

**CITY OF OWOSSO**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**TUESDAY, SEPTEMBER 02, 2014**  
**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 SPECIAL MEETING OF AUGUST 12, 2014:**

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 18, 2014:**

**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.

**STUDENT REPRESENTATIVE REPORT**

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

1. Swearing In Ceremony - Fire Department Employees. A ceremony to swear in the City's newest firefighters: Kevin Floyd and Kacie Robbins.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

**CITY MANAGER REPORT**



Project Status Report

**CONSENT AGENDA**

1. Special Assessment District No. 2014-04. Consider authorizing Resolution No. 4 setting a public hearing for Monday, September 15, 2014 to receive citizen comment regarding Special Assessment District No. 2014-04 for the alley bounded by King Street, Clark Avenue, Oliver Street, and First Street for alley resurfacing.

2. Special Assessment District No. 2014-05. Consider authorizing Resolution No. 4 setting a public hearing for Monday, September 15, 2014 to receive citizen comment regarding Special Assessment District No. 2014-05 for the alley bounded by Williams, Ball, Mason, and Water Streets for alley resurfacing.
3. Special Assessment District No. 2014-06. Consider authorizing Resolution No. 4 setting a public hearing for Monday, September 15, 2014 to receive citizen comment regarding Special Assessment District No. 2014-06 for the alley bounded by Oliver, Ball, Williams, and Water Streets for alley resurfacing.
4. Special Assessment District No. 2014-07. Consider authorizing Resolution No. 4 setting a public hearing for Monday, September 15, 2014 to receive citizen comment regarding Special Assessment District No. 2014-07 for the alley bounded by Oliver, Ball, Williams, and Washington Streets for alley resurfacing.
5. Boards and Commissions Appointment. Confirm the Mayoral appointment of Heather Deason to the Historical Commission to fill the unexpired term of Joni Forster ending December 31, 2014.
6. Recreation Service Agreement – Tennis. Approve the proposed recreation service agreement with the Shiawassee Family YMCA for the use of the Bentley Park tennis courts for youth tennis for a period expiring December 31, 2019.
7. Emergency Purchase Authorization – Manhole Repair. Authorize emergency repair to the manhole at the intersection of Bradley and Shiawassee Streets and further authorize payment in the amount of \$28,176.35 to E.T. Mackenzie Company for said repairs upon satisfactory completion of the work.
8. Bid Award & Grant Acceptance – Avery Drain Maintenance. Accept grant from the Shiawassee Conservation District for maintenance of the Avery Drain, authorize a contract with Pennington Farm Drainage, LLC for said work in the amount of \$17,475.00, and further authorize payment upon satisfactory completion of the project (to be reimbursed with grant funds).
9. Warrant No. 487. Approve Warrant No. 487 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' compensation insurance 2nd installment for FY 14/15	Various	\$25,749.00

## **ITEMS OF BUSINESS**

1. Truck Traffic Petition. Consider citizen petition requesting a prohibition on truck traffic on the 400 block of South Michigan Avenue.
2. DIG Project Bid Awards. Consider awarding bids for DIG Projects parts 1-3.



## **COMMUNICATIONS**

1. Planning Commission. Minutes of August 11, 2014.

## **CITIZEN COMMENTS AND QUESTIONS**

## **NEXT MEETING**

Monday, September 15, 2014

## **BOARDS AND COMMISSIONS OPENINGS**

None.

## **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](http://www.ci.owosso.mi.us).

## OWOSSO CITY COUNCIL

AUGUST 12, 2014

7:00 P.M.

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

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

**PLEDGE OF ALLEGIANCE:** MAYOR BENJAMIN R. FREDERICK

**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.

### **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, business owner at 118 South Washington Street, thanked the City for cleaning up Jerome Avenue, saying he had received a significant amount of positive feedback about it on his Facebook page.

Ryan Henry, Kincaid Henry Building Group, Inc., distributed handouts of the conceptual drawings for development of the Matthews/Mueller Building and detailed the proposed brewery, restaurant, office space, and apartments that would be contained at that location. He also provided a status update on the Armory project indicating both projects dovetail with the City's DIG Project.

### **ITEMS OF BUSINESS**

#### **DIG PROJECT UPDATE**

City Manager Donald D. Crawford outlined the status of the DIG Project saying the City had gone out for bids for each of the three distinct parts of the project but received only a single bid for Part 2 at twice the anticipated cost, and no bids at all for the other two. Consultations with the State resulted in little flexibility on their part, with no allowance to reduce the project scope, increase the timeline for the project, or increase the grant amount to cover a portion of the overage as the grant was awarded on a competitive basis.

There was discussion regarding what the MEDC had to say about the lack of bids, the reasons why the bids may not have attracted much interest, rebidding all three parts of the project, and accepting the current bid and rebidding the remaining parts. There was also discussion regarding what would happen if the Armory project does not go through and the City has proceeded with the DIG project. Council was told the City would be responsible for paying the grant match entirely from the general fund and the City/DDA would receive no revenues from the TIF proposed for the Armory. The total match is estimated at \$337,000.

There was discussion whether the City should take on that kind of risk, the future of the Armory project should the DIG not be undertaken, and returning the grant funds and reapplying for DIG money next year. During the course of the discussion it became apparent there was confusion as to who receives the TIF money from the Armory project with both the DDA and the developers claiming the funds. Mayor Frederick clarified the issue saying the DDA had agreed to accept the risk of the Armory project with the understanding there would be a TIF set up to pay the DDA back for its investment, going so far as to say that without receipt of the TIF money the DDA would go bankrupt.

Motion by Mayor Pro-Tem Eveleth to reject the bid for Part 2 of the DIG Project and rebid all three parts.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

Councilperson Bailey inquired whether there would be a stipulation in the agreement with the Chamber of Commerce that would require they pay the TIF even if they petition for, and receive, tax relief from the Board of Review or the Tax Tribunal. City Manager Crawford indicated the City will have to create an "agreement in addition to taxes," though he cautioned that such an agreement would have no effect if the Armory project fails.

Councilperson Teich inquired when the "new" Chamber would potentially be operational. Chamber CEO Jeff Deason said the building would be operational approximately 10 months after commencement of construction.

Councilperson Fox wanted to know the cutoff date for deciding whether to go forward with the DIG Project. City Manager Crawford indicated that a decision would need to be made around September 3<sup>rd</sup> or 4<sup>th</sup> after the bids come in September 2<sup>nd</sup>.

#### **2014 STREET FUNDING PROPOSAL PLAN AND PROMOTION**

City Manager Crawford distributed a handout containing information and cost estimates for the streets proposed for reconstruction if the street millage passes in November. And he reminded Council the City has submitted grant applications for funding assistance for Oliver Street and South Cedar Street.

Councilperson Bandkau said he was excited to see the proposal. He encouraged the development of a 3-5 year plan to provide some flexibility should grant funding come through.

There was discussion regarding how information on the street millage should be communicated to the public. City Manager cautioned the Council that in order for such questions to be successful a large amount of communication is required to promote all the issues involved. He suggested that an outside group would need to take on this task as the City is prohibited from promoting on its own behalf. Mayor Frederick suggested the millage could be marketed as a replacement for the street bond that will be expiring, he also suggested setting concrete goals and voicing expectations to get the public on board.

Councilperson Bandkau inquired whether it would be possible to levy the street millage in December if it passes in November. City Manager Crawford indicated it was not.

Councilperson Fox echoed the desire for the development of a 5-year plan.

#### **NEXT MEETING**

Monday, August 18, 2014

#### **BOARDS AND COMMISSIONS OPENINGS**

None.

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:08 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk

**OWOSSO CITY COUNCIL**

**AUGUST 18, 2014**

**7:30 P.M.**

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

**OPENING PRAYER:** REVEREND PEG FAULMANN  
ST. JOHNS UNITED CHURCH OF CHRIST

**PLEDGE OF ALLEGIANCE:** COUNCILMAN ROBERT J. TEICH, JR.

**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:

Remove Consent 4. Bid Award – Digital Two-way Radios & Licensing  
Remove Consent 7. Third Party Administrator  
Move Consent 6. Bid Award – 2014 Street Patches Program to Item of Business 4.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 4, 2014**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of August 4, 2014 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE – TRI-MER CORPORATION**

A public hearing was conducted to receive citizen comment regarding the application from Tri-Mer Corporation for an Industrial Facilities Exemption Certificate for real and personal property proposed for the facility at 1400 Monroe Street.

The following people commented regarding the application for tax abatement:

Bret Ruess, Vice President of Tri-Mer Corporation, briefly detailed the company's plan for expansion noting they will be using local contractors for the construction and a local bank for the financing. He thanked Council for their support of their business to date and asked for their continued support as they embark on this expansion.

Justin Horvath, President/CEO of the SEDP, noted Tri-Mer continues to grow and is one of the real success stories of the area having started business in 1960. He said support of this application would indicate to the business world that Owosso has a pro-business attitude.

Mayor Frederick said it was nice to hear of a story like this, a long-standing local company that continues to grow and create new jobs.

Motion by Mayor Pro-Tem Eveleth to approve the following resolution authorizing a new Industrial Facilities Tax Exemption Certificate as it relates new real and personal property for Tri-Mer Corporation for a period of 12 years:

**RESOLUTION NO. 121-2014**

**APPROVING APPLICATION OF TRI-MER CORPORATION,  
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES  
FOR REAL PROPERTY AND PERSONAL PROPERTY  
AT 1400 MONROE/MCMILLAN STREET**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on March 19, 1979, this City Council, by resolution established an Industrial Development District; and

WHEREAS, Tri-Mer Corporation, has filed an application for Industrial Facilities Exemption Certificates with respect to real and personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on August 18, 2014, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of and/or acquisition of the real property had not begun earlier than six (6) months before July 25, 2014, the date application received for the Industrial Facilities Exemption Certificates; and

WHEREAS, construction of the real property is calculated to and will, at the time of issuance of the certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificates, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

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

FIRST: The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Tri-Mer Corporation, for the Industrial Facilities Exemption Certificate, with respect to Real Property and Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

Real Parcel

BLKS 8 & 9 GEO T ABREYS WOODLAWN PARK ADD ALSO VACATED  
ABREY AVE & ALLEYS ADJ & WITHIN SD BLKS; EXCEPT, PART OF BLKS 8  
& 9, GEO T ABREYS WOODLAWN PARK ADD DESC AS BEG AT A POINT



N00°42'06"E ALONG THE W LN OF BLK 8 AND E LN OF MCMILLAN 528.55' FROM SW COR OF SAID BLK 8 TO POB, TH CONT N00°42'06"E ALONG SAID W LN OF BLK 8 AND E LN OF MCMILLAN AV 206.85', TH S89°58'12"E 443.36', S01°05'45"W 206.87', N89°58'12"W 441.94' TO W LN BLK 8 AND POB.; and

District

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03°39', E 366.24', TH S 62°27', E 556.27' TH S 01°05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.

is hereby approved.

THIRD: The Industrial Facilities Exemption Certificates, when issued, shall be and remain in force for a period of 12 years.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

**ORDINANCE AMENDMENT – B & E OF MOTOR VEHICLE**

The proposed addition to the Code of Ordinances would prohibit the breaking and entering of a motor vehicle.

A public hearing was conducted to receive citizen comment on the proposed addition of Sec. 19-67, Breaking and Entering of a Motor Vehicle, to the Code of Ordinances of the City of Owosso.

The following people commented regarding the proposed amendment:

Tom Manke, business owner at 118 South Washington Street, inquired whether it would be illegal under the new ordinance for someone to open the door of a vehicle if they saw a child or an animal locked inside on a hot day.

Eddie Urban, 601 Glenwood Avenue, said he had asked the Sheriff if the City could adopt such an ordinance or if the County already had a similar law in place.

Public Safety Director Kevin Lenkart responded to both gentlemen saying the ordinance would not apply to someone trying to ensure the safety of a child or animal and that many municipalities have similar statutes on their books.

City Attorney William C. Brown noted a typographical error that needed to be corrected prior to adoption.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

**ORDINANCE NO. 755**

**AN ORDINANCE AMENDMENT TO ADD SECTION 19-67  
TO PROHIBIT THE BREAKING AND ENTERING OF A MOTOR VEHICLE**

## TO THE CODE OF ORDINANCES OF THE CITY OF OWOSSO

WHEREAS, the City of Owosso, Shiawassee County, Michigan, does not have an ordinance prohibiting the breaking and entering of a motor vehicle; and

WHEREAS, adoption of such an ordinance would prohibit the activity and grant the Owosso Public Safety Department the authority to take action against individuals that participate in the activity.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS: that Sec. 19-67, Breaking and Entering of a Motor Vehicle, be added to Chapter 19, Offenses, Article IV, *Offenses against property*, of the Code of Ordinances of the City of Owosso as follows:

SECTION 1. ADDITION. Section 19-67, Breaking and Entering of a Motor Vehicle, shall be added as follows:

### **Sec. 19-67. Breaking and Entering of a Motor Vehicle.**

(a) It shall be unlawful for any person to enter a motor vehicle unless the person:

- (1) Is the owner or lessee of the vehicle, or has some other contractual interest in the vehicle that would entitle the person to enter the vehicle;
- (2) Is the owner or lessee of the real property upon which the vehicle is located; or
- (3) Has permission to enter from an owner, a lessee, or an authorized operator of the motor vehicle, or the owner or lessee of the real property upon which the vehicle is located.

(b) This section shall not apply to:

- (1) A law enforcement officer acting within the scope of the officer's duties.
- (2) A motor vehicle that is lawfully being moved because it is abandoned, inoperable, or improperly parked.
- (3) An employee or agent of an entity that possesses a valid lien on a motor vehicle and who is expressly authorized by the lien holder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.

(c) As used in this section:

- (1) "Enter" includes, but is not limited to, opening a door, trunk or hood of a vehicle, or inserting any part of one's body, or any object connected with the body, into a vehicle, which act shall include breaking the plane of the opened door, window, trunk or engine area.
- (2) Any vehicle that falls within the definition of "motor vehicle" in the state's Michigan Vehicle Code.

### SECTION 2. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

### SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a

separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

#### SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect September 8, 2014.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

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

Lisa Stechschulte, 725 River Street, relayed her concerns with continued open burning going on in town and the effects it will have on kids as the school year starts. She said there is nowhere for people bothered by smoke to go on burn days saying that smoke even infiltrated the hospital's corridors. She said the current ordinance does not work for people with breathing issues and asked who it really benefits. Lastly, she asked why citations were not issued when burning violations are investigated by police.

Joe Kayanek, 114 North Howell Street, relayed his frustration with the water department saying he knows that the last winter was tough on water lines but the City water line leaking near his home really needs to be fixed. Calls to the Utilities Director have not resulted in a resolution. He said his sump pump runs continually and run-off from the leak is flooding property in the area.

Shelah Hockman, 705 Campbell Drive, had questions about the latest Police Report, specifically the list of fires investigated but not ticketed, asking why citations were not issued in those instances.

Greg Remington, GLS Building Trades Council representative, invited everyone to the sportsman's dinner to be held September 20<sup>th</sup> at 1251 West Hill Road in Flint to raise money to send kids to hunter safety school free of charge. Tickets are \$20 per person. He also inquired about the contract for work at the Arts Council and mentioned that local contractors are being stonewalled on the hospital housing project behind Home Depot.

Rodney Weinert, 524 Martin Street, wanted to know if anything has been done about the cats in his neighborhood yet.

Eddie Urban, 601 Glenwood Avenue, read aloud a brief article about the nuisance cat problem in Gladwin. He also pointed out that Gladwin offers a free outdoor movie for children during the summer and he thought it might be something that Owosso could do as well.

In response to Mr. Kayanek's concerns City Manager Crawford said he would look into the water leak issue.

There was discussion regarding burning complaints, when a situation warrants an investigation, and when a fire warrants a citation. Public Safety Director Lenkart noted that not every complaint is an automatic violation. He said he would look into the individual instances noted on the July Police Report and report back to Council at a future meeting.

#### **CITY MANAGER REPORT**

City Manager Crawford noted that he has tried to find a nuisance fire himself and found it very difficult to locate.

He went on to relay that the Consent item regarding the Third Party Administrator was pulled from the agenda because negotiations with the potential contractor had not reached a conclusion in time for the meeting.

### **CONSENT AGENDA**

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

Conduct First Reading and Set Public Hearing - Rezoning Request. Conduct first reading and set a public hearing for September 15, 2014 to receive citizen comment regarding request to rezone the parcel commonly known as 1011 Corunna Avenue, from B-1, Local Business District, to B-4, General Business District as follows:

### **RESOLUTION NO. 122-2014**

#### **CONDUCT FIRST READING AND SET A PUBLIC HEARING FOR AN ORDINANCE TO AMEND CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE THE PARCEL AT 1011 CORUNNA AVENUE AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso adopted a Master Plan in 2012 which includes a future land use plan; and

WHEREAS, the Planning Commission desires to carefully implement prudent changes suggested by the Master Plan; and

WHEREAS, an application has been received requesting the rezoning of the parcel at 1011 Corunna Avenue to facilitate plans for a propane filling station for school buses; and

WHEREAS, the Planning Commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the Planning Commission finds that the proposed rezoning meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of parcel 050-010-034-004-00, 1011 Corunna Avenue from a B-1 local business district zone to a B-4 general business district zone; and

WHEREAS, a public hearing by the City Council is required before any such ordinance amendment can be approved.

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:

<b>Parcel or Area</b>	<b>Parcel Number</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
1011 Corunna Avenue	050-010-034-004-00	B-1	B-4

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, September 15, 2014 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.

State Trunkline Maintenance Contract. Approve Contract No. 2014-0389 with the Michigan Department of Transportation governing the maintenance of state highways within the City limits, with an effective term of October 1, 2014 to September 30, 2019 as follows:

#### **RESOLUTION NO. 123-2014**

##### **AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF STATE TRUNKLINES WITHIN THE CITY LIMITS**

WHEREAS, within the city limits of Owosso, Shiawassee County, Michigan, there are several state trunklines (M-21, M-52, M-71) and bridges owned by the State of Michigan; and

WHEREAS, these trunklines require constant maintenance and the Michigan Department of Transportation (MDOT) has found that contracting with the City for maintenance of said trunklines and bridges is in the best interest of the public; and

WHEREAS, MDOT has presented the City with Contract No. 2014-0389 formalizing the responsibilities and duties of each party, with a term from October 1, 2014 through September 30, 2019.

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

FIRST: The State Trunkline Maintenance Contract No. 2014-0389 with the Michigan Department of Transportation for the term of October 1, 2014 through September 30, 2019 is hereby approved.

SECOND: That Director of Public Services Mark Sedlak is hereby designated as the Contract Administrator.

THIRD: That the Mayor and City Clerk are hereby authorized to execute the document as attached, Exhibit A, State Trunkline Maintenance Contract No. 2014-0389.

Change Order No. 2 – Gould Street Bridge Engineering Services Contract. Authorize Change Order No. 2 to the contract with Fishbeck, Thompson, Carr & Huber, Inc. for engineering services for the repair of the Gould Street Bridge, increasing the contract in the amount of \$30,800.00 for additional repairs beyond the original contractual scope of services as follows:

#### **RESOLUTION NO. 124-2014**

##### **RESOLUTION AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT WITH FISHBECK, THOMPSON, CARR & HUBER, INC. FOR BRIDGE ENGINEERING SERVICES FOR GOULD STREET BRIDGE OVER SHIAWASSEE RIVER**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fishbeck, Thompson, Carr & Huber, Inc. on August 5, 2013 for Bridge Engineering Services for the Gould Street Bridge over the Shiawassee River; and

WHEREAS additional construction administration and material testing services are necessary, that are beyond the original contractual scope of services; and

WHEREAS, Fishbeck, Thompson, Carr & Huber, Inc. are willing to perform the additional services at an increased fee amount of \$30,800.00, and

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 amend the contract with Fishbeck, Thompson, Carr & Huber, Inc. for an additional cost to the City of Owosso of \$30,800.00.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment #2 to the Bridge Engineering Services Contract between the City of Owosso, Michigan and Fishbeck, Thompson, Carr & Huber, Inc.

THIRD: The above expenses shall be paid from the Major Street Construction Contractual Services Fund, account 202-451-818000.

Bid Award – Digital Two-way Radios & Licensing. (This item was removed from the agenda.)

Bid Award – 2014 John Deere 310SK Backhoes. Waive competitive bidding requirements and authorize the joint purchase of two 2014 John Deere 310SK Backhoes for the DPW through State of Michigan Contract No. 071B1300116 with AIS Construction Equipment Corporation in the amount of \$187,572.00, and further authorize payment up to the contract amount upon satisfactory receipt of said equipment as follows:

#### **RESOLUTION NO. 125-2014**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PURCHASE OF TWO (2) 2014 JOHN DEERE 310SK BACKHOES FROM AIS CONSTRUCTION EQUIPMENT CORPORATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has established a purchasing cycle to maintain a healthy work vehicle fleet and backhoes used by the Department of Public Works are in need of replacement; and

WHEREAS, 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 would be best served by executing a joint purchase through the State of Michigan, Contract No. 071B1300116 with AIS Construction Equipment Corporation, for the purchase of two (2) 2014 John Deere 310SK backhoes. This is a budgeted item from the Revolving equipment Fund.

WHEREAS, the current backhoes may be traded in to AIS for \$40,000.00 or they may be sold for a better price through the MITIN Surplus Auction System, whichever is greater. Any monies received from the sale of the two current backhoes would be returned to the Revolving Equipment Fund to offset the purchase price of the new equipment.

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

FIRST: it has been heretofore determined that it is advisable, necessary and in the public interest to purchase two (2) John Deere 310SK backhoes From AIS Construction Equipment Corporation in the amount of \$187,572.00.

SECOND: the Council recognizes the current equipment will be sold or traded in at a later date, with the proceeds to be placed in the Revolving Equipment Fund.

THIRD: 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 for the purchase of the above listed equipment.

FOURTH: the Accounts Payable department is authorized to execute payment of up to \$187,572.00 to AIS Construction Equipment Corporation upon satisfactory receipt of said equipment.

FIFTH: the above expenses shall be paid from the Revolving Equipment Fund.

Bid Award – 2014 Street Patches Program. (This item was moved to Items of Business 4.)

Bid Award – Third Party Administrator. (This item was removed from the agenda.)

Warrant No. 486. Authorize Warrant No. 486 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services – July 15, 2014 – August 11, 2014	General	\$10,166.00
Logicalis, Inc	Network engineering support- July 2104	General	\$ 8,092.00
B S & A Software	Annual service/support fees- Aug 1, 2014 – August 1, 2015	General/ Water/ Sewer	\$11,488.00

\*Check Register–July 2014. Affirm check disbursements totaling \$858,726.33 for the month of July 2014.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, Bandkau, Fox, Greenway, 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. A copy of this document will be kept on file in the Clerk's Office.

## **ITEMS OF BUSINESS**

### **LOCAL SAFETY PROGRAM FUND APPLICATION - WEST NORTH STREET**

City Manager Crawford noted this application is coming before Council because staff felt the project to replace the North Street culvert over Corlett Creek may be a good fit for the Local Safety grant program and application may result in funds to assist with the project.

Councilperson Bandkau inquired whether Owosso Township would be sharing in any of the costs of the project because of the culvert's proximity to the boundary line. City Manager Crawford noted that the culvert is contained entirely within the City limits and thus is the City's responsibility.

Motion by Mayor Pro-Tem Eveleth to approve grant application to the Michigan Department of Transportation Local Safety Program for roadway safety improvement funds to assist in street improvements along North Street over Corlett Creek, authorize participation in the Local Safety Program, and further authorize commitment of City funds equal to a 20% match plus the cost of project design and engineering for the project as follows:

#### **RESOLUTION NO. 126-2014**

#### **RESOLUTION AUTHORIZING APPLICATION FOR TRANSPORTATION LOCAL SAFETY PROGRAM FUNDS FOR NORTH STREET IMPROVEMENTS**

WHEREAS, The City of Owosso, Shiawassee County, Michigan, Public Service Department recommends the reconstruction of a portion of North Street and the replacement of the box culvert over Corlett Creek; and

WHEREAS, the Michigan Department of Transportation offers special funding known as Transportation Local Safety Program funds for this type of work; and

WHEREAS, safety improvement projects must be within an eligible federal-aid urbanized area, such as Owosso; and

WHEREAS, the City of Owosso proposes to procure federal Local Safety Program funds for the purpose of providing an 80 percent (80%) federal match to the City's 2010 Street Bond funds 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: the City of Owosso is actively seeking federal Local Safety Program funds to partially fund the widening and reconstruction of North Street and replacement of the box culvert over Corlett Creek; and is willing to participate in this program.
- THIRD: the appropriate city officials are hereby authorized to sign the application documents and are further authorized to obligate City funds as a match of the project cost up to the amount noted in the application.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

#### **MML DELEGATE**



No one expressed interest in attending this year's conference in Marquette, as such, no delegate was appointed.

### **NUISANCE CAT DISCUSSION**

Councilperson Bailey lead a discussion regarding the establishment of a potential community based spay/neuter program to address neighborhood cat colonies including nuisance cats, feral cats, etc. She said she will be attending a conference in September to learn tactics to combat the issue and to acquire resources that may assist in a trap neuter release program. She also hopes to organize a study of the problem in an effort to take advantage of any grant funding that may be available. There was discussion that a team approach would work well to help combat the issue and volunteers would be needed to make it work. Councilperson Bailey said she hoped to learn more about potential short-term efforts that can be undertaken to help people like Mr. Weinert who are already overwhelmed with nuisance cats.

### **BID AWARD – 2014 STREET PATCHES PROGRAM**

Councilperson Fox indicated he had asked this item be pulled for discussion because he wanted to make sure that the large street patch on East Oliver Street would be included in this contract. Staff indicated they had planned to add the patch to the contract.

Motion by Councilperson Fox to approve the low bid of Bibi, Inc. aka Black Jack Asphalt, authorize a contract for the 2014 Street Patches Program in the amount of \$46,776.00 to permanently repair utility cuts in otherwise good pavement, and further authorize payment up to the contract amount upon satisfactory completion of the work as follows:

### **RESOLUTION NO. 127-2014**

#### **AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE 2014 STREET PATCHES PROGRAM WITH BIBI, INC. AKA BLACK JACK ASPHALT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the street patches in many of the streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub base of the street, accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids to permanently patch said areas; a bid was received from Bibi, Inc. aka Black Jack Asphalt; and it is hereby determined that Bibi, Inc. aka Black Jack Asphalt is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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 Bibi, Inc. aka Black Jack Asphalt for pavement patching as part of the 2014 Street Patches Program.
- SECOND: 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 Bibi, Inc. aka Black Jack Asphalt in the amount of \$46,776.00.
- THIRD: The accounts payable department is authorized to pay Bibi, Inc. aka Black Jack Asphalt for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid from account 591-552-833.300 and 591-552-833.200 Water Maintenance Fund.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

## **COMMUNICATIONS**

J. Forster, Historical Commission. Letter of Resignation.  
Charles P. Rau, Building Official. July 2014 Building Department Report.  
Charles P. Rau, Building Official. July 2014 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. July 2014 Police Report.  
Kevin D. Lenkart, Public Safety Director. July 2013 Fire Report.  
Downtown Development Authority/Main Street. Minutes of July 2, 2014.  
Downtown Development Authority/Main Street. Minutes of August 6, 2014.  
Planning Commission. Minutes of August 11, 2014.

Mayor Frederick commended Joni Forster for her work on the Historical Commission, saying her work would be reflected for a long time to come.

## **CITIZEN COMMENTS AND QUESTIONS**

Gordon Pennington, 417 East Oliver Street, said he has noticed increasing numbers of kids loitering in the Emerson School park both during the day and at night. He has seen evidence of drug use at the park and after having talked with some of the kids he is concerned that these kids not only have nowhere to go but some haven't eaten. He said the Public Safety Department has been very helpful addressing neighborhood concerns about the issue but he wanted to bring the problem to Council's attention because their help may be needed to fully address the situation.

Rodney Weinert, 524 Martin Street, said that he has heard of people in town feeding not only stray cats but raccoon and skunks. He said that something has to be done about such activities as it creates problems, and effort needs to be made to approach the people that are the source of the problems. He also relayed a story about the Humane Society agreeing to take kittens only if the "donor" agreed to pay for their neutering and food.

Mayor Frederick asked that people remember that in some instances a nuisance animal population is a symptom of the mental illness of a resident, yet another reason why the trap/neuter/release concept works best to control such populations. He also noted that Mr. Weinert's story about a woman having to pay to feed and treat the kittens she dropped off at the Humane Society was a product of necessity as the Humane Society simply doesn't have the capacity to deal with any more cats.

Tom Manke, business owner at 118 South Washington Street, thanked Councilperson Bailey for broaching the subject of nuisance cats. He said he supported a catch and release program, though he was skeptical the local vets would be in favor of such a program. He suggested someone look into creating a neuter clinic staffed with veterinary students to keep the costs down. Lastly, he wanted to know when Pearce Street would be up for reconstruction.

Eddie Urban, 601 Glenwood Avenue, said it would be helpful if cats had to wear tags so they could easily be identified and returned to their owner. He noted that in the Gladwin area people that feed stray cats could end up with a bear visiting their home as well!

Councilperson Bailey said she supports the idea that people should take responsibility for animals they are feeding. She said she hoped that the establishment of a neuter clinic would not only reduce the cost for such services but also cause people to take better care of their animals in general.

Councilperson Teich gave an update on the Westown parking lot saying he had spoken with neighboring land owners and one was willing to include their property in the proposed lot, while the other two were not. He indicated that he had a goal of seeing the house removed by winter and construction of the lot next spring.

Councilperson Fox indicated he had received more cash donations for the Firefighters' Memorial as well as an offer to donate granite benches. He further indicated he hopes to have the project completed by next fall.

Councilperson Bandkau explained to Mr. Manke that Pearce Street is not slated for reconstruction at this time but the list of streets they have assembled is by no means exhaustive. He said Rome wasn't built in a day and the streets of Owosso won't be reconstructed in three years.

Mayor Frederick reminded everyone that Owosso is hosting this year's Veterans' Day Parade in November. He also thanked Council members for stepping forward to impact specific issues in the community.

#### **ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:10 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk



## MEMORANDUM

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

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DATE: September 2, 2014

TO: Owosso City Council

FROM: Mark Sedlak, Director of Public Services

SUBJECT: Setting Public Hearing for Special Assessment Roll for the 2014 Alley Improvement Program

RECOMMENDATION: City staff recommends acceptance of Resolution No. 4 which sets the public hearings for the 2014 Alley Improvement Projects for September 2, 2014.

BACKGROUND: This public hearing is intended to provide affected residents with the opportunity to comment regarding their individual assessments. Our wish is to also seek City Council award of a contract to the confirmed low-bidder at the September 2, 2014 City Council meeting.

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

Step Five/Resolution No. 5 documents the second public hearing, finalizes the special assessment roll and sets the terms of payment. This public hearing is designed to allow affected citizens the opportunity to argue whether or not the amount of their assessment is fair and equitable in relation to the benefit they receive from the project. If, after hearing citizen comment, the council decides adjustments need to be made to the assessment roll they may do so. Alternately, if it is felt all the assessments are fair and equitable the resolution may be passed as written.

Tonight the council will be considering Resolution No. 4 for each of the proposed districts as a part of the Consent Agenda. Staff recommends authorization of Resolution No. 4 for the following four alleys:

The public alley that exists in Block 2 of H N and S A Williams Addition, City of Owosso, from First Street southeast to Clark Avenue. (Bounded by King Street, Clark Avenue, Oliver Street, and First Street.)

The public alley that exists in Block 13 of Original Plat, City of Owosso, from W. Mason Street north to W. Williams Street. (Bounded by Williams, Ball, Mason, and Water Streets.)

The public alley that exists in Block 4 of Original Plat, City of Owosso, from W. Williams Street north to W. Oliver Street. (Bounded by Oliver, Ball, Williams, and Water Streets.)

The public alley that exists in Block 5 of Original Plat, City of Owosso, from W. Williams Street north to W. Oliver Street. (Bounded by Oliver, Ball, Williams, and Washington Streets.)



**RESOLUTION NO. \_\_\_\_**

**SETTING A PUBLIC HEARING  
TO HEAR COMMENT REGARDING  
SPECIAL ASSESSMENT DISTRICT NO. 2014-04  
ALLEY BOUNDED BY KING STREET, CLARK AVENUE, OLIVER STREET, AND FIRST STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements 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 Monday, September 15, 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.
4. 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  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

Alley bounded by King Street, Clark Avenue, Oliver Street, and First Street

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Alley resurfacing

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

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 Monday, September 15, 2014 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**RESOLUTION NO. \_\_\_\_**

**SETTING A PUBLIC HEARING  
TO HEAR COMMENT REGARDING  
SPECIAL ASSESSMENT DISTRICT NO. 2014-05  
ALLEY BOUNDED BY WILLIAMS, BALL, MASON, & WATER STREETS**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements 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 Monday, September 15, 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.
4. 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  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

Alley bounded by Williams, Ball, Mason, and Water Streets

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Alley resurfacing

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

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 Monday, September 15, 2014 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**RESOLUTION NO. \_\_\_\_**

**SETTING A PUBLIC HEARING  
TO HEAR COMMENT REGARDING  
SPECIAL ASSESSMENT DISTRICT NO. 2014-06  
ALLEY BOUNDED BY OLIVER, BALL, WILLIAMS, AND WATER STREETS**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements 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 Monday, September 15, 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.
4. 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  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

Alley bounded by Oliver, Ball, Williams, and Water Streets

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Alley resurfacing

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

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 Monday, September 15, 2014 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.



**RESOLUTION NO. \_\_\_\_**

**SETTING A PUBLIC HEARING  
TO HEAR COMMENT REGARDING  
SPECIAL ASSESSMENT DISTRICT NO. 2014-07  
ALLEY BOUNDED BY OLIVER, BALL, WILLIAMS, AND WASHINGTON STREETS**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements 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 Monday, September 15, 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.
4. 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  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

Alley bounded by Oliver, Ball, Williams, and Washington Streets

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Alley resurfacing

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

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 Monday, September 15, 2014 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.



## MEMORANDUM

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

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DATE: August 26, 2014

TO: City Council

FROM: Susan Montenegro, asst. city manager/dir. of community development

SUBJECT: YMCA Recreation Service Agreement for the instruction of Tennis.

### RECOMMENDATION:

Staff recommends approval of this agreement as it is a continued effort by both the YMCA and the city to support physical activity and healthy living within the community.

### BACKGROUND:

For many years now the Shiawassee Family YMCA has conducted various forms of recreation services within the city parks of Owosso. The Y would like to add tennis instruction to this list. In light of this proposal, the city will ask the Y to organize and oversee all use of the tennis courts at Bentley Park, including that by other persons and groups.

Attached you will find a 5 year agreement allowing the Y first priority for use of the tennis courts in exchange for their management of the use of the courts and a \$1.00 fee per player to for the 2014 season and then a \$2.00 per player fee for the remainder of the term.

### FISCAL IMPACTS:

Document originated by: Susan Montenegro

**RESOLUTION NO. \_\_\_\_**

**AUTHORIZING EXECUTION OF A CONTRACT FOR RECREATION SERVICES  
BETWEEN THE CITY OF OWOSSO, MICHIGAN AND SHIAWASSEE FAMILY YMCA  
FOR THE USE OF THE BENTLEY PARK TENNIS COURTS AND  
THE INSTRUCTION OF TENNIS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that recreation opportunities for area youth and adults are important to the community as a whole; and

WHEREAS, the Shiawassee Family YMCA has dedicated itself to providing exercise and recreation opportunities for all community members and sponsors tennis lessons each year; and

WHEREAS, the city wishes to contribute to recreation opportunities for area youth and adults by allowing the use of the Bentley Park tennis courts for the instruction of tennis; and

WHEREAS, the YMCA has agreed to provide tennis instruction and coordinate all use of the courts.

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 the Shiawassee Family YMCA to provide recreation services in the form of tennis instruction.

SECOND: The mayor and the city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached memorializing use of the Bentley Park tennis courts and the responsibilities of the city and the YMCA.

## **YMCA TENNIS COURT AGREEMENT**

This Recreation Service Agreement is made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the city of Owosso, a Michigan municipal corporation ("City") and the Shiawassee Family YMCA ("YMCA"), a non-profit community service organization which conducts youth recreation programs. This agreement shall run until December 31, 2019 unless terminated by either party upon written notice by December 31 of any year.

1. This agreement allows the YMCA to use the property commonly known as the Bentley Park tennis courts for youth tennis. The City will receive Thirty (\$30.00) dollars upon execution of this agreement and will receive the annual participation fee provided for in Paragraph 4.
2. This agreement does not grant YMCA the exclusive use of the property. YMCA shall permit other individuals and entities to use the premises when such use does not conflict with YMCA activities. The YMCA will manage and control the use of the premises by other individuals and entities through scheduling.
3. The YMCA agrees to defend, indemnify and hold City harmless from any claim, loss, expense or damage to any person or property in or upon the said premises or any area allocated to the YMCA, arising out of the YMCA's use or occupancy of said premises, or any act or neglect of YMCA or its servants, employees or agents, or any change, alteration or improvement in the premises made by the YMCA.
4. YMCA agrees to pay City an amount equal to one dollar (\$1.00) for each registered tennis participant during the Spring, Summer and Fall sessions for the 2014 calendar year. The amount shall increase to two (\$2.00) dollars for each registered tennis participant during the Spring, Summer and Fall sessions for the remainder of the term. This sum shall be paid on or before October 30 each year. City and YMCA agree to allocate duties and responsibilities for maintaining the premises as follows:
  - a. The City will be responsible for all major maintenance responsibilities associated with maintaining the physical facilities which are a part of Bentley Park tennis courts including: (a) providing nets; (b) repairing tennis courts, nets and posts (c) repairing fences surrounding the tennis courts; (d) structural modifications to the tennis courts; and (e) City will pay for use of lights.
  - b. The YMCA will be responsible for all minor maintenance responsibilities associated with use of the facilities for tennis including: (a) litter pickup; (b) trash collection; and (d) keeping tennis courts free of debris.
5. YMCA agrees to reimburse City for any damage to the courts, including nets and posts, which arises out of actions on the part of league participants which are reckless, careless, or which otherwise are intended to damage the courts and associated facilities.
6. YMCA agrees that it shall defend, indemnify, and hold City harmless from any claim, loss, expense or damage to any person or property in or upon the tennis courts and adjacent areas of Bentley Park arising out of the YMCA's and its league participants' use or occupancy of the tennis courts, or any act or neglect of YMCA or its servants, employees or agents, or any change, alteration or improvement in the premises made by the YMCA.

7. YMCA shall not make permanent improvements or construct or install any structures on the premises without prior written approval of the City. In the event such permanent improvements or structures shall be installed, they shall become part of the premises and remain thereon at the termination of the agreement.
8. The YCMA shall not assign this agreement.
9. The YMCA shall maintain, at its expense, insurance on the premises throughout the term of this agreement with the City as an additional insured. The insurance shall be with such companies, in such amounts and with such coverage as approved by the City.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals that day and year first above written.

For the YMCA:  
SHIAWASSEE FAMILY YMCA

For the City:  
CITY OF OWOSSO

\_\_\_\_\_  
By:

\_\_\_\_\_  
Benjamin R. Frederick  
Its: Mayor

\_\_\_\_\_  
By:

\_\_\_\_\_  
Amy K. Kirkland  
Its: City Clerk

Approved as to substance:

\_\_\_\_\_  
Donald D. Crawford, City Manager

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
William C. Brown, City Attorney

\_\_\_\_\_  
Date

Approved by city council: \_\_\_\_\_

### **HOLD HARMLESS AGREEMENT**

To the fullest extent permitted by law, the Shiawassee Family Young Men's Christian Association agrees to defend, pay on behalf of, indemnify, and hold harmless, the City of Owosso, its elected and appointed officials, employees and volunteers, and others working on behalf of the City of Owosso against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of Owosso by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the YMCA Tennis Agreement approved by Council on \_\_\_\_\_.

The person signing this document has the full authority and capacity to do so.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Witness: \_\_\_\_\_

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.



## MEMORANDUM

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

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DATE: September 2, 2014

TO: City Council

FROM: Mark Sedlak, Director of Public Services

SUBJECT: Emergency manhole repair authorization

RECOMMENDATION: I recommend City Council accept the quote from E.T. MacKenzie Company (Grand Ledge, MI) and award a contract to them in the amount of \$28,176.35.

BACKGROUND: During the construction work along M-52, MDOT found a manhole that requires major repair. The manhole is on Bradley Street's west approach to M-52, over the Comstock Drain. The nature of the work will require special structural concrete repair. MDOT furnished engineered plans for the work and received a quote from Reith Riley, MDOT's general contractor, in the amount of \$43,263.30. MDOT also advised that all charges relative to the structural repair work would be charged back to the City. City staff decided to search for interested contractors rather than accept the quote from Reith Riley. The city requested quotes from area contractors and received only one from E.T. MacKenzie Company in the amount of \$28,176.35. This work is of an emergency nature and City Council is asked to waive normal bidding procedures and accept the bid from E.T. MacKenzie Company.

FISCAL IMPACTS: Funds for this work are available in the Local Street Contractual Services Account, No. 203-473-818.000.

**RESOLUTION NO.**

**AUTHORIZING THE EXECUTION OF A CONTRACT  
WITH E.T. MACKENZIE COMPANY  
FOR EMERGENCY STRUCTURAL REPAIRS TO MANHOLE OVER THE  
COMSTOCK DRAIN**

WHEREAS, as a part of the project to reconstruct north Shiawassee Street the manhole at Bradley and Shiawassee Streets was discovered to need major structural repairs; and

WHEREAS, the city of Owosso sought quotes for emergency repair to the manhole structure in question; a quote was received from E.T. MacKenzie Company; and it is hereby determined that E.T. MacKenzie Company is qualified to provide such services and that it has submitted the only quote; and

WHEREAS, due to the emergent nature of the repairs it is in the public interest to waive the competitive bidding process in this case.

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 the competitive bidding process and employ E.T. MacKenzie Company for emergency structural repairs to the manhole at the intersection of Bradley and Shiawassee Streets.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Emergency Manhole Repair – Bradley & Shiawassee Streets; between the city of Owosso, Michigan and E.T. MacKenzie Company in the amount of \$28,176.35.
- THIRD: The above expenses shall be paid from the Local Street Contractual Services Fund, account number 203-473-818.000.





Equal Opportunity Employer

# E.T. MacKenzie Company - Grand Ledge

One of The MacKenzie Companies

4248 West Saginaw Highway

Grand Ledge, MI 48837

Phone: (517) 627.8408 Fax: (517) 627.4470

www.mackenzieco.com



<b>To:</b> City Of Owosso	<b>Contact:</b> Randy Chesney
<b>Address:</b> 301 West Main	<b>Phone:</b> (989) 725-0550
Owosso, MI 48867	<b>Fax:</b>
<b>Project Name:</b> M-52 & Bradley St MH Repair, Owosso	<b>Bid Number:</b>
<b>Project Location:</b>	<b>Bid Date:</b>

Item #	Item Description	Total Price
10	Mobilization	\$5,144.50
15	Traffic Control	\$1,650.00
20	Sawcut Concrete Base	\$484.00
30	Concrete Base Removal	\$966.60
40	Excavate	\$966.80
50	Demo Existing Structure	\$2,900.50
60	Form & Place Concrete New Structure	\$6,413.50
65	Strip Forms	\$966.75
70	Sand Backfill	\$1,004.00
80	21AA Aggregate Base	\$1,141.50
85	Concrete Base Replacement	\$2,891.70
90	Asphalt Restoration	\$3,646.50

**Total Bid Price: \$28,176.35**

## Notes:

- Not Included: Bypass Pumping, Soils and Material testing.
- Note: This bid is being submitted with the understanding that the depth and location of the existing sewer does not require excavation and road removal beyond the limits that does not have final asphalt placement.

<b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and are hereby accepted.  <b>Buyer:</b> _____ <b>Signature:</b> _____ <b>Date of Acceptance:</b> _____	<b>CONFIRMED:</b> <b>E. T. MacKenzie Company</b>  <b>Authorized Signature:</b> <u>Tim Sweet</u> <b>Estimator:</b> <u>Tim Sweet</u>
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## MEMORANDUM

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

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DATE: September 2, 2014

TO: Owosso City Council

FROM: Mark Sedlak, Director of Public Service Department

SUBJECT: Bid Award & Grant Acceptance – Avery Drain Maintenance

RECOMMENDATION: I recommend that city council approve the award of Avery Drain Maintenance Project to Pennington Farm Drainage, LLC, in the amount of \$17,475.00 and authorize payment up to the contract amount.

BACKGROUND: The city has received a grant for maintenance of the Avery Drain on Farr Street by the soccer fields. The Shiawassee Conservation District has agreed to pay 100% of this project. The project is being handled through Fishbeck, Thompson, Carr & Huber, Inc. and consists of cleaning and clearing out the ditch known as the Avery Drain. This will help keep the road from flooding during heavy rain events. Three bids were received for this project, with the lowest being from Pennington Farm Drainage, LLC.

FISCAL IMPACTS: The city will pay Pennington Farm Drainage, LLC in the amount of \$17,475.00 upon satisfactory completion of the work and will be reimbursed 100% from the Shiawassee Conservation District.

**RESOLUTION NO.**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
THE 2014 AVERY DRAIN MAINTENANCE PROJECT  
WITH PENNINGTON FARM DRAINAGE, LLC**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received a grant from the Shiawassee Conservation District for maintenance of the Avery Drain located on Farr Street, and this grant will cover 100% of the cost of drain cleaning and clearing; and

WHEREAS, the engineering firm Fishbeck, Thompson, Carr & Huber, Inc. has administered the bid process of behalf of the City; a bid was received from Pennington Farm Drainage, LLC; and it is hereby determined that Pennington Farm Drainage, LLC is qualified to provide such services and that it has submitted the lowest responsible and responsive bid.

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 Pennington Farm Drainage, LLC for maintenance work done as part of the 2014 Avery Drain Maintenance Project.
- SECOND: 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 Pennington Farm Drainage, LLC in the amount of \$17,475.00.
- THIRD: The accounts payable department is authorized to pay Pennington Farm Drainage, LLC for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid back to the City from the Shiawassee Conservation District in the amount of \$17,475.00.



August 26, 2014  
Project No. G140564

Mr. Randy Chesney  
City Manager  
City of Owosso  
301 West Main Street  
Owosso, MI 48867

Re: Avery Drain Recommendation for Award

Dear Mr. Chesney:

On August 20, 2014, Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) received bids for the referenced project. We have enclosed them for your review. Provided below is a summary of the three bids:

- Pennington Farm Drainage - \$17,475
- Wombat Services - \$18,866
- Vincke Excavating - \$39,350

Bids were higher than we anticipated due to the short project duration (one day) and time constraints associated with construction and contract dates. FTCH has reviewed the bids and discussed the bid prices with Ms. Melissa Higbee of the Shiawassee Conservation District and she has indicated a desire to still proceed with the project, despite the higher cost. In addition, FTCH confirmed with Ms. Jane Hunt (City of Owosso) that bonding requirements would not change for the project based on the higher price. Therefore, we recommend that the project be awarded to Pennington Farm Drainage (Pennington).

Pennington has completed the affidavit (enclosed) indicating they are a business located in Shiawassee County and they are in the process of ensuring insurance requirements are met. A copy of the insurance certificate will be provided to the City after we determine it is in accordance with contract requirements. Pennington will be ready to start construction once final contract documents are prepared after the September 2, 2014 City Council meeting.

Please contact us if you have any questions or need additional information.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

A handwritten signature in black ink, reading "Cheryl Pitchford". The signature is written in a cursive, flowing style.

Cheryl L. Pitchford  
pmb

Attachments

By email and US Mail

cc: Ms. Melissa Higbee – Shiawassee Conservation District  
Mr. Richard Williams – City of Owosso  
Ms. Jane Hunt – City of Owosso

BID Proposal (Page 1 of 2)  
2014 AVERY DRAIN MAINTENANCE PROJECT



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 under "other services/items offered."

The undersigned, having examined the bid proposal forms and specifications, does hereby offer to furnish all materials and equipment and perform all work shown in the said drawings and specifications at and for the following unit prices, to wit:

Unit Bid Price Schedule					
Item No.	Item Description	Unit	Total Estimated Quantity	Unit Price	Bid Amount
1	Mobilization	LSUM	1	2500. <sup>00</sup>	2500. <sup>00</sup>
2	Bar Removal	LFT	5	25. <sup>00</sup>	125. <sup>00</sup>
3	Plunge Pool	EACH	1	9000. <sup>00</sup>	9000. <sup>00</sup>
4	Armored Spillway	EACH	1	1350. <sup>00</sup>	1350. <sup>00</sup>
5	Bank Restoration/Import and Place Fill	LSUM	1	2250. <sup>00</sup>	2250. <sup>00</sup>
6	Soil Erosion and Sedimentation Control	LSUM	1	1250. <sup>00</sup>	1250. <sup>00</sup>
7	Site Restoration	LSUM	1	1000. <sup>00</sup>	1000. <sup>00</sup>
TOTAL OF ALL BID PRICES					17,475. <sup>00</sup>

Bidder's Initials: MP

**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.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of bids, and final payment for all unit price bid items will be based on actual quantities, determined as provided in the Contract Documents.



Bid Proposal (Page 2 of 2)

The undersigned hereby agrees that if the foregoing proposal shall be accepted by the Owner, he will, within seven (7) calendar days after receiving notice of the acceptance of such proposal, enter into a contract to furnish labor, equipment and tools necessary to execute the work at the unit prices named in this proposal completely.

The undersigned further agrees that if the foregoing proposal shall be accepted by the owner, he will so arrange this project schedule to complete the entire work under this contract by September 10, 2014. Said completion date to be written in by the Contractor but under no conditions shall it be later than September 10, 2014.

On behalf of Pennington Farm Damage LLC 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 Lansing State of Michigan  
This 20th day of Aug, 2014.

Michael J. Pennington

Bidder

Witness:

\_\_\_\_\_

By/s/

5231 Six Mile Creek Rd Cornubia MI 48817

Business Address

Michael J. Pennington

Signature

Owner

Title

989-413-1948

Telephone Number

# AFFIDAVIT

In accordance with Section 2-348 of the Owosso city code, the bid from a business located in Shiawassee County shall be adjusted to reflect a preference. In order for the city to calculate the adjustment, the bidder hereby deposes and states that their business address is registered, and is currently paying real and/or personal property taxes in Shiawassee County at the following address:

5231 Six Mile Creek Cornum MI 48817  
Registered business address

The affiant further deposes and states that a sub-contract with a business registered, and paying real and/or personal property taxes in Shiawassee County will be executed for a percentage equal to or greater than twenty-five percent (25%) as stated below:

\_\_\_\_\_  
Business name and address of sub-contractor

\_\_\_\_\_  
Percentage of contract

8-20-14  
Date

Michael J Pennington  
Authorized signature

Owner  
Title

Pennington Farm Drayage LLC  
Company name

BID Proposal (Page 1 of 2)  
2014 AVERY DRAIN MAINTENANCE PROJECT

**RECEIVED**

AUG 20 2014  
2:45 pm  
**FTC&H**

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 under "other services/items offered."

The undersigned, having examined the bid proposal forms and specifications, does hereby offer to furnish all materials and equipment and perform all work shown in the said drawings and specifications at and for the following unit prices, to wit:

Unit Bid Price Schedule					
Item No.	Item Description	Unit	Total Estimated Quantity	Unit Price	Bid Amount
1	Mobilization	LSUM	1	\$300	\$300
2	Bar Removal	LFT	5	\$4/LF	\$20
3	Plunge Pool	EACH	1	\$16,376	\$16,376
4	Armored Spillway	EACH	1	\$970	\$970
5	Bank Restoration/Import and Place Fill	LSUM	1	\$600	\$600
6	Soil Erosion and Sedimentation Control	LSUM	1	\$300	\$300
7	Site Restoration	LSUM	1	\$300	\$300
TOTAL OF ALL BID PRICES					\$18,866

Bidder's Initials: CT

**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.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of bids, and final payment for all unit price bid items will be based on actual quantities, determined as provided in the Contract Documents.



Bid Proposal (Page 2 of 2)

The undersigned hereby agrees that if the foregoing proposal shall be accepted by the Owner, he will, within seven (7) calendar days after receiving notice of the acceptance of such proposal, enter into a contract to furnish labor, equipment and tools necessary to execute the work at the unit prices named in this proposal completely.

The undersigned further agrees that if the foregoing proposal shall be accepted by the owner, he will so arrange this project schedule to complete the entire work under this contract by September 10, 2014. Said completion date to be written in by the Contractor but under no conditions shall it be later than September 10, 2014.

On behalf of Wombat Services, 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 5001 Green Rd, Stockbridge State of Michigan  
This 20<sup>th</sup> day of August, 2014.

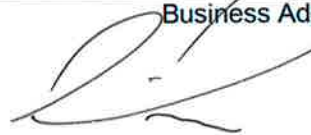
  
\_\_\_\_\_

Bidder

Witness:   
\_\_\_\_\_

By/s/

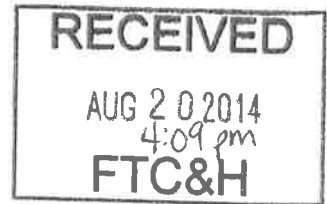
5001 Green Rd, Stockbridge, MI  
Business Address 49285

  
\_\_\_\_\_  
Signature

Owner  
\_\_\_\_\_  
Title

989-798-7179  
\_\_\_\_\_  
Telephone Number

BID Proposal (Page 1 of 2)  
2014 AVERY DRAIN MAINTENANCE PROJECT



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 under "other services/items offered."

The undersigned, having examined the bid proposal forms and specifications, does hereby offer to furnish all materials and equipment and perform all work shown in the said drawings and specifications at and for the following unit prices, to wit:

Unit Bid Price Schedule					
Item No.	Item Description	Unit	Total Estimated Quantity	Unit Price	Bid Amount
1	Mobilization	LSUM	1	3,350.00	3,350.00
2	Bar Removal	LFT	5	100	500.00
3	Plunge Pool	EACH	1	25,000.00	25,000.00
4	Armored Spillway	EACH	1	4,000.00	4,000.00
5	Bank Restoration/Import and Place Fill	LSUM	1	2,500.00	2,500.00
6	Soil Erosion and Sedimentation Control	LSUM	1	1,500.00	1,500.00
7	Site Restoration	LSUM	1	2,500.00	2,500.00
	TOTAL OF ALL BID PRICES				39,350.00

Bidder's Initials: KV

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.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of bids, and final payment for all unit price bid items will be based on actual quantities, determined as provided in the Contract Documents.

Bid Proposal (Page 2 of 2)

The undersigned hereby agrees that if the foregoing proposal shall be accepted by the Owner, he will, within seven (7) calendar days after receiving notice of the acceptance of such proposal, enter into a contract to furnish labor, equipment and tools necessary to execute the work at the unit prices named in this proposal completely.

The undersigned further agrees that if the foregoing proposal shall be accepted by the owner, he will so arrange this project schedule to complete the entire work under this contract by September 10, 2014. Said completion date to be written in by the Contractor but under no conditions shall it be later than September 10, 2014.

On behalf of VINCKE EXCAVATING, 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 MAPLE GROVE TOWNSHIP State of MICHIGAN  
This 20 day of AUGUST, 2014.

Kurt Vincke

Bidder

Witness:

Ilda M. Vincke

By/s/

6405 GARY RD

Business Address

GREENLICK, MI 48616

Kurt Vincke

Signature

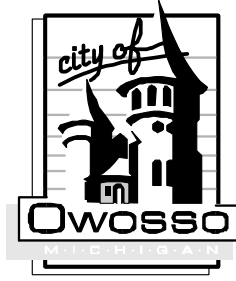
OWNER

Title

(999) 845-2690

Telephone Number

(989) 239-8139 (Cell)



## WARRANT 487

August 26, 2014

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' compensation insurance 2nd installment for FY 14/15	Various	\$25,749.00
TOTAL			\$25,749.00



## MEMORANDUM

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

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DATE: August 26, 2014  
TO: City Council  
FROM: Donald Crawford, city manager  
SUBJECT: Petition to prohibit truck traffic on 400 block of South Michigan

RECOMMENDATION: Accept, but reject, the petition.

BACKGROUND: For many years Cass Street has been a truck route with various designations from Cedar to Washington and is listed as a major street. Michigan Avenue is also listed as a major street from Main Street to the end a few hundred feet south of Cass Street where the street dead ends into private property which is part of the Washington Business Park. We cannot find where Michigan was ever officially designated as a truck route. When Michigan Avenue was reconstructed, trucks were prohibited between Main Street and Cass Street. The street is constructed so to handle truck traffic which entered by using Cass Street.

Over a year ago, the building at the south end of Michigan Avenue was leased to a new tenant that uses the building for warehousing. A few trucks a day now use Cass Street and Michigan Avenue to enter and exit the property.

FISCAL IMPACTS: To prohibit trucks would require installation of signs costing approximately \$500. There would be an impact on the business which would have no access to the warehouse.

Document originated by: Donald Crawford  
Attached petition from residents on South Michigan Avenue and West Cass Street.

# PETITION

Petition No.: 2013-01

Date Issued: 11/12/13

TO THE COUNCIL OF THE CITY OF OWOSSO:

We, the undersigned property owners, hereby petition your Honorable Body to prohibit truck traffic on the 400 Block of S. Michigan Avenue.

SIGNATURE	PRINTED NAME	STREET ADDRESS	FOR OFFICE USE ONLY	DATE OF SIGNING		
				MONTH	DAY	YEAR
	Ronald C. Dankert Jr.	400 Michigan Avenue		08	02	14
	Tonya J. Chapman	418 Cass St		08	02	14
	S. A. BARRY	424 Cass St		08	02	14
	Robert McNinch	425 Cass St		08	07	14
	Jaclyn Gregoricka	314 Michigan Ave		08	05	14
	Jennifer Dankert	406 Michigan Ave		08	05	14
	DEBORAH DELCAMP	400 Michigan Ave		08	07	14
	WILLIAM F. DELCAMP III	400 MICHIGAN AV.		08	07	2014
	ANTHONY JELINEK	315 and 317 Cass		08	07	2014
	Leise Moffatt	319 Michigan Ave		08	07	2014
	Jason Moffatt	319 Michigan Ave		08	07	2014
	Penny S. Wheeler-McNinch	419 Cass St		08	19	2014
	Christopher McNinch	419 Cass St		08	19	2014

Petition Circulated By: Ron Dankert

Date Received: 8-21-14  
Approximate front foot cost is .





**MINUTES  
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION  
Council Chambers, City Hall  
August 11, 2014 – 7:00 pm**

**CALL TO ORDER:** Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by all in attendance.

**ROLL CALL:** Roll Call was taken by Recording Secretary Marty Stinson.

**MEMBERS PRESENT:** Chairman William Wascher, Vice-Chairman Frank Livingston, Secretary Tom Kurtz, Commissioners David Bandkau, Mike O'Leary, Thomas Taylor, Craig Weaver and Randy Woodworth.

**MEMBERS ABSENT:** Commissioner Brent Smith.

**OTHERS PRESENT:** Susan Montenegro, Assistant City Manager and Director of Community Development; Charles Rau, Building Official; Mr. Scott Perrin of Perrin Construction representing the owners of 1400 E. Monroe, Tri-Mer Corporation. Christian Van Epps, Shiawassee Economic Development Corporation and John Horvath.

**AGENDA APPROVAL:**

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER WEAVER TO APPROVE THE AGENDA FOR AUGUST 11, 2014.**

**YEAS ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. Site Plan submission – 1400 E. Monroe

**COMMISSIONER / PUBLIC COMMENTS:** None

**PUBLIC HEARING:** None

**SITE PLAN REVIEW: 1400 E. MONROE**

Mr. Scott Perrin of Perrin Construction in Durand noted that the owner of Tri-Mer was out of town and that he would be presenting the site plan for the construction of a new building. The company makes pollution control equipment and because they can't produce and assemble the product quickly enough, they need this new building. Eventually they would like to add onto this building also.

Mr. Perrin stated the building will have new gas, water, and restrooms; a rolling crane inside; and overhead front doors. The building will have drain spouts to the east and the parking lot will drain east and north to a ditch and underground drain tile. There is also a ditch on the east side of the property.

Ms. Montenegro noted that the Building Official, Charles Rau, stated there is a 60 foot setback on McMillan and South Street on the corner lots rather than the 30 foot setbacks for any future buildings. Mr. Rau also mentioned there is a future retention pond planned by RWI on the same property.

Mr. Perrin has already made plans for Consumers Energy to move the overhead wires and pole

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER LIVINGSTON THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE SITE PLAN FOR 1400 E. MONROE STREET.**

**YEAS: ALL.**

**MOTION CARRIED.**



**COMMISSIONER / PUBLIC COMMENTS:**

Christian Van Epps, Shiawassee Economic Development Corporation, introduced himself. He was at the meeting to show support for this project. He is a former Owosso Fellow and has just been hired in at the Chamber of Commerce as a Project Specialist.

**ADJOURNMENT:**

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WOODWORTH TO  
ADJOURN AT 7:17 P.M.  
YEAS ALL. MOTION CARRIED.**

---

Tom Kurtz, Secretary

mms