

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

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR MARLENE WEBSTER
OWOSSO CITY CHURCH

PLEDGE OF ALLEGIANCE: MAYOR PRO TEM CHRISTOPHER T. EVELETH

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.

ABSENT: Councilpersons Loreen F. Bailey and Michael J. O'Leary.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the addition of the Fifth Amendment to the original purchase agreement with Cargill, Incorporated as Item of Business #3.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 17, 2016

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of October 17, 2016 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Kathryn Burkholder from Consumers Energy, 1000 Grand Oaks Dr., Howell discussed the new, upgraded meters that will be coming in spring or early summer. They will have a cell phone chip in them and every night Consumers will get a text type message with notifications, including accurate reads so customers receive an accurate bill. Customers will be able to go online and look at their hourly energy usage. The outage management system will tell when customers are out of power. Communications from Consumers will be coming a month ahead of getting the new meters and then two weeks before installation. Customers do not need to be home for the installation and will be notified by a door hangar when the work is complete. Customers can opt-out from the new meters, but will see a one-time opt-out fee of \$69.39 and then \$9.72 per meter read.

Phil Hathaway, 736 Elmwood St., has known Ben Frederick since he was a child. He thanked Ben for growing up and serving the city for so many years.

Eddie Urban, 601 Glenwood, Friday is Veteran's day and Central School is having a program for veterans.

Mike Espich, 1124 Ada St., and Chair of the Parks and Recreation Commission. Started in September, 2012 to improve the skate park. Spent a year and raised money and came up with a great idea for a new park. Moving the Grove Holman location with the new park will cost around \$250,000. We won't need to build restrooms or a parking lot, since it's already there. Grove Holman is an under-utilized park since it's primarily used for winter sledding. This will bring summer activity to the park. With passage of this relocation of the skate park, we can move forward.

Mayor Frederick presented City Clerk Amy Kirkland with the following Mayoral Certificate of Recognition:

**MAYORAL CERTIFICATE OF RECOGNITION
AMY KIRKLAND, OWOSSO CITY CLERK**

I am truly honored to recognize someone who has helped to ensure both my success in my duties and the success of our council as a whole over these many tumultuous years. Amy Kirkland has consistently exuded the highest level of professionalism in her role as Clerk for our city. Her ethics and character have never been in question as she handles each request made to her office with diligence and evenhanded care.

Owosso's residents can be certain that our elections are managed with transparency and care as Amy leads the charge on any and all initiatives which encourage additional participation by the electorate.

Time and again, Amy has sought to embrace new technologies and practices to make her office more efficient and effective in meeting the needs of residents.

As Mayor, I have had the privilege to see the seriousness with which Amy approaches her roles as Clerk of the Council. Amy holds herself to an extremely high professional standard with inspires commensurate excellence on the part of her peers. She handles difficult people and situations with patience and grace. Her thoughtful guidance and encouragement remain a constant source of strength throughout City Hall.

I am also appreciative to Amy and her husband Brad for the many roles they have taken on within our community on both a volunteer and charitable basis. Consistent with their humble character, many of their contributions will never be known as they give of themselves without seeking recognition. That is a picture of generosity and service to which we all should aspire.

For these and many other reasons I am, therefore, most honored in my last official act as Mayor of Owosso to recognize Owosso City Clerk Amy Kirkland and offer my sincere thanks to her on behalf of the Council and citizenry she strives to serve.

Thank you, Madam Clerk.

Proclaimed with gratitude on November 7, 2016.

CITY MANAGER REPORT

Sitting in for City Manager Donald D. Crawford, Assistant City Manager Susan K. Montenegro presented a project status report. On the Cargill/Sonoco roadway project, Crawford Contracting started brush clearing today at the site for the roadway and utility project. A pre-construction meeting was held for the Lincoln School project, permits have been pulled and work is underway. Staff is reviewing presentations and proposals on the AMR meter reading system. The North Street culvert is fully complete and grass is growing. Construction has been put on hold at the Shiawassee Sanitary Landfill site. Equipment condition assessment was completed last week for the SAW grant for WWTP, the structural evaluation will happen next in November. Sewer modeling has been done for the SAW grant collection system. Final plans are ready for submission to MDOT for the East Oliver Street project. Brush cleaning has been completed for the utility easement for the Heintz Road well replacement. Street patches and sidewalks are complete. City leaf crews have begun the second pass through the city today and will likely require a third pass because of the late fall. The audit team arrived today.

Mayor Frederick stated that we will definitely need to do a third sweep for leaves.

Councilperson Fox clarified when the East Oliver Street meeting with residents will take place and that is on Thursday, November 10 from 4:00pm to 6:00pm in the Council Chambers of City Hall.

CONSENT AGENDA

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

Change Order No. 2 – 2015-2016 Sidewalk Replacement Programs. Consider approval of additional work required to complete the current sidewalk replacement program in the amount of \$14,206.59.

RESOLUTION NO. 132-2016

**AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2
WITH SEIFERT CONCRETE FOR THE
2015-2016 SIDEWALK REPLACEMENT PROGRAMS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract to Seifert Concrete to complete the 2015 and 2016 Sidewalk Replacement Programs on July 18, 2016.

WHEREAS, the City requested additional work from Seifert Concrete, which has been completed and is eligible for payment.

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

- FIRST: The City of Owosso has determined that it is advisable, necessary and in the public interest to pay Seifert Construction for work completed on the 2015-2016 Sidewalk Replacement Programs as amended by Change Order No. 2.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Amendment to the Contract for Services between the City of Owosso and Seifert Concrete increasing the total amount by \$14,206.59 to \$114,695.59.
- THIRD: The accounts payable department is authorized to pay Seifert Concrete for work satisfactorily completed on the project up to the contract amount as detailed in Change Order No. 2.
- FOURTH: The above expenses shall be paid from General Fund Account No. 202-463-728000 and 203-463-728000, Major and Local Street Maintenance Funds.

Boards and Commissions Appointments. Approve the following Mayoral Boards and Commissions appointments:

Name	Board/Commission	Term Expires
Michael Meyer	Building Board of Appeals	06-30-2019

2016 Annual Water Quality Report Amendment. Approve corrections, as listed, to the previously submitted 2016 Annual Water Quality Report required by the Michigan Department of Environmental Quality.

Resolution Authorizing the Purchase of SQL Server Licensing. Consider authorizing the purchase of three SQL Server Core Licenses in the amount of \$7,485.00.

RESOLUTION NO. 133-2016

AUTHORIZING THE PURCHASE OF THE SQL SERVER CORE LICENSING

WHEREAS, the city of Owosso, Shiawassee County, Michigan, Information & Technology (IT) Department recently purchased a new server for the BS&A Software that requires new Microsoft SQL Server 2016 Standard Core licenses; and

WHEREAS, the City of Owosso received the Michigan Masters Computer – MiDEAL contract utilizing CDW-G; and it is hereby determined that CDW-G is qualified to provide such equipment; and

WHEREAS, this is a budgeted item from IT Equipment.

NOW THEREFORE BE IT RESOLVED, 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 the SQL Server 2016 Standard Core licenses from CDW-G for a cost to the City of Owosso of \$7,485.00.
- SECOND: the mayor and city clerk are instructed and authorized to approve the purchase order between the City of Owosso, Michigan and CDW-G up to the amount of \$7,485.00.
- THIRD: the above expenses shall be paid from the IT Equipment fund, 101-258-978.000.

Resolution Authorizing the Purchase of an HVAC System for WWTP. Consider authorizing the purchase of a new HVAC system for the WWTP from William Floyd Mechanical Contractors and authorize payment up to the bid amount of \$107,027.00 for services once completed.

RESOLUTION NO. 134-2016

**AUTHORIZING SERVICE AGREEMENT AND PAYMENT TO
LAKESIDE EQUIPMENT CORPORATION
FOR PURCHASE OF HVAC SYSTEM
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the replacement of a HVAC System; and

WHEREAS, the existing HVAC System boilers are beyond economical overhaul and have expended their operational service life, and competitive bids were solicited and received to replace the aged inefficient boilers with more efficient HVAC units, and William Floyd Mechanical Contractors provided the low and responsive price in the amount of \$101,027.00; and

WHEREAS, the City Utilities Director has reviewed the proposal and verified the replacement units needed to replace the HVAC heating system, and recommends authorizing William Floyd Mechanical Contractors to provide the equipment and installation services in the amount of \$101,027.00, plus contingency funds in the amount of \$6,000.00, for a total of \$107,027.00.

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

FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with William Floyd Mechanical Contractors for the purchase of two each Cambridge S-950 direct fire natural gas units, and one each Cambridge S-400 direct fire natural gas unit for installation and use at the Wastewater Treatment Facility.

SECOND: The accounts payable department is authorized to submit payment to William Floyd Mechanical Contractors in an amount not to exceed \$107,027.00 upon delivery, installation and startup of said equipment as bid.

THIRD: The above expenses shall be paid from account No's. 599-901-975.000 and 599-901-977.000.

Living Nativity Permission. Approve the request from First United Methodist Church for the use of Washington and Water Streets north of North Street for a Live Nativity Scene Saturday, December 10, 2016 from 5:30pm until 10:00pm, and authorization of Traffic Control Order No. 1364 formalizing the action.

Warrant No. 531. Authorize Warrant No. 531 as follows:

Vendor	Description	Fund	Amount
Orchard Hiltz & McCliment Inc.	Water Reliability Study payment	Water	\$ 5,688.50
Michigan Municipal League Workers' Compensation Fund	3 rd installment for FY 16/17	Various	\$ 20,062.00
State of Michigan-MDOT	Payment for North St improvements	Local Streets	\$ 8,478.87
Waste Management of MI	Landfill charges 10/1/16 – 10/15/16	WWTP	\$ 13,882.93
Dickinson Wright PLLC	Shiawassee Landfill PLP group assessment payment	General	\$169,352.31
Key Government Finance Inc	Phone system final payment	General	\$ 26,256.84
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment- 7/1/16-9/30/16	Water	\$ 10,135.39
Caledonia Charter Township	Caledonia Utility Fund payment- 7/1/16-9/30/16	Water	\$ 26,924.52

Check Register – September 2016. Affirm check disbursements totaling \$2,668,572.41 for September 2016.

Check Register – October 2016. Affirm check disbursements totaling \$1,339,520.52 for October 2016.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None

ABSENT: Councilperson Bailey and O'Leary.

ITEMS OF BUSINESS

Planning Commission Amended Bylaws – Change in Meeting Time

Motion by Mayor Pro-Tem Eveleth to approve the proposed amended bylaws for the City's Planning Commission as follows:

RESOLUTION NO. 135-2016

**AMENDING THE CITY OF OWOSSO PLANNING COMMISSION BYLAWS
ARTICLE V, SECTION 5.1: MEETINGS
CHANGING THE MEETING TIME**

WHEREAS, Article V, Section 5.1: Meetings, of the planning commission bylaws requires meetings be held on the fourth Monday of each month beginning at 7:00 pm and conclude by 9:00 pm; and

WHEREAS, the current planning commission members find that meeting day and time to be inconvenient; and

WHEREAS, the Commission recommends the bylaws be changed to reflect a new meeting time.

NOW THEREFORE BE IT RESOLVED that Article V, Meetings, of the Owosso Planning Commission Bylaws be amended as follows:

ARTICLE V. Meetings

Section 5.1 The Planning Commission shall hold its regular monthly meetings in the City Council Chambers, located at 301 W. Main St., Owosso, Michigan on the fourth Monday of each month. All meetings shall begin at ~~7:30 p.m. and must end by 9:00 p.m.~~ **6:30 p.m. and must end by 8:30 p.m.**, unless adjournment is postponed by action of the majority of the Commissioners present. Additional meetings may be scheduled on the city’s annual calendar to reflect additional planning needs or conflicts with holidays and other meetings.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None

ABSENT: Councilpersons O’Leary and Bailey.

Location Approval Reconsideration – Skate Park

Motion by Councilperson Teich to reconsider the decision regarding the location of the new skate park made during the October 17, 2016 Council meeting. (The original motion to approve the placement of the new skate park at Grove Holman Park failed for lack of affirmative votes.)

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilpersons Bailey and O’Leary.

The item recommending placement of the new skate park at Grove Holman Park can now be reconsidered.

Motion by Mayor Pro-Tem Eveleth to approve the recommendation of the Parks & Recreation Commission to place the new skate park in Grove Holman Park near the location of the former pool as follows:

RESOLUTION NO. 136-2016

**RESOLUTION AUTHORIZING THE PLACEMENT OF A NEW SKATE PARK
AT GROVE HOLMAN PARK**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Parks & Recreation Commission met September 27, 2016 and recommends approval of Grove Holman Park as the location for the new skate park yet to be built; and

WHEREAS, the new skate park would aid the Parks & Recreation Commission in achieving its number one priority to promote healthy lifestyles, attract tourists and offer recreational outlets; and

WHEREAS, the Parks and Recreation Commission, along with staff, will be seeking funding for the new skate park through donations and future grants.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan approves the location, as stated above.

BE IT FURTHER RESOLVED THAT the city council hereby permits members of the Parks and Recreation Commission to solicit funds and grants for this project in accordance with city ordinance and policy.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilpersons Bailey and O'Leary.

Fifth amendment to the original purchase agreement with Cargill, Incorporated

Motion by Mayor Pro-Tem Eveleth to approve amendment number five to the purchase agreement with Cargill, Incorporated, listing the correct sale price of \$67,081.00 and updating the legal description of the property as follows:

RESOLUTION NO. 137-2016

FIFTH 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 18.766 acre parcel commonly known as 1509 West Oliver Street; and

WHEREAS, after the city of Owosso has completed its due diligence, recognizing the need to keep a small portion of the original property to contain a portion of the public roadway giving access to the property, the total amount of acreage has changed, therefore changing the total sale price and the legal description; and

WHEREAS, Article II, Section 2.1 of the original purchase agreement is deleted in its entirety and replaced with the following:

"In consideration of Seller's agreement to sell the Property, Cargill agrees to pay to Seller as the full purchase price (the "Purchase Price") for the Property the sum of SIXTY SEVEN THOUSAND EIGHT ONE and NO/100 DOLLARS (\$67,081.00), which sum is calculated at the rate of THREE THOUSAND SEVEN HUNDRED and NO/100 DOLLARS (\$3,700.00) per acre and on the basis of the Property comprising 18.13 acres. The Purchase Price shall be paid by Cargill to Seller in full on the Closing Date by check or by wire transfer of funds to an account designated by Seller."

and

WHEREAS, the new legal description is as follows:

PART OF THE SOUTH 1/2 OF SECTION 14, TOWN 7 NORTH, RANGE 2 EAST, OWOSSO TOWNSHIP AND CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE EAST-WEST ¼ LINE OF SAID SECTION 14 WHICH IS N89°59'47"E, ALONG SAID EAST-WEST ¼ LINE, 2469.13 FEET FROM THE WEST ¼ CORNER OF SAID SECTION 14; THENCE CONTINUING N89°59'47"E, ALONG SAID EAST-WEST ¼ LINE, 183.85 FEET TO THE INTERIOR ¼ CORNER OF SAID SECTION 14; THENCE S01°41'55"W, ALONG THE NORTH-SOUTH ¼ LINE OF SAID SECTION 14, 33.01 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF KING STREET; THENCE N90°00'00"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 418.35 FEET; THENCE S42°07'54"E, 1066.59 FEET; THENCE N48°37'29"E, 34.45 FEET; THENCE S42°56'25"E, 177.70 FEET; THENCE S47°12'54"E, 180.00 FEET; THENCE S47°56'18"W, 53.13 FEET; THENCE S42°08'10"E, 124.19 FEET; THENCE S42°52'00"W, 78.93 FEET; THENCE 58.33 FEET ALONG THE ARC OF A 78.00

FOOT RADIUS CURVE TO LEFT HAVING A DELTA ANGLE OF 42°50'48" AND A CHORD BEARING AND DISTANCE OF S21°26'39"W, 56.98 FEET; THENCE S00°01'18"W, 46.00 FEET; THENCE N89°58'43"W, 419.90 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF GREAT LAKES CENTRAL RAILROAD; THENCE N40°33'37"W, ALONG SAID NORTHWESTERLY RAILROAD RIGHT OF WAY LINE, 1761.20 FEET TO THE POINT OF BEGINNING.

Containing 18.13 acres of land and being subject to easements, rights of way or restrictions of record.

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

FIRST: The Article II, Section 2.1 of the Purchase Agreement is amended to \$67,081.00.

SECOND: The legal description of the Property is amended as shown.

THIRD: The Mayor and City Clerk are instructed and authorized to execute appropriate documents to amend this purchase agreement and execute the sale.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilpersons O'Leary and Bailey.

COMMUNICATIONS

N. Bradley Hisson, Building Official. October 2016 Building Department Report.

N. Bradley Hisson, Building Official. October 2016 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. October 2016 Police Report.

Kevin D. Lenkart, Public Safety Director. October 2016 Fire Report.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 621 Wright Ave., there's a tree on city property between the Gould Street Bridge and the water treatment plant that is hanging down. It is causing stress on the wires from the tree laying on it, across Allendale. The south side of the Gould Street Bridge between Corunna Avenue has all of the lights out and it's very dark at night.

Schaffer Fox, 510 E. Oliver St., thank you, Ben for being from Owosso and for being our mayor. These are huge shoes for someone to fill. Ben, you're like Clark Kent, you lift people up and get the job done! Thank you for all you've done! What a great ambassador and what a great leader! Good luck in your future.

Eddie Urban, 601 Glenwood, wish more people would come to the Council meetings and see what's going on. Loves everyone here, keep up the good work.

Mike Espich, 1124 Ada, thanked Council for the reconsideration of the skate park, we greatly appreciate it! Ben's my kind of politician, get things done!

Councilperson Fox, as we look to tomorrow, there are five seats that must be filled. Even more important than the Council election is the street bond proposal. I hope that the bond passes so that street issues are easier to deal with. Encourage people to vote yes on the bond. Thank all of the citizens that were involved in the bond committee, they did a good job.

Councilperson Greenway, it's been a pleasure to work with you, Ben, and watch how you handle yourself in situations. Do a good job!

Councilperson Teich, I knew both Ben and Chris from Kiwanis and was approached to run for Council. Ben, it's a pleasure to work with you and learn from you and has been an honor to be on Council with you.

Councilperson Fox, Ben and I have not been on the same side of all the issues. This Council has always supported whatever was accepted/passed in unity and work together to make sure it's done.

Mayor Pro-Tem Eveleth, Ben, you are all right! Ben set a standard for the way a meeting gets run and for efficiency and civil discussion. Thank you, Ben, for your long service to the city.

Mayor Frederick, I'll be back later this month to have my picture hung on the wall. Three different councils have had the confidence to name me as mayor. I'm the youngest, but most senior member of the Council. Very grateful, thank you all!

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:21 p.m.

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

Benjamin R. Frederick, Mayor

Jessica Unangst, Director of Human Resources