

OWOSSO CITY COUNCIL

MAY 19, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR DAVID WOODBY
REDEEMER LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE: CARRIE GREGG, CHILD ADVOCACY CENTER DIRECTOR

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

ABSENT: None.

APPROVE AGENDA

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

Add Items of Business:

- 5. Audio System Upgrade Proposal
- 6. Armory Brownfield Plan Approval

Move Consent Item 8. Check Register-April 2014 to Item of Business 7.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 30, 2014

Motion by Councilperson Bandkau to approve the Minutes of the Special Meeting of April 30, 2014 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 1, 2014

Motion by Councilperson Fox to approve the Minutes of the Special Meeting of May 1, 2014 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 5, 2014

Motion by Councilperson Bandkau to approve the Minutes of the Special Meeting of May 1, 2014 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 6, 2014

Motion by Councilperson Fox to approve the Minutes of the Special Meeting of May 1, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

CHILD ADVOCACY CENTER OF SHIAWASSEE COUNTY RECOGNITION

Mayor Frederick read aloud the following proclamation of the Mayor's Office recognizing the Child Advocacy Center of Shiawassee County for their efforts in fighting child abuse and neglect.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING
THE CHILD ADVOCACY CENTER OF SHIAWASSEE COUNTY**

WHEREAS, the Child Advocacy Center of Shiawassee County is a non-profit organization; one of 500 Children's Advocacy Centers nationwide and one of 24 certified Children's Advocacy Centers in Michigan serving child abuse victims from 2-17 years of age; and

WHEREAS, the mission of the Child Advocacy Center is to protect children from violence, neglect, trauma, and pain so they can grow into healthy, strong, well-adjusted adults; and

WHEREAS, when allegations of child abuse are made the Child Advocacy Center provides a safe haven in which young victims can tell their story without fear; staff are specially trained and all efforts are made to avoid re-victimizing a child during the conduct of an abuse investigation; and

WHEREAS, the Child Advocacy Center promotes a multifaceted approach for dealing with child abuse including educating teens, adults and parents in the prevention of abuse, teaching young kids about bullying and personal safety, and providing support for families affected by abuse or neglect; and

WHEREAS, the Child Advocacy Center provides a set of essential services to the residents of Shiawassee County, conducting 365 forensic interviews in 2013 and 94 so far this year, making it easier for law enforcement to prosecute offenders ; and

WHEREAS, the Child Advocacy Center is the only resource in Shiawassee County that provides trauma counseling at no charge to families, making it possible for family members to find the hope they need to rebuild their lives after an abuse or neglect allegation; and

WHEREAS, the extraordinary efforts of the Child Advocacy Center deserve to be recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick do hereby acknowledge the Child Advocacy Center of Shiawassee County for their critical assistance to this community and the county as a whole. We celebrate their unending efforts to serve and protect the most vulnerable among us and encourage all residents to support their efforts.

Proclaimed this 19th day of May, 2014.

PUBLIC HEARINGS

COUNCIL ELECTION DATE CHANGE

A public hearing was conducted to receive citizen comment regarding the proposal to change the date of City Council elections from odd year November elections to even year November elections.

The following person commented regarding the proposed election date change:

Tom Manke, business owner at 118 South Washington Street, inquired why the Council elections were originally scheduled for November odd years in the first place. City Clerk Kirkland indicated over time Council elections had been held at various times throughout the year and numerous changes to the schedule had been made but she was unsure of the impetus for the changes.

Councilperson Fox inquired whether the proposed change would amount to a Charter amendment. It was noted it would not.

Motion by Councilperson Fox to approve the following resolution authorizing the shift of City Council elections from November in odd years to November in even years as follows:

RESOLUTION NO. 57-2014

ESTABLISHING REGULAR ELECTIONS IN NOVEMBER OF EACH EVEN YEAR COMMENCING WITH THE CITY ELECTION OF NOVEMBER 2016

WHEREAS, the City of Owosso currently holds elections for City Council members in November of odd years; and

WHEREAS, participation in odd year November elections has waned significantly in recent times; and

WHEREAS, the cost of holding elections continues to grow in spite of decreasing voter turnout; and

WHEREAS, Michigan Election Code MCL § 168.642(a)(4), as amended by PA 523 of 2012, authorizes the governing body of a city that holds elections for city officers at odd-year November elections to change its regular election schedule to even-year November elections by the adoption of a resolution in compliance with the requirements of section 642 of the Michigan Election Code (MCL § 168.642); and

WHEREAS, the aforesaid law provides that the terms of the City's current elected and appointed Council members not be shortened and that the terms for elected city offices continue until successors are elected and qualified starting with the November 2016 election; and

WHEREAS, the public hearing required by the aforesaid law has been conducted pursuant to the published notice and all interested parties have been heard; and

NOW THEREFORE BE IT RESOLVED BY THE OWOSSO CITY COUNCIL THAT:

1. The date of the regular city election is changed from the first Tuesday after the first Monday in November of each odd-numbered year to the first Tuesday after the first Monday in November of each even numbered year commencing with the regular city election in November 2016, resulting in the last city regular odd-year November election being held on November 5, 2013.
2. The term of the three (3) council members duly elected to four-year terms at the odd-year November election in 2013, which would otherwise expire in November 2017, shall continue until their successors are elected and qualified in November 2018.
3. The terms of the three (3) council members duly elected to four-year terms at the odd-year November election in 2011, which would otherwise expire in November 2015, shall continue until their successors are elected and qualified in November 2016.
4. The term of the council member duly elected to a two-year term at the odd-year November election in 2013, which would otherwise expire in November 2015, shall continue until their successor is elected and qualified in November 2016.
5. The terms of the Mayor and Mayor Pro-Tem, which would otherwise expire in November 2015, shall continue until their successors are selected by their peers in November 2016.
6. The city clerk is hereby instructed to file this resolution with the County Clerk of Shiawassee County and the elections division of the Secretary of State of the State of Michigan.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 621 Wright Avenue, said he felt the price being proposed for the lease of 10 acres of tillable land was far too inexpensive. He said that many hunters in the area would pay far more to have the right to hunt the land in question.

Eddie Urban, 601 Glenwood Avenue, sought clarification on a handful of agenda items.

Mayor Frederick noted the Helping Hands organization would be working on the home at 805 South Cedar Street May 28th-30th. He encouraged anyone interested in volunteering to join and any homeowner looking for assistance to contact him.

Councilperson Fox reported that the issue with the POW/MIA flag at Fayette Square had been resolved.

Councilperson Bailey congratulated the Lebowsky Center on their re-opening. She said the opening gala was wonderful and she was proud to have the theater a part of the community once again.

Mayor Frederick invited everyone to the Memorial Day Parade beginning at 6:00 p.m. at Fayette Square.

Councilperson Bandkau inquired whether it was legal to hunt within the City limits. It was noted it was not. He also inquired whether City officers enforce State laws even when there is no local ordinance on the books. It was noted they do.

CITY MANAGER REPORT

City Manager Crawford distributed drawings of the proposed parking lot improvements that are part of the DIG grant, detailing each one and asking for Council feedback. There was discussion regarding the number of parking spaces, moving the Chamber of Commerce roof, the small amphitheater that was originally proposed, screening around the parking lots, lighting, green space, and the cross-walks on Curwood Castle Drive. City Manager Crawford noted the proposals will go to the Planning Commission next week for review.

CONSENT AGENDA

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

First Reading & Set Public Hearing – Historical Commission Ordinance. Conduct First Reading and set a public hearing for Monday, June 2, 2014 at 7:30 p.m. to hear citizen comment regarding the proposed amendment to Chapter 2, Administration, Article IV, Boards and Commissions, Division 2, Historical Commission as follows:

RESOLUTION NO. 58-2014

**AMENDMENT TO DIVISION 2, CHAPTER 2, ADMINISTRATION
OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN,
HISTORICAL COMMISSION**

WHEREAS, the city of Owosso has previously adopted ordinances creating and governing a historical commission; and

WHEREAS, the city has changed since the adoption of the ordinances creating and governing the historical commission which necessitates the modification of Division 2.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 2, Administration, Article IV, Boards and Commissions, Division 2, Historical Commission, of the *Code of Ordinances of the City of Owosso, Michigan* be amended as follows:

SECTION 1. REPEAL AND ADDITIONS. That Chapter 2, Administration, Division 2, Historical Commission, of the *City of Owosso Code of Ordinances*, be amended by repealing and adding sections as follows (note: the amended document will appear as bolded):

DIVISION 2. HISTORICAL COMMISSION

Sec. 2-226. Established.

Sec. 2-227. Purpose.

Sec. 2-228. Members; appointment, terms, etc.

Sec. 2-229. Reserved.

Sec. 2-230. General duties.

Sec. 2-231. Curwood Castle.

Sec. 2-232. Donations.

Sec. 2-233. Program sponsorship.

Sec. 2-234. Committees.

Secs. 2-235--2-239. Reserved.

Sec. 2-226. Established.

The Owosso Historical Commission for the city is hereby established.

The following Sec. 2-227. Purpose shall be deleted in its entirety.

~~Sec. 2-227. Purpose.~~

~~The purpose of the historical commission shall be to recognize and preserve and bring public attention to the historical treasures of the city and to promote an historical interest in the arts. (Art shall include, but not restricted to, architecture, dance, drama, literature, music, painting and sculpture.)~~

The following shall be added as Sec. 2-227 Purpose.

Sec. 2-227. Purpose.

The purpose of the historical commission shall be to recognize, preserve and bring public attention to the city's historical treasures.

The following Sec. 2-228. Members; appointment, terms, etc. shall be deleted in its entirety.

~~Sec. 2-228. Members; appointment, terms, etc.~~

~~The members of the historical commission shall be appointed by the council. Membership shall consist of one (1) member from the council and eight (8) members at large appointed for three-year terms. Qualifications for the eight (8) members at large shall be the same as for the council. The terms of three (3) members at large shall expire as of December 31, 2013, and December 31, 2014, respectively, and the terms for the remaining two (2) at large members shall expire as of December 31, 2015. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.~~

The following shall be added as Sec. 2-228 Members; appointment, terms, etc.

The members of the historical commission shall be appointed by the city council. Membership shall consist of one (1) member from the council and eight (8) members at large appointed for three-year terms. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.

The following Sec. 2-229. Ex-officio members shall be deleted in its entirety.

~~Sec. 2-229. Ex-officio members.~~

~~Upon recommendation of the historical commission, the council may appoint ex officio members to the commission who do not have the qualifications for membership as required above. The exofficio members so appointed shall not have a vote on the historical commission, but shall sit in on an advisory capacity.~~

The following Sec. 2-230. General duties shall be deleted in its entirety

~~Sec. 2-230. General duties.~~

~~The historical commission shall be responsible for the permanent perpetuation of the history of the city through such means as may be developed by the commission and approved by the council and to include, but not be limited to:~~

- ~~(1) — Receipt, cataloging and preservation and security of articles of historic interest as determined by the commission.~~
- ~~(2) — Displaying for the public of artifacts through cooperation with other organizations and the council.~~
- ~~(3) — Encourage the preservation and perpetuation of historic architecture in the city, and particularly in such historic districts in the city as may be established from time to time in accordance with the principles set forth by the National Trust for Historic Preservation.~~

The following shall be added as Sec. 2-230 General duties.

Sec. 2-230. General duties.

The historical commission shall be responsible for the permanent perpetuation of the city's history through means developed by the commission, to include, but not be limited to:

- (1) Receipt, cataloging, preservation and security of articles of historic interest as determined by the commission.**
- (2) Displaying of artifacts for the public through cooperation with other organizations and the city council.**
- (3) Encouragement of the preservation and perpetuation of historic architecture in the city.**

The following Sec. 2-231. Curwood Castle shall be deleted in its entirety.

~~Sec. 2-231. Curwood Castle.~~

~~The historical commission shall be responsible for the permanent perpetuation and use of Curwood Castle and its adjoining park by such maintenance and operational programs and rules and regulations as may be proposed by the commission and approved by the council.~~

The following shall be added as Sec. 2-231 Curwood Castle.

Sec. 2-231. Curwood Castle.

The historical commission shall be responsible for the permanent perpetuation and use of Curwood Castle and nearby historic buildings by such maintenance and operational programs and rules and regulations as may be proposed by the commission.

The following Sec. 2-232. Donations shall be deleted in its entirety.

~~Sec. 2-232. Donations.~~

~~The historical commission shall be empowered to receive gifts and donations in the name of the city for the purposes of the commission, and shall have the sole right of determination of the use of such gifts and donations. An annual audit of gifts, donations, and disposition at a regular meeting thereof.~~

The following shall be added as Sec. 2-232 Donations.

Sec. 2-232. Donations.

The historical commission shall be empowered to receive gifts and donations of money and personal property in the name of the city for the purposes of the commission and shall have the sole right to determine the use of such gifts and donations. Disposal of personal property shall be in accordance with Sec 2-347.

The following Sec. 2-233. Program sponsorship shall be deleted in its entirety.

~~Sec. 2-233. Program sponsorship.~~

~~The historical commission shall sponsor programs for public appreciation of the arts.~~

The following shall be added as Sec. 2-233 Program sponsorship.

Sec. 2-233. Program sponsorship.

The historical commission shall sponsor programs for public appreciation of the city's historical treasurers.

The following Sec. 2-234. Committees shall be deleted in its entirety.

~~Sec. 2-234. Committees.~~

~~The historical commission shall be empowered to appoint such committees as may be found necessary to accomplish the purposes of this division. Qualifications of committee members shall be as by policy adopted by the commission and approved by the council.~~

The following shall be added as Sec. 2-234 Committees.

The historical commission shall be empowered to appoint committees as necessary. Qualifications of committee members shall be as by policy adopted by the commission.

Sections 235--239. Reserved

SECTION 4. SEVERABILITY. The various sections and provisions of this ordinance shall be deemed to be severable, and should any section or provision of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this ordinance as a whole or any section or provision of this ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 5. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 6. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 7. 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 8. PUBLIC HEARING. A public hearing is set for Monday, June 2, 2014 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

Boards and Commissions Appointments. Approve the following Mayoral appointments:

Name	Board/Commission	Term Expires
Michael O'Leary	Planning Commission To fill the unexpired term of R. Schlaack	06-30-2016
Nicole Hathaway*	Parks & Recreation Commission	06-30-2016

* Indicates reappointment.

Rescind Resolution No. 53-2014 – 2014 Tall Grass Mowing Program – Private Lots. Rescind Resolution No. 53-2014 to reflect the fact the vendor rejected the award.

Bid Award Revisited – 2014 Tall Grass Mowing Program – Private Lots. Authorize bid award to Robert L. Didur d/b/a Michigan Outdoor Services for mowing of private properties in violation of the weed ordinance for the 2014 mowing season in the following amounts: \$21.50 for a single lot, \$31.50 for a double lot, and \$44.50 for lots larger than a double lot, and further authorize payment in an amount not to exceed \$6,000 as follows:

RESOLUTION NO. 59-2014

**RESCINDING RESOLUTION NO. 53-2014 AND
AUTHORIZING THE EXECUTION OF A CONTRACT WITH
ROBERT L. DIDUR D/B/A MICHIGAN OUTDOOR SERVICES
FOR THE MOWING OF PRIVATE PROPERTIES
IN VIOLATION OF THE CITY WEED ORDINANCE**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, contracts out for service to mow certain City-owned properties and privately-owned lots held in violation of the City's noxious weed ordinance; and

WHEREAS, a determination was made that it would be in the City's best interest to separate the contracts for the mowing of privately-owned lots and the mowing of City-owned lots; and

WHEREAS, in April of 2014 the Council had approved a contract with Millennium Lawn and Snow Service for the mowing of privately-owned lots held in violation of the City's noxious weed ordinance; and

WHEREAS, subsequent to Council approval the vendor in question rejected the contract award, necessitating award of the bid to another firm; and

WHEREAS, a bid was received from Robert L. Didur d/b/a Michigan Outdoor Services, and it is hereby determined that Robert L. Didur d/b/a Michigan Outdoor Services is qualified to provide such services and that it has submitted the lowest responsible and responsive bid and has agreed to perform the services requested;

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

- FIRST: Resolution No. 53-2014 authorizing a contract with Millennium Lawn and Snow Service is hereby rescinded.
- SECOND: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Robert L. Didur d/b/a Michigan Outdoor Services for the service of mowing private properties in violation of the weed ordinance.
- THIRD: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the City of Owosso, Michigan and Robert L. Didur d/b/a Michigan Outdoor Services, for mowing and trimming services at the following rates:
 - Private properties:
 - normal city size lot or smaller = \$21.50 each
 - normal to double city size lot = \$31.50 each
 - larger than double size = \$44.50 each
- FOURTH: The Accounts Payable Department is hereby authorized to issue payment to said vendor upon satisfactory completion of the work, or portion thereof, in an amount not to exceed \$6,000.00.
- FIFTH: The above expenses shall be paid from the General Fund.

Bid Award – South Park Street Improvement Project - Phase 2. Authorize bid award to Michigan Paving and Materials Company for the 2014 South Park Street Improvement Project - Phase 2 in the amount of \$44,724.00 and approve payment up to the bid amount upon satisfactory completion of the work or portions thereof as follows:

RESOLUTION NO. 60-2014

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE
2014 SOUTH PARK STREET IMPROVEMENT PROJECT – PHASE 2**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Service Department recommends the resurfacing of 100 Block S. Park Street, from Comstock Street to Main Street; and

WHEREAS, the City of Owosso has determined it necessary and in the best interest of the city to proceed with said street improvements; and

WHEREAS, the City of Owosso has sought and received competitive bids from interested vendors through its public process; and

WHEREAS, this is a budgeted item from the 2010 Unlimited Tax Obligation Bond proceeds program;

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 accept the bid from Michigan Paving and Materials Company and award a contract to them in the amount of \$44,724.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for 2014 South Park Street Improvement Program – Phase 2, between the City of Owosso, Michigan and Michigan Paving and Materials Company.
- THIRD: The Accounts Payable Department is authorized to issue payment to Michigan Paving and Materials Company up to the amount of the contract upon satisfactory completion of said project or portion thereof.
- FOURTH: The above expenses shall be paid from the 2010 Unlimited Tax Obligation Bond proceeds.

Consumers Energy Agreement - WWTP. Approve a five year Agreement with Consumers Energy to continue the secondary Alternative Electric Distribution Service for the Wastewater Treatment Plant with an upfront cost of \$15,223.00 as follows:

**RESOLUTION NO. 61-2014
AUTHORIZING THE EXECUTION OF A CONTRACT WITH
CONSUMERS ENERGY FOR THE PROVISION OF
ALTERNATE ELECTRIC DISTRIBUTION SERVICE AT THE WASTEWATER TREATMENT
PLANT**

WHEREAS, Consumers Energy requires such an agreement to maintain the dual electric services at the Owosso Mid-County Wastewater Treatment Plant; and

WHEREAS, the plant is required under state regulation to maintain an "alternate" electric source for reliability of operation.

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 and in the public interest to enter into the agreement with Consumers Energy for the "Alternate" electric service for an upcoming 5 year term at an upfront payment of \$15,233,
- SECOND: The Mayor and Clerk are authorized to execute the contract for the City and payment of \$15,223 to Consumers is authorized from the Wastewater Fund.

Warrant No. 482. Authorize Warrant No. 482 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc	Network engineering support -April 2014	General	\$ 6,664.00
ATI Group	Lighting upgrades payment per Consumers Energy Small Business Solutions Program	General	\$ 5,433.08
Brown & Stewart PC	Professional services – April 15, 2014 – May 12, 2014	General	\$ 8,775.00
Michigan Municipal League Workers' Compensation Fund	Workers' compensation insurance first installment for FY 14/15	Various	\$25,749.00

Check Register–April 2014. (This item was moved to Items of Business.)

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

PROPERTY SALE – 1155 VANDEKARR ROAD

City Manager Crawford noted the 21-day posting had been completed and no further proposals for the property had been received, nor had any objections.

Motion by Mayor Pro-Tem Eveleth to approve the resolution authorizing the sale of city owned property located at 1155 Vandekarr Road to Kenneth and Jodie Croskey in the amount of \$58,000.00 as follows:

RESOLUTION NO. 62-2014

**AUTHORIZING THE SALE OF CITY-OWNED PROPERTY
AT 1155 VANDEKARR ROAD**

WHEREAS, the city owns a 1.3 acre parcel commonly known as 1155 Vandekarr Road and described as follows:

PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, T7N-R3E, CALEDONIA TOWNSHIP, SHIAWASSEE COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT THAT IS S00°28'45"W ON THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 583.78 FEET AND S36°26'15"E ON THE CENTERLINE OF VANDEKARR ROAD A DISTANCE OF 421.61 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 30; THENCE S89°33'20"E 361.98 FEET; THENCE S01°58'12"E 200.00 FEET; THENCE N89°33'20"W 220.47 FEET TO THE CENTERLINE OF VANDEKARR ROAD; THENCE N36°26'15"W ON SAID CENTERLINE A DISTANCE OF 249.82 FEET TO THE POINT OF BEGINNING, CONTAINING 1.336 ACRES, MORE OR LESS. SUBJECT TO THE USE OF THE WESTERLY 33.00 FEET THEREOF PARALLEL WITH THE CENTERLINE OF VANDEKARR ROAD, AS VANDEKARR ROAD. ALSO SUBJECT TO ALL OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

and

WHEREAS, the home located on the parcel is of no use to the City and the City desires its sale; and

WHEREAS, the value of the land in question has been determined according to the city's Property Sale Policy; and

WHEREAS, Kenneth and Jodie Croskey approached the City offering to purchase the homestead, as evidenced by the attached partially executed purchase agreement; and

WHEREAS, on April 21, 2014 the City Council approved a 21-day posting period to the receive citizen comment and competitive offers for the property; and

WHEREAS, no offers were received within the given time.

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

1. The property be sold to Kenneth and Jodie Croskey for the price of \$58,000.00 in accordance with the terms included in the purchase agreement.
2. The Mayor and City Clerk are instructed and authorized to execute appropriate documents to execute the sale.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

PROPERTY LEASE – TILLABLE ACREAGE NEAR HOPKINS LAKE

There was a brief discussion regarding the process the City uses to vet leases, the parcel's viability as farmland, and the potential for greater return using the property as a hunting reserve.

Motion by Councilperson Fox to approve the resolution authorizing the lease of approximately 10 acres of city owned tillable land near Hopkins Lake to Shawnee Creek Farms for \$500.00 per year for a period of five years as follows:

RESOLUTION NO. 63-2014

**AUTHORIZING A CROP FARMING CASH RENT AGREEMENT
WITH MATT DUTCHER AND KEVIN DUTCHER D/B/A SHAWNEE CREEK FARMS**

WHEREAS, the city of Owosso, Michigan ("City") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Owosso City Charter adopted April 6, 1964, as amended ("Charter"); and

WHEREAS, Charter Section 14.1 (a) provides that the power to make and to authorize the making of contracts on behalf of the city is vested in the city council and shall be exercised according to the provisions of law;

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 as owner of property that is suitable for farming that a cash rent agreement for such land be leased to Matt Dutcher and Kevin Dutcher d/b/a Shawnee Creek Farms which farms adjacent land.
- SECOND: the city council approves a farming agreement with Matt Dutcher and Kevin Dutcher d/b/a Shawnee Creek Farms, attached as Exhibit A, which provides for \$500.00 rent annually in 2014, 2015, 2016, 2017, and 2018 subject to termination at the end of any crop year.
- THIRD: that the mayor and the city clerk are hereby instructed and authorized to sign the document attached as Exhibit A, on behalf of the city of Owosso.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Fox, Greenway, Bandkau, Teich, Bailey, and Mayor Frederick.

NAYS: Mayor Pro-Tem Eveleth.

Mayor Frederick noted that Mr. Cline's point was well taken. He encouraged the exploration of his proposal as an alternative to renewing the lease at the conclusion of the 5-year term.

DOWNTOWN DEVELOPMENT AUTHORITY GENERAL APPROPRIATIONS RESOLUTION

Mayor Frederick noted the proposed budget had been adopted by the DDA unanimously. He further noted it was a zero based budget that did not include unconfirmed, anticipated revenues.

Councilperson Bandkau inquired whether the DDA levy is included in the City's 15 mill ceiling calculation. It was noted it was not as the DDA has the authority to levy its own millage independent of the City.

Motion by Mayor Pro-Tem Eveleth to adopt the General Appropriations Resolution to authorize the levy of the Downtown Development Authority millage for the 2014-2015 fiscal year as follows:

RESOLUTION NO. 64-2014

**GENERAL APPROPRIATIONS RESOLUTION FOR
DOWNTOWN DEVELOPMENT AUTHORITY-
2014-15**

WHEREAS, the Authority board met to consider a proposed budget for fiscal year 2014-15, and after deliberations and public input approved a budget; and

WHEREAS, the Owosso City Council held a public hearing on the proposed budget on May 5, 2014; and,

WHEREAS, it is the intent of the Downtown Development Authority to levy a tax for general operating purposes pursuant to Public Act 197 of 1975 based on the budget summary attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically MCL 211.34(d) provide for an annual compound millage reduction calculation applied to the maximum millage rate of two mills authorized by MCL 125.1662; and

WHEREAS, the millage reduction commonly known as the "Headlee" rollback results in a maximum operating millage rate of 1.9484 for which the Authority is authorized to levy,

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2014 shall be the rate of 1.9484 per \$1,000 of taxable value of the 2014 assessment roll for the district as approved by the Board of Review,

The levy will generate a revenue yield for operating purposes as follows:

GENERAL OPERATING	1.9484 MILLS	\$28,073
-------------------	--------------	----------

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

CITY BUDGET ADOPTION

Motion by Mayor Pro-Tem Eveleth to approve the budget resolution as proposed.

Councilperson Fox requested the addition of a line item allowing the purchase of video recording equipment for the Council Chamber, he also asked that Council consider moving up the purchase of a dump truck with salt spreader and a snow pusher from the 2015-16 fiscal year to the 2014-15 fiscal year. There was discussion regarding where the money for the extra purchases would come from. It was noted the equipment fund would support the purchase of the dump truck and snow pusher, but it was unknown where the funding would come from for the video equipment.

Motion by Councilperson Fox to amend the original motion, to amend the 2014-15 Budget to set aside \$20,000 from the cable franchise fee revenues for the purpose of purchasing and installing video recording equipment in the Council Chamber, with the funds to be restored to the reserve fund as a part of the supplemental budget resolution to be considered in August or September.

Motion supported by Councilperson Bailey.

Voice vote, ayes – 6, nays – 1.

Motion by Councilperson Fox to amend the original motion, to amend the 2014-15 Budget to include the purchase of one dump truck and spreader and one snow pusher (originally scheduled for the 2015-16 fiscal year).

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

Motion by Mayor Pro-Tem Eveleth to adopt General Appropriations Resolution approving the 2014-2015 City Budget, with the amendments noted:

RESOLUTION NO. 65-2014

GENERAL APPROPRIATIONS RESOLUTION - 2014-15

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter, the City Council has received the proposed budget for the fiscal year beginning July 1, 2014 and held a public hearing on May 5, 2014; and

WHEREAS, it is the intent of the City Council to levy ad valorem and specific property taxes for general operating purposes of the City; for payment of principal and interest on voted indebtedness; and for special voted millage to support public transportation, based on the budget summary for fiscal year 2014-15 attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically, MCL 211.34(d) provide for a compound millage reduction calculation applied to the City Charter maximum authorized operating millage rate of fifteen mills per thousand of taxable value; and

WHEREAS, this millage reduction commonly known as the Headlee rollback results in a maximum operating millage rate of 13.0370 for which the City is authorized to levy; and

WHEREAS, the Garbage Disposal Plants Act, MCL 123.261, allow for the City to levy up to three mills on all taxable property to provide for the collection and disposal of certain solid wastes; and

WHEREAS, it has been determined that a levy of one mill per \$1,000 of taxable value is required to operate a solid waste recycling program; and

WHEREAS, the voters approved, by a majority, in an election held on August 7, 2012, a millage, not to exceed .3333 mills per \$1,000 of taxable value to support public transportation; and

WHEREAS, the board of the Shiawassee Area Transportation Authority have requested funding from the City equating to a millage of .3333 mills per thousand of taxable value for which the City is authorized to levy; and

WHEREAS, it has been determined that a millage rate of .2728 mills per thousand of taxable value is required for the annual debt service on unlimited tax general obligations bonds.

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2014 shall be the rate of 14.6431 per \$1,000 of taxable value of the 2014 assessment roll as approved by the Board of Review; and

The total levy shall be composed of the constituent rates for purposes and with revenue yields described as follows:

GENERAL OPERATING	13.0370	\$3,122,191
GARBAGE DISPOSAL	1.0000	\$239,486
DEBT SERVICE	.2728	\$65,332
SATA	<u>.3333</u>	<u>\$79,821</u>
	14.6431	\$3,506,830

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

AUDIO SYSTEM UPGRADE PROPOSAL (This item was added to the agenda.)

Councilperson Fox indicated he had contacted Marshall Music to provide the City with a quote for the replacement of a number of audio components for a total of \$6031.37. The proposed set up would provide proper audio for those coming to meetings and would aid in the transmitting of video of meetings as well.

Motion by Mayor Pro-Tem Eveleth to waive the competitive bidding requirement and approve the following resolution authorizing the purchase and installation of new audio equipment in the Council Chamber.

RESOLUTION NO. 66-2014

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
REMOVAL, SUPPLY, AND INSTALLATION OF AUDIO EQUIPMENT
IN THE CITY HALL COUNCIL CHAMBER
WITH MARSHALL MUSIC CO.**

WHEREAS, the audio system in the City Hall Council Chamber is in need of updating; and

WHEREAS, the City wishes to use as much of the current equipment as possible to keep the cost down; and

WHEREAS, the City of Owosso received a quote from Marshall Music Co. for the supply of select pieces of new equipment, the installation of said equipment, and the integration of current equipment and the new 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 Marshall Music Co. for the purchase and installation of audio equipment in City Hall Council Chamber in the amount of \$6,031.37.
- 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 Marshall Music Co.
- THIRD: The Accounts Payable Department is hereby authorized to issue payment to Marshall Music Co. in the amount of \$6,031.37 upon delivery of the equipment and satisfactory completion of the installation.
- FOURTH: The above expenses shall be paid from the cable equipment fund 101-285-728.000.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ARMORY BROWNFIELD PLAN APPROVAL (This item was added to the agenda.)

City Manager Crawford indicated that the Brownfield Authority had held a hearing several months ago on the plan, but Council consideration was put on hold in anticipation of a significant amendment. While the anticipated new plan will remove the DDA and include capture of the school tax, both representing significant changes, the Chamber had contacted the City indicating that lenders want to see the plan approved as a show of good faith before they proceed in making a financing offer to the Chamber.

Motion by Mayor Pro-Tem Eveleth to approve the Armory Brownfield Plan – District #15 as presented.

RESOLUTION NO. 67-2014

**APPROVING A BROWNFIELD PLAN
"DISTRICT #15, ARMORY BUILDING"
201 & 215 N. WATER STREET
FOR 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 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 #15, Armory Building" (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 with said District #15 described as:

*City of Owosso, Shiawassee County, Michigan, COM AT A PT 88' W & 2*6" S OF A PT WHERE S LN EXCH ST EXTD WLY TO SHIA RIVER INT W LN WATER ST TH WLY PAR W/SD S LN OF EXCH ST SO EXTD 38' TH N 2' TH WLY PAR W/SD S LN EXCH ST SO EXTD TO SHIA RIVER TH NLY ALG SD RIVER TO A PT 6" N OF A PT WHERE N LN EXCH ST EXTD WLY WOULD INTER SD RIVER TH E ON A LN PAR TO N LN EXCH ST SO EXTD TO A PT 126' W OF W LN WATER ST TH N 2' TH E ON A LN PAR W/N LN EXCH ST SO EXTD 38' TH S ON A LN PAR TO W LN WATER ST TO POB,*

And,

COM AT A PT W LINE WATER ST 10' N S LN EXCHANGE ST EXTD WLY TH WLY 88" N 79' E'LY 88' S 79' TO POB -RESERVE #2

And,

WHEREAS, the Owosso Brownfield Authority held a public hearing for District #15 on November 7, 2013 at its regular meeting to 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 Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13 (10) and 14 (1) of the Act; 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 their views and recommendations of the Taxing Jurisdictions, 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 #15 "Armory Building." 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 May 19, 2014 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: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Brownfield Plan between the City of Owosso, Michigan and Chamber Support Group.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: Councilperson Bandkau.

***CHECK REGISTER – APRIL 2014** (This item was moved from the Consent Agenda.)

Councilperson Fox sought clarification about a specific item on page 2 referring to USA Bank – semi-annual interest on HVAC equipment. Finance Director Richard C. Williams noted the description was inaccurate and should say “interest on bonds for sewer improvements.”

Motion by Councilperson Fox to affirm check disbursements totaling \$419,142.61 for the month of April 2014.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

*Due to its length full text of the Check Register is not included in the minutes. This document is available in its entirety in the Clerk’s Office.

EXECUTIVE SESSION

Motion by Mayor Pro-Tem Eveleth to hold executive session after the last session of Citizen Comments and Questions for the purpose of discussing a written opinion of legal counsel.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Ron Schlaack, Planning Commission Member. Letter of resignation.

Michigan Liquor Control Commission. Notice of transfer of ownership for license owned by Tanglewood Development Co.

Richard C. Williams, Finance Director. March 2014 Revenue & Expenditure Report.

Richard C. Williams, Finance Director. FY 2013-14 3rd Quarter Cash & Investment Report.

Charles P. Rau, Building Official. April 2014 Building Department Report.

Charles P. Rau, Building Official. April 2014 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. April 2014 Police Report.

Kevin D. Lenkart, Public Safety Director. April 2014 Fire Report.

Downtown Development Authority/Main Street. Minutes of April 2, 2014.

Historical Commission. Minutes of April 14, 2014.

CITIZEN COMMENTS AND QUESTIONS

Jim Williams, owner of 126 North Shiawassee Street, inquired about the proposed closing of a portion of Bradley Street as well as the status of the nearby alley. It was noted Bradley Street would be accessible from Shiawassee Street but not Curwood Castle Drive and the alley would remain as it is.

Tom Manke, business owner at 118 South Washington Street, asked if the City was proposing the closure of Curwood Castle Drive. It was indicated it was not.

Jeff Bowen, 517 Fletcher Street, inquired whether the Public Safety Department still conducts foot patrols in the downtown, whether the fence along the property line of his father's apartment complex would be maintained with the new development, and whether bid were sought for the audio equipment. It was noted the foot patrols continue, discussions on the fence will be held, and the City had previously sought quotes on the audio equipment but found the project cost prohibitive.

Jim Williams said he felt that if truck traffic was allowed on Bradley Street it would destroy the street and he asked why he was not notified by mail of the City proposal to modify the parking lot adjacent to his property. It was noted adjacent property owners are usually notified but were not in this case due to the extremely tight timelines required by the DIG grant.

Mike Cline, 621 Wright Avenue, thanked Mayor Pro-Tem Eveleth for voting no on the lease of tillable acreage. He noted that Corunna allows bow hunting within the city limits and said that if the City ever wanted to try out a bow hunt to see if it would work he would be happy to chair such an event.

Eddie Urban, 601 Glenwood Avenue, said he was looking forward to the new audio equipment for the Council Chamber. He also said he would be happy to help if the City decides to hold a bow hunting event.

Jim Morel, 996 Marguerite Drive, noted that if the Council was looking for other means of funding that maybe they should look to the enterprise funds.

Councilperson Greenway noted that the zoning of a portion of the property near the proposed Curwood Castle parking lot was B-4, not R-2.

Councilperson Fox said he would like more information on the City's long term debt prepared for the June 30th meeting.

Councilperson Bandkau indicated that he had been concerned about the low price for the tillable acreage leased when the item was originally brought to Council. He also noted that while he thought the purchase of video equipment would be a good idea he was not a fan of changing the budget at the last minute, especially if it meant cutting one item to pay for another. He said that if he does not have enough opportunity to read about a proposal before a vote is held he will vote no. And lastly, he noted that he would like to see the idea of hunting within the City limits explored further.

Motion by Mayor Pro-Tem Eveleth at 9:09 p.m. to adjourn to executive session after a brief recess.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

THE COUNCIL ENTERED EXECUTIVE SESSION AT 9:18 P.M.

THE COUNCIL RETURNED FROM EXECUTIVE SESSION AT 9:52 P.M.

MINUTES APPROVAL

Motion by Mayor Pro-Tem Eveleth to approve the Executive Session Minutes from the Meeting of December 16, 2013 as presented.

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

NEXT MEETING

Monday, June 02, 2014

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:53 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk