

OWOSSO CITY COUNCIL

SEPTEMBER 15, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND WES COFFEY
OWOSSO WESLEYAN CHURCH

PLEDGE OF ALLEGIANCE: KEVIN FLOYD
CITY OF OWOSSO FIREFIGHTER

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

ABSENT: Councilperson Burton D. Fox.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda as presented.

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

Mayor Frederick brought the Council's attention to the handouts regarding the Downtown Infrastructure Grant and the summary of comments received for the public hearings.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 2, 2014

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of September 2, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

SWEARING IN CEREMONY - FIRE DEPARTMENT EMPLOYEE

Mayor Benjamin R. Frederick and Public Safety Director Kevin D. Lenkart presided over a ceremony to swear in the City's newest firefighter Kevin Floyd.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – REZONE 1011 CORUNNA AVENUE

A public hearing was conducted to receive citizen comment regarding the request to rezone 1011 Corunna Avenue from B-1 Local Business District to B-4 General Business District.

There were no citizen comments regarding the rezoning request received prior to or during the meeting.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

ORDINANCE NO. 756

**AMENDING CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES
TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY AT 1011 CORUNNA AVENUE
AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso received a request from Applebee Oil & Propane to rezone parcel 050-010-034-004-00, also known as 1011 Corunna Avenue, from B-1 Local Business District to B-4 General Business District; 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 ordinance meets the intent and criteria for a zoning amendment; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of the noted parcel at 1011 Corunna Avenue, as indicated; and

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

WHEREAS, the city council finds that the zoning petition meets the intent and criteria for a zoning map amendment.

THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS:

SECTION 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27, Zoning Districts and Map, reflect the changes as illustrated and attached to the record hereto as Exhibit A and filed with the city clerk.

SECTION 2. This amendment shall become effective October 6, 2014.

SECTION 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

EXHIBIT A

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
1011 Corunna Ave	050-010-034-004-00	B1	B4

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

SPECIAL ASSESSMENT DISTRICT NO. 2014-04

ALLEY BOUNDED BY KING STREET, CLARK AVENUE, OLIVER STREET, AND FIRST STREET

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2014-04 for the alley bounded by King Street, Clark Avenue, Oliver Street, and First Street for alley resurfacing.

The following person commented regarding the proposed assessment:

John Garrison, 802 W. Oliver Street, emailed the Council prior to the meeting objecting to the amount of the assessments saying some cost should be borne by the City as people other than the residents use the alley.

Mayor Pro-Tem Eveleth noted that Mr. Garrison had initiated the petition requesting improvements to the alley. He further noted that City policy was to assess 100% of the cost for alley improvement projects to the parcels adjoining the alley.

Councilperson Teich indicated that people that purchase property with an alley or easement should investigate their rights and responsibilities before buying.

The following preamble and resolution were offered by Mayor Pro-Tem Eveleth and supported by Councilperson Teich:

RESOLUTION NO. 135-2014

**SPECIAL ASSESSMENT DISTRICT NO. 2014-04
BLOCK 2 OF H N AND S A WILLIAMS ADDITION, PUBLIC ALLEY
RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Block 2 of H N and S A Williams Addition, public alley resurfacing, and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$11,115.28 is hereby confirmed and shall be known as Special Assessment Roll No. 2014-04.
2. Said special assessment roll shall be divided into five installments, the first of which shall be due and payable on December 1, 2014, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2014.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2014 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

SPECIAL ASSESSMENT DISTRICT NO. 2014-05

ALLEY BOUNDED BY WILLIAMS STREET, BALL STREET, MASON STREET AND WATER STREET

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2014-05 for the alley bounded by Williams, Ball, Mason, and Water Streets for alley resurfacing.

No citizen comments regarding the proposed district were received prior to or during the meeting.

The following preamble and resolution were offered by Mayor Pro-Tem Eveleth and supported by Councilperson Teich:

RESOLUTION NO. 136-2014

**SPECIAL ASSESSMENT DISTRICT NO. 2014-05
BLOCK 13 OF ORIGINAL PLAT, PUBLIC ALLEY
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Block 13 of Original Plat, public alley resurfacing, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$16,150.85 is hereby confirmed and shall be known as Special Assessment Roll No. 2014-05.
2. Said special assessment roll shall be divided into five installments, the first of which shall be due and payable on December 1, 2014, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2014.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1 2014 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

SPECIAL ASSESSMENT DISTRICT NO. 2014-06

ALLEY BOUNDED BY OLIVER STREET, BALL STREET, WILLIAMS STREET AND WATER STREET

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2014-06 for the alley bounded by Oliver, Ball, Williams, and Water Streets for alley resurfacing.

The following person commented regarding the proposed assessment:

Stanley Beltowski, 402 North Water Street, commented via email prior to the meeting objecting to his assessment because he does not use the alley as his garage faces Water Street.

There was discussion on the part of Council regarding whether the assessments should be changed in light of Mr. Beltowski's argument, who technically owns the alley, distributing Mr. Beltowski's assessment among the other parcels in the district, and creating an agreement prohibiting Mr. Beltowski from utilizing the alley should his parcel be removed from the district. At the conclusion of the discussion the following motion was made.

The following preamble and resolution were offered by Councilperson Teich and supported by Councilperson Bailey, as originally proposed:

RESOLUTION NO. 137-2014

**SPECIAL ASSESSMENT DISTRICT NO. 2014-06
BLOCK 4 OF ORIGINAL PLAT, PUBLIC ALLEY
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Block 4 of Original Plat, public alley resurfacing, and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$10,018.80 is hereby confirmed and shall be known as Special Assessment Roll No. 2014-06.
2. Said special assessment roll shall be divided into five installments, the first of which shall be due and payable on December 1, 2014, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2014.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2014 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: Mayor Frederick.

ABSENT: Councilperson Fox.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2014-07 for the alley bounded by Oliver, Ball, Williams, and Washington Streets for alley resurfacing.

There were no citizen comments regarding the proposed district received prior to or during the meeting.

The following preamble and resolution were offered by Mayor Pro-Tem Eveleth and supported by Councilperson Bailey:

RESOLUTION NO. 138-2014

**SPECIAL ASSESSMENT DISTRICT NO. 2014-07
BLOCK 5 OF ORIGINAL PLAT, PUBLIC ALLEY
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Block 5 of Original Plat, public alley resurfacing, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$14,058.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2014-07.
2. Said special assessment roll shall be divided into five installments, the first of which shall be due and payable on December 1, 2014, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2014.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2014 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

CITIZEN COMMENTS AND QUESTIONS

Dawn Levey introduced herself as a candidate for the 24th District State Senate seat. She described herself and indicated, if elected, she would be a strong supporter of schools, public safety, and conservation.

Mayor Frederick thanked the VFW Ladies Auxiliary for organizing the Vietnam Veterans honor service held yesterday. He said it was a great event, long, long overdue. On related items, he also noted the Blue Star Memorial has been installed in Fayette Square and the City of Owosso would be hosting the Veteran's Day parade this year.

Councilperson Greenway thanked the VFW for their continued support of the Home Tour and reminded everyone the Tour will be this weekend.

Councilperson Bandkau inquired why the brush pick up program would be temporarily paused while the leaf pick up program was in action. It was noted that due to current staffing levels at the DPW running the two programs simultaneously would be very difficult. Councilperson Bandkau encouraged staff to find a way to continue the brush pick up program through leaf season to remove the temptation for home owners to burn their brush.

Councilperson Teich indicated he was supportive of the approach Utilities Director Burk was taking to find the right equipment for the Waste Water Treatment Plant. He thanked him for his cautious approach.

Councilperson Bailey reminded everyone the Friends of the Shiawassee River Wine Tasting event would be this Thursday from 5:30 to 7:30 p.m. at the Country Club.

Mayor Frederick indicated that Durand has now moved their road striping process to the spring rather than in the fall. He inquired if the City could do something similar so the striping wouldn't immediately be torn up by snow plows. Public Services Director Sedlak indicated it shouldn't be a problem to move the activity to the spring time.

CITY MANAGER REPORT

Housing Program Manager Tyler Leppanen sat in for City Manager Crawford. He indicated Mr. Crawford and Assistant City Manager Montenegro sent their regards from the ICMA conference in North Carolina.

Councilperson Bailey gave an update on the stray cat issue saying volunteers had recently attended a conference on trap, neuter, release programs and others were looking into legislation, surveying efforts, grants and other resources to help tackle the problem.

CONSENT AGENDA

City Attorney William C. Brown made note of the change in legal jurisdiction for the contract with ESO Solutions, Inc. for Fire/EMS Billing Software from the state of Texas to the state of Michigan.

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 October 6, 2014 to receive citizen comment regarding request to rezone the parcel commonly known as 408 North Water Street, from RM-1, Multi-Family Residential District, to OS-1, Office Service District as follows:

RESOLUTION NO. 139-2014

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE A PARCEL OF REAL PROPERTY AT 408 NORTH WATER STREET AND AMEND THE ZONING MAP

WHEREAS, the city of Owosso received a petition from Robert Zalokar owner of real property identified as 408 North Water Street, parcel 050-470-004-010-00, to rezone the parcel from RM-1 Multi-Family Residential District to OS-1 Office Service District; 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 050-470-004-010-00, 408 N. Water Street from a RM-1 multi-family residential district to a OS-1 office service district; and

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

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

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

Indicate a zoning classification of OS-1 Office Service District for parcel 050-470-004-010-00.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, October 6, 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.

Bid Award – 2014 Alley Resurfacing Program. Accept low bid and authorize contract with Mike & Son Asphalt, Inc. for the 2014 Alley Resurfacing Program in the amount of \$52,580.00, and further authorize payment up to the contract amount upon satisfactory completion of the work as follows:

RESOLUTION NO. 140-2014

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2014 ALLEY RESURFACING PROGRAM
WITH MIKE & SON ASPHALT, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the surface of certain public alleys has deteriorated and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the City of Owosso sought bids for milling and asphalt resurfacing of the work sites as listed within contract documents of the 2014 Alley Resurfacing Program; a bid was received from Mike & Son Asphalt, Inc., and it is hereby determined that Mike & Son Asphalt, Inc., is qualified to provide such services and that it has submitted the lowest responsible and responsive bid; and

WHEREAS, a series of public hearings will be held on September 2, 2014 regarding the alleys that are part of the said bid; and

WHEREAS, it is acknowledged that adjustments may be made to the contract as a result of those hearings.

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 Mike & Son Asphalt, Inc., for milling and asphalt resurfacing services as part of the 2014 Alley Resurfacing 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 and Mike & Son Asphalt, Inc., in the amount of \$52,580.00, contingent upon approval of each of the listed alleys to be specially assessed.
- THIRD: The accounts payable department is authorized to pay Mike & Son Asphalt, Inc. for work satisfactorily completed on the project, up to the bid amount.
- FOURTH: The above expenses shall be paid from the proceeds of Special Assessment Account No. 203-463-818.000.

Bid Award – Early Shipment Salt. Authorize purchase order with State of Michigan Purchasing Contract holder North American Salt Company for early purchase of 600 tons of salt in the amount of \$46,644.00 and further authorize payment up to the contract amount as follows:

RESOLUTION NO. 141-2014

**AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH
NORTH AMERICAN SALT COMPANY
FOR THE SUPPLY OF ROAD SALT (EARLY SHIPMENT)**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has a duty to keep its streets safe during the winter months; and

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt onto the icy pavements; and

WHEREAS, in order to obtain the best price, it is in the best interest of the city of Owosso to waive competitive bidding requirements and utilize State-wide Contract No. 071B1300340 held by North American Salt Company for the purchase of road salt at \$77.74 per ton of salt.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to waive competitive bidding requirements and purchase 600 tons of road salt from North American Salt Company in the amount of \$46,644.00 for the 2014-15 winter season.

SECOND: The contract between the City and North American Salt Company shall be in the form of a City Purchase Order, with reference to State of Michigan Contract No. 071B1300340.

THIRD: The accounts payable department is authorized to pay North American Salt Company for road salt satisfactorily received, up to the purchase order amount.

FOURTH: The above expenses shall be paid from Local and Major Street Funds.

Bid Award – Seasonal Back-up Salt. Authorize purchase order with State of Michigan Purchasing Contract holder The Detroit Salt Company, LLC for purchase of 1800 tons of back-up salt in the amount of \$98,892.00 and further authorize payment up to the contract amount as follows:

RESOLUTION NO. 142-2014

**AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH
THE DETROIT SALT COMPANY, LLC
FOR THE WINTER SUPPLY OF ROAD SALT (SEASONAL SHIPMENT)**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has a duty to keep its streets safe during the winter months; and

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt onto the icy pavements; and

WHEREAS, in order to obtain the best price, it is in the best interest of the city of Owosso to waive competitive bidding requirements and utilize State-wide Contract No. 071B1300339 held by The Detroit Salt Company, LLC for the purchase of road salt at \$54.94 per ton of salt.

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

FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to waive competitive bidding requirements and purchase 1800 tons of road salt from The Detroit Salt Company, LLC in the amount of \$98,892.00 for the 2014-15 winter season.

SECOND: The contract between the City and The Detroit Salt Company, LLC shall be in the form of a City Purchase Order, with reference to State of Michigan Contract No. 071B1300339.

THIRD: The accounts payable department is authorized to pay The Detroit Salt Company, LLC for road salt satisfactorily received, up to the purchase order amount.

FOURTH: The above expenses shall be paid from Local and Major Street Fund.

Lease Extension – WWTP Screening Equipment. Authorize extension of the agreement with Duperon Leasing & Sales, Inc. for the lease of the screening equipment at the Waste Water Treatment Plant on a month to month basis, not to exceed 12 additional months, in the amount of \$18,815.00 per month as follows:

RESOLUTION NO. 143-2014

**AUTHORIZING EXTENSION TO AN EXISTING
LEASE AGREEMENT WITH
DUPERON LEASING & SALES, INC
FOR SCREENING EQUIPMENT FOR THE WASTEWATER PLANT
AT \$1,815 PER MONTH FOR UP TO 12 MONTHS**

WHEREAS, the City and Duperon Corporation entered a lease agreement dated September 10, 2013 for full scale demonstration of wastewater screening equipment for up to 12 months, beginning with equipment delivery through September 30, 2014 at a rate of \$2,605 per month; and

WHEREAS, Duperon Corporation has subsequently assigned the lease to Duperon Leasing & Sales, Inc., and

WHEREAS, the City is desirous of extending the lease agreement to further explore the options of the equipment; and

WHEREAS, both parties agree to the extension of the equipment lease on a month to month basis for up to an additional 12 months at a reduced monthly rate of \$1,805 beginning October 1, 2014,

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 extend the lease for wastewater screening equipment from Duperon Leasing & Sales, Inc. on a month to month basis at the rate of \$1,815 per month for up to an additional 12 month term.
- SECOND: The Mayor and City Clerk are hereby authorized to sign the attached document, Amendment No. 1 to Equipment Lease Agreement, between the City of Owosso and Duperon Leasing & Sales, Inc. extending the existing Lease Agreement, with all terms of the original contract unchanged, save the monthly lease rate.
- THIRD: The accounts payable department is authorized to submit the initial and subsequent monthly payments to Duperon Corporation pursuant to the agreement up to \$21,780.00.
- FOURTH: The above expenses shall be paid from the Wastewater Plant Fund.

Service Agreement – Fire/EMS Billing. Authorize contract with AccuMed Billing, Inc. for Fire and EMS billing services in the amount of 7.75% of monies collected as follows:

RESOLUTION NO. 144-2014

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT FOR PROFESSIONAL BILLING AND CLAIMS MANAGEMENT SERVICES WITH ACCUMED BILLING, INC.

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that providing ambulance and fire services to the residents of Owosso is advisable, necessary and in the public interest; and

WHEREAS, it is necessary to obtain professional billing and claims management services for the collection of service charges from individuals, insurance companies, Medicare and public aid related to the provision of said ambulance and fire services; and

WHEREAS, the billing and collection of charges for services is difficult because of complex procedures and regulations, which require the skills of a billing and claims management service firm.

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 firm AccuMed Billing, Inc. to provide professional billing and claims management services for fire and EMS services.
- SECOND: The mayor and city clerk are hereby instructed and authorized to sign the document attached as Exhibit 1, Billing Services Agreement with AccuMed Billing, Inc., with a service fee of 7.75% of monies collected.

Service Agreement – Fire/EMS Billing Software. Authorize a contract with ESO Solutions, Inc. for the provision and support of reporting software for Fire/EMS billing in the amount of \$4,342.50 annually, to be paid via the terms of the AccuMed Billing Service Agreement as follows:

RESOLUTION NO. 145-2014

RESOLUTION AUTHORIZING THE EXECUTION OF A SUBSCRIPTION AGREEMENT WITH ESO SOLUTIONS, INC.

WHEREAS, the city of Owosso, Shiawassee County, Michigan, provides fire and EMS services to area residents; and

WHEREAS, the City has contracted with AccuMed Billing, Inc. to provide billing and claims management assistance for said services; and

WHEREAS, the services provided by AccuMed Billing, Inc. require the use of specific reporting software to relay necessary information for billing; and

WHEREAS, ESO Solutions, Inc. provides such software and support, and regularly works with AccuMed Billing, Inc.

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 ESO Solutions, Inc. to provide reporting software for Fire and EMS billing in the amount of \$4,342.50 annually.

SECOND: The mayor and city clerk are hereby instructed and authorized to sign the document attached, Subscription Agreement between ESO Solutions, Inc. and the city of Owosso.

THIRD: Payment for said software and support will be paid by AccuMed Billing, Inc. on behalf of the city of Owosso, utilizing funds collected per the terms of the agreement with AccuMed Billing, Inc.

Warrant No. 488. Authorize Warrant No. 488 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc	Network engineering support-August 2014	General	\$ 7,616.00
Michigan Municipal Risk Management Authority	Building and property insurance	General	\$107,173.00
Michigan Municipal League	Annual membership- October 1, 2014- September 30, 2015	General	\$ 5,743.00
Waste Management	Landfill charges-8/16/14-8/31/14	WWTP	\$ 7,723.11
Brown & Stewart PC	Professional services-	General	\$ 9,098.25
Fishbeck, Thompson, Carr & Huber, Inc.	Gould Street Bridge engineering services – Final payment	Major Streets	\$30,864.50

Check Register–August 2014. Affirm check disbursements totaling \$858,470.17 for the month of August 2014.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

Note: Due to their length full text of contracts and the check register are not included in the minutes. These documents are on file in their entirety in the Clerk's Office.

ITEMS OF BUSINESS

DIG PROJECT DECISION

Housing Program Manager Tyler Leppanen reported that despite having gone out for bids for a second time the bids received greatly exceeded the engineer's estimates. He also indicated that further negotiations with the MEDC produced no results and as such staff was recommending Council consider rejecting the bids for the Downtown Infrastructure Grant projects and declining the Downtown Infrastructure Grant.

Motion by Mayor Pro-Tem Eveleth to authorize the following resolution rejecting all bids for the DIG Project and instructing staff to notify the MEDC the City will decline the Downtown Infrastructure Grant.

RESOLUTION NO. 146-2014

AUTHORIZING THE REJECTION OF ALL BIDS FOR THE 2014 DOWNTOWN INFRASTRUCTURE GRANT PROJECT

WHEREAS, the city of Owosso sought bids for improvements to its infrastructure as part of the 2014 Downtown Infrastructure Grant project; and

WHEREAS, all bids received are in excess of the engineer's estimates and available funds to perform said work; and

WHEREAS, city staff met with MEDC officials and both agree that the project may not proceed without additional funds that neither can provide at this time.

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 reject all bids received.

SECOND: The City of Owosso is to notify MEDC officials that the city will decline the Downtown Infrastructure Grant and not proceed with the project at this time.

THIRD: City staff will apply for a grant in the future.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

SET AGENDA FOR SEPTEMBER 29TH MEETING

The Council considered setting the agenda for the September 29, 2014 5th Monday meeting to discuss the street program and related tax levy. Councilperson Bailey asked that an item regarding the Osburn Lakes development be added to the agenda as well. The Council also discussed starting the meeting at 7:00 p.m.

Motion by Mayor Pro-Tem Eveleth to set the agenda for the September 29th meeting as follows:

ITEMS OF DISCUSSION

Street program and related tax levy
Osburn Lakes development – City rights and responsibilities and the role of the HOA

Meeting to begin at 7:00 p.m.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Fox.

COMMUNICATIONS

Mark Sedlak, Public Services Director. Lansing Street parking lot update.
Charles P. Rau, Building Official. August 2014 Building Department Report.
Charles P. Rau, Building Official. August 2014 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. July 2013 Police Report.
Kevin D. Lenkart, Public Safety Director. July 2013 Fire Report.
Historical Commission. Minutes of July 14, 2014.
Historical Commission. Minutes of August 11, 2014.
Parks & Recreation Commission. Minutes of August 25, 2014.
Planning Commission. Minutes of August 25, 2014.

Councilperson Teich gave an update on the Lansing Street parking lot saying the next hurdle is to determine how to handle tenant parking. The City has approached adjoining land owners with the prospect of buying their land for inclusion in the lot, the major stumbling block being where the building owners' tenants would park if they sold their land to the City. Councilperson Teich indicated that other facets of the project are moving forward, such as locating a house mover, finding a suitable lot for the house, and getting an estimate for demolition should it be necessary. Mayor Frederick suggested Mr. Teich speak with Public Safety Director Lenkart and Main Street Manager Adams regarding tenant parking.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, relayed to the Council that local Veteran's organizations had raised over \$1,000 for another granite bench at the Veteran's Memorial in Fayette Square.

NEXT MEETING

Monday, September 29, 2014, 7:00 p.m. – 5th Monday Meeting
Monday, October 06, 2014, 7:30 p.m. – Regular Meeting

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:16 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk