

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, NOVEMBER 02, 2015
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 OCTOBER 19, 2015:

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

1. Amos Gould Outstanding Citizen Award. Presentation of the 2015 Amos Gould Outstanding Citizen Award to Debra Adams.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

CITY MANAGER REPORT

Project Status Report

CONSENT AGENDA

1. Set Public Hearing for Rezoning of 117 S Shiawassee St. Conduct first reading and set a public hearing for November 17, 2015 to receive citizen comment regarding request to rezone 117 S Shiawassee from RM-2 Multiple-Family Residential District to B-1 Local Business District.
2. Authorize Emergency Purchase of Heating Unit. Approve emergency purchase and installation of a unit heater for the Wastewater Plant.
3. Warrant No. 511. Authorize Warrant No. 511 as follows:

Vendor	Description	Fund	Amount
Key Government Finance Inc	Annual payment on phone system – 4 of 5 payments	General	\$26,256.84
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	Various	\$19,823
TOTAL			\$46,079

ITEMS OF BUSINESS

1. Approve Release of Special Assessment – 1711 Frederick St. Consider the approval of the release of a special assessment of 1711 Frederick St for condemnation and demolition upon real property.
2. Authorize Execution of Agreement for HVAC Services. Approve agreement for preventive maintenance and on-site repair services with Victory Heating and Cooling.

COMMUNICATIONS

1. Zoning Board of Appeals. Minutes of October 20, 2015.
2. Susan K. Montenegro, Assistant City Manager. Trebor Update.
3. Parks and Recreation Commission. Minutes of October 26, 2015
4. Planning Commission. Minutes of October 26, 2015

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, November 16, 2015

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate (2), both terms expire 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 or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 or at (989) 725-0500. The City of Owosso Website address is www.ci.owosso.mi.us.

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF OCTOBER 19, 2015
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR CHRIS HIGGINS
FIRST CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE: COUNCILPERSON MICHAEL J. O'LEARY

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

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the addition of the following to Items of Business:

7. Executive Session. Authorize the holding of executive session after the conclusion of the 2nd period of Citizen Comments and Questions for the purpose of discussing trial and/or settlement strategy in connection with specific pending litigation.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 5, 2015

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of October 5, 2015 as presented.

Motion supported by Mayor Pro-Tem Eveleth and concurred in by unanimous vote.

STUDENT REPRESENTATIVE REPORT

Lincoln High School Report

Representatives from Lincoln High School were unable to make the meeting this evening. Their report will be rescheduled for a later meeting.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 621 Wright Avenue, suggested that in light of recent vandalism that destroyed the collapsible skating rink the City install a surveillance camera at the storage location.

Mayor Frederick applauded the many organizations and individuals that made Oktoberfest a great success again this year.

Councilperson Bailey thanked the newspapers and City staff for their assistance in making the Feral Cat Shelter Workshop a success yesterday.

Councilperson Fox sought clarification on what is expected of a person requesting permission to remove a City tree that is a prohibited species in relation to the newly amended Street Tree Removal Policy. There was significant discussion among Council regarding the vagueness of the policy, clarifying the requirements regarding the replacement of removed trees, and allowing someone to pay the City for a tree that will be planted somewhere other than their property. Councilperson Fox said the request in question, from Viberta Olney, was to have the trees in the right of way in front of her house removed and further, that no new trees be planted to replace them as she is old and they would be difficult to take care of. He indicated he thought she would be agreeable to paying for a replacement tree that would be planted elsewhere. City Manager Crawford indicated he was unsure if staff had had the opportunity to evaluate whether a replacement tree could be planted on her property or not and that he thought the policy was intended to replace a tree when one is taken down.

Motion by Councilperson Bailey to amend the Street Tree Removal Policy to allow a citizen that has lawfully taken down a City tree to donate an amount equal to the cost of a 2" sapling to a fund that would plant a tree on another property in lieu of a new tree at the former location.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

CITY MANAGER REPORT

City Manager Crawford reported on the City's struggle to recoup demolition costs when a property goes through tax sale, saying that the City has begun to specially assess those lots and allow the new owner to pay over a 10 year period as the tax sale does not wipe out future special assessment installments, only those installments that have already accrued. He then relayed the story of a parcel recently sold at tax sale and resold once again, neither buyer performing any due diligence thus having no knowledge of the City's lien on the property. The final buyer has indicated his intent to let the parcel go back into the tax foreclosure process to avoid paying the special assessment installments that remain. Mr. Crawford expressed his concern that should the tax foreclosure process be repeated enough all of the special assessment installments would be effectively wiped out and the City would once again find itself with no means to collect the demolition costs for the property. He asked if it would be better to write the special assessment off and allow the property to come back on the tax rolls. Council expressed frustration with buyers that do not perform due diligence prior to purchasing property.

Motion by Councilperson Fox to formally address the question writing off the special assessment for 1711 Frederick Street at the November 2nd meeting.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

CONSENT AGENDA

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

Boards and Commissions Appointments. Approve the following mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Jenelle Steele-Elkin	Historical Commission filling unexpired term of E. Powell	12-31-2017
Christopher Eveleth	Historical Commission filling unexpired term of A. Montague	12-31-2016
Michelle Collison	Planning Commission filling unexpired term of D. Bandkau	06-30-2016

Bid Award – Sale of Used Police Vehicle. Approve the bid of Greater Detroit Used Cars for one 2008 Chevrolet Impala (VIN # 2G1WS583589227565) used police vehicle in the amount of \$2,376.00 as follows:

RESOLUTION NO. 89-2015

**RESOLUTION AUTHORIZING THE EXECUTION OF SALE
OF ONE 2008 CHEVROLET IMPALA TO
GREATER DETROIT USED CARS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, a bid solicitation was advertised and the most responsive bid was received from Greater Detroit Used Cars.

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 sell one 2008 Chevrolet Impala police vehicle, last six digits of the VIN# reading: 227565, in the amount of \$2,376.00.

SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership to Greater Detroit Used Cars upon the remittance of \$2,376.00.

Bid Award – Sale of Used Police Vehicle. Approve the bid of Douglas Bubnes for one 2005 Chevrolet Impala (VIN # 2G1WF55K559382256) used police vehicle in the amount of \$2,325.00 as follows:

RESOLUTION NO. 90-2015

**RESOLUTION AUTHORIZING THE EXECUTION OF SALE
OF ONE 2005 CHEVROLET IMPALA TO
DOUGLAS BUBNES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, a bid solicitation was advertised and the most responsive bid was received from Douglas Bubnes.

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 sell one 2005 Chevrolet Impala police vehicle, last six digits of the VIN# reading: 382256, in the amount of \$2,325.00.

SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership to Douglas Bubnes upon the remittance of \$2,325.00.

Purchase Authorization – New Police Vehicles. Waive competitive bidding requirements, approve joint purchase through the Macomb County Cooperative contract with Signature Ford Lincoln Mercury for one 2016 Ford Fusion S police car in the amount of \$17,856.00 and one 2015 Ford Police Interceptor Utility in the amount of \$28,595.00, and authorize payment upon satisfactory receipt of the vehicle as follows:

RESOLUTION NO. 91-2015

**RESOLUTION AUTHORIZING PURCHASE OF POLICE VEHICLES
WITH OWOSSO MOTORS, INC. D/B/A SIGNATURE FORD LINCOLN MERCURY
UTILIZING CONTRACT # 071B1300009**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety department requiring the use of police vehicles; and

WHEREAS, these vehicles must be periodically replaced to ensure a mechanically sound and reliable fleet is available at all times; and

WHEREAS, the City of Owosso desires to purchase two new police vehicles at this time and staff has determined it is in the best interest of the City to utilize State of Michigan Contract No. 071B1300009, held by Owosso Motors, Inc. d/b/a Signature Ford Lincoln Mercury, for said purchase; and

WHEREAS, city ordinance section 2-345(3) provides for an exception to competitive bidding when the best interest of the city would be served by jointly purchasing with another governmental unit.

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 purchase one 2015 Ford Interceptor Utility Police Vehicle and one 2016 Ford Fusion S from Signature Ford Lincoln Mercury, utilizing State of Michigan Contract No. 071B1300009, for a cost to the City of Owosso of \$46,460.00.

SECOND: The Public Safety Director is hereby instructed and authorized to sign any necessary documents to complete said purchase.

THIRD: Payment is authorized to Signature Ford Lincoln Mercury in the amount of \$46,460.00 upon delivery and acceptance of the vehicles.

FOURTH: The budget and appropriation be amended to increase the Police Division Capital Outlay account 101-300-978.000 by \$60,000 to cover the purchase and preparation expenses.

Purchase Authorization – Collapsible Skating Rink. Authorize purchase of one collapsible ice skating rink from NiceRink in the amount of \$6,056.25 to replace the existing skating rink recently vandalized beyond repair as follows:

RESOLUTION NO. 92-2015

AUTHORIZING THE EXECUTION OF A PURCHASE ORDER FOR THE REPLACEMENT OF THE VANDALIZED ICE RINK WITH NICERINK

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined it necessary to purchase a new ice rink to replace the one burned in the fire at the Holman Pool building on October 11, 2015; and

WHEREAS, the city Parks and Recreation Commission purchased the original ice rink from NiceRink on September 29, 2014; and

WHEREAS, City staff received a quotation from NiceRink for \$6,056.25 for a replacement rink.

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 purchase a replacement rink from NiceRink in the amount of \$6,056.25.

SECOND: The contract between the City and NiceRink shall be in the form of a city purchase order in the amount of \$6,056.25.

THIRD: The accounts payable department is authorized to pay NiceRink up to the purchase order amount upon satisfactory delivery.

FOURTH: The above expenses shall be paid by city insurance.

Warrant No. 510. Authorize Warrant No. 510 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering services-September 2015	Various	\$ 7,056.00
Owosso Charter Township	Owosso charter township 2011 water agreement payment-July 2015 - September 2015	Water	\$10,239.37
Caledonia Charter Township	Caledonia utility fund payment-July – September 2015	Water	\$22,322.82
William C. Brown, PC	Professional services-September 10, 2015 – October 9, 2015	General	\$10,725.52

***Check Register – September 2015.** Affirm check disbursements totaling \$2,013,402.39 for the month of September 2015.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Brownfield Redevelopment Plan - District #16, Qdoba Site

Adam Patton of PM Environmental was on hand to give a presentation detailing the proposed clean-up activities at the site of the future Qdoba restaurant.

Mayor Frederick noted the plan had been unanimously approved by the Brownfield Redevelopment Authority.

Councilperson Bailey commented that there was a great deal of effort on the part of the developers and City staff to get the proposed project to this point.

Councilperson O'Leary inquired about subsurface migration. It was noted that subsurface migration was present and the plan called for the removal of some soil at the site to prevent contamination of the well site to the south. It was further noted that groundwater contamination would need to be handled separately from this part of the project.

Motion by Mayor Pro-Tem Eveleth to approve the Brownfield Redevelopment Plan, including Reimbursement Agreement, for District #16, Qdoba Site, located at 910 East Main Street as follows:

RESOLUTION NO. 93-2015

**RESOLUTION APPROVING A BROWNFIELD PLAN
“DISTRICT #16, OWOSSO QDOBA AND RETAIL” 910 E. MAIN STREET
FOR THE CITY OF OWOSSO PURUSANT TO AND IN ACCORDANCE
WITH THE PROVISIONS OF ACT 381 OF THE
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

WHEREAS, the Brownfield Redevelopment Authority (the “Authority”) of the City of Owosso, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), has prepared and recommended for approval by the City of Owosso Council, a Brownfield Plan entitled “District #16, Owosso Qdoba and Retail” (the “Plan”), pursuant to and in accordance with Section 13 of the Act, to be carried out within the Brownfield Redevelopment Zone (the “Zone”), said zone being the entire City and said District #16 described as:

Lots 83-87, Stafford, Gardner & Trankle’s Central Addition (as recorded in Liber 1 of Plats, Page 50); Except the North 10 feet of said Lots 83-87; Also Except a part of Lot 87 described as: BEGINNING at a point on the East line of said Lot 87 which is 25 feet South of the NE corner of said Lot 87; thence North on said East line 15 feet; thence West parallel with the North line of said Lot 87 a distance of 15 feet; thence

Southeasterly to the place of beginning; being a part of the NW 1/4 of Section 19, T7N, R3E, City of Owosso, Shiawassee County, Michigan.

and,

WHEREAS, the Authority has, at least ten (10) days before the meeting of the Authority at which this resolution was first been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the Authority has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan in accordance with Sections 13 (10) and 14 (1) of the Act; and

WHEREAS, the Authority conducted the required public hearing on October 12, 2015 and the City Council recognizes and designates the public hearing process to the Authority and has been provided the minutes of the hearing including all public comments or communications that may have been made at said hearing; and

WHEREAS, the Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the public, and the Authority, the Council desires to proceed with approval of the Plan.

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 the Brownfield Plan for District #16 "Owosso Qdoba and Retail." Pursuant to the authority vested in the Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form considered by the Council on October 19, 2015 and maintained on file in the office of the City Clerk.
- SECOND: Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
- THIRD: Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.
- FOURTH: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Brownfield Plan District #16 "Owosso Qdoba and Retail.*

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

Brownfield Loan Agreement

Motion by Mayor Pro-Tem Eveleth to approve a Brownfield Loan Agreement accepting a loan from the MDEQ in the amount of \$292,963.00 for environmental remediation activities on the property known as District #16 – Qdoba and Retail Site, to be reimbursed through the Brownfield tax recapture as follows:

RESOLUTION NO. 94-2015

**APPROVING ACCEPTANCE OF
A BROWNFIELD REDEVELOPMENT LOAN
BY THE CITY OF OWOSSO
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

WHEREAS, the Owosso City Council, at its regularly scheduled meeting of October 19, 2015 adopted a Brownfield Plan (the "Plan") for the property located at 910 East Main Street, Owosso, Michigan, (the "Site"), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996; and

WHEREAS, the Plan allows the Authority to capture tax increment revenues generated from the property through redevelopment activities; and

WHEREAS, the Michigan Department of Environmental Quality (the "MDEQ") has reviewed a project proposal submitted by the Authority and communicated its interest in supporting the project by inviting the Authority to formally submit an Application for a Brownfield Redevelopment Loan, and

WHEREAS, the city of Owosso has reviewed a Brownfield Redevelopment Loan Application relating to the redevelopment project property located at 910 East Main Street (the "Site"), requesting \$292,963 in loan funds, and the city of Owosso has determined that it is financially able and willing to accept a loan up to \$292,963 secured primarily with a Letter of Credit from the Site Owner/Developer, in addition to the future tax increment revenues that may be captured through the Brownfield Plan, and

WHEREAS, the Site has been recently acquired by Southwind Restaurants, LLC, a limited liability company, whose address is 109 East Broadway Street, Mount Pleasant, Michigan 48858 (the "Developer").

WHEREAS, the Developer will raze the vacant commercial building and three vacant dwellings (two with outbuildings/garages) to construct a new retail plaza that will consist of a single building with a 2,808 square foot restaurant and two tenant spaces of 1,713 and 1,770 square feet, for a total of 6,291 square feet. Additionally, a parking lot will be constructed to the north and east of the new commercial building with surrounding landscaping. Anticipated total cost and private investment for this project is estimated to be approximately \$2.5 Million, including acquisition. Of this total investment approximately \$886,000 will be contributed towards the hard cost investment of the building. Additional costs will be incurred to address environmental contamination concerns, which will be completed if funded through the Loan,

WHEREAS, the project is consistent with local development plans and zoning ordinances, and

WHEREAS, the Owosso Brownfield Redevelopment Authority has entered into a Reimbursement Agreement with the Developer requiring the Developer use its best efforts to conduct the activities described in the Plan and raze the existing buildings and construct the described project. The Agreement also provides the Developer pay the difference toward the annual payment on the MDEQ Loan in the event that in any year the TIR is not sufficient to make the full annual Loan payment. Additionally, the Agreement provides for reimbursement by the Developer to the Authority for incurred costs should the Developer default on the Agreement, and

WHEREAS, the city of Owosso supports the loan application for \$292,963 to the MDEQ for the property located at 910 East Main Street, Owosso Brownfield Plan #16.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Acceptance of Loan Funds. The city of Owosso hereby accepts and commits to repay a loan up to \$292,963, that is secured through a Letter of Credit by the Owner/Developer of the Site as described above, with funds to be issued to and managed by the city of Owosso.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

Brownfield Grant Agreement

Motion by Mayor Pro-Tem Eveleth to authorize acceptance of a Brownfield Redevelopment Grant from the MDEQ in the amount of \$249,000.00 for environmental remediation activities on the property known as District #16 – Qdoba and Retail Site as follows:

RESOLUTION NO. 95-2015

TO ENTER INTO A BROWNFIELD REDEVELOPMENT GRANT AGREEMENT WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS the Michigan Department of Environmental Quality provides grants to communities through its Brownfield Redevelopment Grant Program for environmental response activities; and

WHEREAS environmental response activities are necessary in order to reuse the property for economic development; and

WHEREAS the property known as 910 East Main Street is currently a brownfield facility; and

WHEREAS the proposed project will be undertaken if a grant is awarded;

WHEREAS the proposed economic development is consistent with local development plans, zoning ordinances, and/or the master plan;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council authorizes the city manager, to apply for and secure a grant for a maximum of \$249,000 from, and enter into a grant agreement with, the Michigan Department of Environmental Quality.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

As the motions for approval of the Brownfield clean-up came to an end Assistant City Manager Susan K. Montenegro pointed out several Qdoba representatives present for the meeting and she noted their dedication to the idea of creating a clean development as they could have proceeded with the project without any remediation.

Special Assessment District No. 2015-01

Motion by Mayor Pro-Tem Eveleth to authorize Resolution No. 1 for proposed Special Assessment District No. 2015-01 for Gould Street from Corunna Avenue to Main Street for street resurfacing as follows:

RESOLUTION NO. 96-2015

SPECIAL ASSESSMENT RESOLUTION NO. 1 FOR GOULD STREET RESURFACING

Special Assessment District No. 2015-01 Gould Street from Corunna Avenue to Main Street

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

Gould Street from Corunna Avenue to Main Street Street Resurfacing

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

Lot Split Authorization – 415 Bradley Street

Motion by Mayor Pro-Tem Eveleth to authorize division of City lot under the Michigan Subdivision Control Act for platted lot commonly known as 415 Bradley Street, parcel # 050-120-009-003-00 as follows:

LOT SPLIT & COMBINATION OF PLATTED LOTS

Current Description:

Address	Status	Parcel #	Description
415 Bradley St	To be split	050-120-009-003-00	LOT 3 BLK 9 LUCY L COMSTOCKS ADD
115 Curwood Castle Dr	To be combined	050-120-009-004-00	LOT 4 BLK 9 LUCY L COMSTOCKS ADD

New Description After Split:

Address	Status	Parcel #	Description
415 Bradley St	Split Parcel	050-120-009-003-00	LOT 3, BLK 9, LUCY L COMSTOCKS ADD, (EX S 20')
115 Curwood Castle Dr	Combined Parcel	050-120-009-004-00	LOT 4 & S 20' LOT 3, BLK 9, LUCY L COMSTOCKS ADD

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSTAIN: Councilperson Greenway.

Sale of City-Owned Properties

The Council reviewed the list of City-owned properties that are eligible for sale and discuss possible methods of disposition. Councilperson O'Leary offered to lead a committee that would work on preparing the properties for auction. There was also discussion of surveying and marking the boundaries of the properties in question as well as establishing a marketing budget to ensure a successful auction.

Motion by Councilperson Bailey to direct staff to prepare two lot splits for the November 2nd meeting to begin the process of addressing the offer to purchase City property from Mike Cline.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

Executive Session

Motion by Mayor Pro-Tem Eveleth to authorize the holding of executive session after the conclusion of the 2nd period of Citizen Comments and Questions for the purpose of discussing trial and/or settlement strategy in connection with specific pending litigation.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Adrian Montague, Historical Commission. Letter of resignation.
Susan K. Montenegro, Assistant City Manager. Trebor update.
Richard C. Williams, Finance Director. Revenue & Expenditure Report – September 2015.
Charles P. Rau, Building Official. September 2015 Building Department Report.
Charles P. Rau, Building Official. September 2015 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. September 2015 Police Report.
Kevin D. Lenkart, Public Safety Director. September 2015 Fire Report.
Historical Commission. Minutes of September 14, 2015.
Parks & Recreation Commission. Minutes of September 28, 2015.
Planning Commission. Minutes of September 28, 2015.
Downtown Development Authority/Main Street. Minutes of October 7, 2015.
Brownfield Redevelopment Authority. Minutes of October 12, 2015.
Historical Commission. Minutes of October 12, 2015.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 621 Wright Avenue, spoke about how tax foreclosed properties are sold.

Sam Spencer, 208 West Mason Street, relayed the story of a veteran friend with PTSD that is awaiting sentencing asking any help they could offer to reduce his pending sentence.

Eddie Urban, 601 Glenwood Avenue, said he had heard about the establishment of a special veteran's court.

Councilperson Fox said he was pleased with the actions tonight that will work toward cleaning up the eastern entrance to the City.

ADJOURNED TO EXECUTIVE SESSION AT 9:00 P.M.

RETURNED FROM EXECUTIVE SESSION AT 9:35 P.M.

Executive Session Minutes Approval

Motion by Councilperson Fox to approve the minutes of the April 20, 2015 Executive Session as presented.

Motion supported by Mayor Pro-Tem Eveleth and concurred in by unanimous vote.

NEXT MEETING

Monday, November 02, 2015

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018
Historical Commission (2), terms expire December 31, 2017 & December 31, 2019
Planning Commission, term expires June 30, 2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:36 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk



MEMORANDUM

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

DATE: October 28, 2015
TO: City Council
FROM: Susan Montenegro, Asst. City Manager/Community Development Director
SUBJECT: Rezoning of 117 S. Shiawassee Street

RECOMMENDATION:

The Planning Commission recommends city council conduct first reading and set a public hearing for November 17, 2015 to receive citizen comment regarding request to rezone the parcel commonly known as 117 S. Shiawassee Street, from RM-2 Multiple-Family Residential District to B-1 Local Business District.

BACKGROUND:

The Planning Commission, after mailing notices and holding a public hearing, voted at its regular meeting on October 26, 2015 to recommend rezoning the aforementioned parcel. Further, staff recommends approval of this petition to rezone property as submitted subject to the ordinance reading and public hearing process.

FISCAL IMPACTS:

Rezoning should not pose any fiscal impacts.

Document originated by: Susan Montenegro

RESOLUTION NO.

**TO SET A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES
TO REZONE A PORTION OF THE PARCEL AT 117 S. SHIAWASSEE STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city council of the city of Owosso received a petition from David Duryea, owner of real property identified as 117 S. Shiawassee Street, parcel number 050-700-001-013-00 to rezone the parcel from RM-2 Multiple-Family Residential to B-1 Local Business District; and

WHEREAS, the planning commission subsequently published the request and mailed notices of the request to surrounding property owners, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 117 S. Shiawassee Street as petitioned; and

WHEREAS, the item must now be considered by the city council and a public hearing by the council is required before any such ordinance amendment can be acted upon.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, *Zoning Districts and Map*, reflect the following change, to be noted on the official map and filed with the city clerk:

Parcel Address	Current Zoning	Amended Zoning
117 S. Shiawassee Street described as follows:	RM-2, Multiple Family Residential	B-1 Local Business District

LOT 14 OF THE PLAT OF WOODARD'S SUBDIVISION OF BLOCK NO. 1 OF A. L. WILLIAMS ADDITION TO THE VILLAGE (NOW CITY) OF OWOSSO, SHIAWASSEE COUNTY

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, November 16, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

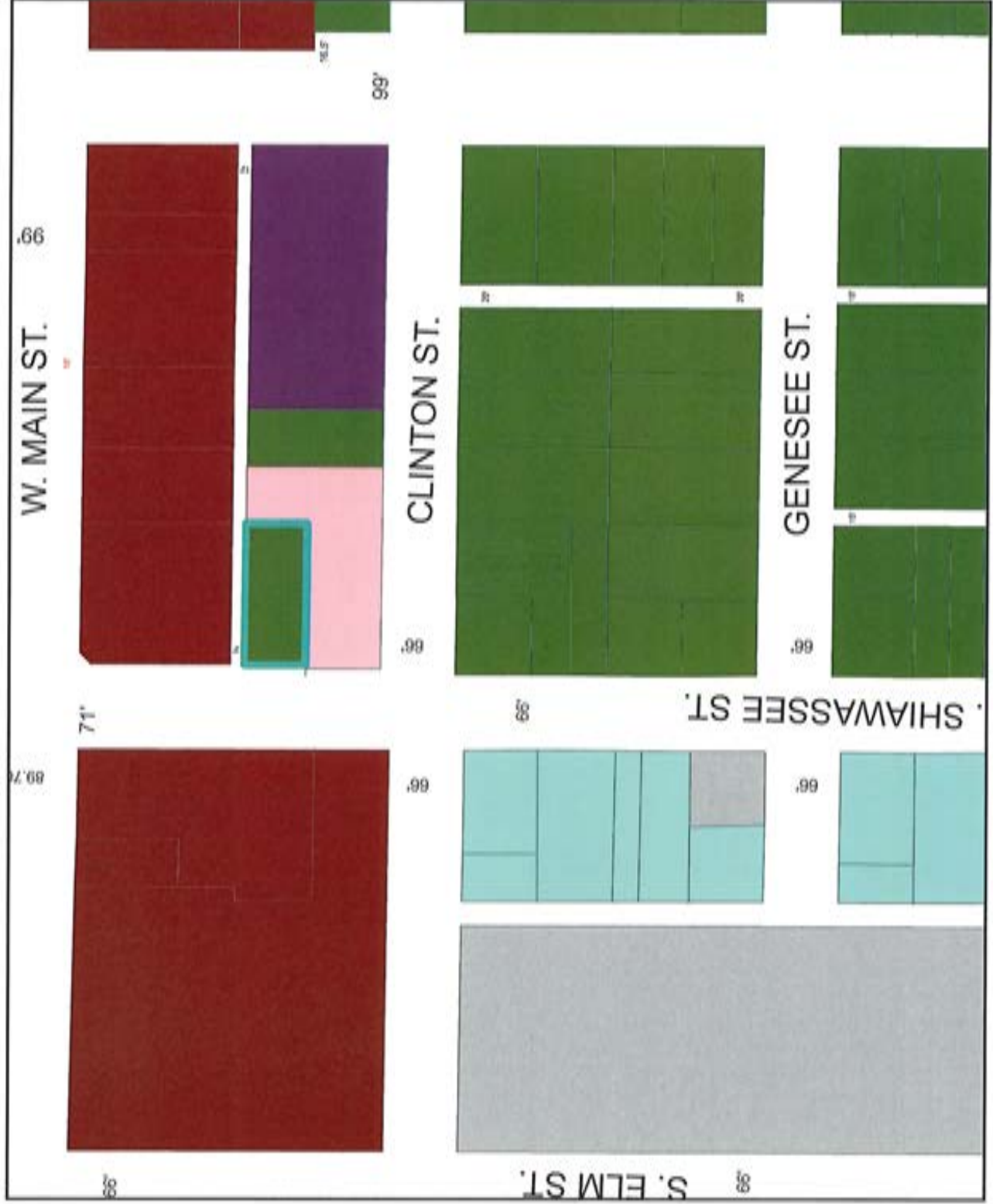
SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

City of Owosso

117 S. Shiawasse Street



Legend

- Zoning**
 - <all other values>
- Z_PRIMARY**
 - <Nu>
 - <Nu>
 - B1
 - B2
 - B3
 - B4
 - C-OS
 - I1
 - I2
 - OS1
 - P1
 - PUD
 - R1
 - R2
 - RM1
 - RM2
- City Parcels 2015 Edition
- Tax ID
- Plat Lines



City of Owosso

117 S. Shiawasse Street





MEMORANDUM

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

DATE: October 29, 2015

TO: City Council

FROM: City Manager

SUBJECT: Resolution for the emergency purchase and installation of a unit heater and installation at the wastewater plant

RECOMMENDATION: Authorize an emergency purchase the amount of \$10,350.00 for a Sterling TC 200AN211D 200,000 BTU natural gas two stage heat exchanger with installation by Victory Heating & Cooling according to the attached estimate. Because of the emergency nature the bidding requirement must be waived.

BACKGROUND: The city boiler at the wastewater treatment plant has been red tagged by the state boiler inspector. Bid specifications are being prepared for a radiant heating system in most of the plant. The lack of heat through most of the plant will not be a problem because of the heat generated by the operations. The one problem area is the area where sludge is collected and placed into a dump truck for hauling to the landfill. The sludge must be kept from freezing thus there is an immediate need. The successful bidder for heating and cooling system maintenance Bradley D. Hurley d/b/a Victory Heating and Cooling can acquire a heating unit at the same price that the city can purchase the unit with delivery in approximately two weeks and can install the unit in three to five days.

FISCAL IMPACTS: The \$10,350 expense will be paid from the wastewater fund 599-901-975.000.

RESOLUTION NO. _____

**RESOLUTION FOR THE EMERGENCY PURCHASE
AND INSTALLATION OF A UNIT HEATER AND INSTALLATION AT THE
WASTEWATER PLANT**

WHEREAS, the wastewater treatment plant has an old boiler system which has been red tagged by the state of Michigan boiler inspector; and

WHEREAS, the sludge hauling dump truck bay requires heat before outdoor temperatures get substantially below freezing which would result in the sludge freezing in the truck.

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

- FIRST: It has been theretofore determined that the immediate purchase of a heating unit and installation is necessary.
- SECOND: The City of Owosso waives the competitive bid process to allow for this emergency purchase.
- THIRD: The City of Owosso therefore authorizes \$10,350.00 for the purchase of a Sterling TC 200AN211D 200,000 BTU natural gas two stage heat exchanger and installation by Victory Heating & Cooling in accordance with the attached estimate
- FOURTH: The above expenses shall be paid from the wastewater fund 599-901-975.000.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO,
SHIAWASSEE COUNTY, MICHIGAN THIS TH DAY OF NOVEMBER 2015.

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

VICTORY HEATING & COOLING

703 N. US-27
ST. JOHNS, MI 48879

(989)224-7171
Victory@VictoryHeatingAndCooling.com
www.VictoryHeatingAndCooling.com



Estimate

Date	Estimate #
10/23/2015	1125
	Exp. Date
	11/23/2015

Address
City of Owosso MI 202 S. Water St. Owosso, MI 48867 USA

P.O. NUMBER	SALES REP
Waster Water Plant	Brad

Activity	Quantity	Rate	Amount
<ul style="list-style-type: none"> Unit Heater TC200AN211D 200, 000 BTU natural gas Two Stage stainless steel Heat ex-changer, burners, flue collar. 208/230 volt 1phase units. (230/460/575 v 3 phase units are available at an additional cost.) 	1	4,250.00	4,250.00
<ul style="list-style-type: none"> Duct Work misc duct for 2 units (supply only) approx 100' ln. ft of duct installed in combination of both units as discussed. 2 branches to truck bay and 2 branches in outward direction from cubby where boilers are and unit heaters will be. <p>this includes labor and material for duct only. does not include registers (not needed)</p>	70	25.00	1,750.00
<ul style="list-style-type: none"> Gas Pipe to re-configure from boilers to new unit heaters 	60	12.00	720.00

Continue to the next page

Activity	Quantity	Rate	Amount
<ul style="list-style-type: none"> chimney pipe to connect to existing vertical chimney. your existing chimney should work appropriately. but if it does not, or needs repair or modification in any way, additional charges will be quoted upon discovery of defect. this charge includes 25-30 feet (latterly) of B-vent installed in a manifold configuration connecting both unit heaters to the vertical stack. 	15	18.00	270.00
<ul style="list-style-type: none"> demolition of existing equipment. removal of 2 boilers and related materials in cubby only. not removing pumps as previously stated. this is cubby only and haul away. 	8	150.00	1,200.00
<ul style="list-style-type: none"> HOURLY LABOR 	16	75.00	1,200.00
<ul style="list-style-type: none"> Misc. Items unistrut, headers, threaded rod, brackets, etc 	1	170.00	170.00
<ul style="list-style-type: none"> Permit 	1	200.00	200.00
<ul style="list-style-type: none"> Thermostats programmable with tamper proof covers and plastic conduits 	2	295.00	590.00
<ul style="list-style-type: none"> this estimate covers everything except electrical work. we are not licensed to do electrical work. so you will need to have an electrician re route conduits to new locations of units. we will do low volt thermostat control voltage work, but not LINE volt work. 			
<p>Due to Michigan state law, electrical work is never included in estimate, and legally can not be performed by Victory Heating and Cooling.</p>	Total		\$10,350.00

Please contact us with any questions. We appreciate your

business!

Accepted By _____

Accepted Date _____



WARRANT 511
October 27, 2015

Vendor	Description	Fund	Amount
Key Government Finance Inc	Annual payment on phone system-4 of 5 payments	General	\$26,256.84
Michigan Municipal League Workers' Compensation Fund.	Worker's Compensation Insurance	Various	\$19,823.00
		TOTAL	\$46,079.84



MEMORANDUM

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

DATE: October 29, 2015

TO: City Council

FROM: City Manager

SUBJECT: Resolution approving the release of a special assessment on the property commonly known as 1711 Frederick Street

RECOMMENDATION: Approve the release of the special assessment.

BACKGROUND: The issue has surfaced involving a special assessment lien that the city places on a property when the city demolishes a structure.

The city placed a lien of \$9,221.88 on the parcel of land. The Michigan Land Bank sold the property. The outstanding balance of the lien remained. The property was sold to Debra Ann Kelly-Wheeler for \$200.00. Debra Ann Kelly-Wheeler apparently did not have a title search or secure title on the property that would have discovered the \$9,221.88 city of Owosso special assessment. Charles Hudecek, the adjacent property owner at 1711 Frederick Street subsequently purchased the property from Debra Ann Kelly-Wheeler without having a title search or title insurance for I am told \$900 without any title work and then discovered the city lien. Charles Hudecek is unwilling to assume or pay the special assessment and will allow the property to go back to the Michigan Land Bank.

FISCAL IMPACTS: The city potentially fails to recoup the \$9,221.88 that it has invested in the property. In return, the local taxing jurisdictions will begin collecting property taxes from the vacant property.

RESOLUTION NO.

RESOLUTION APPROVING THE RELEASE OF A SPECIAL ASSESSMENT ON THE
PROPERTY COMMONLY KNOWN AS 1711 FREDERICK STREET

WHEREAS, the city of Owosso undertook the condemnation and demolition upon real property within the corporate limits of the city of Owosso owned by Samuel T. Harwood, 24 Calle Lila, Sante Fe, New Mexico and further described as:

050-602-020-002-00

E ½ LOTS 2 & 3, ALSO W ½ ADJ VAC ALLEY, BLK 20 M L STEWART & CO'S 2ND
ADDN;

and

WHEREAS, the city of Owosso by motion duly seconded and passed, assessed the cost of demolition by special assessment upon the owners thereof, in the sum of \$9,221.88 together with interest as set forth in Resolution No. 16-2014 Hazards & Nuisances Roll for 1711 Frederick Street passed and approved February 18, 2014, recorded as in the office of the Shiawassee County Recorder ;

WHEREAS, the property was sold by the state of Michigan for delinquent taxes, charges and assessments with insufficient amounts to pay off the special assessment; and

WHEREAS, in order for the current owner to have clear title it is necessary for the city of Owosso to discharge the special assessment lien.

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

FIRST: the Owosso City Council discharges the special assessment for 050-602-020-002-00 E ½ LOTS 2 & 3, ALSO W ½ ADJ VAC ALLEY, BLK 20 M L STEWART & CO'S 2ND ADDN; and

SECOND: the city clerk is authorized and directed to instruct the Shiawassee County Recorder of Deeds to remove the special assessment lien from 050-602-020-002-00 E ½ LOTS 2 & 3, ALSO W ½ ADJ VAC ALLEY, BLK 20 M L STEWART & CO'S 2ND ADDN and to take any other actions as necessary and appropriate to remove the special assessment lien.



MEMORANDUM

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

DATE: October 29, 2015

TO: City Council

FROM: City Manager

SUBJECT: Resolution authorizing the execution of agreement for preventive maintenance and on-site repair services with Bradley D. Hurley d/b/a Victory Heating and Cooling.

RECOMMENDATION: Approve the agreement and contract with Bradley D. Hurley d/b/a Victory Heating and Cooling for a term of three years.

BACKGROUND: The city has heating, air conditioning, power generation equipment in the following buildings:

- City Hall, 301 W. Main Street
- Public Safety Building, 202 S. Water Street
- Shiawassee District Library, 502 W. Main Street
- Curwood Castle, 224 Curwood Castle Drive
- Public Works Building, 522 Milwaukee Street
- Water Filtration Plant 1111 Allendale Trail
- Wastewater Treatment Plant, 1410 Chippewa Trail and 1412 Chippewa Trail
- Gould House, 515 N. Washington Street

Several firms have provided service in the past in some buildings while other were ignored except on an emergency basis. The decision was made to group all buildings under one contract with an emphasis on ongoing maintenance. A detailed maintenance program was outlined in the bid specifications that has become part of the attached contract. Many proposals were received and evaluated based upon cost, availability, and understanding of work to be provided.

Bradley D. Hurley d/b/a Victory Heating and Cooling of St. Johns, Michigan meets these requirements.

FISCAL IMPACTS: The basic maintenance will be \$6,290 for year one, \$6,030 for year two and \$5,770 for year three plus the cost of materials with a discount off the MSRP of 10%, 15% and 20%. Additional services are based upon the schedule included in the bid. The amounts are included in various budget accounts under building maintenance.

RESOLUTION ____

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT FOR
PREVENTIVE MAINTENANCE AND ON-SITE REPAIR SERVICES WITH BRAD
HURLEY D/B/A VICTORY HEATING AND COOLING

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that providing heat, air conditioning and ventilation to city-owned buildings (city hall, public safety building, library, Curwood Castle), public works building, water filtration plant, wastewater treatment plant and Gould House) is advisable, necessary and in the public interest;

WHEREAS, it is necessary to maintain and repair such equipment requires skilled services beyond those available from city employees; and

WHEREAS, Brad Hurley d/b/a Victory Heating and Cooling has the skills for maintaining and repairing the systems in city-owned buildings.

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

FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Brad Hurley d/b/a Victory Heating and Cooling; and

SECOND: The mayor and city clerk are hereby instructed and authorized to sign the documents attached as Exhibit A, agreement for preventive maintenance and on-site repair services with Brad Hurley d/b/a Victory Heating and Cooling for the city of Owosso.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO,
SHIAWASSEE COUNTY, MICHIGAN THIS ____ DAY OF SEPTEMBER 2015.

ATTEST:

Amy K. Kohagen, city clerk

EXHIBIT A

Contract for Services Between

The City of Owosso

and

Brad Hurley d/b/a Victory Heating and Cooling

CONTRACT

THIS AGREEMENT is made on _____, between the **CITY OF OWOSSO**, a Michigan municipal corporation, 301 W. Main Street, Owosso, Michigan 48867 ("city") and **BRAD HURLEY D/B/A VICTORY HEATING AND COOLING** ("contractor"), whose address is 703 North U.S. 27, St. Johns, Michigan 48879.

Based upon the mutual promises below, the contractor and the city agree as follows:

ARTICLE I - Scope of work

The contractor agrees to provide the services listed in the proposal entitled "HVAC/ Mechanical Maintenance Services", as attached, including all written modifications incorporated into any of the documents, which are incorporated as part of this contract:

- Bid forms
- Bid pages
- Proposals/Quotations
- Contract and exhibits
- Bonds
- General conditions
- Standard specifications
- Detailed specifications

ARTICLE II - The Contract Sum

(A) The city shall pay to the contractor for the performance of the contract, in the unit prices as given in the proposal with work to be detailed through the periodic issuance of purchase orders for the term of the contract 2015-2018. No additional work shall be performed unless a change order is issued by the city.

(B) The amount paid shall be equitably adjusted to cover changes in the work ordered by the city but not required by the contract documents where there is a written change order.

ARTICLE III – Assignment

This contract may not be assigned or subcontracted without the written consent of the city.

ARTICLE IV - Choice of law

This contract shall be construed, governed, and enforced in accordance with the laws of the state of Michigan. By executing this agreement, the contractor and the city agree to a venue in a court of appropriate jurisdiction sitting within Shiawassee County for purposes of any action arising under this contract.

Whenever possible, each provision of the contract will be interpreted in a manner as to be effective and valid under applicable law. The prohibition or invalidity, under applicable law, of any provision will not invalidate the remainder of the contract.

ARTICLE V - Relationship of the parties

The parties of the contract agree that it is not a contract of employment but is a contract to accomplish a specific result. Contractor is an independent contractor performing services for the city. Nothing contained in this contract shall be deemed to constitute any other relationship between the city and the contractor.

Contractor certifies that it has no personal or financial interest in the project other than the compensation it is to receive under the contract. Contractor certifies that it is not, and shall not become, overdue or in default to the city for any contract, debt, or any other obligation to the city including real or personal property taxes. City shall have the right to set off any such debt against compensation awarded for services under this agreement.

ARTICLE VI – Notice

All notices given under this contract shall be in writing, and shall be by personal delivery or by certified mail with return receipt requested to the parties at their respective addresses as specified in the contract documents or other address the contractor may specify in writing.

ARTICLE VII - Indemnification

To the fullest extent permitted by law, for any loss not covered by insurance under this contract; contractor shall indemnify, defend and hold harmless the city, its officers, employees and agents harmless from all suits, claims, judgments and expenses including attorney’s fees resulting or alleged to result, in whole or in part, from any act or omission, which is in any way connected or associated with this contract, by the contractor or anyone acting on the contractor’s behalf under this contract. Contractor shall not be responsible to indemnify the city for losses or damages caused by or resulting from the city’s sole negligence.

ARTICLE VIII - Entire agreement

This contract represents the entire understanding between the city and the contractor and it supersedes all prior representations or agreements whether written or oral. Neither party has relied on any prior representations in entering into this contract. This contract may be altered, amended or modified only by written amendment signed by the city and the contractor.

FOR CONTRACTOR

By _____

Its: _____

Date: _____

THE CITY OF OWOSSO

By _____

Its: Benjamin R. Frederick, Mayor

Date: _____

By _____

Its: Amy K. Kirkland, City Clerk

Date: _____

REQUEST FOR PROPOSAL
FOR
HVAC/MECHANICAL MAINTENANCE SERVICES



CITY OF OWOSSO
301 W. MAIN STREET
OWOSSO, MICHIGAN 48867

July 21, 2015

NOTICE TO BIDDERS
HVAC AND MECHANICAL MAINTENANCE SERVICES
FOR THE CITY OF OWOSSO, MICHIGAN

The city of Owosso, through this Request for Proposal, invites written proposals from qualified firms for HVAC and mechanical services. Sealed bid proposals will be received by the city of Owosso for the **HVAC AND MECHANICAL MAINTENANCE SERVICES RFP** and should be addressed to: Bid Coordinator, City of Owosso, 301 W. Main, Owosso, Michigan 48867. Sealed bids will be accepted until 3:00 p.m. Tuesday, August 11, 2015 at which time bids will be publicly opened and read aloud. The term of the contract will be three years, contingent upon annual appropriations of funds by the city of Owosso.

All bids must be in writing and must contain an original signature by an authorized officer of the firm. Electronic bids (i.e., telephonic, FAX, etc.) are **NOT** acceptable. All bids shall clearly contain on the outside of the sealed envelope in which they are submitted: **HVAC AND MECHANICAL MAINTENANCE SERVICES**.

Bid documents are on file and may be obtained at the office of the Bid Coordinator at city hall, on the city's website at www.ci.owosso.mi.us or on the MITN website at www.mitn.info.

The city will review supported materials with bidder, following bid opening, to discuss with one or more bidders review and refinement of issues and materials.

It is the responsibility of the bidder to schedule an on-site walk through for each site prior to the bid opening and to verify equipment details herein. If you have any questions please contact Mark Sedlak, Director of Public Services at 989-725-0551 or at mark.sedlak@ci.owosso.mi.us.

The city reserves the right to accept any proposal; or to reject any proposal; to waive irregularities in a proposal; or to negotiate if it appears to be in the best interest of the city of Owosso. The undersigned hereby agrees that if the foregoing proposal shall be accepted by the Owner, the successful bidder will, within ten (10) consecutive calendar days after receiving notice of the acceptance of such bid proposal, provide proof of insurance and enter into a contract to furnish labor, equipment, and tools necessary to completely execute the work at the lump sum price named in the attached cost proposal.

INSTRUCTIONS TO BIDDERS

1. Each proposal must be signed by the bidder with his usual signature. Bids by partnerships should be signed with the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and title of the person signing. Proposals by corporations must be signed with the name of the corporation, followed by the signature and designation of the president, vice-president or person authorized to bind it in the matter. **Any paperwork not filled out properly or signed will cause the bid to be considered non-responsive and shall be rejected by the city.**
2. Proposals, to receive consideration, must be received prior to the specified time of opening and reading as designated in the invitation.
3. Bidders are requested to use the proposal form furnished by the city when submitting their proposals. Envelopes must be **sealed** when submitted and clearly marked on the outside indicating the name of the bid.
4. Proposals having erasures or corrections thereon may be rejected unless explained or noted over the signature of the bidder.
5. References in the specifications or description of materials, supplies, equipment, or services to a particular trade name, manufacturer's catalog, or model number are made for descriptive purposes to guide the bidder in interpreting the type of materials or supplies, equipment, or nature of the work desired. They should not be construed as excluding proposals on equivalent types of materials, supplies, and equipment or for performing the work in a manner other than specified. However, the bidders' attention is called to General Condition six (6).
6. Proposals should be mailed or delivered to the Bid Coordinator's Office, City Hall, 301 W. Main Street, Owosso, MI 48867.
7. Special conditions included in this inquiry shall take precedence over any conditions listed under General Conditions or Instructions to Bidders.
8. Bodily injury, property damage and worker's compensation – The contractor, prior to execution of the contract, shall file with the city copies of completed certificates of insurance naming the city of Owosso as an additional insured party, as evidence that the contractor carries adequate insurance satisfactory to the city.
9. The city of Owosso has a local preference policy for the purchase of goods and services. The policy in part states: *A business located within the city limits and paying real or personal property taxes to the city of Owosso will be granted a six percent (6%) bid advantage or \$2,500, whichever is less, over a business located outside Shiawassee County. A business located outside the city limits but within Shiawassee County and paying property taxes to the county will be granted a three percent (3%) bid advantage or \$2,500, whichever is less, over a business located outside Shiawassee County. The preference also applies to subcontractors performing twenty-five percent (25%) or more of the work of a general contract.*

BID Proposal A

HVAC PREVENTATIVE MAINTENANCE

TO: THE CITY OF OWOSSO (HEREINAFTER CALLED THE "CITY")

Bidder must provide pricing for each item listed. If additional pricing elements are being offered by the bidder, they are to be listed under "other services/items offered." The city reserves the right to award a contract for each individual location.

The undersigned, having examined the bid proposal forms and specifications, does hereby offer HVAC/MECHANICAL MAINTENANCE SERVICES from September 1, 2015 through August 31, 2018, listed below at the following prices to wit:

ITEM	DESCRIPTION	UNIT PRICE 2015/2016	UNIT PRICE 2016/2017	UNIT PRICE 2017/2018	3 YEAR TOTAL
1.	City Hall 301 W. Main St.	1,100	1,000	900	3000
2.	Public Safety Building 202 S. Water St.	1,260	1,160	1,060	3480
3.	Shiawassee District Library 502 W. Main St.	790	780	770	2340
4.	Curwood Castle 224 Curwood Castle Dr.	190	180	170	540
5.	Public Works Building 522 Milwaukee St.	475	465	455	1395
6.	Water Filtration Plant 1111 Allendale Tr.	935	925	915	2775
7.	Wastewater Treatment Plant 1410 Chippewa Tr. and 1412 Chippewa Tr.	1015	1005	995	3015
8.	Gould House 515 N. Washington St.	525	515	505	1545
9.	Percent discount off MSRP	10%	15%	20%	
TOTALS		6,290	6,030	5,770	

GUARANTEED RESPONSE TIME: The proposer should build into their prices a requirement by the city to guarantee an on-site response time as follows: For a reported failure during business hours (Monday-Friday 9 AM-5PM except holidays in Exhibit A) of four (4) hours. On weekends and holidays a guaranteed response time of twelve (12) hours.

BID Proposal B

LABOR RATES ONLY

TO: THE CITY OF OWOSSO (HEREINAFTER CALLED THE "CITY")

Bidder must provide pricing for each item listed. If additional pricing elements are being offered by the bidder, they are to be listed under "other services/items offered." The city reserves the right to award a contract for each individual location.

The undersigned, having examined the bid proposal forms and specifications, does hereby offer to HVAC/MECHANICAL MAINTENANCE SERVICES from September 1, 2015 through August 31, 2018 listed below at the following prices to wit:

ITEM	DESCRIPTION	PRICE 2015/2016	PRICE 2016/2017	PRICE 2017/2018
1.	Regular hourly rate	85 ⁰⁰	85 ⁰⁰	85 ⁰⁰
2.	Overtime rate	135 ⁰⁰	135 ⁰⁰	135 ⁰⁰
3.	Weekend rate	145 ⁰⁰	145 ⁰⁰	145 ⁰⁰
4.	Holiday rate	145 ⁰⁰	145 ⁰⁰	145 ⁰⁰
5.	Travel time/mileage rate if not included above, with an explanation of how it is calculated: _____	0 LOCAL	0 LOCAL	0 LOCAL

This alternative price proposal **excludes** all consumables and parts. It is a labor only contract to provide inspection service at all locations, document the inspections and report separately all recommended work. The hourly rate shall be based on an individual holding the highest license in their skill.

VARIANCE FROM SPECIFICATIONS: If the bidder is unable to comply with the specifications as outlined, the bidder shall clearly note these variations from the specifications. The bidder may also propose additions to these specifications for the city to consider, but the costs associated with these additions shall be stated separately.

On behalf of Victory Heating and Cooling, I hereby submit this proposal for your consideration. The undersigned acknowledges that this proposal is subject to the General Conditions and the General Specifications included in the contract documents. In submitting this proposal, it is understood that the right is reserved by the CITY to reject any and all proposals, and waive any irregularities in the bidding process. The CITY may award this contract based on any combination of the total bid and/or alternates.

Dated and signed at ST. JOHNS State of Michigan
This 10th day of August, 2015.

BRADLEY D. HURLEY
Bidder

Witness:
[Signature]

By/s/
703 N. US-27 ST. JOHNS MI 48879
Business Address

[Signature]
Signature

OWNER
Title

989-224-7171
Telephone Number

GENERAL CONDITIONS

1. LOCAL PREFERENCE POLICY

The city of Owosso has a local preference policy for the purchase of goods and services. The policy in part states: *A business located within the city limits and paying real or personal property taxes to the city of Owosso will be granted a 6% bid advantage or \$2,500, whichever is less, over a business located outside Shiawassee County. A business located outside the city limits but within Shiawassee County and paying property taxes to the county will be granted a 3% bid advantage or \$2,500, whichever is less, over a business located outside Shiawassee County. The preference also applies to subcontractors performing 25% or more of the work of a general contract.*

2. BID ACCEPTANCE

The city reserves the right to reject any or all proposals. Unless otherwise specified, the city reserves the right to accept any item in the proposal. In case of error in extending the total amount of the bid, the unit prices shall govern.

3. PAYMENT

Unless otherwise stated by the bidder, time, concerning discount offered, will be computed from date of delivery and acceptance at destination or from date correct bill or claim voucher properly certified by the contractor is received. When so stated herein, partial payments, based on a certified approved estimate by the city of materials, supplies or equipment delivered or work done, may be made upon presentation of a properly-executed claim voucher. The final payment will be made by the city when materials, supplies, equipment or the work done have been fully delivered or completed to the full satisfaction of the city.

4. BID DEFAULT

In case of default by the bidder or contractor, the city of Owosso may procure the articles or services from other sources and hold the bidder or contractor responsible for any excess cost occasioned thereby.

5. UNIT PRICES

Prices should be stated in units of quantity specified.

6. QUOTED PRICES

Unless otherwise stated by the bidder, prices quoted will be considered as being based on delivery to a designated destination and to include all charges for packing, crating, containers, shipping, etc., and being in strict accordance with specifications and standards as shown.

7. SUBSTITUTIONS

Wherever a reference is made in the specifications or description of the materials, supplies, equipment, or services required, to a particular trade name, manufacturer's catalog, or model number, the bidder, if awarded a contract or order, will be required to furnish the particular item referred to in strict accordance with the specifications or description unless a departure or substitution is clearly noted and described in the proposal.

8. HOLD CITY HARMLESS

The bidder, if awarded an order or contract, agrees to protect, defend, and save the city harmless against any demand for payment for the use of any patented material, process, article, or device that may enter into the manufacture, construction, or form a part of the work covered by either order or contract. Bidder further agrees to indemnify and save the city harmless from suits or action of every nature and description brought against it, for or on account of any injuries or damages received or sustained by any party or parties, by or from any of the acts of the contractor, his employees, subcontractors, or agents.

9. COMPETITIVE BIDDING STATUTES

The laws of the state of Michigan, the charter and ordinances of the city of Owosso, as far as they apply to the laws of competitive bidding, contracts and purchases, are made a part hereof.

10. SAMPLES

Samples, when requested, must be furnished free of expense to the city and, if not destroyed, will upon request be returned at the bidder' expense.

11. EQUAL EMPLOYMENT OPPORTUNITY AND OTHER CLAUSES

The contractor shall agree not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined by Michigan Compiled Statutes, or national origin. This provision shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities for persons with disabilities. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of the non-discrimination clause.

GENERAL SPECIFICATIONS

HVAC/MECHANICAL MAINTENANCE SERVICES

The city of Owosso is seeking a well-qualified firm to provide a comprehensive heating-ventilation-air conditioning (HVAC) maintenance and repair program for a wide variety of City facilities. The work will include the provision of total preventative maintenance program including, but not limited to the inspection, preventative maintenance, repair, programming, and other tasks and services necessary to insure, safe, well maintained, energy efficient HVAC, boilers, and generators.

SCOPE of SERVICES

Facilities and equipment list attached – Exhibit A

The Contractor shall retain licensed, professional personnel who have successfully and competently provided private, City and/or government facility HVAC and mechanical maintenance and repair services on projects of similar scope and complexity. It shall be the Contractor's responsibility to develop and implement a routine maintenance program to effectively maintain, to the satisfaction of the City, all aspects of HVAC and mechanical systems in City defined facilities. For the purpose of this contract, routine preventative HVAC maintenance shall be defined as scheduled routine inspection and proactive servicing of HVAC systems so as to facilitate heating/cooling with a minimal downtime. The routine maintenance and all repairs shall be provided in accordance with the highest standards of the industry, skill, workmanship, applicable trade practices, meet warranties and in conformance to all applicable laws, codes and regulations. It is the responsibility of the service provider to maintain the units at their highest efficiency. The successful Proposer's maintenance program and repairs shall, at minimum, include but not be limited to the specifications outlined herein:

Prices as stated on the Building HVAC Maintenance Proposal Form shall include labor and consumables.

Consumables shall be included in the proposal prices and generally defined as lubricants, refrigerants, belts, filters, plugs, electrodes.

Each building/area identified in Proposal A is to be invoiced separately.

Contractor shall provide monitoring and diagnostics of Metasys control system.

Contractor shall provide oversight and document that all City owned facilities under contract with Proposer are receiving required work.

Contractor shall investigate noises and lubricate and adjust as recommended per manufacturer's specifications, at no additional cost to the City.

Prior to beginning any repair or replacement, Contractor will troubleshoot the system to diagnose the system's problems. The City shall not incur any extra charge for this service. Contractor shall itemize the equipment list recommended for repair or replacement.

All repairs (including both labor & materials) not covered in this contract will be discounted as stated in the cost proposal as percent of MSRP and displayed clearly on all invoices & quotes.

Contractor shall report any extenuating conditions, which are not covered in the contract, that may affect the performance quality of equipment.

Contractor shall inspect all HVAC systems at least four times each year, with seasonal startup and run inspections performed and documented. This shall include two mid-season inspections (between February and August), one cooling season (between April and May), and one heating season (between October and November). Emergency generators must be serviced once a year.

Contractor shall provide a complete detailed service report quarterly, referencing the building name and unit serviced, for each unit listed. Contractor shall provide a heating and air conditioning checklist after

each visit specifying the preventative maintenance performed (see sample below) along with notification of any defective or worn parts needing replacement. **Only with proper authorization from owner shall repairs be made.**

Contractor shall provide a detailed maintenance program for each building as part of the bid proposal.

Heating Checklist for Preventive Maintenance - Four times per year

1. Check actual voltages to the unit.
2. Record model and serial numbers.
3. Check all current draws.
4. Check the heat exchanger.
5. Check operation of the ignition system.
6. Check and clean the flame sensor.
7. Lubricate draft inducing motor and indoor fan motor.
8. Check the manifold gas pressure and set to factory specs.
9. Check all high limits and safety controls.
10. Check the fan belts.
11. Replace the air filters and belts at no additional cost.
12. Check air filters.
13. Clean condensate drain, trap, and pan.

EXCEPTIONS:

Air Conditioning Checklist for Preventative Maintenance - Four times per year

1. Check all electrical connections and tighten.
2. Check actual voltages to the equipment.
3. Record model and serial numbers.
4. Check all current draws.
5. Check operation of the compressor and crank case heaters.
6. Check the refrigerant charge and superheat.
7. Lubricate condenser and evaporator fan motors and check motor bearings.
8. Check evaporator fan, shaft, bearings, and set screws.
9. Check all fan belts.
10. Replace air filters and belts at no additional cost.
11. Check and clean condenser coils and evaporator coil.
12. Clean condensate drain, trap, and pan.
13. Check refrigerant and compressor oil levels on compressors.

Note: Chemical cleaning should be performed once a year in July after the cottonwood season for maximum efficiency.

EXCEPTIONS:

Furnace Checklist for Preventative Maintenance - Four times per year

1. Inspect heat exchanger for cracks and deterioration.
2. Remove and clean burners (if necessary).
3. Check and adjust fan switch.
4. Clean and adjust pilot and pilot assembly.
5. Check gas line for leaks.
6. Ensure combustion air openings are not blocked or restricted.
7. Inspect flue pipe.
8. Secure all panels.
9. Inspect and test all controls and safeties.
10. Lubricate motors and bearings.
11. Replace air filters and belts.
12. Check all current draws.

EXCEPTIONS:

Boiler Checklist for Preventative Maintenance - Four times per year

1. Open and clean fireside surfaces.
2. Clean steam traps.
3. Inspect gasketing on front and rear doors.
4. Remove all hand hole and man hole plates. Flush boiler with water to remove loose scale and sediment.
5. Open feedwater tank manway, inspect and clean.
6. Clean burner and burner pilot.
7. Check pilot electrode and adjust.
8. Clean air damper and blower assembly.
9. Clean motor starter contacts and check operation.
10. Perform all flame safeguard and safety trip checks.
11. Check all hand hole plates and man hole plates for leaks at normal operating temperatures and pressures.

EXCEPTIONS:

Generator Checklist for Preventative Maintenance- One time per year

1. Change engine oil and filter.
2. Replace air and fuel filters.
3. Check alternator (clean if necessary).
4. Check and clean windings.
5. Check transfer switches.
6. Clean the crankcase breather.
7. Change spark plugs.
8. Check coolant concentration.
9. Flush cooling system.
10. Perform load bank testing.
11. Fuel testing and reconditioning (diesel-fueled units only).
12. Remove water from fuel tank (diesel-fueled units only).

EXCEPTIONS:

Exhibit A

1. City Hall

One rooftop heating and air-conditioning unit
One ground level heating and air-conditioning unit
One ceiling mounted HVAC unit in Information Technology Server Room
 Bryant, 2 ton, SN 4499E0199
One emergency generator
 Kohler 100 RZ & S340- 12/2000
Metasys Control System

2. Public Safety Building

Two rooftop heating and air-conditioning units
 Trane 3 ton- 2/21/2011
 Trane 5 ton- 2/21/2011
One boiler
 Lochinvar CHN0990- 10/9/1996
One emergency generator
 Kohler- 10/7/2011

3. Shiawassee District Library

One air-conditioning unit
One boiler

4. Curwood Castle

One boiler
Metasys control system

5. Public Works Building

Four Reznor radiant heaters
Gas furnace
 Lennox- 5/31/1991
Central air conditioner
 H518-211- 5/31/1991

6. Water Filtration

Three HVAC units
Furnace
 Amana 115,000 BTU- 11/23/1988
One V8 emergency generator

7. Wastewater Treatment

Administration Building 1410 Chippewa Trail

One HVAC roof unit
 AJ4512AC- 10/21/1998
One exterior heating unit

1412 Chippewa Trail

One boiler

8. Gould House

Three furnaces

Lennox Gas G12Q3E-82-6- 8/2/1982
Lennox Gas G12D2E-82C-6- 8/2/1982
Lennox Gas G12D2E-55C-6- 8/2/1982

Two air-conditioning units

Concord #CCU10A18A-2- 1/11/2006
Concord #CCU10A181-2- 1/11/2006

Holidays

New Year's Day
Good Friday
Memorial Day
4th of July
Labor Day
Thanksgiving
Friday following Thanksgiving
Christmas Eve
Christmas Day
New Year's Eve

Any holidays that fall on Saturday will be observed on Friday. Any holidays that fall on Sunday will be observed on Monday.

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
OCTOBER 20, 2015 at 9:30 AM
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Randy Horton at 9:30 a.m.

ROLL CALL: Was taken by Recording Secretary Bridget Cannon.

MEMBERS PRESENT: Chairman Randy Horton, Secretary Dan Jozwiak, Board Member Kent Telesz and Alternate John Horvath

MEMBERS ABSENT: Planning Commission Representative Thomas Taylor, Vice-Chairman Christopher Eveleth and Alternate Matthew Grubb

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Charles Rau, Owosso Building Official; Carrie Reid-Hoag, Trebor Industries; Robert Selleck, Selleck Auto Clean-Up Center; Jed Dingens, Dingens Architects

AGENDA: IT WAS MOVED BY BOARD MEMBER HORVATH, AND SUPPORTED BY SECRETARY JOZWIAK TO APPROVE THE AGENDA OF OCTOBER 20, 2015 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ AND SUPPORTED BY ALTERNATE HORVATH TO APPROVE THE MINUTES OF AUGUST 18, 2015 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from August 18, 2015
3. Variance Request – 434 E. Howard Street – Trebor Industries
4. Public Notice

COMMISSIONER/PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. **VARIANCE – 434 E. HOWARD STREET – TREBOR INDUSTRIES**

APPEAL: The petitioner proposes to construct 6' fence around the property and asks for a 20' variance from the center of the road (where it ends in front of their property) in order to reduce loading restrictions and have adequate access to the street.

THE PROPOSAL IS CONTRARY TO THE ORDINANCE AS FOLLOWS: The property is zoned as light industrial abutting residential property and is required to construct an 8' obscuring wall to provide the most complete obscuring possible.

Susan Montenegro displays an aerial view of property at 434 E. Howard Street on the projector, outlining the current property lines. Jed Dingens, architect, presents to the board on behalf of Carrie Reid-Hoag, Trebor Industries and Robert Selleck, Selleck Auto Clean-Up Center; who are business partners. Currently, there is a 4' fence and petitioner would like to construct a 6' chain link fence on the entire perimeter of this property's lines. In addition, a gate system would be installed on the west side of the building to enable loading and unloading of racks. Petitioner feels an 8' solid fence would be a security issue for the business. They prefer some visibility along property lines. Dingens references Ludington Electric's chain link fence, and the fence around the Department of Public Works for the City of Owosso. Trebor is requesting a variance on the fence height today and would like a visible chain link fence

installed around the business. Mr. Dings referred to trees that outline the property at some points, and stated these trees are seen as advantageous for added obscurity.

Ms. Reid-Hoag contends Trebor Industries has been in business for over twenty years. The industry has experienced a recent boom, and they are trying to expand while also trying to contain their site. They service the automotive industry, and the racks/containers are from suppliers. Their main customer is FCA US, LLC, formerly known as Chrysler. It takes 10 days to 9 weeks to complete the orders, depending on what is needed to repair the racks. Trebor Industries currently employs 15 people, all from the Owosso area. The business makes annual charitable donations to organizations within the city, and she and Bob Selleck are proud business owners of the community. It is their wish to make their property aesthetically pleasing and they are working hard to abide by the guidelines and follow the city ordinances. She stated it is going to be a long process and asks for patience. Ms. Reid-Hoag stated a survey would be complete in November to mark property lines.

Ms. Montenegro comments that according to Chapter 38: Section 38-292 (2) ... "A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall." There is no stipulation in the ordinance that regulates the height of containers stored on the property. This property is not a scrap yard. The proposed fence will offer security, not obscurity.

Chairman Horton opens up the meeting to public comments. There have been four responses from neighboring property owners in opposition to the variance request. One is included in Zoning Board of Appeals Packet for today's meeting, and the latter three are attached to minutes as they were received after the packet was posted.

Alberta Phillips – 401 Corunna Avenue – Ms. Phillips feels this business gives the image of an inner-city scrapyards to Owosso. She does not see how the proposed fence is going to obscure the scrapyards look, when the racks are all she and her neighbors see when they walk outside. The racks are stacked so high, they are seen above the neighboring fences.

Ms. Phillips asked why she did not receive any permits for the activity at this address, when she completed a FOIA request for property. Ms. Phillips referred to a fence request from a neighbor on a corner lot that had requested a six foot high fence and was denied. Ms. Phillips also views racks as a safety hazard for children.

Ms. Montenegro responded to Ms. Phillips' inquiries: the height of the racks is not regulated by the code of ordinances, a fence would prohibit children from climbing the racks, and Ms. Montenegro stated the permits and plans that were requested were not on file for this property address, as they were not needed for the work up to this point and had not been applied for. If the variance was approved, a building permit would then be issued for the fence at this property address.

There was board discussion regarding finding a resolution that will work for both residents and the business. This property is not in an industrial park. Instead, it abuts residential property. Board does not find it realistic to build a fence that completely obscures the racks. They would like to protect the tax values in abutting residential properties.

Burton Fox, City Council Member – Has seen vast improvements on the property over the last several months. He asks board to consider tree planting or shrubbery along the fence to help obscure the Trebor properties. The trees would give protection to the property for the business owners, and add additional screening that would help soften the effect of a six foot fence for the residential properties in the area.

Jack Davis – 536 Randolph Street – Gave example of Robert Selleck working with the city to rid vagrants from wooded area at 401 E. Howard Street lot in the past. Mr. Davis supports the business owners, as he feels they are trying to help the community and employ residents.

Donald Marrah – 623 S. Chestnut Street – Mr. Marrah lives across the street from Advanced Drainage Systems. He refers to the fence this business has installed around the property, and states the industrial sites abutting residential properties is not a unique situation in Owosso... it happens throughout the city. He states the fence at ADS is not obscure, but he also supports the business as it employs many and he views ADS as an asset.

As the variance request for Trebor Industries is a two-fold request, board shall decide on two different issues with two different motions.

Board Member Telesz refers to the Owosso Code of Ordinances, **Section 38-382. Off-street loading and unloading.** One space is required on property to load and unload trucks. Trebor is currently using property that is zoned as city property to load and unload their trucks.

Ms. Reid-Hoag states a survey will be completed in November that will outline city property lines versus Trebor's property lines. She contends her business has been maintaining the city street in front of Trebor for last ten years, and would like the loading and unloading of the racks to be completely enclosed within her property lines. Trebor is asking for a 20' setback to reduce loading restrictions and have adequate access to the street.

MOTION BY SECRETARY JOZWIAK, SUPPORTED BY BOARD MEMBER HORVATH AFTER REVIEWING THE CASE FOR 434 E. HOWARD STREET (050-680-004-006-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION FOR A 20' SETBACK VARIANCE AT THE END OF E. HOWARD STREET WITH THE FOLLOWING CONDITIONS:

1. DUE TO UNIQUENESS OF PROPERTY;
2. WAS NOT CREATED BY PROPERTY OWNERS.

YEAS ALL. MOTION CARRIED.

MOTION BY BOARD MEMBER HORVATH, SUPPORTED BY SECRETARY JOZWIAK AFTER REVIEWING THE CASE FOR 434 E. HOWARD STREET (050-680-004-006-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION TO PERMIT THE CONSTRUCTION OF A SIX FOOT OBSCURING FENCE RATHER THAN AN EIGHT FOOT OBSCURING FENCE WITH THE FOLLOWING STIPULATIONS:

1. OBSCURING PLANTING/SHRUBBERY INSIDE PROPERTY LINES TO MEET THE SIX FOOT LEVEL, WITH FENCE BEING CONSTRUCTED ON THE PROPERTY LINES;
2. ALL PLANTING MUST BE COMPLETED BY JUNE, 2016.

WHEREAS, IN ACCORDANCE WITH THE LAW, THE ZBA HAS AUTHORITY AND HAS DELIBERATED AND RULED. THE ZBA HAS FOUND THE APPLICANT QUALIFIES FOR THE VARIANCE BASED ON THE FOLLOWING CONDITIONS ACCORDING TO SECTION 38-504.(3) VARIANCES:

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;
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;

- 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.**

ROLL CALL VOTE:

AYES: JOZWIAK, HORTON, HORVATH

NAYS: TELESZ

MOTION CARRIED.

COMMISSIONER/PUBLIC COMMENTS: NONE

ADJOURNMENT:

MOTION BY BOARD MEMBER HORVATH, SUPPORTED BY BOARD MEMBER TELESZ TO ADJOURN AT 11:04 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, NOVEMBER 17, 2015, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

Trebor Update 11-2-2015 City Council Meeting

- **10/20/2015 Zoning Board of Appeals meeting** – 434 E. Howard Street
Variance request for 6' chain link fence with shrubbery or zebra grass to obscure was approved with the stipulation that the planting/shrubbery inside the property line must meet the six foot level and all planting must be completed by June, 2015. Variance for a 20' setback at the end of E. Howard Street was approved.

- **10/26/2015 Planning Commission meeting** – Corner of Division and Howard Streets
A site plan was shown to planning commission and discussion was held on fencing and the ability of planning commission to waive or modify fencing requirements. A more in depth site plan review will be held at the November 23rd meeting. A public hearing to request rezoning of the property as well as 514 Division and 515 Saginaw from I-2 to I-1 will also take place at this meeting.

Progress is continuing on the properties, further updates are will be brought to council attention as they occur.

PARKS AND RECREATION COMMISSION
Monday, October 26, 2015- 6:00 p.m.
City Hall Council Chambers
301 W. Main St.
Owosso, MI 48867

- CALL TO ORDER:** Chairman Espich called the meeting to order at 6:03
- PLEDGE OF ALLEGIENCE:** Was recited by all present
- ROLL CALL:** was taken by Recording Secretary Denice Grace
- MEMBERS PRESENT:** Chairman Mike Espich, Vice Chair Jeff Selbig, Commissioner Shane Nelson, Commissioner Kristen Woodbury, Commissioner Randy Woodworth, Sue Montenegro Assistant City Manager and Director of Community Development
- MEMBERS ABSENT:** None
- OTHERS PRESENT:** Members of the skate community
- APPROVAL OF AGENDA:** **COMMISSIONER NELSON MADE THE MOTION TO APPROVE THE AGENDA FOR OCTOBER 26, 2015, SUPPORTED BY COMMISSIONER WOODBURY, AYES ALL, MOTION CARRIED**
- APPROVAL OF MINUTES:** **COMMISSIONER NELSON MADE THE MOTION TO APPROVE THE MINUTES FOR SEPTEMBER 28, 2015, SUPPORTED BY COMMISSIONER WOODBURY, AYES ALL, MOTION CARRIED**
- PUBLIC COMMENTS:** None
- COMMUNICATIONS:**
1. Staff memorandum
 2. Minutes from September, 28, 2015
- BUSINESS:**
1. Skate Park
 - Update- Spohn Ranch Skateparks - visuals will be shown at the meeting of conceptual designs that could be used with little or no additional tweaking

The Commissioners were shown seven off the shelf skate park designs from Spohn Ranch. It will be cheaper if we can incorporate a design that is pre-designed rather than

start from scratch. The plans can then be modified to fit Owosso's needs. They can also be built in phases if all the money is not available at the start of the project. The members of the skate community looked at drawings of the preexisting skate parks and gave their input on which ones they liked. Commissioner Espich will post the top three designs on Facebook to get other opinions. The next step will be fund raising. Sue Montenegro suggested that maybe the Plunge for the Parks in Hopkins Lake could be utilized to raise funds.

2. Disc Golf

The disc golf course and baskets are sitting in the Department of Public Works garage. The City manager still has not seen the final plans. Commissioner Woodworth will try to see what the holdup is.

DISCUSSION: None

PUBLIC COMMENTS: None

ADJOURNMENT: VICE CHAIR SELBIG MADE THE MOTION TO ADJOURN AT 6:49, SUPPORTED BY COMMISSIONER WOODWORTH, AYES ALL, MOTION CARRIED

Next meeting Monday November 23, 2015

OWOSSO PLANNING COMMISSION
Monday October 26, 2015 – 7:00 p.m.
City Hall Council Chambers
301 W. Main St.
Owosso, MI 48867

CALL TO ORDER: Chairman Washer called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIENCE: Was recited by all present.

ROLL CALL: Was taken by Recording Secretary Denice Grace.

MEMBERS PRESENT: Chairman Bill Wascher, Vice Chair Craig Weaver, Commissioner Mike O’Leary, Commissioner Brent Smith, Commissioner Frank Livingston, Commissioner Garfield Warren, Commissioner Michelle Collison, Commissioner Janae Fear.

MEMBERS ABSENT: Commissioner Tom Taylor.

OTHERS PRESENT: Susan Montenegro - Assistant City Manager and Director of Community Development, Justin Horvath and Brent Jones - Shiawassee Economic Development Partnership, Jed Dingsens - Architect, Robert Selleck & Carrie Reid Hoag of Trebor Enterprises.

APPROVAL OF AGENDA: **COMMISSIONER LIVINGSTON MADE THE MOTION TO APPROVE THE AGENDA WITH THE ADDITION OF THE PUBLIC HEARING ADVANCED EYECARE FOR OCTOBER 26, 2015, SUPPORTED BY COMMISSIONER O’LEARY, AYES ALL, MOTION CARRIED.**

APPROVAL OF MINUTES: **COMMISSIONER LIVINGSTON MADE THE MOTION TO APPROVE THE MINUTES FOR SEPTEMBER 28, 2015, SUPPORTED BY COMMISSIONER WEAVER, AYES ALL, MOTION CARRIED.**

- COMMUNICATIONS:**
1. Staff Memorandum
 2. Planning Commission minutes from September
 3. Site Plan Application
 4. Site Plan staff review
 5. Lot language example- various cities
 6. Accessory language example- swing sets

COMMISSIONER/PUBLIC COMMENTS:
Chairman Wascher welcomed Michelle Collison to the Planning Commission Board.

PUBLIC HEARINGS: The rezoning of 117 S. Shiawassee St. Owosso from RM-2 Multiple-Family Residential Highrise District to B-1 Local Business District.

Dr. David Duryea from Advanced Eyecare asked the Commission to rezone 117 South Shiawassee Street. This particular parcel of land was purchased by Dr. Duryea and has since had the house demolished. The goal for this parcel is to combine it with the lot immediately to the south and construct a new office building and parking lot.

MOTION BY COMMISSIONER O’LEARY, SUPPORTED BY COMMISSIONER LIVINGSTON TO REZONE 117 S. SHIAWASSEE STREET FROM RM-2 MULTIPLE-FAMILY RESIDENTIAL HIGHRISE TO B-1 LOCAL BUSINESS DISTRICT, AYES ALL, MOTION CARRIED.

SITE PLAN REVIEW:

Division Street- Trebor/Selleck Property

Jed Dingens, Architect, spoke to the Commission about the plans Trebor had for fencing possibilities. Assistant City Manager Sue Montenegro has been working with Carrie Ried Hoag and Robert Selleck to work on placing their racks out of the right away to comply with the city’s zoning ordinance. A survey of the land is being done at this time. Ms. Montenegro reminded the Planning Commission that they have the right to modify or waive the fencing requirements according to the language in the zoning ordinance under Section 38-389 (e). Trebor will come back to the Commission in November to further discuss fencing and rezoning and planning commission will make a decision at that time.

BUSINESS ITEMS: None

ITEMS OF DISCUSSION:

1. Swing set zoning language examples.

MOTION BY COMMISSIONER O’LEARY, SUPPORTED BY COMMISSIONER WARREN, TO DEFINE SWING SETS AS AN ACCESSORY ITEM THAT SHALL NOT BE LOCATED IN THE FRONT YARD.

YEAS: CHAIRMAN WASCHER, COMMISSIONERS LIVINGSTON, O’LEARY, WARREN AND COLLISON.

NAYS: COMMISSIONERS FEAR, WEAVER AND SMITH.

MOTION CARRIED.

2. Front yard-corner lot definition examples.

Ms. Montenegro looked up corner lot definitions for the cities of Grand Ledge and Marshall which didn’t really add anything to what was previously known. She believes there should be diagrams as well as a written description. The diagrams should fit our current ordinances. Commissioner Wascher stated the addition of images will definitely help but they must match language in the ordinance. Ms. Montenegro will bring the incorporated images to the next meeting for review.

COMMISSIONER/PUBLIC COMMENTS: None

ADJOURNMENT:

MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER SMITH, TO ADJOURN THE PLANNING COMMISSION MEETING AT 9:01 P.M. AYES ALL, MOTION CARRIED.

Next meeting Monday November 23, 2015.