

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

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

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

**PLEDGE OF ALLEGIANCE:** COUNCILMAN ROBERT J. TEICH, JR.

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey (7:34pm), 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:

Move Consent 3. Change Order No. 2 – Gould Street Resurfacing Contract to Item of Business 2.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 5, 2016**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of July 5, 2016 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Mary Nordbeck, 3611 N M-52, introduced herself as a candidate for County Commissioner District 1.

J.W. Smith, Muskegon resident and property owner on South Park Street, expressed his displeasure with the Council's recent decision to rezone the property at 970 South Park Street from residential to commercial. He asked that the Council reconsider the issue. He said he felt blind-sided as he thought the issue was decided by the Planning Commission. Lastly, he wanted to know how the restriction would be enforced if the rezoning stands.

Robert Moberg, 938 S. Saginaw Street, said he shares the same concerns as Mr. Smith and was concerned with the way the City went about things. He said residents were not notified properly and the City had a conflict of interest because they had done business with the applicant.

Troy Crowe, owner of the recently rezoned property at 970 S. Park Street, said he wants to be a good neighbor. He said he is not planning on doing anything different than they are now. The building they are proposing will be used to store many of the items now stored outside on the property. He said he would be happy to talk with the neighbors about his plans for the site and to listen to their concerns.

Tom Manke, 2910 W. M-21, noted that Mike Cline had volunteered to serve on the Planning Commission but the Mayor had appointed someone else to the seat. He then accused the Mayor and the Council of various transgressions and was gaveled down as out of order.

Justin Horvath, president of the SEDP, said that he felt the issue regarding the rezoning on Park Street was the result of a communication challenge. He noted that of the two meetings held to

address the issue neither meeting had all the relevant parties present. He said he hoped that some good dialogue between Mr. Crowe and the residents of the neighborhood would help.

Heath Smith, 942 S. Saginaw Street, accused staff of contacting Mr. Crowe regarding the meeting to address his application and intentionally keeping the residents in the dark. The City Clerk indicated that she had posted the notices for the hearing as required by law and had not contacted Mr. Crowe to personally notify him of the hearing, or subsequent discussions, on the matter.

Mayor Frederick said he did not appreciate the citizen comments regarding his appointments to City boards and commissions.

Councilperson Fox inquired about the qualifications to serve on the Planning Commission, asking if the Mayor felt Mr. Cline was unqualified to serve on the Planning Commission. Mayor Frederick indicated he never said Mr. Cline was not qualified to serve on the Planning Commission.

**CITY MANAGER REPORT**

City Manager Donald D. Crawford indicated he had nothing to report at this time.

**CONSENT AGENDA**

Motion by Mayor Pro-Tem Eveleth 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>
Donald Crawford*	Building Authority	06-30-2019
Kent Telesz*	Building Board of Appeals	06-30-2019
Jeff Selbig*	Parks & Recreation Commission	06-30-2018
Tom Cook	Planning Commission	06-30-2019
Jonathan Tomayo*	SATA Board of Directors	10-01-2019

\* Indicates reappointment

**Cantu 5K Walk/Run Permission.** Approve application of the American Legion Women’s Auxiliary for the partial closure of various streets on Sunday, August 28, 2016 from 8:30am – 11:00am for the Cantu 5K Walk & Run, waive the insurance requirement, and authorize Traffic Control Order No. 1353 formalizing permission.

**Change Order No. 2 – Gould Street Resurfacing Contract.** (This item was moved to Items of Business.)

**Bid Award & Change Order - 2016 Sidewalk Replacement Program.** Waive bidding irregularities, approve the bid of Seifert Construction, LLC for the 2016 Sidewalk Replacement Program in the amount of \$47,569.00, approve Change Order No. 1 adding that amount to the 2015 Sidewalk Replacement Program Contract, and authorize payment up to the contract amount, including Change Order No. 1, upon satisfactory completion of the work or a portion thereof as detailed below:

**RESOLUTION NO. 79-2016**

**AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1  
TO THE 2015 SIDEWALK REPLACEMENT PROGRAM CONTRACT  
WITH SEIFERT CONSTRUCTION, LLC  
ADDING THE 2016 SIDEWALK PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined sections of the sidewalk on various streets in the City have become misaligned, deteriorated, or damaged and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids for the replacement of these sections of sidewalk as part of the 2016 Sidewalk Replacement Program; the low bid was received from Wolverine Sealcoating in the amount of \$47,569.00; and

WHEREAS, staff was unable to verify the firm had any previous experience with a similar project in another municipality; and

WHEREAS, the next lowest bid was received from Seifert Construction, LLC; and is hereby determined that Seifert Construction, LLC is qualified to provide such services and that they have agreed to meet the low bid amount; and

WHEREAS, the City currently holds a contract with Seifert Construction for the 2015 Sidewalk Replacement Program, Part II, to which the additional work can be added.

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 Seifert Construction, LLC for replacement of sections of damaged or misaligned sidewalk as part of the 2016 Sidewalk Replacement Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit B, Change Order No. 1 to the 2015 Sidewalk Replacement Program Contract in the amount of \$47,569.00.
- THIRD: The accounts payable department is authorized to pay Seifert Construction, LLC for work satisfactorily completed on the project up to the contact amount, including Change Order No. 1.
- FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Funds, accounts 203-463-728-000 and 202-463-728-000.

**Purchase Authorization – Bulk Lime.** Authorize a purchase agreement with Graymont Western Lime Inc. for the purchase of bulk lime for the Filtration Plant, utilizing the Lansing Board of Water & Light’s joint purchasing consortium Mid-Michigan Drinking Water Consortium Bulk Chemical Contract in the amount of \$131.50 per ton, with an estimated annual contract of \$102,500.00 and authorize payment based on unit prices for actual quantities required for the fiscal year ending June 30, 2017 as follows:

**RESOLUTION NO. 80-2016**

**RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER  
FOR  
BULK LIME (CaCO3)  
FOR THE PERIOD FY2016-2017  
FROM GRAYMONT WESTERN LIME INC.  
OF WEST BEND, WISCONSIN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires Lime in bulk deliveries for use in treating municipal drinking water; and

WHEREAS, the City of Owosso has piggy-backed onto a competitive bid process with the Lansing Board of Water & Light for Bulk Lime; and it is hereby determined that Graymont Western Lime Inc. is qualified to provide such product 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 theretofore determined that it is advisable, necessary and in the public interest to purchase Lime from Graymont Western Lime Inc., utilizing the Lansing Board of Water & Light’s Mid-Michigan Drinking Water Consortium Bulk Chemical Contract, in the amount of \$131.50 per ton for the city fiscal year 2016-2017, with an estimated quantity of 800 tons for FY2016-2017, in the amount of \$102,500.00.
- SECOND: The purchase agreement between the city and Graymont Western Lime Inc. shall be in the form of a city purchase order.
- THIRD: The above expenses shall be paid from the water fund following delivery, and chargeable to account 591-553-743.000 in the amount of \$105,200.00.

**Warrant No. 525.** Authorize Warrant No. 525 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering- June 2016	Various	\$ 7,840.00
Safebuilt, Inc.	Building department services- June 2016	General	\$ 12,160.00
Shiawassee Economic Development Partnership	FY 2016/2017 annual investment	General	\$ 31,426.00
William C. Brown, PC	Professional services- June 6, 2016 – July 11, 2016	General	\$ 12,506.52

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Caledonia Charter Township	Caledonia utility fund payment- April 2016 – June 2016	Water	\$ 20,831.74
Owosso Charter Township	Owosso Charter Township 2011 water agreement payment- April 2016 – June 2016	Water	\$ 9,204.19

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

### **ITEMS OF BUSINESS**

#### **Street Program Presentation /Bond Proposal Discussion**

Council dispensed with the planned presentation by City Engineer Randy Chesney regarding the condition of City streets and street projects planned for 2017, and moved directly to the discussion regarding putting a bond proposal on the November 2016 ballot. City Manager Crawford framed the discussion by asking whether the Council wished to proceed with a bond question in November. The Council discussed the need to take some action to secure street funding, the fact that costs for road projects will only continue to rise, and the need for a specific plan of action and methods for advertising that plan.

Motion by Councilperson Fox to authorize a resolution approving the placement of a \$10 million bond request on the November 2016 ballot.

Motion supported by Councilperson Bailey.

There was further discussion on the item starting with Councilperson Teich. He indicated he would prefer a much smaller bond and a shorter finance period to the \$10 million, 25 year bond that is proposed. He expressed his frustration with the last minute consideration of the item. Other Council members expressed their preference for a smaller bond amount and a shorter finance period compared to what is proposed.

Councilperson Fox withdrew his motion.

Motion by Councilperson Fox to schedule a discussion regarding a pay-as-you-go street maintenance plan on the August 1<sup>st</sup> agenda.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

Councilperson Teich asked for a copy of the precious millage request for the upcoming discussion.

#### **Change Order No. 2 – Gould Street Resurfacing Contract**

Councilperson Fox indicated he wanted this item pulled so he could inquire about the nature of the additional work as well as any affect the Change Order might have on the special assessments tied to the project. City Manager Crawford said that dealing with catch basins and silt screening made up a large portion of the added cost and that he anticipates the total project amount may end up under the contract amount in spite of the Change Order. If the project concludes significantly under budget the special assessments may actually be adjusted down.

Motion by Councilperson Fox to authorize Change Order No. 2 to the Gould Street Resurfacing Contract with Pyramid Paving Company, increasing the contract amount by \$6,835.00 for additional work due to conditions found in the field, and further authorize payment up to the amount of the change order upon satisfactory completion of the work as follows:

**RESOLUTION NO. 81-2016**  
**AUTHORIZING CHANGE ORDER NO. 2**  
**TO THE CONTRACT WITH**  
**PYRAMID PAVING COMPANY**  
**FOR RESURFACING OF GOULD STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract to Pyramid Paving Company on March 7, 2016 for resurfacing of Gould Street; and

WHEREAS, the City has requested additional work from Pyramid Paving Company due to conditions found in the field.

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

- FIRST: The City of Owosso amends the contract with Pyramid Paving Company for additional work to their contract.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit B, Contract Change Order No. 2 to the Contract for Services between the City of Owosso and Pyramid Paving Company, increasing the total amount by \$6,835.00.
- THIRD: The accounts payable department is authorized to pay Pyramid Paving Company for work satisfactorily completed up to the amount of the contract including Change Order No. 2.
- FOURTH: The above expenses shall be paid from a combination of MDOT Transportation Economic Development Fund-Category F funds, 2010 Unlimited Obligation Bond Proceeds Account No. 202-463-818000 and other funds as appropriated.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

Amy K. Kirkland, City Clerk. Request to reconsider rezoning of 970 S. Park St.  
N. Bradley Hissong, Building Official. June 2016 Building Department Report.  
N. Bradley Hissong Building Official. June 2016 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. June 2016 Police Report.  
Kevin D. Lenkart, Public Safety Director. June 2016 Fire Report.  
Downtown Development Authority/Main Street. Minutes of June 1, 2016.  
Historical Commission. Minutes of June 13, 2016.  
Zoning Board of Appeals. Minutes of June 21, 2016.  
Brownfield Authority. Minutes of June 30, 2016.

**CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Mayor Frederick applauded the downtown businesses for their spontaneous organization of events last weekend taking advantage of the popularity of the Pokémon Go game.

Councilperson Fox noted that the city is becoming known for places that have earned the honor of "Best of"; he said he hoped the city could make the same claim for the streets someday.

Councilperson Greenway said she really appreciated the fact that the discussion between Mr. Crowe and his South Park Street neighbors continued outside the Council Chambers, saying it made her hopeful they could reach a resolution.

**NEXT MEETING**

Monday, August 01, 2016

**BOARDS AND COMMISSIONS OPENINGS**

Board of Review – term expires December 31, 2020  
Building Board of Appeals – term expires June 30, 2019  
Building Board of Appeals – Alternate - term expires June 30, 2018

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:20 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