

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MONDAY, FEBRUARY 06, 2017  
7:30 P.M.**

**Meeting to be held at City Hall  
301 West Main Street**

**AGENDA**

**OPENING PRAYER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OF THE AGENDA:**

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 17, 2017:**

**APPROVAL OF THE MINUTES OF 5<sup>TH</sup> MONDAY MEETING OF JANUARY 30, 2017:**

**ADDRESSING THE CITY COUNCIL**

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to four (4) minutes duration during the first occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during the last occasion provided for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

1. Special Assessment District No. 2017-01. Conduct a public hearing to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2017-01 for the proposed reconstruction of Oliver Street from Washington Street to Oak Street.

**CITIZEN COMMENTS AND QUESTIONS**

**CITY MANAGER REPORT**



1. Project Status Report. 

**CONSENT AGENDA**

1. Change Order No. 1 — Former Eastside Cleaners Vapor Barrier Installation Contract. Approve Change Order No. 1 to the Former Eastside Cleaners Vapor Barrier Installation Contract with TSP Services, Inc. dba TSP Environmental for heated transport of the vapor barrier for the future Qdoba site in the amount of \$595.00, and approve payment up to the contract amount including Change Order No. 1.
2. Change Order No. 2 — Former Eastside Cleaners Excavation Shoring Installation Contract. Approve Change Order No. 2 to the Former Eastside Cleaners Excavation Shoring Installation Contract with ASI Environmental Technologies for additional remediation work performed at the future Qdoba site in the amount of \$143,500.86, and approve payment up to the contract amount including Change Order Nos. 1 & 2.
3. MDOT Cost Agreement No. 16-5565 for Oliver Street Reconstruction, Phase 1. Authorize execution of MDOT Cost Agreement No. 16-5565 for the reconstruction of Oliver Street from Washington Street to Oak Street.
4. Warrant No. 537. Authorize Warrant No. 537 as follows:

Vendor	Description	Fund	Amount
Huron & Eastern Railway Company Inc	Annual maintenance of active traffic control devises	Major Streets	\$ 8,254.00

**ITEMS OF BUSINESS**

-  1. Water System Overview. An overview of the City’s water system, its current condition, and future needs.
-  2. Waste Water System Overview. An overview of the City’s waste water system, its current condition, and future needs.

**COMMUNICATIONS**

1. K. Woodbury, Parks & Recreation Commission. Letter of Resignation.
2. Historical Commission. Minutes of November 14, 2016.
3. Downtown Development Authority/Main Street. Minutes of January 4, 2017.
4. Zoning Board of Appeals. Minutes of January 11, 2017.

**CITIZEN COMMENTS AND QUESTIONS**

**NEXT MEETING**

Tuesday, February 21, 2017

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate - term expires June 30, 2018  
Parks & Recreation Commission – term expires June 30, 2017  
Parks & Recreation Commission – term expires June 30, 2018

## **ADJOURNMENT**

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing, calling, or emailing the following: Owosso City Clerk's Office, 301 West Main Street, Owosso, MI 48867; Phone: (989) 725-0500; Email: [city.clerk@ci.owosso.mi.us](mailto:city.clerk@ci.owosso.mi.us). The City of Owosso Website address is [www.ci.owosso.mi.us](http://www.ci.owosso.mi.us).

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JANUARY 17, 2017  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR PRO-TEM SUSAN J. OSIKA

**OPENING PRAYER:** REVEREND RAY STRAWSER  
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN

**PLEDGE OF ALLEGIANCE:** ELIZABETH WEHMAN  
THE INDEPENDENT NEWSGROUP EDITOR

**PRESENT:** Mayor Pro-Tem Susan J. Osika, Councilpersons Loreen F. Bailey,  
Burton D. Fox, Elaine M. Greenway, Daniel A. Law, and Robert J. Teich,  
Jr.

**ABSENT:** Mayor Christopher T. Eveleth.

**APPROVE AGENDA**

Motion by Councilmember Greenway to approve the agenda with the following change:

Move Consent 1. Rappuhn Property Buy-Back to Items of Business 3.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 3, 2017**

Motion by Councilmember Fox to approve the Minutes of the regular Meeting of January 3, 2017 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. Main Street, inquired how the Council reached an agreement on the buy-back of the Rappuhn property without violating the open meetings act. Mayor Pro-Tem Osika indicated the item had been pulled from the Consent Agenda for discussion and his question would be answered at that time.

Janae Fear, president of the Osburn Lakes HOA, also asked that the property buy-back item be discussed before it was acted upon. She relayed her concern that Council would be setting a poor

precedent if they approve the buy-back and asked them to consider refusing the settlement. She also clarified an error in the memo addressing the item saying there is no provision in the documents governing the development that sets a timeline for construction.

Dan McMaster, County Commissioner District 2, was on hand to give an update on the latest topics addressed by the Commission. He noted the Commission instituted a moratorium on wind turbines to allow time to update the zoning code, the mileage reimbursement rate was updated to the current IRS rate, additional meetings were added to the list of those for which mileage could be reimbursed, the new sheriff is settling into his new job, members of the clerk's office staff were laid off, and a pay study involving all county staff and elected officials is now underway.

Councilmember Fox asked that the Commission reconsider the provision of health care benefits to Commissioners and said that he felt that Commission meetings should be held later in the day. Commissioner McMaster indicated that he agreed with Mr. Fox on both issues and noted that he had suggested meeting at 6:00 or 7:00 pm but faced significant opposition.

Councilmember Fox inquired whether staff had looked into the filing fee issue he had brought up a while back. He said he was still waiting for an answer. Mayor Pro-Tem Osika asked the City Manager to investigate the matter and report back at the next meeting.

Councilmember Fox went on to say that he would like to see more use of the DuraPatch machine and would like the City to consider purchasing a heated tank to store a quantity of the asphalt material it requires instead of taking the machine to a supplier each time it requires more material.

Assistant City Manager Susan K. Montenegro gave a short presentation on the current efforts of the Parks & Recreation Commission to update the Parks Master Plan, to secure a significant grant for the construction of a new concrete skate park, and to raise the matching funds required by the grant through a community fund-raising effort. Following her presentation there was discussion regarding involving the potential users of the skate park in the fund raising effort, ways to raise funds, and whether there was enough interest in skateboarding to justify the investment.

### **CITY MANAGER REPORT**

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

### **CONSENT AGENDA**

Motion by Councilmember Fox to approve the Consent Agenda as follows:

**Rappuhn Property Buy-Back.** (This item was moved to Items of Business.)

**Bid Award & Contract Amendment No. 1 - Hintz Road Well Access Drive Reconstruction.** Approve bid award to Perrin Construction Co., Inc. for reconstruction of the Hintz Road Well Access Drive in the amount of \$18,000.00, further approve an additional \$6,000.00 for contingencies, and authorize payment up to the bid amount plus the contingency upon satisfactory completion of the project, and further authorize Contract Amendment No. 1 waiving the performance bond requirement and extending the deadline for completion of the project as follows:

#### **RESOLUTION NO. 12-2017**

**AUTHORIZING A CONSTRUCTION SERVICES AGREEMENT,  
CONTRACT AMENDMENT NO. 1, AND PAYMENT TO  
PERRIN CONSTRUCTION CO., INC. OF DURAND, MICHIGAN  
FOR RECONSTRUCTION OF THE HINTZ ROAD WELL-FIELD ACCESS DRIVE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Water Replacement Fund for the reconstruction of an access drive on city of Owosso property located at 1261 North Hintz Road, and

WHEREAS, reconstruction of the access drive is intended to restore the original conveyance providing necessary access for maintenance vehicles to the Hintz Road Well-Field , and

WHEREAS, the City Director of Public Services received competitive bids from eight (8) construction contractors, and recommends Perrin Construction Co., Inc. as the low, responsible, and responsive bidder to provide the construction services in the amount of \$18,000.00; and

WHEREAS, due to the lower than expected project amount the City suggests a waiver of the performance bond required by the bid documents in favor of withholding payment on the project until such time as the project is completed and accepted by the city of Owosso, and

WHEREAS, unforeseen interruptions have delayed award of the bid necessitating an extension of the deadline for completion noted in the bid documents by 45 days.

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 Perrin Construction Co., Inc. for the reconstruction of the Hintz Road well-field access drive.
- SECOND: It is further determined that it is advisable, necessary and in the public interest to waive the performance bond requirement and to extend the completion deadline for the project by 45 days.
- THIRD: The mayor and city clerk are instructed and authorized to sign the documents substantially in the form attached:
- Exhibit A – Contract for Construction Services between the city of Owosso, Michigan and Perrin Construction Co., Inc. in the amount of \$18,000.00; and
  - Exhibit B – Amendment No. 1 to the Hintz Road Well Access Drive Reconstruction Contract, waving the performance bond requirement and extending the completion deadline by 45 days.
- FOURTH: The accounts payable department is authorized to submit payment to Perrin Construction Co., Inc. in the amount of \$18,000.00, plus contingency expense in the amount of \$6,000.00, for a total amount of \$24,000.00 upon satisfactory completion of the work.
- FIFTH: The above expenses shall be paid from the FY 2016-2017 Water Replacement Fund Account 591-901-977.000.

**Addendum No. 1 - Sanitary Sewer Cleaning Services Contract.** Authorize Addendum No. 1 to the Sanitary Sewer Cleaning Services Contract with Safeway Transport, Inc. for the cleaning, televising, and PACP coding of storm sewer mains in the vicinity of upcoming street projects in the amount of \$20,835.46, approve a contingency of \$4,000.00, and further authorize payment to the contractor up to the amount of Addendum No. 1, including contingency, upon satisfactory completion of the work or portion thereof as detailed below:

#### RESOLUTION NO. 13-2017

**AUTHORIZE SERVICE AGREEMENT ADDENDUM NO. 1 AND PAYMENT TO  
SAFEWAY TRANSPORT, INC.  
FOR CLEANING, TELEVISIONING, AND PACP CODING OF STORM SEWERS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted in the FY2016-2017 Local and Major Street Funds for the cleaning, inspection, and condition assessment of storm sewers at various locations in the city of Owosso, and

WHEREAS, the above services are necessary for assessing the level of repair and/or replacement of storm sewers in preparation for proposed street construction, and

WHEREAS, the Council approved a contract with Safeway Transport, Inc. for the cleaning of sanitary sewer mains in June 2016; and

WHEREAS, the City Director of Public Services recommends amending the existing contract with Safeway Transport, Inc. to add the above services as Addendum No.1.

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 Safeway Transport, Inc. of Romulus, Michigan for the cleaning, inspection, and PACP coding of storm sewers.
  
- SECOND: The accounts payable department is authorized to submit payment to Safeway Transport, Inc. in the amount of \$20,835.45, plus contingency expense in the amount of \$4,000.00, for a total amount of \$24,835.45 upon satisfactory completion of the additional work or a portion thereof.
  
- THIRD: The above expenses shall be paid from the FY 2016-2017 Local Street Fund Account 203-463-818.000 in amount of \$3,306.40, and Major Street Fund Account 202-463-818.000 in amount of \$17,529.05. Contingency expenses shall be apportioned as appropriate.

**Bid Award - WWTP Screw Pump No.1 Gear Reducer.** Approve bid award to All Around Basketball, L.L.C. dba AAB Global, LLC for the purchase of one Dodge-Baldor screw pump gear reducer in the amount of \$9,486.10, further approve a contingency of \$1,000.00, and authorize payment to the vendor upon satisfactory delivery of said equipment as described in the following resolution:

**RESOLUTION NO. 14-2017**

**AUTHORIZING A PURCHASE ORDER FOR THE PURCHASE  
OF ONE GEAR REDUCER AND ASSEMBLY COMPONENTS  
FOR THE WASTEWATER TREATMENT PLANT  
FROM AAB GLOBAL, LLC**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the replacement of a screw pump gear box reducer in line with the plant's preventive maintenance program, and

WHEREAS, the existing gear reducer has not performed to the manufacturer's service life expectations, and it has been determined that replacement with original manufacturer components is more cost effective in the long-run; and

WHEREAS, bids were sought and the City Public Services Director has reviewed the bid proposals and verified the components needed to restore the screw pump to full capacity, and recommends bid award to All Around Basketball, L.L. C dba AAB Global, LLC for the provision of the required gear box reducer and associated assembly components in an amount not to exceed \$9,486.10, plus contingency installation components of up to \$1,000.00.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with All Around Basketball, L.L. C dba AAB Global, LLC for the purchase of one Dodge-Baldor TA7315H25 screw pump gear box reducer and assembly components for use at the Wastewater Treatment Plant.
- SECOND: The contract between the city and AAB Global, LLC shall be in the form of a city purchase order and bid documents.
- THIRD: The accounts payable department is authorized to submit payment to AAB Global, LLC in an amount not to exceed \$9,486.10, plus a contingency in an amount not to exceed \$1,000.00, for a total of \$10,486.10.
- FOURTH: The above expenses shall be paid from account no. 599-901-977.000.

**Warrant No. 536.** Authorize Warrant No. 536 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering- December 2016	General	\$5,488.00
Owosso Charter Township	Owosso Twp 2011 Water Agreement payment - 10/1/16-12/31/16	Water	\$9,141.90
Caledonia Charter Township	Caledonia Utility Fund payment- 10/1/16-12/31/16	Water	\$21,864.57
Hach Company	WWTP-Composite sampler	WWTP	\$6,171.90
William C. Brown, P.C.	Professional services- 12/13/16-1/9/17	General	\$7,764.12
Safebuilt, Inc.	Building department services- December 2016	General	\$10,400.00

**Check Register – December 2016.**\* Affirm check disbursements totaling \$1,556,755.17 for December 2016.

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

**ITEMS OF BUSINESS**

**Auction Property Sale Authorization – 300 S. Washington Street**

City Manager Crawford noted that the property in question had been part of the auction held in May last year. The original buyer backed out of the deal and the 2<sup>nd</sup> place buyer was no longer interested in the property so the 3<sup>rd</sup> place buyer, Trust Thermal, was approached regarding purchasing the property. They expressed a continued interest in the property and agreed to honor their original bid of \$8,580.00.

Motion by Councilperson Bailey to authorize sale of the property at 300 South Washington Street to Trust Thermal in the amount of \$8,580.00 as follows:



**RESOLUTION NO. 15-2017**

**AUTHORIZING THE SALE OF CITY-OWNED PROPERTY**

WHEREAS, the city owns a parcel of property located at 300 S. Washington Street, also known as parcel # 050-470-000-011-00; and

WHEREAS, the Owosso city council voted to sell the parcel listed above as part of an online auction that ended on May 12, 2016; and

WHEREAS, the highest bidder for this parcel refused to honor his bid; and

WHEREAS, the second highest bidder was no longer interested in the property; and

WHEREAS, the third highest bidder, Trust Thermal Abatement, Inc., is willing to honor their original bid price of "\$8,580.00 for the parcel listed; and

WHEREAS, the parcel in question is of no use to the City and the City still desires its sale; and

WHEREAS, the City Council authorized a 21-day posting period prior for the proposed sale at the meeting of March 11, 2016; and

WHEREAS, no citizen comments or other offers for the property were received during the posting period.

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

FIRST: the property be sold to Trust Thermal Abatement, Inc. for the bid price of \$8,580.00 in accordance with the terms of the Auction Listing Agreement entered into on March 7, 2016 with Sheridan Realty & Auction Company.

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

THIRD: The city attorney is authorized to prepare the deeds for sale.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Bailey, Teich, Greenway, Fox, and Law.

NAYS: None.

ABSENT: Mayor Eveleth.

**Special Assessment District No. 2017-01      Oliver Street from Washington Street to Oak Street**

City Manager Crawford distributed information on the proposed special assessment district and explained how special assessments are calculated based on the benefit received. Some of the work in this particular project will not directly benefit the parcels with frontage along the project route, the cost for which would be paid by the City. He went on to say that the assessments for this project would be financed over a period of twenty years in an effort to keep the payments reasonable.

Councilmembers Bailey and Teich sought clarification regarding alternative methods for paying for the project and where the funds would come from. City Manager Crawford indicated the City could dip into bond funds for the project or cancel the project. At this time the plan to finance the project includes implementing a special assessment district, grant funding, and monies from the Major Street Fund. Bond funds are not proposed for use on this project.

Motion by Councilperson Fox to authorize Resolution No. 2 setting a public hearing for Monday, February 6, 2017 for proposed Special Assessment District No. 2017-01 for Oliver Street from Washington Street to Oak Street (Phase 1) for street reconstruction as follows:

**RESOLUTION NO. 16-2017**

**SETTING THE PUBLIC HEARING OF NECESSITY  
FOR THE PROPOSED SPECIAL ASSESSMENT DISTRICT  
OLIVER STREET FROM WASHINGTON TO OAK**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Oliver Street, Public Street, from Washington Street to Oak Street, Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$242,629.20 and determines that \$97,051.68 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$145,577.52 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 6, 2017 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Oliver Street, Public Street, from Washington Street to Oak Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 6, 2017 for the purpose of hearing any person to be affected by the proposed public improvement.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmembers Teich, Fox, Bailey, Greenway, Law, and Mayor Pro-Tem Osika.

NAYS: None.

ABSENT: Mayor Eveleth.

**Rappuhn Property Buy-Back** (This item was moved from the Consent Agenda.)

Mayor Pro-Tem Osika indicated she had been contacted by a citizen that wanted this item pulled for discussion.

The City Attorney was asked to describe how the proposed settlement was reached. City Attorney Brown explained that the proposed settlement before the Council was the result of negotiations he conducted with the Rappuhn's attorney guided by suggestions he received from Council during closed session. The proposed settlement releases the City and its realtor from liability in exchange for a refund of the purchase price less expenses.

Motion by Councilmember Fox to authorize the buy- back of Unit 55 of Osburn Lakes Condominium Project, commonly known as 1281 Holly Court from Jack and Judith Rappuhn in the amount of \$15,780.62 in exchange for an agreement releasing the City and its realtor of any and all claims arising from the sale/purchase of 1281 Holly Court, Owosso.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmembers Teich, Fox, Mayor Pro-Tem Osika, Councilmembers Greenway, and Law.

NAYS: Councilmember Bailey.

ABSENT: Mayor Eveleth.

### **COMMUNICATIONS**

Glenn M. Chinavare, Public Services Director. Lane Markings at the Intersection of M-52 & M-21.  
N. Bradley Hissong, Building Official. December 2016 Building Department Report.  
N. Bradley Hissong, Building Official. December 2016 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. December 2016 Police Report.  
Kevin D. Lenkart, Public Safety Director. December 2016 Fire Report.  
Parks & Recreation Commission. Minutes of December 13, 2016.

There was discussion regarding the report on the M-52 & M-21 intersection. A number of Councilmembers commented on the traffic problems they have seen and/or experienced at the intersection. They suggested looking at other possible lane marking configurations and signage.

### **CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilmember Fox suggested the Council hold a joint meeting with the surrounding jurisdictions to foster cooperation across municipal boundaries. He indicated he was particularly interested in exploring the idea of combining some policing efforts in light of the fact that it continues to get harder for each municipality to maintain its own independent operation. Mayor Pro-Tem Osika indicated the SEDP and the Chamber of Commerce have invited all local elected officials to a meet and greet and only 3 people have indicated they would attend the event.

Mayor Pro-Tem Osika went on to announce the ground-breaking that will be held Friday at 9:00am to celebrate the construction of new office space and a meeting room at Tri-mer.

Councilmember Teich sought to clarify his support of the property buy-back saying he was not in favor of taking the property back but he could see the legal merits of the arguments on both sides and so made his decision by comparing the cost of potential litigation to the cost of the lot. He went on to say that he wanted to make sure that it didn't happen again by ensuring proper signage is put up. City Manager Crawford said he is working toward a solution but had found there was no clear rule to marking the boundaries of a wetland and further research would be required. Councilmember Teich suggested saving time and money by simply marking the vacant lots in the development.

Councilmember Fox said he was concerned that the City isn't required to disclose wetlands by law and wanted a rule put in place that would require the City to make such a disclosure in the future. He also indicated his desire for the City to be out of the "developer" role all-together.

Councilmember Bailey thanked the newspapers for advertising the upcoming free cat shelter workshop.

### **NEXT MEETING**

Monday, January 30, 2017, 5<sup>th</sup> Monday Meeting  
Monday, February 6, 2017 – Regular Meeting

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate - term expires June 30, 2018

**ADJOURNMENT**

Motion by Councilmember Bailey for adjournment at 9:08 p.m.

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

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Susan J. Osika, Mayor Pro-Tem

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Amy K. Kirkland, City Clerk

**CITY OF OWOSSO**  
**5<sup>TH</sup> MONDAY MEETING OF THE CITY COUNCIL**  
**MINUTES OF JANUARY 30, 2017**  
**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**PLEDGE OF ALLEGIANCE:** MAYOR PRO-TEM SUSAN J. OSIKA

**PRESENT:** Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilpersons Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway, Daniel A. Law, and Robert J. Teich, Jr.

**ABSENT:** None.

**CITIZEN COMMENTS AND QUESTIONS**

Teresa Klockziem, 841 Center Street, commented on the condition of Center Street saying a large portion of it appeared to be in good shape and didn't appear to need to be redone.

County Commissioner Dan McMaster detailed the latest activities of the Commission including their recent walk-through of County departments. He noted the poor condition of the jail and decisions that will have to be made as a result of its deteriorating condition.

Len Tobias, Lennon, thanked the officers that caught the murder suspects over the weekend. He went on to highlight the need for a place where people can legally buy medical marijuana in a safe, controlled environment.

Ray Farley, 716 Nafus Street, asked when south Chestnut Street will be redone.

Callen Latz, Ovid, indicated he makes the trip to Lansing twice a month to purchase his medical marijuana because he feels safer purchasing from a dispensary rather than a private care-giver.

Matthew Abel, attorney with Cannabis Counsel, indicated he represents the owners of the former dispensary at the corner of Washington Street and Corunna Avenue who have been waiting for the changes to the Medical Marijuana law to come into effect. He said he is pleased Council is having this discussion and hopes that dispensaries would once again be allowed in the City. Lastly, he distributed to Council a fact sheet put out by the MML.

Mayor Eveleth thanked local law enforcement for their help in catching the two people suspected of murdering two Flint men in a drug deal gone bad.

Mayor Eveleth went on to address Ms. Klockziem's question telling her an in-depth study of street conditions had been conducted and that while a street may look good on the surface there may be damage underneath that may not be readily apparent. That being said he indicated the condition of the street would be verified prior to proceeding with any project.

**ITEMS OF DISCUSSION**

**Changes in the Medical Marijuana Law**

City Manager Donald D. Crawford briefly detailed the amended Medical Marijuana Law and the City's current ordinance regulating medical marijuana related operations. He noted that while staff receives

frequent calls from parties interested in establishing medical marijuana facilities in the city Council has a number of months in which to decide what action to take, if any. If the Council takes no action by the law's effective date medical marijuana facilities, as defined by the law, would be prohibited within the city limits.

City Attorney William C. Brown explained that the State has created designations for five types of facilities each of which the Council will need to address. He encouraged the members to study the new law and think about the affects each type of facility might have on a neighborhood and how each type of facility might be regulated. Lastly, he reminded Council that they could take advantage of the counsel of the Planning Commission.

Councilmember Teich inquired about the details of the current ordinance. Community Development Director Susan K. Montenegro indicated that growing facilities currently had to be located a particular distance from sensitive areas with the distance not only insulating sensitive locations but also serving to govern the number of facilities permitted. She went on to point out there was no need to use the distance requirements going forward.

Councilmember Bailey said she was happy to hear there would be educational opportunities she could avail herself of prior to making any decisions. She also expressed her preference that the City's regulations closely match those of the State.

Councilmember Fox said he felt this topic would require a number of meetings before decisions could be reached. He suggested that a citizen committee might help the process.

Councilmember Law said medical marijuana facilities were coming whether Council was comfortable with them or not. He said he understood the stigma of the subject but encouraged people to have an open mind and embrace the business opportunities it presents.

Councilmembers Fox and Law encouraged the participation of a citizen committee in the process.

Staff will assemble information from other communities and experts and will bring the topic back to Council in two to three months.

### **Street Program Overview**

Director of Public Services Glenn M. Chinavare and Engineer Randy J. Chesney were present to give Council an overview of the street program and how the street bond funding will be used.

Mr. Chesney started the discussion by providing some detail on the Oliver Street reconstruction project, reminding Council that the project will take place in two phases over the course of 2 summers. Phase 1 is proposed for this summer, bids for the project should be received by MDOT on Friday, and construction is slated to start in May and end in September. Prior to the start of construction Consumers Energy will be replacing gas mains along the street from Washington to Gould.

Engineer Chesney then moved on to discuss the current condition of the street system. Last November, Owosso citizens approved a \$10-million street bond proposal to fix the streets. While the proceeds generated from the proposal will help fix many roads, it will not satisfy the total need. Fixing the "worst-first" is the most straight forward approach, but most local agencies use an asset management process to optimize use of their funds. Each street is viewed as an asset with a liability that increases over time. A new road should last 50 years if it is properly built and maintained. Chip sealing should be considered after 10-15 years. Resurfacing should be considered when pavement's life reaches 15-20 years, with follow up resurfacing every 10-20 years thereafter. After 50 years the street should be considered again for reconstruction. Unfortunately, our road system has fallen behind this schedule and it will take several generations to get back on track.

He went on to say that approximately 25% of the City's streets require complete reconstruction with an estimated cost of \$3 million per mile and 50% of the streets require resurfacing or rehabilitation with estimates between \$850,000 - \$2.25 million per mile. Properly repairing all the streets today would cost approximately \$45 million and that cost will increase by at least \$2 million each year. In an effort to get the street system back on track he said the bond proceeds would need to be leveraged to expand the total budget. He suggested that incorporating the following funding sources with the bond funds could increase the available pool of funds to over \$16.5 million: grants, Public Act 51 funds, and special assessments.

He then presented a list of 64 street sections that would be good candidates for maximizing the City's return on investment. His selection process involved looking for streets with good curb and gutter, hadn't had major maintenance in more than 15 years, and fit the objectives of the plan. He suggested establishing a series of three-year plans from this list. The plan would be used as a working document for scheduling individual projects. Its budget would require periodic adjustment as the selected projects are completed and changes, such as ability to secure funds from other sources, pricing, and unforeseen circumstances found in the field, are encountered.

There was discussion among Council regarding who would oversee the various projects and ensure the City receives a quality product, hiring a full time employee to monitor the projects, and contracting out for such services. Staff indicated that contracting for monitoring services would be more cost effective due to the temporary nature of the work.

Councilmember Fox inquired about a sewer issue over by the Baptist Church. Staff noted that when the weather breaks the street will be excavated, the lines televised, and the street surface patched.

Staff also answered questions previously presented by Ms. Klockziem and Mr. Farley. Center Street is scheduled for reconstruction due to the fact the pavement is too thin to grind and resurface necessitating its removal and replacement. Chestnut Street will receive some heavy maintenance when funds are available in an effort to buy time to secure grant funding.

### **NEXT MEETING**

Monday, February 06, 2017

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate - term expires June 30, 2018  
Parks & Recreation Commission – term expires June 30, 2017  
Parks & Recreation Commission – term expires June 30, 2018

### **ADJOURNMENT**

Motion by Councilmember Greenway for adjournment at 8:49 p.m.

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

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Christopher T. Eveleth, Mayor

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Amy K. Kirkland, City Clerk





## MEMORANDUM

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301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

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DATE: January 31, 2017

TO: Owosso City Council

FROM: Glenn Chinavare, Director of Public Services

SUBJECT: Oliver Street Reconstruction, Phase 1 – Special Assessment Resolution No 3

When deemed necessary, the city conducts a street improvement program. Public streets are selected for inclusion in the program either by citizen initiated petition or by selection of the city. Oliver Street, from Washington Street to Oak Street, is proposed by the city for street reconstruction. Property owners are then specially assessed to cover the cost of the proposed improvement. Past practice has been to assess property owners along the street 40% of the proposed benefit and the remaining 60% to the community at large. Each property owner can pay an assessment in one lump sum or in installments over the multi-year period (the period being determined by the amount of the average assessment).

The special assessment process has five steps, each having its own purpose and accompanying resolution.

**Step One/Resolution No. 1** identifies the special assessment district(s), directs the city manager to estimate project costs and the amounts to be specially assessed, and determines the life of the proposed improvements. Resolution No. 1 for the proposed improvement was approved by City Council at its September 6,, 2016 meeting.

**Step Two/Resolution No. 2** sets the date for the hearing of necessity on the projects. It directs notices to be sent to each affected property owner detailing the proposed project, notifying them of the public hearing date, and the estimated amount of their assessment. Tonight, City Council is asked to act upon Resolution No. 2 for the proposed improvement.

**Step Three/Resolution No. 3** documents the hearing of necessity. This hearing provides affected residents with the opportunity to comment on whether they feel the project is necessary and of the proper scale. After hearing citizen comment on the project the city council has three options: if they agree that the project should proceed as proposed, the district is established and staff is directed to go on with the next steps of the proposed project, including obtaining bids; if they feel the project should go forward, but with some adjustments they may direct staff to make those adjustments and proceed; if they feel the project is not warranted and should not proceed at all they would simply fail to act on Resolution No. 3, effectively stopping the process.

**Step Four/Resolution No. 4** takes place after the bids are received. Estimated assessment amounts are adjusted if necessary to reflect the actual cost as dictated by the bids received. A second public hearing is set to allow property owners to comment on their particular assessment. Each property owner is sent a second notice containing the date and time of the public hearing and the amount of the proposed assessment for their property.

**Step Five/Resolution No. 5** documents the second public hearing, finalizes the special assessment roll and sets the terms of payment. This public hearing is designed to allow

affected citizens the opportunity to argue whether or not the amount of their assessment is fair and equitable in relation to the benefit they receive from the project. If, after hearing citizen comment, the council decides adjustments need to be made to the assessment roll they may do so. Alternately, if they feel all the assessments are fair and equitable they may pass the resolution as written.

Tonight the council will be holding a public hearing to receive citizen comments regarding the necessity of the proposed project. At the conclusion of the hearing council will consider approval of Resolution No. 3 authorizing the project to proceed. Residents that would be affected by the project have been sent a notification for the public hearing, a description of the work being proposed, and an estimate of the special assessment for their property.

Staff recommends authorization of Resolution No. 3 for the following district:

**Special Assessment District No. 2017-01 –  
Oliver Street, Public Street, from Washington Street to Oak Street**

**RESOLUTION NO.**

**ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2017-01  
OLIVER STREET, FROM WASHINGTON STREET TO OAK STREET  
FOR STREET RECONSTRUCTION**

WHEREAS, the City Council, after due and legal notice, has met and (there being no one to be heard regarding / having heard all persons to be affected by) the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Oliver Street, Public Street, from Washington Street to Oak Street
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$1,405,600.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$97,051.68 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Oliver Street, Public Street, from Washington Street to Oak Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Oliver Street, Phase 1  
Engineering Estimate Summary

This information is  
reprinted from the meeting  
of January 17, 2017

14-Dec-16

WORK ITEM	AMOUNT	COMMENTS
PAVT, REMOVE	\$ 52,402.00	BRICK UNDERLAYMENT
HMA SURFACE, REMOVE	\$ 27,668.00	ASPHALT SURFACE
STRUCTURE COVERS, ADJUST	\$ 4,250.00	COVERS IN ROAD ONLY
STRUCTURE COVERS, FURNISH	\$ 6,000.00	MANHOLE COVERS, ONLY
HMA, 2C	\$ 44,280.00	ASPHALT BASE COURSE @ 2"
HMA, LVSP	\$ 49,210.00	ASPHALT TOP COURSE @ 2"
TOTAL WORK ITEMS	\$ 183,810.00	
ADD MOBILIZATION @ 10%	\$ 18,381.00	
SUB TOTAL	\$ 202,191.00	
ENGINEERING FEE @ 15%	\$ 30,328.65	
ADMINISTRATIVE FEE @ 5%	\$ 10,109.55	
<b>GRAND TOTAL</b>	<b>\$ 242,629.20</b>	ASSESSMENT BASED FROM THIS AMOUNT
CITY SHARE - 60%	\$145,577.52	
LAND OWNER - 40%	\$97,051.68	
ASSESSABLE FRONT FEET	2188.6	
FRONT FOOT RATE	<b>\$44.34</b>	

There are 28 parcels in the assessment district.  
The average ESTIMATED residential assessment is about \$3,200.00.



## MEMORANDUM

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**DATE:** January 30, 2017

**TO:** Owosso City Council

**FROM:** Susan Montenegro, Assistant City Manager/Director of Community Development

**SUBJECT:** TSP Services, Inc., dba TSP Environmental Change Order #1 for the Former Eastside Cleaners Vapor Barrier Installation at the District #16 Qdoba Brownfield site.

### RECOMMENDATION:

I recommend adding to the contract with TSP Services, Inc., dba TSP Environmental and approve Change Order No. 1 in the amount of \$595.00. Due to winter conditions, insulated transport of the vapor barrier material is necessary to ensure it does not freeze prior to application.

### BACKGROUND:

On May 16, 2016 council approved the bid award with TSP Services, Inc., dba TSP Environmental vapor barrier installation at the Qdoba site. The total amount of the contract was \$28,030.00. This change order is necessary to cover the cost of insulated transportation of the vapor barrier so that it does not freeze prior to application. The total amount of the contract including Change Order No. 1 is \$28,625.00.

The city of Owosso received additional grant dollars on June 6, 2016 from the Michigan Department of Environmental Quality (MDEQ) to cover additional remediation expenses. The city of Owosso is the fiduciary for the grant.

### FISCAL IMPACTS:

Funds for this work are to be paid from a combination of MDEQ grant and loan funds and shall be charged to accounts 276-901-965.000 and 276-000-120.040 as appropriated.

**RESOLUTION NO.**

**AUTHORIZING CHANGE ORDER NO. 1  
TO THE CONTRACT WITH  
TSP SERVICES, INC., D/B/A TSP ENVIRONMENTAL  
FOR THE FORMER EASTSIDE CLEANERS  
VAPOR BARRIER INSTALLATION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with TSP Services, Inc., dba TSP Environmental on October 3, 2016 for vapor barrier installation at the former Eastside Cleaners site; and

WHEREAS, TSP Services, Inc., dba TSP Environmental has requested a change order to cover the cost of insulated transportation of the vapor barrier; and

WHEREAS, the City has entered into a contract with the Michigan Department of Environmental Quality (MDEQ) and will use grant and loan funds in connection with the established District # 16 Qdoba Brownfield plan to cover the additional expense.

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 TSP Services, Inc., dba TSP Environmental to include charges for the insulated transportation of the vapor barrier.
- 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. 1 to the Contract for Services between the City of Owosso and TSP Services, Inc., dba TSP Environmental, increasing the total amount by \$595.00.
- THIRD: The accounts payable department is authorized to pay TSP Services, Inc., dba TSP Environmental for work satisfactorily completed up to the amount of the contract including Change Order No. 1.
- FOURTH: The above expenses shall be paid from a combination of MDEQ grant and loan funds, account No. 276-901-965.000 and 276-000-120.040 as appropriated.



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t: 248.414.1416

**Berkley**  
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Berkley, MI 48072  
f: 877.884.6775  
t: 248.336.9988

**Lansing**  
3340 Ranger Road  
Lansing, MI 48906  
f: 877.884.6775  
t: 517.321.3331

**Grand Rapids**  
560 5<sup>th</sup> Street NW,  
Suite 301  
Grand Rapids, MI 49504  
f: 877.884.6775  
t: 616.285.8857

January 30, 2017

Ms. Susan Montenegro  
City of Owosso  
301 West Main Street  
Owosso, Michigan 48867

**RE: Contractor Change Order Number 1 Evaluation  
Vapor Barrier Insulated Transport Fees  
Former Eastside Cleaners Site  
Located at 910 East Main Street in Owosso, Michigan**

Dear Ms. Montenegro:

PM reviewed the above-referenced change order submitted by TSP Environmental (TSP) for insulated transport of vapor barrier materials that are to be installed at the former Eastside Cleaners site. PM concurs that due to winter conditions, insulated transport of the vapor barrier material is necessary to ensure that it does not freeze prior to application.

PM recommends approval/issuance of the attached change order in the amount of \$595 to TSP for insulated transport of vapor barrier materials.

If you have any questions regarding the above, please contact my office at (800) 313-2966.

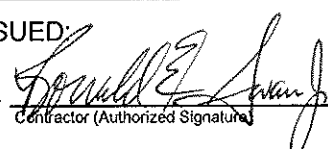
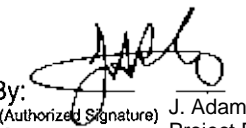
Sincerely,  
**PM ENVIRONMENTAL, INC.**

J. Adam Patton, CHMM  
Manager of Site Investigation Services

Attachments:  
TSP Change Order Request Number 1, dated January 30, 2017

# CHANGE ORDER

No. 16102-1

PROJECT: DATE OF ISSUANCE: <u>1-30-17</u> EFFECTIVE DATE: <u>1-30-17</u>	
OWNER: <u>City of Owosso</u> OWNER's Contract No.: CONTRACTOR: <u>TSP</u> ENGINEER: <u>PM Environmental</u>	
You are directed to make the following changes in the Contract Documents. Description: Additional freight charges for shipping perishable product during winter months  Reason for Change Order: GeoSeal Core material cannot freeze (ruins product)  Attachments: None	
CHANGE IN CONTRACT PRICE: Original Contract Price \$ <u>28,030</u>	CHANGE IN CONTRACT TIMES: Original Contract Times: 30 days Substantial Completion: <u>30 days</u> Ready for final payment: 30 days or dates
Net changes from previous Change Orders No. <u>0</u> to No. <u>0</u> \$ <u>0.00</u>	Net changes from previous Change Orders No. <u>0</u> to No. <u>0</u> 0 days
Contract Price prior to this Change Order \$ <u>28,030</u>	Contract Times prior to this Change Order: Substantial Completion: Ready for final payment: 30 days or dates
Net Increase (decrease) of this Change Order \$ <u>595.00</u>	Net Increase (decrease) of this Change Order 0 days
Contract Price with all approved Change Orders \$ <u>28,625.00</u>	Contract Times with all approved Change Orders Substantial Completion: Ready for final payment: 30 days or dates
ISSUED:                      APPROVED:                      ACCEPTED: By:  By: _____ By:  J. Adam Patton, CHMM <small>Contractor (Authorized Signature)</small> <small>Insurer (Authorized Signature)</small> <small>Owner (Authorized Signature)</small> Project Professional Date: <u>1-30-17</u> Date: _____                      Date: January 30, 2017	
<small>EJCDC No. 1910-8-B (1990 Edition) Prepared by Engineers Joint Contract Documents Committee and endorsed by the Associated General Contractors of America</small>	





## MEMORANDUM

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**DATE:** January 30, 2017

**TO:** Owosso City Council

**FROM:** Susan Montenegro, Assistant City Manager/Director of Community Development

**SUBJECT:** ASI Environmental Technologies Change Order #2 for the Former Eastside Cleaners Excavation Shoring Installation at the District #16 Qdoba Brownfield site.

### RECOMMENDATION:

I recommend adding to the contract with Environmental Advisory Services, Inc. dba ASI Environmental Technologies and approve Change Order No. 2 in the amount of \$143,500.86 for additional remediation work performed at the site.

### BACKGROUND:

On December 20, 2016 council approved the first change order for Environmental Advisory Services, Inc. dba ASI Environmental Technologies bringing the amount of the contract to \$485,201.95. This final change order includes additional work required to complete the project in the amount of \$143,500.86, bringing the total amount of the contract to \$628,702.81.

The city of Owosso received additional grant dollars on June 6, 2016 from the Michigan Department of Environmental Quality (MDEQ) to cover additional remediation expenses. The city of Owosso is the fiduciary for the grant.

### FISCAL IMPACTS:

Funds for this work are to be paid from a combination of MDEQ grant and loan funds and shall be charged to accounts 276-901-965.000 and 276-000-120.040 as appropriated.

**RESOLUTION NO.**

**AUTHORIZING CHANGE ORDER NO. 2  
TO THE CONTRACT WITH  
ENVIRONMENTAL ADVISORY SERVICES, INC., D/B/A ASI ENVIRONMENTAL TECHNOLOGIES  
FOR THE FORMER EASTSIDE CLEANERS EXCAVATION SHORING INSTALLATION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Environmental Advisory Services, Inc. dba ASI Environmental Technologies on May 16, 2016 for shoring and excavation installation at the former Eastside Cleaners site; and

WHEREAS, the City approved Change Order No. 1 to the contract on December 19, 2016; and

WHEREAS, the City has requested additional work from ASI Environmental Technologies due to conditions found in the field; and

WHEREAS, the City has entered into a contract with the Michigan Department of Environmental Quality (MDEQ) and will use grant and loan funds in connection with the established District # 16 Qdoba Brownfield plan to cover the additional costs.

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 Former Eastside Cleaners Excavation Shoring Installation contract with Environmental Advisory Services, Inc. dba ASI Environmental Technologies to include additional work.
- 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 Environmental Advisory Services, Inc. ASI Environmental Technologies, increasing the total amount by \$143,500.86.
- THIRD: The accounts payable department is authorized to pay ASI Environmental Technologies for work satisfactorily completed up to the amount of the contract including Change Order Nos. 1 & 2.
- FOURTH: The above expenses shall be paid from a combination of MDEQ grant and loan funds, account No. 276-901-965.000 and 276-000-120.040 as appropriated.



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560 5<sup>th</sup> Street NW,  
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t: 616.285.8857

January 27, 2017

Ms. Susan Montenegro  
City of Owosso  
301 West Main Street  
Owosso, Michigan 48867

**RE: Contractor Invoice Evaluation and Transmittal  
Excavation Shoring Installation Pay Request TERS-EX-PR-6  
Former Eastside Cleaners Site  
Located at 910 East Main Street in Owosso, Michigan**

Dear Ms. Montenegro:

PM reviewed the above-referenced pay request and invoice submitted by ASI Environmental Technologies (ASI) for work conducted at the Former Eastside Cleaners site. The pay request, a copy of which is attached, was certified by ASI on January 23, 2013 and reviewed by PM between that time and the date of this letter.

The invoice includes charges associated with the following shoring installation tasks that correspond to pay items on the attached continuation sheet and schedule of values:

- (3h1) Sidewalk Replacement
- (4b) Change Order CO-4

PM participated in weekly progress meetings and field verified that wastes were removed for disposal, and that concrete sidewalk replacement occurred. Documentation, including solid/liquid disposal manifests are attached.

Other than sidewalk concrete replacement (i.e. a Brownfield Grant-funded activity), all of the activities included in Pay Request 6, represents the value of additional solids and liquids disposal conducted in associating with redevelopment-phase activities (i.e. Brownfield Loan-funded activities), including sanitary, water, and storm sewer utility and building foundation/footing excavations, and site grading activities. Therefore, Change Order 4 was issued within Pay Request 6, with a value of 175,843.94. This is based on an additional 512.99 tons of hazardous soils at a unit rate of \$281/ton; 83.19 tons of non-hazardous soils at a unit rate of \$275/ton; and characterization/storage, transportation and disposal of 3,500 gallons of hazardous liquids, at unit rates of \$1,768.50 (characterization/storage), \$1,378.00 (loading/transport), and \$1.62/gallon, respectively. As outlined on the project schedule of values. This portion of Change Order CO-4 is associated with MDEQ Brownfield Grant Funds. A copy of associated disposal manifests are attached.

Pay Request TERS-EX-PR-6 has a value of \$180,670.94. However, the value of non-Brownfield Grant funds under the pay request (\$175,843.94) exceeds the amount of available funds (\$175,134.86) by \$709.08. Therefore, Pay Request TERS-EX-PR-6 is recommended for payment in the amount of \$179,961.86, which is the sum of available Brownfield Loan Funds (\$175,134.86) and the value of concrete sidewalk replacement under the Brownfield Grant Funds. The remaining \$709.08 should be paid to ASI by the property owner.

**Contractor Invoice Evaluation and Transmittal  
Excavation Shoring Installation Pay Request TERS-EX-PR-6  
Former Eastside Cleaners Site Located at 910 East Main Street in Owosso, Michigan  
PM Environmental Inc., Project Number 01-5363-2; January 27, 2016**

To date (i.e. inclusive of TERS-EX-PR-6), the cumulative fees invoiced by ASI for this project and approved for payment correspond to the following funding sources:

<b>Contractor Pay Request Number</b>	<b>MDEQ Brownfield Loan Funds Used</b>	<b>MDEQ Brownfield Loan Contingency Funds Used</b>	<b>MDEQ Brownfield Grant Funds Used</b>	<b>Total Pay Request Value</b>
TERS-EX-PR-1	\$0.00	\$0.00	\$56,353.57	\$56,353.57
TERS-EX-PR-2	\$37,006.30	\$0.00	\$2,287.63	\$39,293.93
TERS-EX-PR-3	\$0.00	\$0.00**	\$199,182.43	\$199,182.43
TERS-EX-PR-4	\$0.00	\$0.00	\$65,020.00	\$65,020.00
TERS-EX-PR-5	\$31,269.68	\$0.00	\$57,621.34	\$88,891.02
TERS-EX-PR-6	\$136,047.86	39,087.00	\$4,827.00	\$179,961.86
<b>Total Expended</b>	<b>\$204,323.84</b>	<b>\$39,087.00</b>	<b>\$385,291.97</b>	<b>\$628,702.81</b>

\*\* Earlier budgetary summaries assumed that \$11,008.13 would be required from Brownfield Loan Contingency Funds to cover the cost of utility relocation. However, that allocation is not needed, as the original shoring contract amount was not exceeded. Therefore, the utility relocation costs were included in the shoring budget values under the Brownfield Grant.

To date ASI has been paid \$448,740.95, including Pay Requests 1 through 5. Inclusive of activities outlined in Pay Request 6, ASI's activities at the subject property are now complete.

As indicated in Pay Request 6, \$31,544 of the original shoring contract (Brownfield Grant-funded) are not needed. Therefore, since the existing approved contract value for ASI, including all previous change orders, is \$485,201.95, PM recommends that a change order be issued with a value of \$143,500.86. This will bring the approved contract budget to \$628,702.81, and will facilitate final payment to ASI with a value of \$179,961.86, and contract closure.

As indicated on Page 1, the remaining \$709.08 under Pay Request 6 should be paid to ASI by the property owner.

If you have any questions regarding the above, please contact my office at (800) 313-2966.

Sincerely,  
**PM ENVIRONMENTAL, INC.**



J. Adam Patton, CHMM  
Manager of Site Investigation Services

Attachments:  
Pay Request TERS-EX-PR-6

# Invoice

<b>BILL TO</b>
City of Owosso Attn: Adam Patton 301 W Main St Owosso, MI 48867

DATE	INVOICE #
10/31/2016	10312587

P.O. NO.	TERMS	JOB #	JOB NAME
	Net 30 Days		City of Owosso

QTY	DESCRIPTION	RATE	AMOUNT
1	Sidewalk Replacement	4,827.00	4,827.00
1	Owners Provisional Allowance, CO-4	175,843.94	175,843.94

A HANDLING FEE OF 2% PER MONTH WILL BE ADDED TO ALL PAST DUE ACCOUNTS.

PLEASE REMIT TO:

<b>Total</b>	<b>\$180,670.94</b>
--------------	---------------------

*EW*



**PR-6 Billing Details**

		Manifest	Units		
3h1	Sidewalk Replacement			1	\$4,827.00 \$4,827.00

Change Order Summary (CO-4)

		Manifest	Units	Rate	Cost
4b	Load, Trans. Off-Load of Haz. Liquids		1	\$1,378.00	\$1,378.00
4b	Disposal of Hazardous Liquids	16316478	3500	\$1.62	\$5,670.00
4b	CO-4; 50.69 Tons Haz. Waste Soil, <UTS	16317261	50.69	\$281.00	\$14,243.89
4b	CO-4; 52.53 Tons Haz. Waste Soil, <UTS	16317262	52.53	\$281.00	\$14,760.93
4b	CO-4; 47.99 Tons Haz. Waste Soil, <UTS	16317263	47.99	\$281.00	\$13,485.19
4b	CO-4; 48.57 Tons Haz. Waste Soil, <UTS	16317264	48.57	\$281.00	\$13,648.17
4b	CO-4; 43.24 Tons Haz. Waste Soil, <UTS	16317265	43.24	\$281.00	\$12,150.44
4b	CO-4; 40.33 Tons Haz. Waste Soil, <UTS	16317266	40.33	\$281.00	\$11,332.73
4b	CO-4; 51.40 Tons Haz. Waste Soil, <UTS	16317267	51.40	\$281.00	\$14,443.40
4b	CO-4; 45.93 Tons Haz. Waste Soil, <UTS	16317268	45.93	\$281.00	\$12,906.33
4b	CO-4; 40.65 Tons Haz. Waste Soil, <UTS	16317269	40.65	\$281.00	\$11,422.65
4b	CO-4; 37.43 Tons Haz. Waste Soil, <UTS	16317270	37.43	\$281.00	\$10,517.83
4b	CO-4; 54.23 Tons Haz. Waste Soil, <UTS	16317281	54.23	\$281.00	\$15,238.63
	Non-Hazardous Waste Soils				
4b	CO-4; 36.20 Tons Non-Haz. Soil	304495	46.99	\$275.00	\$12,922.25
4b	CO-4; 46.99 Tons Non-Haz. Soil	304496	36.20	\$275.00	\$9,955.00
	Hazardous Waste Water				
4b	CO-4; Characterization & Storage of Water	\$1,768.50	1	\$1,768.50	\$1,768.50
	Total CO-4				\$175,843.94
	Total Pay Request #6				\$180,670.94

**Contract Items Not Included in PR-6**

55.00 Tons Zaz Waste Soil, <UTS	16317282	55.00	\$281.00	\$15,455.00
4% Payment & Performance Bond Premium on Change Orders		\$258,348.39	0.04	\$10,333.94



## MEMORANDUM

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301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

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**DATE:** February 6, 2017

**TO:** Owosso City Council

**FROM:** Glenn Chinavare, Director of Public Services

**SUBJECT:** Cost Agreement between MDOT and city of Owosso for road improvements along Oliver Street from Washington Street easterly to Oak Street

### RECOMMENDATION:

I recommend City Council approve MDOT Cost Agreement No. 16-5565 for the proposed road improvements along Oliver Street from Washington Street easterly to Oak Street. The Agreement has been approved by the City Manager as to substance and form. A resolution to approve the Agreement is attached for your consideration.

### BACKGROUND:

On May 2, 2016, City Council resolved that city staff make application to MDOT for Federal Small Urban Program Funds for the proposed reconstruction of Oliver Street from Washington Street to Oak Street. The state of Michigan offers these funds for improvements along eligible roads of the National Functional Classification Road System, such as Oliver Street. Proposed work includes asphalt paving, intersection improvements, storm drainage, concrete curb and gutter, concrete sidewalk and ramp, permanent signing, and pavement marking work; and all together with necessary related work (also referred to as 'project'). The City is responsible for designing and overseeing the project in accordance with MDOT standards. The state agrees to reimburse the city for its share of federal funds when available, in accordance with the agreement.

### FISCAL IMPACTS:

The total estimated cost for this project is \$1,405,600.00 and of that amount, Federal Small Urban Program Funds will pay \$375,000.00. The City's estimated share is \$1,030,000.00. The City will also be responsible for any cost overruns exceeding the estimated cost for the project. Funds for the City's share of cost will be taken from the 2016 Unlimited Obligation Bond Proceeds, Water Fund, and other funds as appropriate.

Attachments: (1) Resolution  
(2) MDOT Cost Agreement

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING EXECUTION OF MDOT COST AGREEMENT FOR  
THE RECONSTRUCTION OF OLIVER STREET  
FROM WASHINGTON STREET EASTERLY TO OAK STREET**

WHEREAS, Oliver Street, from Washington Street to Oak Street, is a part of the National Functional Classification Road system; and

WHEREAS, the City is required to provide a safe and expedient road system for users which requires proper maintenance of the roadway; and

WHEREAS, this maintenance is costly and requires additional sources of funds beyond the state of Michigan's regular allocation of Public Act 51 funds; and

WHEREAS, the City is approved to receive Federal Small Urban Program Funds, administered by the Michigan Department of Transportation, to assist in the reconstruction of this road; and

WHEREAS, after review, City staff recommends approval of MDOT Cost Agreement No. 16-5565 for the proposed work along Oliver Street from Washington Street easterly to Oak Street; including hot mix asphalt paving, intersection improvements, storm drainage, concrete curb and gutter, concrete sidewalk and ramp, permanent signing, and pavement marking work all together with necessary related work (referred to as the "project"); and

WHEREAS, the Michigan Department of Transportation requires the City of Owosso adopt a resolution further indicating its willingness to participate in the project as set forth in the agreement.

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 approve MDOT Contract No. 16-5565 for the proposed improvements to Oliver Street, from Washington Street easterly to Oak Street.
- SECOND: The City of Owosso is willing to participate in the project and cost as illustrated within said contract.
- THIRD: The Mayor and City Clerk are hereby authorized to sign the Agreement as attached.
- FOURTH: The City Council hereby directs staff to allocate \$1,030,600.00 from the 2016 Unlimited Obligation Bond Proceeds Fund, Water Fund, and other funds as appropriate; and approves payment for services upon completion, or as otherwise request by the State, in accordance with the contract.
- FIFTH: the City Manager is directed to proceed with the project.



STP

DA

Control Section	STUL 76421
Job Number	126386A
Project	STP 1776(003)
Federal Item No.	HK 1295
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	16-5565

### PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF OWOSSO, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in the City of Owosso, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated December 7, 2016, attached hereto and made a part hereof:

#### PART A – FEDERAL PARTICIPATION

Hot mix asphalt paving work along Oliver Street from Washington Street easterly to Oak Street; including intersection improvement, storm drainage, concrete curb and gutter, concrete sidewalk and ramp, permanent signing, and pavement marking work; and all together with necessary related work.

#### PART B – NO FEDERAL PARTICIPATION

Water main relocation work within the limits as described in PART A; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT, including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) \$375,000, or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon an effective billing rate and the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses. The initial effective billing rate for the federal funding for the PART A portion of the PROJECT is calculated by using the federal funding for the PART A portion of the PROJECT set at the time of the award of the construction contract, as described in Section 5, and dividing by the total costs of the PART A portion of the PROJECT eligible for federal funding and authorized at the time of the award of the construction contract.

The effective billing rate for the federal funding of the PART A portion of the PROJECT is determined by the current funding authorization for the PART A portion of the PROJECT and may change as the PROJECT progresses and funding authorizations are increased or decreased.

7. At such time as traffic volumes and safety requirements warrant, the REQUESTING PARTY will cause to be enacted and enforced such ordinances as may be necessary to prohibit parking in the traveled roadway throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent

effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsive for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF OWOSSO

MICHIGAN DEPARTMENT  
OF TRANSPORTATION


By \_\_\_\_\_  
Title: Christopher T. Eveleth,  
Mayor

By \_\_\_\_\_  
Department Director MDOT

By \_\_\_\_\_  
Title: Amy K. Kirkland,  
City Clerk

FORM APPROVED  
1/5/17  
RMB  
ASSISTANT  
ATTORNEY  
GENERAL

RDA  
1/4/17

APPROVED BY  
  
\_\_\_\_\_  
Administrator  
Real Estate  
1/6/17  
Date



December 7, 2016

EXHIBIT I

CONTROL SECTION      STUL 76421  
JOB NUMBER            126386A  
PROJECT                 STP 1776(003)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$957,500	\$448,100	\$1,405,600

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$957,500	\$448,100	\$1,405,600
Less Federal Funds	<u>\$375,000</u>	<u>\$ -0-</u>	<u>\$ 375,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$582,500	\$448,100	\$1,030,600

\*Federal Funds for the PART A portion of the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT



WARRANT 537  
January 26, 2016

Vendor	Description	Fund	Amount
Huron & Eastern Railway Company Inc	Annual maintenance of active traffic control devises	Major Streets	\$ 8,254.00
		<b>TOTAL</b>	<b>\$ 8,254.00</b>

-----Original Message-----

From: Kristen [<mailto:kristenawoodbury@yahoo.com>]

Sent: Monday, January 30, 2017 12:58 AM

To: Susan K. Montenegro

Subject: Parks and Recreation Commission

Hello Susan,

I regret to inform you that I will no longer be able to serve as a committee member for the Parks and Recreation Commission. A recent job promotion and family obligations keep me from putting in the required time needed as a commissioner. I appreciate the opportunity to serve the city and will definitely be volunteering when I can.

Thank you,  
Kristen Woodbury

**OWOSSO HISTORICAL COMMISSION**

**Regular meeting**

**November 14, 2016**

**6:30 PM – Curwood Castle**

**CALL TO ORDER:**

**CHAIR Jennifer Mahoney CALLED THE MEETING TO ORDER AT 6:33 P.M.**

**PRESENT:**

**CHAIR JENNIFER MAHONEY, COMMISSIONER ROBERT BROCKWAY, COMMISSIONER JENELLE STEELE-ELKINS, COMMISSIONER CAROLYN EBERT, COMMISSIONER DENNIS MAHONEY, COMMISSIONER CHRIS EVELETH, COMMISSIONER TRACEY PETIER, HISTORICAL FACILITIES DIRECTOR ROBERT DORAN.**

**OTHERS PRESENT:**

**Carol Vaughn, Nick Terek**

**ABSENT:**

**NONE**

**APPROVAL OF AGENDA:**

**COMMISSIONER TRACEY PELTIER MOTIONED TO ACCEPT THE AGENDA, SECONDED BY COMMISSIONER ROBERT BROCKWAY. AYES ALL, MOTION CARRIED.**

**TREASURERS REPORT:**

**COMMISSIONER CHRIS EVELETH MOTIONED TO ACCEPT THE TREASURERS REPORT, SECONDED BY COMMISSIONER ROBERT BROCKWAY. AYES ALL, MOTION CARRIED.**

**APPROVAL OF OCTOBER 2016 MINUTES:**

**COMMISSIONER CHRIS EVELETH MADE THE MOTION TO ACCEPT THE OCTOBER 2016 MINUTES, SECONDED BY COMMISSIONER JENELLE STEELE-ELKINS. AYES ALL, MOTION CARRIED.**

**CITIZENS COMMENTS:**

**NONE**

**COMMUNICATIONS:**

**Director Doran provided communications to the Commission regarding a donation to for the permanent exhibit at the Paymaster Building.**

**DIRECTORS REPORT:**

**DIRECTOR ROBERT DORAN DEFERRED DIRECTOR'S REPORT TO OLD AND NEW BUSINESS.**

**OLD BUSINESS:**

**HOLIDAY PARTY/SILENT AUCTION:**

Director Robert Doran provided an updated list of what has been collected from donors for the Holiday Party Silent Auction. **COMMISSIONER PELTIER MADE A MOTION TO APPROVE \$700 FOR EXPENDITURES REGARDING THE HOLIDAY PARTY, CONSISTING OF PRIVATE FUNDS RAISED BY DIRECTOR DORAN FOR THIS PURPOSE ONLY, SECONDED BY COMMISSIONER STEELE-ELKINS. AYES ALL, MOTION CARRIED.** There was further discussion about potential silent auction items.

**NEW BUSINESS:**

Director Doran spoke briefly about the success of individual meetings with Commission members and how the Commission is working towards establishing viable committees. No committee reports were given.

**COMMITTEE REPORTS**

**MERCHANDISING**

**EDUCATION**

**VOLUNTEERS**

**FUNDRAISING**

**FACILITIES**

**EXHIBITIONS & SPECIAL EVENTS**

**MARKETING, SOCIAL MEDIA & PR**

**ACQUISITIONS**

**CITIZEN COMMENTS:**

**NONE**

**ADJOURN:**

**CHAIRPERSON TRACEY PELETIER MADE THE MOTION TO ADJOURN AT 8:40 PM  
SUPPORTED BY COMMISSIONER ROBERT BROCKWAY. AYES ALL, MOTION CARRIED.**

**MINUTES**  
**REGULAR MEETING OF THE**  
**DOWNTOWN DEVELOPMENT AUTHORITY/MAIN STREET**  
**CITY OF OWOSSO**  
**JANUARY 4, 2017 AT 7:30 AM**  
**CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** The meeting was called to order by Chairman Dave Acton at 7:37 a.m.

**ROLL CALL:** Was taken by Executive Director, Josh Adams.

**MEMBERS PRESENT:** Chairman David Acton, Vice Chairman Bill Gilbert, Authority Members Lance Omer, Theresa Trecha,, Kevin Wiles, and Jon Moore.

**MEMBERS ABSENT:** Treasurer Ken Cushman and Authority Members Chris Evelyth, and Shar Haskins

**OTHERS PRESENT:** Josh Adams, Main Street Manager; Sue Montenegro, Assistant City Manager & Community Development Director; and Robert Doran, Executive Director of the Owosso Historical Commission.

**AGENDA:**

**IT WAS MOVED BY AUTHORITY MEMBER OMER AND SUPPORTED BY AUTHORITY MEMBER WILES TO APPROVE THE AGENDA FOR JANUARY 4, 2017, AS PRESENTED.**

**AYES: ALL. MOTION CARRIED.**

**MINUTES:**

**IT WAS MOVED BY AUTHORITY MEMBER WILES AND SUPPORTED BY AUTHORITY MEMBER OMER TO APPROVE THE MINUTES OF DECEMBER 21, 2016, AS PRESENTED.**

**AYES: ALL. MOTION CARRIED.**

**PUBLIC COMMENTS:** There were no public comments.

**COMMITTEE UPDATES:**

**1) DESIGN**

WAY-FINDING SIGNS:

Agnew Graphics is currently completing inserts. A January installation date is foreseeable.

**2) ALL OTHER COMMITTEES**

Mr. Adams stated that it has only been 14 days since the last meeting. As a result, not much additional information is available to report.

**ITEMS OF BUSINESS:**

**1) CHECK REGISTER**

(SEE BOARD PACKET FOR CHECK REGISTER)

**IT WAS MOVED BY AUTHORITY MEMBER WILES AND SUPPORTED BY AUTHORITY MEMBER OMER TO APPROVE THE CHECK REGISTER FOR DECEMBER 2016 AS PRESENTED.**

**AYES ALL. MOTION CARRIED.**

**2) BUDGET REPORT/BUDGET UPDATES**

(SEE BOARD PACKET FOR BUDGET)

The board discussed the budget report & budget updates. Mr. Adams indicated that much of the budgeted funds for downtown maintenance have already been spent for this fiscal year. Mr. Adams stated that it might be a good time for the board to meet with the city regarding maintenance allocations. Chairman Acton asked for Mr. Adams and Vice-Chairman Gilbert to coordinate an meeting with city officials to start discussions regarding maintenance expenses.

**3) FAÇADE GRANT UPDATES**

Assistant City Manager Sue Montenegro provided additional information about upcoming façade grants taking place in downtown. A total of 7 properties will be taking part in this round of grant funding. Mrs. Montenegro stated that estimates indicate a project total of just over \$600,000.00, 50% of which will be covered by grant dollars. The grant application is projected to be ready for submission to the MEDC sometime in late January, early February.

**PUBLIC COMMENTS:** There were no public comments

**IT WAS MOVED BY AUTHORITY MEMBER GILBERT AND SUPPORTED BY AUTHORITY MEMBER WILES TO ADJOURN AT 8:48 A.M.**

**AYES: ALL. MOTION CARRIED.**

---

David Acton, Chairman

jda

**MINUTES**  
**SPECIAL MEETING OF THE OWOSSO ZONING BOARD OF APPEALS**  
**CITY OF OWOSSO**  
**JANUARY 11, 2017 AT 7:00 P.M.**  
**CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** The meeting was called to order by Chairman Randy Horton at 7:00 p.m.

**ROLL CALL:** Was taken by Susan Montenegro.

**MEMBERS PRESENT:** Chairman Randy Horton, Vice-Chairman Christopher Eveleth, Secretary Daniel Jozwiak, Board Member Alternate John Horvath, and Board Member Kent Telesz.

**MEMBERS ABSENT:** Board Member Thomas Taylor and Alternate Matt Grubb.

**OTHERS PRESENT:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Mr. Dann Schoenmeyer, representing Tri-Mer Corporation. Justin Horvath, Shiawassee Economic Development Partnership (SEDP).

**AGENDA: IT WAS MOVED BY BOARD MEMBER JOZWIAK AND SUPPORTED BY VICE-CHAIRMAN EVELETH TO APPROVE THE AGENDA FOR THE JANUARY 11, 2017 SPECIAL MEETING AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF JULY 19, 2016 AS PRESENTED.**

**YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from July 19, 2016
3. Variance request application packet – 1400 E. Monroe Street
4. Affidavit of notice

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:**

Chairman Horton revealed to the commission that he has a conflict of interest and needs to recuse himself from discussion and voting.

**MOTION BY VICE-CHAIR EVELETH AND SUPPORTED BY BOARD MEMBER JOZWIAK TO ALLOW CHAIRMAN HORTON TO RECUSE HIMSELF FROM THE PUBLIC HEARING REGARDING ANY DISCUSSION AND VOTING REGARDING THE VARIANCE REQUEST FOR 1400 MONROE STREET.**

**YEAS: ALL. MOTION CARRIED.**

Ms. Montenegro stated no comments, letters of concern, phone calls, or emails were received regarding the variance request for 1400 E. Monroe Street.

**1. VARIANCE REQUEST – 1400 E. MONROE STREET**

Ms. Montenegro explained the site plan for this project had already come through planning commission and had been approved contingent upon satisfying several small issues staff had. The architect worked with staff and provided an updated site plan, satisfying concerns staff had. Additionally, Tri-Mer had been asked prior to the planning commission meeting to prove they had the ability to place their parking lot on the property owned by Consumer's to the north of their building. This was done through an easement agreement that was entered into by both Consumer's and Tri-Mer in 1965.



The item that brings Tri-Mer's office addition project to the Zoning Board of Appeals is that the corner of the proposed addition extends into the 30' required side yard setback as noted in Section 38-351 of the *Owosso Zoning Ordinance* for an I-2 (Heavy Industrial) Zoned parcel.

Mr. Horvath of the SEDP stated he was there in support of the office addition for Tri-Mer and that this business has been a great addition to the community.

**UPON MOTION OF MEMBER TELEZ, SECONDED BY MEMBER HORVATH, THE PETITION FOR VARIANCE AS APPLIED FOR IS APPROVED AS ALL OF THE FACTS OF FINDING WERE MET AS WELL AS TWO OF THE THREE SPECIAL CONDITIONS AS LISTED BELOW.**

- A. This is a request for a use variance subject to Section 38-504(3) of the Zoning Ordinance. The applicant must show that a variance meets ALL of the factors expressed in Section 38-504(3) a. 1-9. in order for the variance to be granted.

**Factor 1: (Section 38-504(3) a.1.)** "Will not be contrary to the public interest or to the intent and purpose of this chapter."

The Board finds that Section 38-504(3) a.1. has been met.

**Factor 2: (Section 38-504(3) a.2.)** "Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required."

The Board finds that Section 38-504(3) a.2. has been met.

**Factor 3: (Section 38-504(3) a.3.)** "Is one that is unique and not shared with other property owners."

The Board finds that Section 38-504(3) a.3. has been met.

**Factor 4: (Section 38-504(3) a.4.)** "Will relate only to property that is under control of the applicant."

The Board finds that Section 38-504(3) a.4. has been met.

**Factor 5: (Section 38-504(3) a.5.)** "Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome."

The Board finds that Section 38-504(3) a.5. has been met.

**Factor 6: (Section 38-504(3) a.6.)** "Was not created by action of the applicant (i.e., that it was not self-created.)"

The Board finds that Section 38-504(3) a.6. has been met.

**Factor 7: (Section 38-504(3) a.7.)** "Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety."

The Board finds that Section 38-504(3) a.7. has been met.

**Factor 8: (Section 38-504(3) a.8.)** "Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located."

The Board finds that Section 38-504(3) a.8. has been met.

**Factor 9: (Section 38-504(3) a.9.)** "Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners."

The Board finds that Section 38-504(3) a.9. has been met.

B. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

1. "Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land."
2. "Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district."
3. "Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district."

The Board finds that Section 38-504(3) b.1. has been met.

The Board finds that Section 38-504(3) b.2. has been met.

**ROLL CALL VOTE WAS TAKEN:**

**AYES: BOARD MEMBER TELEZ, JOZWIAK, VICE-CHAIRMAN EVELETH, ALTERNATE HORVATH.**

**NAYS: NONE.**

**RECUSED: CHAIRMAN HORTON.**

**ABSENT: BOARD MEMBER TAYLOR, ALTERNATE GRUBB.**

**BUSINESS ITEMS**

**1. ELECTION OF OFFICERS**

Current slate of officers is:

Chairman: Randy Horton  
Vice-chairman: Christopher Eveleth  
Secretary: Daniel Jozwiak

**MOTION BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER TELEZ TO KEEP THE SAME SLATE OF OFFICERS.**

**YEAS: ALL. MOTION CARRIED**

**COMMISSIONER/PUBLIC COMMENTS:**

None.

**ADJOURNMENT:**

**MOTION BY VICE-CHAIRMAN EVELETH AND SUPPORTED BY BOARD MEMBER TELEZ TO ADJOURN AT 7:30 P.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, FEBRUARY 21, 2017, IF ANY REQUESTS ARE RECEIVED.**

**YEAS: ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary