN THE CITY OF OWOSSO**

WHEREAS, Parkinson's disease is a chronic, progressive neurological disease that causes motor system disorders; and

WHEREAS, Parkinson's disease affects nearly 35,000 in the State of Michigan and its prevalence continues to rise significantly with the increasing age of the Baby Boom generation; and

WHEREAS, a local support group, the Owosso Parkinson's Support Group, has been meeting for over twenty-five years in an effort to provide education, support and fellowship to those affected by this frustrating disease.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of April 2016 as Parkinson's Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Owosso Parkinson's Support Group and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 4th day of April, 2016.

Plunge for Parks Awards. (This item was not addressed as there were no award winners present at the meeting.)

Historical Commission Annual Review. (This item was postponed until the April 18, 2016 meeting.)

PUBLIC HEARINGS

Special Assessment District No. 2016-01

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2016-01 for Gould Street from Main Street to Corunna Avenue for street resurfacing.

The following people commented regarding the proposed special assessment roll:

Mike Cline, 621 Wright Avenue, inquired about several details regarding the proposed special assessment including: whether Caledonia Township will be contributing to the project, corner lot discounts, the estimated start date of the project, and how special assessments are handled when a property is sold.

Ed Hillaker, 842 Comstock Street, said he has had to pay to resurface the street three times now and is upset. He also wanted to know why he did not receive a corner lot discount.

Ed Beamish, 838 Grover Street, also noted this is the 3rd time he will be paying to have the street resurfaced and said he was getting tired of paying for it. He also said he didn't see where his corner lot received a discount either.

City Manager Donald D. Crawford indicated that Caledonia Township had been approached but had not made a commitment to fund any portion of the project at this time. He noted that the proposed start date for the project is near the end of June, corner lot discounts should be factored in already, MDOT is providing grant funding to cover use of the street by large trucks, and special assessments attached to properties that are sold are handled according to an agreement between the buyer and seller.

Mayor Frederick inquired about the qualifications for a hardship exemption. He asked that Council delay decision on the roll until the questions regarding corner lot discounts could be answered.

There was no further public comment and the hearing was closed.

The item will be brought before Council again at the April 18, 2016 meeting.

CITIZEN COMMENTS AND QUESTIONS

Greg Weinert, 530 Martin Street, indicated he was interested in some of the properties the City has proposed for auction but the information on-line was incomplete. He also noted that the parcels were not marked with signage and the auctioneer was out of town until April 11th. In light of this he asked the Council to consider postponing the auction until the issues could be remedied.

Mike Erfourth, 801 West Oliver Street, noted his concern with the actions of the Building Department in relation to various buildings in the downtown, saying it was becoming very difficult to invest in the downtown because of high costs and over-regulation. He asked that staff members make every effort to look at the bigger picture when going about their jobs.

Eddie Urban, 601 Glenwood Avenue, said he was supportive of the Flea Market and Farmers Market requests for street closure.

Mike Cline, 621 Wright Avenue, thanked the Council for holding off on approval of the special assessment roll to allow all the assessment amounts to be checked.

Mayor Frederick asked Mr. Erfourth to send Council members the economic information he put together, saying he thought they would find it useful in upcoming budget discussions.

Councilperson Fox inquired as to when the sidewalks on the east side of Emerson School would be replaced. Staff noted the latest repairs would last several years and plans are underway to replace the sidewalks when Dewey Street is reconstructed.

Mayor Pro-Tem Eveleth and Councilperson Greenway indicated they had attended the grand opening of the newly reconstructed Wesener Building, noting the Acton's investment in the community and the fact there are already several serious offers to rent on the table.

Mayor Frederick indicated his desire to have Council include fire suppression as a part of the upcoming budget discussions, specifically he hoped the City would be able to provide assistance toward fire suppression instead of performing only a punitive role.

CITY MANAGER REPORT

City Manager Crawford presented the Council with the Proposed Budget for the 2016-17 fiscal year and briefly reviewed the latest Project Status Report.

CONSENT AGENDA

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

Set Public Hearing - Obsolete Property Rehabilitation Exemption. Set a Public Hearing for Monday, April 18, 2016 to receive citizen comment regarding the application from Owosso REO Group, LLC for an Obsolete Property Rehabilitation Exemption Certificate for their property at 300 W. Main Street.

RESOLUTION NO. 27-2016

**SETTING PUBLIC HEARING TO CONSIDER ESTABLISHING
AN OBSOLETE PROPERTY REHABILITATION DISTRICT
FOR THE PROPERTY COMMONLY KNOWN AS:
300 W. MAIN STREET**

WHEREAS, request was received March 11, 2016 along with an Application for Tax Abatement from Randy Woodworth of REO Group, LLC, to create an Obsolete Property Rehabilitation District, described as:

PART OF ORIGINAL PLAT DESCRIBED AS; SOUTH 1/2 BLOCK 24 & SOUTH 10' OF NORTH 1/2 BLOCK 24, ALSO ADJACENT RESERVE 1, LYING BETWEEN EAST BANK OF SHIAWASSEE RIVER AND SAID DESCRIPTION; and

WHEREAS, the Obsolete Property Rehabilitation Act, Act 146 of 2000, is available to the city of Owosso; and

WHEREAS, the act permits the city of Owosso to establish an Obsolete Property Rehabilitation District; and

WHEREAS, an Obsolete Property Rehabilitation District may consist of one or more parcels of land; and

WHEREAS, it must be determined that the district must consist of obsolete commercial property or commercial housing property as defined in 125.2782, Section 2 (h) of Act 146 of 2000; and

WHEREAS, it must be determined that establishing the district would be beneficial to the city of Owosso, as well as local and regional economy.

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

FIRST: the Owosso City Council sets public hearing for April 18, 2016 on or about 7:30 p.m. in the council chambers for the purpose of hearing comments from those within the proposed district, and any other resident or taxpayer, of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law; and

THIRD: the city staff is directed to investigate and determine if the qualifications of the act are satisfied and report findings at the hearing.

Bid Award - 2016 Spring Tree Purchase Program. Authorize purchase order with Schichtel's Nursery, Inc. for the purchase of 75 trees in the amount of \$5,500.00 and further authorize payment up to the contract amount upon satisfactory receipt of product as follows:

RESOLUTION NO. 28-2016

**AUTHORIZING THE EXECUTION OF A PURCHASE ORDER FOR THE
SPRING 2016 TREE PURCHASE PROGRAM
WITH SCHICHEL'S NURSERY INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, will be planting 75 trees this spring as part of the SPRING 2016 TREE PURCHASE PROGRAM; and

WHEREAS, the city sought bids for (25) Cleveland Select Pear, (25) Crimson King and (25) Bowhall Maples. Two bids were received: Siteone Landscapes for \$8,125.00 and Schichtel's Nursery Inc. for \$5,500.00; and

WHEREAS, it is hereby determined that Schichtel's Nursery Inc. has submitted the lowest responsible and responsive bid.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to award the SPRING 2016 TREE PURCHASE bid to Schichtel's Nursery for \$5,500.00 for the purchase of 75 trees for spring planting.
- SECOND: The contract between the City and Schichtel's Nursery Inc. be in the form of a City Purchase Order for the amount of \$5,500.00.
- THIRD: The accounts payable department is authorized to pay Schichtel's Nursery Inc. up to the purchase order amount upon satisfactory delivery.
- FOURTH: The above expenses shall be paid from Local and Major Street Tree Planting Fund.

Flea Market on the Street. Approve request from Josh Adams, DDA/Main Street Manager, to close North Washington Street, from Main Street, north to Exchange Street, on the following 2016 dates: April 10th, May 8th, June 12th, July 10th and August 14th from 7:30 a.m. until 2:15 p.m. and authorize Traffic Control Order No. 1350 formalizing the request.

Downtown Owosso Farmer's Market. Approve request from Tracy Peltier, Market Master of the Downtown Owosso Farmer's Market, to close Exchange Street from Water Street, east to Washington Street, every Saturday from May 7, 2016 to October 29, 2016 from 7 a.m. until 1:45 p.m. (The Farmer's Market will be open from 7 a.m. until 4 p.m. on 6/4/16, during Curwood Festival) and authorize Traffic Control Order No. 1351 formalizing the request.

***Consumers Energy Alternate Electric Distribution Service At Wastewater Treatment Plant.** Authorize Amendment No. 1 to the agreement between the City of Owosso and Consumers Energy Company for the Provision of an Alternate Electric Distribution Service at the Wastewater Treatment Facility as follows:

RESOLUTION NO. 29-2016

AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENT FOR THE PROVISION OF ALTERNATE ELECTRIC DISTRIBUTION SERVICE CUSTOMER OWNED SECONDARY VOLTAGE SPLIT-BUS OPERATION

WHEREAS, Consumers Energy and the City of Owosso hold an agreement to maintain dual electric services at the Owosso Mid-County Wastewater Treatment Plant; and

WHEREAS, should the initial power source fail, the current terms of the agreement require the City to contact Consumers prior to reverting back to the initial power source when power has been restored; and

WHEREAS, after review of the electrical system at the WWTP Consumers has determined that contact prior to reverting to the initial power source is no longer required, and the agreement should be amended to reflect this.

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 and in the public interest to enter into Amendment No. 1 to the Agreement for the Provision of Alternate Electric Distribution Service Customer Owned Secondary Voltage Split-bus Operation, originally approved May 19, 2014.
- SECOND: The Mayor and Clerk are authorized to execute said amendment for the City.

***Engineering Services Agreement - Roadway & Water Mains for Owosso Brownfield Authority District No. 8.** Approve an engineering contract with Orchard, Hiltz & McCliment (OHM) for water mains, roadway design and construction services for Brownfield Authority District No. 8 (Cargill/Sonoco) as follows:

RESOLUTION NO. 30-2016

**RESOLUTION AUTHORIZING REPEAL OF RESOLUTION NOS. 18-2016 & 19-2016
AND THE EXECUTION OF AN AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES WITH
ORCHARD, HILTZ & MCCLIMENT, INC.
FOR WATER MAIN, ROADWAY AND OTHER ITEMS TO SERVE
OWOSSO BROWNFIELD REDEVELOPMENT AUTHORITY DISTRICT NO. 8**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary water main, roadway and other items 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 approved Resolution Nos. 18-2016 and 19-2016 at the March 7, 2016 meeting authorizing execution of agreements with Orchard, Hiltz & McCliment, Inc. and Rowe Professional Engineering for said services; and

WHEREAS, Rowe Professional Engineering has subsequently indicated they are unable to fulfill the terms of their agreement with the City and have withdrawn their offer; and

WHEREAS, Orchard, Hiltz & McCliment, Inc. is qualified firm to perform such work and has offered to complete full design and construction administration services of the entire project in return for compensation in an amount of \$174,070.00.

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

- FIRST: Resolution No. 18-2016, Agreement for Professional Engineering Services with Rowe Professional Services Company, and Resolution No. 19-2016, Agreement for Professional Engineering Services with Orchard Hiltz & McCliment, Inc., are hereby repealed.
- SECOND: 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. for providing professional engineering services for water main, roadway, and other items to serve Owosso Brownfield Redevelopment Authority District No. 8.
- THIRD: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum No. 3 to an Agreement for Professional Engineering Services between the City of Owosso, Michigan and, Orchard, Hiltz & McCliment, Inc. originally authorized by Resolution No. 26-2015 on April 6, 2015.
- FOURTH: The above expenses shall be paid from Owosso Brownfield Redevelopment Authority District No. 8.

Warrant No. 521. Authorize Warrant No. 521 as follows:

Vendor	Description	Fund	Amount
Waste Management	Landfill disposal charges 3/1/16 - 3/15/16	Street/WWTP	\$ 6,273.71

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Unpaid Utility Charges

Motion by Mayor Pro-Tem Eveleth to authorize the annual notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

***Reciprocal Retirement Act Policy Update**

Motion by Mayor Pro-Tem Eveleth to approve amendment to the City's Reciprocal Retirement Act Policy to reflect changes in the Reciprocal Retirement Act as proposed.

RESOLUTION NO. 31-2016

**TO AMEND THE
CITY OF OWOSSO RECIPROCAL RETIREMENT ACT POLICY
TO REFLECT CHANGES IN THE RECIPROCAL RETIREMENT ACT**

WHEREAS, the Owosso City Council, acknowledges that the City of Owosso adopted the Reciprocal Retirement Act, Public Act 88 of 1961, as amended, on July 20, 1964 to provide for the preservation and continuity of retirement system service credit for public employees who transfer their employment between units of government; and

WHEREAS, since that time the Reciprocal Retirement Act has been amended, lengthening the deadline before which a former employee must return to the System in order to obtain benefits; and

WHEREAS, the City's Reciprocal Retirement Act Policy that governs the administration of the provisions of this act must be amended to comply with the amended Act; and

WHEREAS, the City of Owosso Employees' Retirement System Board of Trustees has vetted the proposed amendments to the Policy and unanimously recommend adoption of the amended Policy.

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

FIRST: the City of Owosso Reciprocal Retirement Act Policy, as amended, is hereby adopted.

SECOND: that a copy of this resolution shall be provided to the appropriate City and Union representatives and interested parties.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

Scheduling of Budget Meetings

Motion by Mayor Pro-Tem Eveleth setting a series of special meetings to discuss the 2016-17 Proposed Budget as follows:

Wednesday, April 13th from 6:30pm-8:30pm
Saturday, April 23rd from 9:00am-12:00pm
Tuesday, April 26th from 6:30pm – 8:30pm

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

David Haut, Filtration Plant Superintendent. 2016 Annual Water Quality Report.
Downtown Development Authority/Main Street. Minutes of March 2, 2016.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Owosso Township resident, noted his concern that the Council did not discuss the City's latest Water Quality Report, saying the City has very high lead rates and no one seems to care. He threatened to create a media storm if the City required that he file a formal FOIA request to get information on the locations of contamination within the system.

Mike Erfourth, 801 West Main Street, noted that he had emailed the Council the information the Mayor had requested. He said the Council and local building owners would need to work hand-in-hand in order for the downtown to be successful.

NEXT MEETING

Monday, April 18, 2016

BOARDS AND COMMISSIONS OPENINGS

Board of Review – term expires December 31, 2020
Building Board of Appeals – Alternate - term expires June 30, 2018

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:23 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.