

**OWOSSO CITY COUNCIL
REGULAR MEETING**

NOVEMBER 3, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR MARLENE WEBSTER
OWOSSO CITY CHURCH

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.

APPROVE AGENDA

Motion by Councilperson Fox to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 20, 2014

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of October 20, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

CURWOOD FESTIVAL

Presentation of \$1,000 donation from the Curwood Festival for maintenance of Curwood Castle.

GLO-BUS AWARD WINNER

A proclamation by Mayor Frederick honoring Baker College of Owosso Graduate Trevor Kryza as the Global Business Strategy Simulation Competition Award Winner.

**MAYORAL CERTIFICATE OF RECOGNITION
FOR
TREVOR KRYZA**

I am proud to join with Baker College of Owosso, the Owosso City Council, and the entire Owosso community in honoring Trevor Kryza upon his being awarded first place in the online global business strategy simulation (Glo-Bus).

Trevor won this contest as the sole proprietor of his fictitious "Da Camera" company. He competed against more than 500 simulated businesses managed by students representing 46 colleges and universities. His achievement as a sole proprietor is all the more impressive given that many of those he was competing against operated in teams of up to five members. Trevor was tasked with making approximately 150 business decisions each week throughout the eight week online competition. These decisions all had a bearing on his company's wholesale, internet and private-label marketing channels.

Trevor has since been conferred a bachelors in management with a minor in marketing. His performance in the Glo-Bus competition has brought honor to his family, stands as a credit to the outstanding programs at Baker College of Owosso, and reflects well upon the entire community. I wish him every success in what I am sure will be a fulfilling and prosperous future.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Jeff Deason representing the Shiawassee Regional Chamber of Commerce thanked the city of Owosso and Public Safety for their support during Oktoberfest. He said that there were many visitors from out of town and local businesses and charities had great success from the event.

Owosso Main Street Director Josh Adams introduced the Military Appreciation Project. Downtown businesses can participate by placing a military sticker in their window. The sticker indicates a free give away or discount to military veterans. If the sticker is removed the business is no longer participating. He thanked Councilperson Bailey for her support on the project. Mr. Adams also announced "Ladies Night Out" shopping event, second Friday of each month between 4pm to 9pm, to encourage evening shopping in Owosso downtown. Each month will have a new theme, next month will be a window decorating contest, and January is "New Year, New You".

Lisa Stechschulte, 725 River Street, relayed her concerns with continued open burning going on in the town and the effects it has on the residents. She cited Elsie's ordinance, which bans burning as more business friendly and claims that Owosso has an above normal cancer rate as a result of the burning.

Tom Manke, business owner at 118 South Washington Street, was upset that 24 hour parking changes were not included with other downtown parking changes on the agenda.

Ann Danek, wanted to know what a Headlee Override was and what it has to do with the sheriff millage proposal. She also did not understand what animal control had to do with the proposal.

Eddie Urban, 601 Glenwood Avenue, wanted to point out the work that Councilperson Bailey has done on animal control and specifically cats.

Mayor Frederick encouraged city residents to see a movie documentary about children in Afghanistan and to honor veterans by Tony Hornus, which will play at the Lebowsky Theatre at 8pm, \$20 per ticket.

Councilperson Fox inquired whether it is legal to burn leaves; City Manager Crawford said leaf burning is not permitted at all.

Councilperson Bailey gave a cat update. November dates are full, but December 11th is still available. She is still looking for traps to catch and transport animals. She worked with Finance Director Rick Williams to establish a line item for this project in the city budget for people to make donations to, checks to be made out to the city of Owosso. She also wanted people to know that they can donate towels and sheets for the cause.

Councilperson Bandkau responded to Ann's question regarding the Headlee override and that an override allows taxes to return to historical limits. Mayor Frederick pointed out that there were County Board members in attendance and Ann could ask them questions after the meeting.

CITY MANAGER REPORT

City Manager Crawford distributed and briefly detailed the Project Status Report.

Osborn Lakes Brokerage Report. The city has created a Request for Proposal, which was sent to 14 brokerage firms. To date two proposals have been received.

111 South Lansing house status. There was discussion about what needs to be done with the house and to develop a timeline to resolve the issues.

Motion by Councilperson Bandkau to send out current Request for Proposals to move the house to a different location with a deadline of 30 days. ~~If the house is not moved within 30 days then the house will be demolished.~~ **Then there will be a 30-day request for proposal from charitable groups. After that time has expired there will be a request for bids for demolition, allowing a time frame to coordinate with construction in the spring for the parking lot.***

*Edits made and approved by Council at the meeting of November 17, 2014.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Fox, Bandkau, Greenway.

NAYS: Councilperson Teich, Pro-Tem Eveleth, Mayor Frederick.

CONSENT AGENDA

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

Owosso Glow Events. Request from Owosso Main Street for use of various downtown streets and a parking lot at various times on November 28, 2014 for Owosso Glow Events and approve Traffic Control Order No. 1324 formalizing the request.

Boards and Commission Appointments. Confirm the Mayoral Historical Commission appointments of Brian Mahoney to fill the unexpired term of James Gutting ending December 31, 2014 and Robert Brockway to fill the unexpired term of Kerry Baker ending December 31, 2015.

Professional Services Contract – Well Cleaning and Pump Repair. Authorize a contract with Peerless-Midwest Inc. for well cleaning and pump repair for Palmer Well #2 in the amount of \$25,715 as follows:

RESOLUTION NO. 158-2014

AUTHORIZING SERVICE CONTRACT AND PAYMENT TO PEERLESS-MIDWEST INC. FOR PALMER WELL # 2 CLEANING AND PUMP REPAIR

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Water Fund for service to one of the six wells supplying the City's Water System, and

WHEREAS, pump tests indicated the need for service to Palmer Well # 2, and WHEREAS, the pump has been pulled and inspected and the well also inspected by underwater TV by Peerless-Midwest Inc., a pre-qualified municipal well service company, and

WHEREAS, Peerless-Midwest Inc. has provided a detailed quotation for pump repair and well cleaning and testing at a cost of \$25,715, and

WHEREAS, City staff has reviewed and concur in the scope of work and find the price quotation to be reasonable, within budget and in line with other previous well service work of a similar scope.

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 contract with Peerless-Midwest Inc. for the rehabilitation of Palmer Well # 2 and the pump well as detailed in their October 10, 2014 quotation.

SECOND: The accounts payable department is authorized to submit payment to the Peerless-Midwest Inc. in the amount of \$25,715 upon satisfactory completion of the work in accordance with their October 10, 2014 quotation as authorized by Council this 3rd day of November, 2014.

THIRD: The above expenses shall be paid from the Water Fund.

Purchase Authorization – Diesel Sewage Pump. Approve the purchase of one Godwin Model #CD225 trailer mounted, diesel engine sewage pump in the amount of \$52,067.60 as follows:

RESOLUTION NO. 159-2014

AUTHORIZING PURCHASE AND PAYMENT TO XYLEM DEWATERING SOLUTIONS INC, D/B/A GODWIN PUMPS OF AMERICA, INC FOR ONE GODWIN MODEL # CD225 TRAILER MOUNTED, DIESEL ENGINE SEWAGE PUMP FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, it is necessary to replace an outdated, 1970 vintage portable sewage pump for the reliable and efficient operation and repair of the Owosso Wastewater Treatment Plant, Shiawassee County, Michigan, and

WHEREAS, this is a budgeted item from the Plant Improvement Fund, and

WHEREAS, the Godwin pump is available at competitive pricing through the Federal Government Services Administration contract number GS-07F-9491 G.

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

FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to purchase one Godwin Model CD225 trailer mounted, diesel engine sewage pump from Godwin Pumps in the amount of \$52,067.60 plus freight pursuant to GSA Contract # GS-07F-9491 G.

SECOND: The purchase contract shall be in the form of a city purchase order and the accounts payable department is authorized to submit payment to Xylem Dewatering Solutions, Inc., d/b/a Godwin Pumps of America Inc., in the amount of \$52,067.60 plus freight upon satisfactory City receipt of the pump.

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

Professional Services Agreement Amendment. Authorize Professional Services Agreement with Capital Consultants Inc. (dba C2AE) for development of an Asset Management Program for the Wastewater Treatment Plant in the amount of \$181,975 as follows:

RESOLUTION NO. 160-2014

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE OCTOBER 21, 2013 CONTRACT, BETWEEN THE CITY OF OWOSSO AND CAPITAL CONSULTANTS, INC. D/B/A C2AE, FOR ASSET MANAGEMENT PROGRAM DEVELOPMENT FOR THE OWOSSO MID-COUNTY WASTEWATER TREATMENT PLANT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is necessary to develop an Asset Management Program for the Wastewater Treatment Plant in order to meet state regulatory requirements and to better provide for optimal long term operation and replacement of plant assets; and

WHEREAS, the City has been awarded a MDEQ "SAW" grant that will provide 75% funding for the program development; and

WHEREAS, the City previously selected Capital Consultants, Inc. d/b/a C2AE for professional engineering services on the Plant Asset Management Program Development and entered an October 21, 2013 agreement with C2AE to determine the program scope of services as required to complete the grant application; and

WHEREAS, the engineer desires to contract with the owner for rendering professional services for the project as described in detail in their October 21, 2014 proposed Amendment No. 1.

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 Capital Consultants, Inc. d/b/a C2AE to provide the professional services needed to complete the Asset Management Program requirements pursuant to state regulations and the SAW grant agreement between the City of Owosso and the Michigan Department of Environmental Quality.

SECOND: The mayor and city clerk are instructed and authorized to sign the Amendment No. 1 document substantially in the form attached, Agreement for Preparation of a Grant Application for a Stormwater, Asset Management, Wastewater (Saw) Grant With Capital Consultants d/b/a C2AE in the total contract amount not to exceed \$186,975 over a period extending to October 2017.

THIRD: The above expenses shall be paid on a monthly cost basis following staff review not to exceed the total cumulative contract amount of \$186,975 from the wastewater fund with partial reimbursement from the MDEQ "SAW" grant # 1501-01.

Warrant No. 491. Approve Warrant No. 491 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and property insurance	General	\$53,586.50
Key Government Finance Inc.	Annual phone system payment-3 rd installment	General	\$26,248.57
Waste Management	Disposal charges – 10/1/14 – 10/15/14	Streets/WWTP	\$5,751.24
Waste Management	Disposal charges – 10/16/14	Streets/WWTP	\$7,393.73
Michigan Municipal League Workers' Compensation Fund	Workers' compensation insurance	Various	\$25,749.00

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

LOT SPLIT AUTHORIZATION – 109 NORTH WASHINGTON STREET

The Council examined the request from David Lazar for the division of City lot under Michigan Subdivision Control Act for platted lot commonly known as 109 North Washington Street, parcel # 050-470-022-013-00. Mr. Lazar presented three insurance quotes to cover the building if the lot was split. City Manager Crawford noted that this discussion is similar to previous council meetings. There was significant discussion regarding why the 2009 building code affects the situation if there is no change in use, how utilities would be separated, and legal agreements to be drawn up to clearly delineate the duties of each property owner.

Mayor Frederick stated he would like to have a legally binding agreement that address the issues raised so future councils can see clearly why decisions were being made, a written record of how we got to this point.

Motion by Councilperson Fox to proceed toward approval of the lot split contingent upon a legal agreement to be drawn up by City Attorney Bill Brown to be presented at the December 1, 2014 meeting.

Motion supported by Councilperson Teich.

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

NAYS: None.

DOWNTOWN PARKING REGULATIONS AMENDMENTS

Owosso Main Street Director Josh Adams presented Owosso Main Street Parking Subcommittee recommendations to address several concerns associated with downtown parking. The subcommittee developed a list of recommendations approved by OMS Board. The changes are to be made via specific traffic control orders to allow more flexibility to changing businesses.

Councilpersons Fox and Bandkau raised a discussion concerning 24 hour parking and street maintenance. Mr. Adams indicated that 24 hour parking would be addressed at a later date with an ordinance amendment with exceptions. City Attorney Bill Brown pointed out that an ordinance amendment with a traffic control order may be needed to resolve issues.

Motion by Pro-Tem Eveleth to approve Owosso Main Street parking subcommittee recommendations to amend the following traffic control orders as presented:

- Traffic Control Order No. 1167 – Lot 1
- Traffic Control Order No. 1168 – Lot 2
- Traffic Control Order No. 1169 – Lot 3
- Traffic Control Order No. 1170 – Lot 4
- Traffic Control Order No. 1171 – Lot 5
- Traffic Control Order No. 1172 – Lot 6
- Traffic Control Order No. 1173 – Lot 7
- Traffic Control Order No. 1175 – Lot 9
- Traffic Control Order No. 1176 – Lot 10

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Downtown Development Authority/Main Street. Minutes of October 1, 2014.

Planning Commission. Minutes of October 27, 2014.

Parks & Recreation Commission. Minutes of October 13, 2014.

Historical Commission. Minutes of October 13, 2014.

Historical Commission. Letters of resignation.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner, as a member of the parking sub-committee he thanked Council for the vote on the parking recommendations. However, he was still upset that parking between 3am and 6am were not addressed at the meeting. He said that the DDA Director, Public Safety Director and his neighbor were making parking inconvenient for his customers and in the past people were more flexible for 24 hour businesses.

Shelah Hockman, 705 Campbell Drive, was concerned that Lisa Stechschulte's question of why no tickets are being written if burning leaves is against state law was not answered. She also wanted to know why local ordinances are written without including state laws.

Mayor Frederick stated the ordinance has been in place for about six years and is popular among majority of city residents, and that tickets have been issued when people violate the ordinance. He also noted that state law is not mentioned in local ordinances because state law trumps local ordinances and therefore, is implied.

Mark Beatty, 202 Bingham Road, Henderson, wanted more information about the 111 South Lansing house.

Councilperson Fox said that if leaves are being burned there needs to be tickets issued.

Mayor Frederick pointed out that the burning ordinance has been up for discussion many times and people continue to vote in favor of the current ordinance. He believes that proper enforcement of the ordinance is what is needed.

Kevin Lenkart, Public Safety Director, said officers are sent out when burning is reported but sometimes the origin of the fire cannot be pinpointed.

NEXT MEETING

Monday, November 17, 2014

BOARDS AND COMMISSION OPENINGS

Shiawassee Council on Aging Board of Directors, term expiring June 30, 2017

ADJOURNMENT

Motion by Councilperson Teich for adjournment at 9:51 p.m.

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

Benjamin R. Frederick, Mayor

Tyler Leppanen, Recording Secretary