

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF APRIL 18, 2016  
7:30 P.M.**

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

**OPENING PRAYER:** PASTOR RAY STRAWSER  
MEMORIAL HOSPITAL CHAPLAIN

**PLEDGE OF ALLEGIANCE:** TRACEY PELTIER  
FARMERS MARKET - MARKET MASTER &  
HISTORICAL COMMISSION MEMBER

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

**ABSENT:** None.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 4, 2016**

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of April 4, 2016 as presented.

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

Mayor Frederick noted the two handouts distributed to members just prior to the meeting.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Arbor Day Proclamation**

Mayor Frederick read aloud the following proclamation of the Mayor's Office declaring April 30, 2016 as Arbor Day in the City of Owosso:

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
DESIGNATING APRIL 30, 2016 AS  
ARBOR DAY IN THE CITY OF OWOSSO**

*Whereas,* in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* decades before this in the 1830's, Owosso was making the transition from settlement to city thanks to the amazing vision of Alfred and Benjamin Williams. The Williams brothers

joined with early settlers, Dr. and Mrs. John Barnes, in designing a city layout that would preserve a natural character and aesthetic appeal. This led them to plant many of the trees that have made our city streets so beautiful for over 175 years, leading to the lovely arbors of trees that frame so many of our boulevards and the many mature trees that stand in our yards, and

*Whereas,* these trees have reduced the erosion of our precious topsoil by wind and water, cut our heating and cooling costs by shading our homes, cleansed the air, produced life-giving oxygen, and provided habitat for wildlife, at the same time increasing property values, enhancing the economic vitality of business areas, and generally adding beauty to our neighborhoods and parks, and

*Whereas,* it falls to each generation to continue the stewardship that was launched by our founding families through the planting of new trees throughout our city to replace those that are lost, and

*Whereas,* Owosso is proud to hold the Tree City USA designation and to be engaged once again with the citizens of Owosso to plant new trees throughout the City.

*Now, Therefore,* I, Benjamin R. Frederick, Mayor of the City of Owosso, do hereby proclaim April 30th, 2016 as Arbor Day in the City of Owosso, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge our citizens to plant trees to promote the well-being of this generation and our posterity.

Proclaimed this 18<sup>th</sup> day of April, 2016.

### **Property Auction Update**

Sheridan Realty & Auction Co. representative Troy Crowe gave an update on preparations for the City's property auction. He noted that all the properties have been appropriately signed, there are 17 bidders registered for the auction to date, and plenty of questions regarding the lots with clouded titles. He also noted that the sale had been rescheduled for May 12, 2016 at the request of the City. All signage and advertising will be updated and registered bidders will be notified of the change by mail.

### **Historical Commission Annual Review**

Historic Facilities Project Director Robert Doran delivered a PowerPoint presentation of the activities of the Historical Commission in 2014 and 2015 and the goals for 2016 and beyond. The Commission continues to work toward their goal of becoming a fully independent non-profit organization. They have also been busy creating relationships with other historical organizations, non-profits, and the schools, inventorying the City's historical assets, adopting new branding, and establishing a social media presence. There are numerous activities planned for the coming year including an extensive exhibition called Made in Owosso, moving one of Curwood's cabins to Curwood Castle Park, hiring docents, and potentially sending 5 valuable paintings in for restoration.

Mayor Pro-Tem Eveleth said Mr. Doran works tirelessly at his job.

## **PUBLIC HEARINGS**

### **Obsolete Property Rehabilitation District – Mueller Building**

A Public Hearing was conducted to receive citizen comment regarding the application from Owosso REI Group, LLC for the creation of an Obsolete Property Rehabilitation District for their property at 300 W. Main Street.

The following person commented regarding the proposed amendment:

Randy Woodworth, REI Group representative, said he was hoping to start construction on the project yet this year and the OPRA, if its approved, will be an integral part of the finance package making the project possible.

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

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the following resolution be adopted:

**RESOLUTION NO. 32-2016**

**TO APPROVE ESTABLISHING 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 – 300 W. MAIN ST.**

WHEREAS, Obsolete Property Rehabilitation Exemption Application was received March 11, 2016 along with a City of Owosso Application for Tax Abatement from Randy Woodworth of Owosso REI 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 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, a public hearing was held for the purpose of hearing comments from those within the proposed district, and any other resident or taxpayer, of the city of Owosso; and

WHEREAS, the city clerk has given notification as required by law and this act; and

WHEREAS, the city council has determined that the qualifications of the act are satisfied.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that, on this date April 18, 2016, in accordance with the Obsolete Rehabilitation Act, Act 146 of 2000, does hereby approve this district.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

## **CITIZEN COMMENTS AND QUESTIONS**

Mark Hanna, building owner at 220 West Main Street, relayed the concerns he has with regard to his recent interactions with the City's new Building Official. He spoke about the importance of using the proper building code when reviewing plans and the difficulty he and his architect have had communicating with the Building Official. He asked that the Council direct the City Manager to insist that the Building Inspector reply, in writing, to his pending request for a building permit.

Tom Manke, 2910 W M-21, indicated he agreed with Mr. Hanna and said he doesn't recommend Owosso to investors. He also blamed the Mayor for the "brain drain" of young people from the community as well as the fact that someone of local origin is not leading the day to day operations of the City.

Randy Woodworth, 648 First Street, said he supported the comments regarding use of the "rehabilitation code" for buildings in the downtown. He said he really wants to keep the momentum downtown moving and this issue was endangering that effort.

Mike Erfourth, 801 West Oliver Street, thanked Mr. Doran for his work with the Historical Commission. He went on to say that he too hopes the momentum downtown is not squashed by the building code issue.

Councilperson Fox indicated he has seen some of the struggles building owners face when remodeling their buildings and that many of those problems could be solved using common sense and open communication on the part of City staff. He also said there was no compromise on fire safety issues.

Councilperson Teich directed staff to reply to Mr. Hanna's request in writing. He asked about the status of the Building Board of Appeals meeting to address Mr. Hanna's appeal. City Manager Donald D. Crawford indicated that a special meeting of the BBA would be called and that staff would be meeting tomorrow morning to work on all the issues involved, which were rather complex.

Councilperson Bailey changed the subject thanking staff for the detailed rental inspection report. She went on to say that she was pleased to hear about the City's plan to increase enforcement efforts with repeat offenders of the program.

Mayor Frederick said staff needed make more of an effort to follow-up with citizens to make sure all parties understand the solution. He also noted that Mr. Hanna was correct in stating that the architect for a project has the authority to choose which code should be used when they submit a set of plans.

## **CITY MANAGER REPORT**

City Manager Crawford indicated he had no report at this time.

Following up on the building code conversation he suggested that building owners not tear out the existing interior before consulting with the Building Department because many of the features and fixtures may be able to be grandfathered in, eliminating significant cost in replacing them according to code.

## **CONSENT AGENDA**

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

**Set Public Hearing - 2016-2017 City Budget.** Set required Public Hearing pursuant to Chapter 8 of the City Charter for May 2, 2016 to receive citizen comment regarding proposed 2016-2017 City Budget.

**Boards and Commissions Appointment.** Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Bill Gilbert*	Downtown Development Authority/ Main Street Board	06-30-2020

\*Indicates reappointment

**457 Deferred Compensation Plan Loan Agreement.**\* Approve agreement to establish terms and conditions under which the City will grant loans from an employee's 457 Deferred Compensation Plan Account as follows:

**RESOLUTION NO. 33-2016**

**AMENDING THE CITY OF OWOSSO  
ICMA-RC 457 DEFERRED COMPENSATION PLAN #303247**

WHEREAS, the city of Owosso, a Michigan municipal corporation, has employees rendering valuable services; and

WHEREAS, the city of Owosso has established a 457 Deferred Compensation retirement plan (the "Plan") for such employees which serves the interest of the city by enabling employees to supplement their retirement savings, by providing the city increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the city of Owosso has determined that permitting participants in this retirement plan to take loans from the Plan will serve these objectives.

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

FIRST: the 457 Plan will permit loans to employees as governed by the Loan Guidelines Agreement, dated April 19, 2016.

SECOND: the City Manager is instructed and authorized to sign the agreement substantially in the form attached.

**Professional Services Agreement – Replacement of WWTP Primary Clarifiers & Screening.\***

Authorize contract with C2ae Engineering Consultants to perform engineering design, bidding assistance, and construction management for the removal and replacement of two primary clarifiers and two flow channel screening units at the Waste Water Treatment Plant in an amount not to exceed \$43,700.00, and further authorize payment to the contractor upon satisfactory completion of the project or portion thereof as follows:

**RESOLUTION NO. 34-2016**

**AUTHORIZING ADDENDUM NO. 2 TO THE OCTOBER 21, 2013 CONTRACT  
BETWEEN THE CITY OF OWOSSO AND CAPITAL CONSULTANTS, INC. D/B/A C2AE  
FOR PROFESSIONAL ENGINEERING SERVICES  
FOR THE OWOSSO MID-COUNTY WASTEWATER TREATMENT PLANT  
AS IT RELATES TO THE SAW GRANT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined, through the development of an Asset Management Plan funded by an MDEQ SAW grant, that it is necessary to remove and replace two primary clarifiers and two flow channel screening units at the Waste Water Treatment Plant; and

WHEREAS, the city desires to contract out for engineering services related to this project; and

WHEREAS, the city previously selected Capital Consultants, Inc. d/b/a C2AE for professional engineering services related to the application for the SAW grant as well as work completed as a result of the award of the SAW grant ; and

WHEREAS, the city wishes to contract with C2AE for engineering design, bidding assistance, and construction management for the removal and replacement of two primary clarifiers and two flow channel screening units at the Waste Water Treatment Plant based on their familiarity with the plant, its equipment, and satisfactory work performed in the past; and

WHEREAS, the engineer desires to contract with the city for rendering professional services for the project as described in detail in their April 12, 2016 proposed Addendum No. 2.

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 Capital Consultants, Inc. d/b/a C2AE to provide engineering design, bidding assistance, and construction management for the removal and replacement of two primary clarifiers and two flow channel screening units at the Waste Water Treatment Plant.
- SECOND: The mayor and city clerk are instructed and authorized to sign the Addendum No. 2 document substantially in the form attached, Addendum No. 2 to an Agreement for Professional Engineering Services with Capital Consultants d/b/a C2AE, in an amount not to exceed \$47,300.00.
- THIRD: The above expenses shall be paid on a monthly cost basis following staff review not to exceed the contract amount of Addendum No. 2, \$47,300.00 from capital outlay account no. 599-901-977000.

**Bid Award – Portable Toilets.**\* Authorize contract with Greenwood Enterprises, Incorporated d/b/a Jay's Septic Tank Service for the supply and service of seven (7) portable toilets for City parks in the amount of \$935.00/month for the period of July 1, 2016 – June 30, 2019 and further authorize payment up to the contract amount upon satisfactory completion of said services as follows:

#### **RESOLUTION NO. 35-2016**

#### **AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SUPPLY AND SERVICE OF PORTABLE TOILETS WITH GREENWOOD ENTERPRISES, INCORPORATED D/B/A JAY'S SEPTIC TANK SERVICE**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, owns and operates numerous parks and these parks do not have permanent bathroom facilities; and

WHEREAS, the City of Owosso sought bids for the supply and service of portable toilets; a bid was received from Greenwood Enterprises, Incorporated d/b/a Jay's Septic Tank Service; and it is hereby determined that Greenwood Enterprises, Incorporated d/b/a Jay's Septic Tank Service is qualified to provide such services and that it 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 employ Greenwood Enterprises, Incorporated d/b/a Jay's Septic Tank Service for the supply and service of portable toilets for the city park system for the fiscal years 2016-2017, 2017-2018 and 2018-2019.

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 Greenwood Enterprises, Incorporated d/b/a Jay's Septic Tank Service for fiscal year 2016-2017, 2017-2018 and 2018-2019, with a bid amount of \$935 per month for each fiscal year.

THIRD: The accounts payable department is authorized to pay Greenwood Enterprises, Incorporated d/b/a Jay's Septic Tank Service for work satisfactorily completed up to the bid amount.

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

**Warrant No. 522.** Authorize Warrant No. 522 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering support – March 2016	Various	\$7,806.00
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment – 1/1/16 – 3/31/16	Water	\$9,034.64
Caledonia Charter Township	Caledonia Utility Fund payment- 1/1/16 - 3/31/16	Water	\$20,222.93
Waste Management	Landfill disposal charges- 3/16/16 – 3/31/16	Streets/ WWTP	\$6,001.69
William C. Brown, P.C.	Professional services- 3/9/16 – 4/11/16	General	\$8,900.84
Centron Data Services Inc.	Water/sewer billing services	Various	\$5,107.46

**Check Register – March 2016.\*** Affirm check disbursements totaling \$895,946.46 for March 2016.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**Special Assessment District No. 2016-01      Gould Street from Corunna Avenue to Main Street**

Motion by Councilperson Bailey to authorize Resolution No. 5 for Special Assessment District No. 2016-01 for Gould Street from Main Street to Corunna Avenue for street resurfacing as follows:

**RESOLUTION NO. 36-2016**

**DISTRICT NO. 2016-01  
GOULD STREET FROM CORUNNA AVENUE TO MAIN STREET  
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Gould Street from Corunna Avenue to Main Street, and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$108,723.93 is hereby confirmed and shall be known as Special Assessment Roll No. 2016-01.
2. Said special assessment roll shall be divided into fifteen installments, the first of which shall be due and payable on September 1, 2016, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2016.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2016 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

**Lot Split Authorization – 308 Morris Street**

Motion by Mayor Pro-Tem Eveleth to authorize the division of a City lot under the Michigan Subdivision Control Act for platted lot at 308 Morris Street as follows:

**Current Parcels:**

Address	Status	Parcel #
308 Morris Street	To be split	050-623-000-013-00
<b>Description</b> E 112 LOT 12 & N 112 LOT 13 EXC S'LY 12' OF LOT 13 GEO THOMAS 3RD ADDN		
<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
314 Morris Street	Neighbor A	050-623-000-014-00



<b>Description</b> S'L Y 12' OF N 1/2 LOT 13 ALSO S 1/2 LOT 13 GEO THOMAS 3RD ADDN		
<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
1308 Mack Street	Neighbor B	050-623-000-015-00
<b>Description</b> LOT 14 & W 66' LOT 12 GEO THOMAS 3RD ADD		

**Parcels After Split:**

<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
314 Morris Street	Neighbor A	050-623-000-014-00
<b>Description</b> LOT 13, GEO THOMAS 3RD ADD. ALSO, BEG AT TH NE COR OF LOT 13, TH N 4' ALONG E LN OF LOT 12, TH W TO NW COR LOT 13, THE E ALNG S LN OF LOT 12 & N LN OF LOT 13 TO POB.		
<b>Address</b>	<b>Status</b>	<b>Parcel #</b>
1308 Mack Street	Neighbor B	050-623-000-015-00
<b>Description</b> LOT 12 & 14, GEO THOMAS 3RD ADD. (EXCEPT, BEG AT TH NE COR OF LOT 13, TH N 4' ALONG E LN OF LOT 12, TH W TO NW COR LOT 13, THE E ALNG S LN OF LOT 12 & N LN OF LOT 13 TO POB.)		

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

- Tyler J. Leppanen, Housing Program Manager. Rental Inspection Program Update.
- Building Official. March 2016 Building Department Report.
- Building Official. March 2016 Code Violations Report.
- Kevin D. Lenkart, Public Safety Director. March 2016 Police Report.
- Kevin D. Lenkart, Public Safety Director. March 2016 Fire Report.
- Downtown Development Authority/Main Street. Minutes of March 4, 2016.
- Historical Commission. Minutes of March 14, 2016.

**CITIZEN COMMENTS AND QUESTIONS**

Mike Erfourth, 801 West Oliver Street, said that many older buildings still contain the original structures and fixtures but they've been modified by previous remodeling efforts.

Tom Manke, 2910 West M-21, noted that many downtown building were built with removable facades that could easily be changed out.

Gene Lader, 1308 Mack Street, thanked Council for approving his request for a lot split. He also asked Council to consider keeping the drop-off site open more frequently as he finds that the current hours are not compatible with his work schedule.

Mark Hanna, building owner at 220 West Main Street, indicated that he had not received any communication from the City to date since he received a letter indicating his building was unsafe. He again asked the Council to direct the City Manager to instruct the Building Official to respond to his original request for a permit.

Mayor Frederick stated that he thought the hours for the drop-off site were increased last year. Public Works Director Sedlak indicated that they had once again had problems with people dumping trash and construction waste at the site and had to restrict the hours it was open.

Councilperson Fox expressed the importance of written communication and functioning with understanding.

Councilperson Bailey noted that safety is a major concern for her and she didn't want staff to think that she would be willing to relax safety regulations in an effort to be more accommodating to citizens.

Councilperson Greenway indicated she too would like to see the drop-off site open more frequently.

Councilperson Bailey noted that the Community Cats organization was nearing a milestone, after just 18 months in operation they will have assisted in having 1000 cats spayed/neutered. Their next big event will be held May 5th.

### **NEXT MEETING**

Budget Meeting - Saturday, April 23, 2016, 9:00am – 12:00pm  
Budget Meeting – Tuesday, April 26, 2016, 6:30pm – 8:30pm  
Regular Meeting - Monday, May 02, 2016, 7:30pm

### **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 9:04 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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Amy K. Kirkland, City Clerk