

**OWOSSO CITY COUNCIL**

**FEBRUARY 3, 2014**

**7:30 P.M.**

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

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

**PLEDGE OF ALLEGIANCE:** WOLF DEN OF CUB SCOUT PACK 89

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, and Robert J. Teich, Jr.

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following change:

Move Consent Item 7. Purchase Authorization – Carpet for Public Safety Building to Item of Business 3.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 13, 2014**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 13, 2014 as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 21, 2014**

Motion by Councilperson Bandkau to approve the Minutes of the Regular Meeting of January 21, 2014 as presented.

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

**STUDENT REPRESENTATIVE REPORT**

None.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**SALVATION ARMY THANK YOU**

After a minor delay due to the unpredictable nature of the ministry Lieutenants Sean and Cassie Grey arrived to receive an official thank you from the City for their efforts during last year's ice storm and ensuing power outage.

Mayor Frederick read aloud the following formal statement of the Mayor's Office thanking the Salvation Army – Owosso Citadel for their efforts to keep the community warm and safe during last year's ice storm:

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING**

**THE SALVATION ARMY – OWOSSO CITADEL**

**WHEREAS**, Owosso suffered a devastating ice storm during late December 2013 which resulted in approximately three quarters of city residents being left without power and heat for five days or more; and

**WHEREAS**, the Owosso Citadel of the Salvation Army, under the able leadership of Lieutenants Sean and Cassandra Grey, immediately sought to address the crisis through the use of their facility as a county-coordinated emergency shelter; and

**WHEREAS**, throughout the storm, Sean and Cassandra and their caring team of employees and volunteers worked diligently to house and feed area residents in need; and

**WHEREAS**, this responsibility meant long hours for all involved and occurred at the same time as the Corps' annual Kettle Drive and the Christmas holiday, further straining volunteers. Throughout, the Corps was able to meet the needs of our city while also ensuring that the people in their charge were comfortable and well fed; and

**WHEREAS**, special attention was paid to the children who had been displaced as the Salvation Army organized activities and made sure that each child received a wonderful Christmas dinner and even Christmas presents; and

**WHEREAS**, it is fitting that this outstanding effort, which was devoted to the interests of the citizens of Owosso and the greater Owosso community, be officially recognized.

**NOW, THEREFORE**, I, Mayor Benjamin R. Frederick do hereby acknowledge the personnel of the Salvation Army – Owosso Citadel for their critical assistance to this community and the county as a whole. We celebrate the continued presence of the Salvation Army in Owosso as the Corps seeks to serve as the hands and feet of Jesus in ministering to the needs of others.

Proclaimed February 3, 2014.

**PROCLAMATION – MICHAEL BUSH**

Mayor Frederick delivered the following Mayoral Proclamation recognizing Water Crew Supervisor Michael Bush for his years of service to the City on the occasion of his retirement:

**A PROCLAMATION OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF**

**MICHAEL L. BUSH**

**WHEREAS**, Michael L. Bush began his service to the City of Owosso as a laborer for the Department of Public Works in November of 1971, and after a very brief stint as a truck driver in 1976, came back to the employ of the City to stay; and

**WHEREAS**, Mike was a confident, knowledgeable, and prepared crewman; performing any type of work needed, from running heavy equipment to repairing water services to servicing DPW equipment; his initial progress report noting that he was “performing this job above average”; and

**WHEREAS**, Mike was promoted to Water Serviceman in 1977 and began a steady progression of education and promotion, culminating in his passing the exam and receiving certification as a Class S-1 Public Water Distribution System Operator in 1989, the highest water distribution certification possible, and his promotion to Water Distribution Foreman in 1994; and

**WHEREAS**, Mike has displayed great loyalty and dedication to the City over the years, never failing to respond to an emergency call and putting his encyclopedic knowledge of the City’s water system to work to ensure everyone served by City water service gets the best service possible; and

**WHEREAS**, the nature of Mike’s position with the City offered little in public accolades as much of his work was done in the dark of night or the cold of a snow storm but his presence will be sorely missed; and

**WHEREAS**, it is fitting that such service be honored and it is the intent of this Office that Mike’s Dedicated and Distinguished Public Service be recognized.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Mike for over 42 years of dedicated service to the Owosso community and further express our sincere wishes to Mike and his family for a long, healthy and happy retirement.

Proclaimed this 3<sup>rd</sup> day of February, 2014.

**PROCLAMATION – BRADLEY GROLL**

Mayor Frederick delivered the following Mayoral Proclamation recognizing Department of Public Works employee Bradley Groll for his years of service to the City on the occasion of his retirement:

**A PROCLAMATION OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF**

**BRADLEY E. GROLL**

**WHEREAS**, Bradley E. Groll began his service to the City of Owosso as a Laborer in Underground Utilities on October 10, 1979; and

**WHEREAS**, after a brief stint at the Waste Water Treatment Plant, Brad came back to the Department of Public Works and steadily moved up the ranks to Skilled Operator as well as receiving his S-1 Class certification, the highest class of Public Water Distribution System Operators in the State of Michigan; and

**WHEREAS**, Brad has exemplified the qualities of a great employee, diligently educating himself, leading work crews, taking initiative in the workplace, speaking with concerned citizens, and serving as a peacemaker when tempers flared; and

**WHEREAS**, Brad's dedication was always evident, often coming in to work before he was even called; and

**WHEREAS**, Brad performed any type of work needed over the years from operating heavy equipment, to repairing water mains, to plowing streets, to working elections, to remodeling parts of City Hall, always greeting everyone with a smile; and

**WHEREAS**, Brad always served quietly, never asking for attention or recognition; and

**WHEREAS**, Brad's constant, reassuring presence will be sorely missed; and

**WHEREAS**, it is fitting that such service be honored and it is the intent of this Office that Brad's Dedicated and Distinguished Public Service be recognized.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Brad for over 34 years of service to the Owosso community and further express our sincere wishes to Brad and his family for a long, healthy and happy retirement.

Proclaimed this 3<sup>rd</sup> day of February, 2014

### **PUBLIC HEARINGS**

#### **ORDINANCE AMENDMENT – CHAPTER 19, OFFENSES**

The proposed amendment would allow the City of Owosso to recoup the fines and costs assessed for violations of the new State law regulating the transportation and/or possession of usable marijuana in a motor vehicle.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 19, Offenses, Section 19-112, *Transportation or possession of usable marijuana*.

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Fox that the following ordinance be adopted:

#### **ORDINANCE NO. 749**

##### **AMENDING CHAPTER 19 OFFENSES OF THE CODE OF ORDINANCES TO RECOUP THE FINES AND COSTS ASSOCIATED WITH VIOLATIONS OF THE NEW STATE LAW REGULATING THE TRANSPORTATION AND/OR POSSESSION OF USABLE MARIJUANA**

WHEREAS, the Michigan legislature recently amended the Michigan Penal Code to make it illegal to have marijuana accessible to the occupants of a motor vehicle; and

WHEREAS, any fines resulting from the enforcement of said amendment within the City limits will not be directed to the City without the addition of a local ordinance; and

WHEREAS, it is recommended the City adopt a new ordinance section identical to the State law to allow for the collection of fines and costs assessed for violations of the new law.

NOW THEREFORE, THE CITY OF OWOSSO ORDAINS that Section 19-112, Transportation or possession of usable marijuana, of Chapter 19, Offenses, Article VI, *Offenses against public morals*, of the Code of the City of Owosso be added as follows:

SECTION 1. ADDITION. That new Section 19-112, Transportation or possession of usable marijuana, shall read as follows:

#### **Sec 19-112. Transportation or possession of usable marijuana.**

Pursuant to Act 1909 PA 279; Section 474 of the Michigan Penal Code, 2012 PA 460, MCL 750.474, is hereby adopted as follows:

- (a) A person shall not transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marijuana is 1 or more of the following:

- (1) Enclosed in a case that is carried in the trunk of the vehicle.
- (2) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

(b) Violation of this ordinance is punishable by one (1) or more of the following:

- (1) community service for not more than 360 hours;
- (2) imprisonment for not more than 93 days;
- (3) a fine of not more than \$500.00

SECTION 2. PUBLICATION. The City Clerk shall publish this Section 19-112 in the manner required by law and shall publish, at the same time, a notice stating the purpose of this addition to the Code.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective February 23, 2014.

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

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

#### **CITIZEN COMMENTS AND QUESTIONS**

Jerry Ash, Sr., 220 South Oak Street, asked for clarification on the contents of the ordinance amendment.

Eddie Urban, 601 Glenwood Avenue, told of an incident in which he was solicited for drugs.

Mike Tillotson, 1299 South Shiawassee Street, said he used to work for the Department of Corrections and he saw the effects of drug abuse every day. He said that anything the Council could do to keep drugs off the streets is a good thing.

Charles Palmer, 203 South Lansing Street, reminded Council it is legal to possess marijuana in Michigan. He said he feels that sometimes there is too much regulation.

Deborah Palmer, 203 South Lansing Street, said there was no comparison between marijuana and a drug like heroin as you cannot become addicted to marijuana and you cannot overdose on marijuana. She said she feels that alcohol is more dangerous than marijuana.

Mayor Frederick indicated that the intent of the new ordinance was not to curtail the legal rights of medical marijuana card holders.

City Attorney Brown noted the City's new ordinance was identical to State law and its intent is to make it illegal to have marijuana accessible to the occupants of a vehicle. He likened the restrictions to that for guns, saying the product would have to be transported in the trunk or kept in a locked box. He said the new ordinance in no way affects the use or consumption of marijuana as regulated by State law nor did it change the laws for search and seizure. The new ordinance was suggested by a detective in the Owosso Police Department and would simply allow the City to keep the fines assessed for violations of the law.

Mayor Frederick shared the framed certificate that was presented to the City by the 144<sup>th</sup> MP's as a thank-you for the warm welcome the troops received when they came home in late January. He said he was extremely proud to be a part of the tribute to the troops and gave a special thank you to the Public Safety Department for their efforts to make the "parade route" special. He went on to say that he felt a little guilty because the troops were so surprised at the extraordinary welcome, he said it was sad that similar events don't happen in other communities.

Councilperson Fox said that as a retired military member he wanted to see the wives and families of deployed soldiers recognized for their efforts while their loved ones are deployed. He went on to recognize Brad Groll and Mike Bush for their work for the City, commended the new DPW workers on handling their first snow storms, and thanked the Salvation Army for always being there when someone is in need.

Mayor Pro-Tem Eveleth said he had been unable to attend the last meeting and wanted to take a moment to say that he appreciated Jon Greenway and was sad that he would not have the opportunity to work with him. He went on to thank the DPW for all of their work over the last few weeks, recognizing the extraordinary effort they had put in.

**CITY MANAGER REPORT**

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

**CONSENT AGENDA**

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

Special Assessment District No. 2014-01 – Hazards and Nuisances. Authorize Resolution No. 1 setting a public hearing for Tuesday, February 18, 2014 to receive citizen comment regarding Special Assessment District No. 2014-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances at 1711 Frederick Street as follows:

**RESOLUTION NO. 08-2014**

**SPECIAL ASSESSMENT DISTRICT NO. 2014-01  
HAZARDS AND NUISANCES  
1711 FREDERICK STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Tuesday, February 18, 2014 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW  
SPECIAL ASSESSMENT ROLL – HAZARDS AND NUISANCES  
CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

| <b>PARCEL NUMBER</b> | <b>ADDRESS</b>        | <b>BALANCE</b> |
|----------------------|-----------------------|----------------|
| 050-602-020-002-00   | 1711 Frederick Street | \$9,118.38     |

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the above described property.

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

The said Special Assessment Roll-Hazards and Nuisances is on file for public examination with the City Clerk and any objections to said Special Assessment Roll-Hazards and Nuisances must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment Roll-Hazards and Nuisances.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Tuesday, February 18, 2014 for the purpose of reviewing said Special Assessment Roll - Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

Boards and Commissions Appointment. Approve the Mayoral appointment of Randy Woodworth to the Planning Commission for a term expiring June 30, 2016.

Authorization of Application for Transportation Economic Development Funds. Approve resolution supporting the application to seek Transportation Economic Development Fund-Category F funds for the reconstruction of Gould Street from Main Street to Corunna Avenue and authorize the obligation of City funds for the project per the terms of the TEDF-F Program match requirement as follows:

**RESOLUTION NO. 09-2014**

**RESOLUTION AUTHORIZING APPLICATION FOR  
TRANSPORTATION ECONOMIC  
DEVELOPMENT FUNDS, CATEGORY F  
FOR GOULD STREET IMPROVEMENTS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Service Department recommends the resurfacing of Gould Street from Corunna Avenue (M-71) to Main Street (M-21); and

WHEREAS, the Michigan Department of Transportation offers special funding known as Transportation Economic Development Fund-Category F (TEDF-F) for roadway improvements that provide continuity with the secondary all-season commercial truck route system; and

WHEREAS, the roadway proposed for improvement meets all of the requirements of the TEDF Program; and

WHEREAS, the City of Owosso proposes to procure TEDF-F funds for the purpose of providing an 80 percent (80%) federal match to the City's Unlimited Tax General Obligation Bond Proceeds as outlined in its application.

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 proceed with the proposed roadway improvements.
- SECOND: That the City of Owosso is actively seeking TEDF-F funds to partially fund the resurfacing of Gould Street from Corunna Avenue (M-71) to Main Street (M-21) and is willing to participate in this program.
- THIRD: That the proper city officials are authorized to sign the application documents.
- FOURTH: Staff is hereby authorized to obligate City funds as its match of the project cost.

Purchase Authorization – John Deere Loaders. Waive competitive bidding requirements in accordance with City Code Section 2-345(3), *Exceptions to competitive bidding*, authorize contract with AIS Construction Equipment Corporation for two John Deere 524K wheel loaders in the amount of \$218,558.00, per the terms of the State of Michigan contract #071B1300116, and approve payment up to the bid amount upon satisfactory receipt of the equipment as follows:

**RESOLUTION NO. 10-2014**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
PURCHASE TWO (2) 2014 JOHN DEERE 524K WHEEL LOADERS  
FROM AIS CONSTRUCTION EQUIPMENT CORPORATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Department of Public Services requiring the use of wheel loaders; and

WHEREAS, the State of Michigan has contracted with AIS Construction Equipment Corporation for the purchase of two (2) 2014 John Deere 524K Wheel Loaders; and City Ordinance allows for exceptions to competitive bidding requirements when the public interest is best served by joint purchase with, or purchase from, another unit of government; and

WHEREAS, it is hereby determined that the public interest is best served by executing a joint purchase through the State of Michigan contract with AIS Construction Equipment Corporation.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase two (2) 2014 John Deere 524K Wheel Loaders in the amount of \$109,279.00 each for a total of \$218,558.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and AIS Construction Equipment Corporation.
- THIRD: The Accounts Payable Department is hereby authorized to issue payment to AIS Construction Equipment Corporation in an amount not to exceed \$218,558.00 upon satisfactory receipt of the named equipment.
- FOURTH: The above expenses shall be paid from the Revolving Equipment Fund.

Purchase Authorization – Public Safety In-Car Camera System. Waive competitive bidding procedures in accordance with City Code Section 2-345(3), *Exceptions to competitive bidding*, approve the purchase of a Fusion In-Car Camera System with 3 cameras from Coban Technologies, Inc. in the amount of \$14,634.00, and authorize payment up to the contract amount upon satisfactory receipt of the equipment as follows:

**RESOLUTION NO. 11-2014**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
PURCHASE OF IN-CAR CAMERA SYSTEM FROM  
COBAN TECHNOLOGIES, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has police department requiring the use of in-car video cameras for the police vehicles; and

WHEREAS, the City of Owosso received a bid from Coban Technologies, Inc. through the Houston Galveston Area Council; and Owosso City Code Section 2-345(3), *Exceptions to competitive bidding*, states: "Subject to the approval of the council, competitive bidding shall not be required... [where] the council shall determine that the public interest will best be served by joint purchase with, or purchase from, another unit of government."

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 waive competitive bidding requirements and purchase three Coban Fusion in-car cameras, one workstation and software from Coban Technologies, Inc. for a cost to the City of Owosso of \$14,634.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Coban Technologies, Inc.
- THIRD: The Accounts Payable Department is hereby authorized to issue payment to Coban Technologies, Inc. in the amount of \$14,634.00 upon satisfactory delivery of the cameras, workstation and software.
- FOURTH: The above expenses shall be paid from the Police Division Capital Outlay fund 101-300-978.000.

Purchase Authorization – Public Safety Vehicle Equipment Changeover. Waive competitive bidding requirements, authorize bid award to Mid Michigan Emergency Equipment Sales and Service LLC for the removal, supply, and installation of public safety equipment in two new police vehicles in the amount of \$7,507.70, and further authorize payment upon delivery of the equipment and satisfactory completion of the work as follows:

**RESOLUTION NO. 12-2014**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
REMOVAL, SUPPLY, AND INSTALLATION OF PUBLIC SAFETY  
EQUIPMENT  
IN TWO NEW POLICE CARS  
WITH MID MICHIGAN EMERGENCY EQUIPMENT SALES AND SERVICE LLC**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has purchased two police vehicles that need to have equipment and DVR cameras installed in them; and

WHEREAS, the City will retire two current police vehicles which necessitates the removal of the public safety equipment installed on the vehicles; and

WHEREAS, said equipment is proposed for re-use in the new vehicles pending installation; and

WHEREAS, the new vehicles will require additional new public safety equipment to be properly outfitted for service; and

WHEREAS, the City of Owosso received a quote from Mid-Michigan Emergency Equipment Sales and Service LLC for the removal of the old equipment, supply of select pieces of new equipment, and the installation of all said equipment; and it is hereby determined that this company is qualified to perform the work requested; and

WHEREAS, a waiver of the bidding requirements is requested as professional services are exempt from competitive bidding and the estimated cost for the products to be purchased falls under the \$5,000 Council threshold.

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 contract with Mid-Michigan Emergency Equipment Sales and Service LLC for the removal, purchase, and installation of public safety equipment in City Police vehicles in the amount of \$7,507.70.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Mid-Michigan Emergency Equipment Sales and Service LLC.
- THIRD: The Accounts Payable Department is hereby authorized to issue payment to Mid-Michigan Emergency Equipment Sales and Service LLC in the amount of \$7,507.70 upon delivery of the equipment and satisfactory completion of the work.
- FOURTH: The above expenses shall be paid from the Police equipment fund 101-300-978.000.

Purchase Authorization – Carpet for Public Safety Building. This item was moved to Items of Business.

Purchase Authorization – Lower Bearing Assembly for Influent Screw Pump. Waive competitive bidding requirements in accordance with City Code Section 2-345(1), *Exceptions to competitive bidding*, authorize the purchase of a lower bearing assembly for influent screw pump #3 at the Waste Water Treatment Plant from sole source Lakeside Equipment Corporation in the amount of \$7,147.00 plus freight, and further authorize payment upon satisfactory receipt of the assembly as follows:

**RESOLUTION NO. 13-2014**

**AUTHORIZING PURCHASE AND PAYMENT TO  
LAKESIDE EQUIPMENT CORPORATION  
FOR A LOWER BEARING ASSEMBLY FOR AN INFLUENT SCREW PUMP  
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City has determined it necessary and prudent to replace the lower bearing assembly for an influent screw pump at the city of Owosso Wastewater Treatment Plant, Shiawassee County, Michigan, and

WHEREAS, the Plant Replacement Fund can readily finance this necessary replacement cost, and

WHEREAS, the lower bearing assembly is only available from the pump manufacturer, Lakeside Equipment Corporation.

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 waive competitive bid procedures and purchase the lower bearing assembly on a sole source basis from Lakeside Equipment Corporation in the amount of \$7,147 plus freight.
- SECOND: The purchase contract shall be in the form of a city purchase order and the accounts payable department is authorized to submit payment to Lakeside Equipment Corporation in the amount of \$7,147 plus freight upon satisfactory City receipt of the assembly.



THIRD: The above expenses shall be paid from the Wastewater Plant Replacement Fund.

Change Order & Payment Authorization – Library Boiler Replacement. Authorize Change Order #1-Final to the contract with Wm. Floyd Heating Company increasing the amount by \$3,370 to \$27,825.00 for additional labor and materials, and further authorize payment of \$27,825.00 to said company for work performed as follows:

**RESOLUTION NO. 14-2014**

**RESOLUTION AUTHORIZING CHANGE ORDER #1-FINAL  
TO THE CONTRACT WITH  
WM. FLOYD HEATING COMPANY  
FOR THE 2013 SHIAWASSEE DISTRICT LIBRARY STEAM BOILER  
REPLACEMENT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Wm. Floyd Heating Company on November 4, 2013 for the 2013 Shiawassee District Library Steam Boiler Replacement bid in the amount of \$24,455.00; and

WHEREAS, additional materials and labor were required to complete the project pursuant to Change Order #1-Final in the amount of \$3,370.00 (i.e. replace steam traps on steam radiators on the first floor and one on the lower level, clean and inspect 3 float traps and replace the covers) increasing the contract to \$27,825.00; and

WHEREAS, the work is complete and is now eligible for payment.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to amend the contract with Wm. Floyd Heating Company by \$3,370.00, increasing the original contract from \$24,455.00 to \$27,825.00 for additional labor and materials necessary to complete the job.
- SECOND: The mayor and city clerk are instructed and authorized to approve Change Order #1-Final between the City of Owosso, Michigan and Wm. Floyd Heating Company in the amount of \$3,370.00.
- THIRD: The City of Owosso has hereto determined that it is advisable, necessary and in the public interest to pay Wm. Floyd Heating Company for work completed on the 2013 Shiawassee District Library Steam Boiler Replacement bid, as amended by Change Order #1-Final.
- FOURTH: The accounts payable department is authorized to submit payment to Wm. Floyd Heating Company in the amount of \$27,825.00.
- FIFTH: The above expenses shall be paid from the Building and Grounds Fund, account 101-265-978000.

Warrant No. 477. Authorize Warrant No. 477 as follows:

| Vendor   | Description   | Fund    | Amount      |
|--|---|---------|-------------|
| Logicalis, Inc   | Network engineering support –<br>December 2013  | General | \$ 6,188.00 |
| Brown & Stewart PC   | Professional services<br>December 10, 2013 – January 13, 2014                         | General | \$ 9,041.76 |
| Owosso Charter<br>Township                                 | Owosso Charter Township water sales<br>payment<br>October 1, 2013 – December 31, 2013 | Water   | \$12,563.87 |
| Michigan Municipal<br>League Worker’s<br>Compensation Fund | Workers’ compensation insurance<br>4 <sup>th</sup> installment for FY 13/14           | Various | \$26,697.00 |
| Huron & Eastern<br>Railway Company Inc                     | Annual maintenance of active traffic<br>control devices                               | Streets | \$ 8,254.00 |

\*Check Register–December 2013. Affirm check disbursements totaling \$1,191,527.13 for the month of December 2013.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

\*Due to its length, full text of the Check Register is not included in the minutes. Copies of this document are available in the Clerk's Office.

## **ITEMS OF BUSINESS**

### **COUNCIL VACANCY DISCUSSION**

City Clerk Amy K. Kirkland detailed the process that Council had historically used to fill vacancies saying it had involved the collection of letters of interest, opportunity for candidates to make a formal statement during an open meeting, and selection of a new member.

There was brief discussion regarding the desire for a question and answer period between the Council and individual candidates and the need to provide some detail and structure for the process.

Motion by Councilperson Fox to establish the process for filling the current Council vacancy as follows:

1. Council will accept letters of interest from qualified individuals until Thursday, February 13, 2014 at noon
2. Candidates will have the opportunity to deliver a 5-minute statement during the meeting of February 18, 2014, if they so desire
3. Sitting Council members may ask one question and one follow-up question of each candidate

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

### **CONSUMERS POWER STREET LIGHTING AGREEMENT**

This agreement replaces the agreement dated April 1, 1977, as amended. Consumers Energy conducted an inventory of all street lights in the City's residential areas starting in early 2013. The new contract embodies the information gathered during the inventory.

Motion by Mayor Pro-Tem Eveleth to approved the following resolution authorizing a new street lighting contract with Consumers Energy based on a recent inventory of all street lighting:

#### **RESOLUTION NO. 15-2014**

#### **RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH CONSUMERS ENERGY FOR STANDARD STREET LIGHTING**

WHEREAS, the city of Owosso contracts with Consumers Energy Company for street lighting which includes luminaries and fixtures, and electricity; and

WHEREAS, the Consumers Energy Company and the city of Owosso has completed an inventory of all Consumers Energy Company luminaries and fixtures in the city, making sure that billings agree with facilities in place; and

WHEREAS, a new Standard Lighting Contract dated October 1, 2013 has been prepared, which is attached to this resolution, which supersedes all existing contracts with relation to Consumers Energy Company owned street lighting; and

WHEREAS, attached to the new Standard Lighting Contract dated October 1, 2013 is Exhibit A, listing of luminaries and fixtures.

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

- FIRST: Attached Standard Lighting Contract with Consumers Energy Company dated October 1, 2013 which supersedes all existing contracts with relation to Consumers Energy Company owned street lighting be approved.

SECOND: The Mayor and city clerk are authorized to execute the Standard Lighting Contract\* with Consumers Energy Company dated October 1, 2013.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

\*All attachments noted in the resolution are available in the Clerk's Office.

### **PURCHASE AUTHORIZATION – CARPET FOR PUBLIC SAFETY BUILDING**

Waive competitive bidding requirements in accordance with City Code Section 2-345(3), *Exceptions to competitive bidding*, authorize contract with Commercial Marketing Associates, Inc. for Milliken carpet for the Public Safety Building in the amount of \$9,765.55, per the terms of GSA contract #GS-27F-0502H, and approve payment up to the bid amount upon satisfactory receipt of the materials as follows:

This item was pulled from the Consent Agenda at the request of Councilperson Fox.

Councilperson Fox indicated he felt it was unfair to award such a bid to a company outside the state when there were local suppliers that could be solicited.

There was discussion regarding whether or not local suppliers could obtain the product in question and the probability of a local bidder being able to match the prices listed in the federal contract the City was attempting to take advantage of. Councilperson Bandkau inquired how long the quote before Council this evening would be honored. It was felt it should be good for another few months.

Motion by Councilperson Fox to postpone the purchase authorization for carpet for the Public Safety Building until such time as local bids are solicited.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

None. None.

Mayor Frederick clarified that he felt no formal bid process was necessary, simply calling the local vendors would suffice.

### **COMMUNICATIONS**

Richard C. Williams, Finance Director. Revenue and Expenditure Report – December 2013.

Richard C. Williams, Finance Director. 4<sup>th</sup> Quarter 2013 Cash Position Report.

Charles P. Rau, Building Official. December 2013 Building Department Report.

Charles P. Rau, Building Official. December 2013 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. December 2013 Police Report.

Kevin D. Lenkart, Public Safety Director. December 2013 Fire Report.

Downtown Development Authority/Main Street Board. Minutes of January 15, 2014.

### **CITIZEN COMMENTS AND QUESTIONS**

Jim Morel, 996 Marguerite Drive, said he had reviewed the Revenue & Expenditure Report listed on the agenda and was curious as to where the \$990,000 in new revenues shown in fund 441 (streets) came from, whether the adopted budget would be amended to reflect this new revenue, and if the revenue would be spent entirely this year. City Manager Crawford noted the funds were from the last issuance of the 2010 street bonds that were sold in December. He said the money would be used toward various street projects and there was not an exact time-table as to when the money would be spent.

Councilperson Bailey noted the community had had a difficult time over the holidays and she had heard of several people had sought assistance at the Serene Bean. She thanked Tom Manke for his work in filling the gap.

Councilperson Fox said he would like to see an item of business at the next meeting regarding the State legislation allowing cities to move their elections from odd years to even years. He said doing so could avoid significant costs. Mayor Frederick noted the Clerk was examining the issue and would bring it to Council once the vetting process had been completed.

Councilperson Fox also requested a hard copy of the rental ordinance for the next meeting.

**NEXT MEETING**

Special - Monday, February 10, 2014 at 7:00 p.m.  
Regular - Tuesday, February 18, 2014 at 7:30 p.m.

**BOARDS AND COMMISSIONS OPENINGS**

None.

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:27 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk