

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 3, 2017
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: SHEILA RALPH, OWNER
SHEILA'S STYLING SALON

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM SUSAN J. OSIKA

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,
Councilmembers Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway,
Daniel A. Law, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Bailey to approve the agenda as presented.

Motion supported by Councilmember Greenway and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 20, 2017

Motion by Councilmember Fox to approve the Minutes of the Regular Meeting of March 20, 2017 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Parkinson's Awareness Month

Mayor Eveleth read aloud the following proclamation of the Mayor's Office declaring the month of April 2017 as Parkinson's Awareness Month in the City of Owosso:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING APRIL 2017 AS
PARKINSON'S AWARENESS MONTH IN THE CITY OF OWOSSO**

WHEREAS, Parkinson's disease is a chronic, progressive neurological disease that causes motor system disorders; and

WHEREAS, Parkinson's disease affects nearly 35,000 in the State of Michigan and its prevalence continues to rise significantly with the increasing age of the Baby Boom generation; and

WHEREAS, a local support group, the Owosso Parkinson's Support Group, has been meeting for over twenty-six years in an effort to provide education, support and fellowship to those affected by this frustrating disease.

NOW, THEREFORE, I, Christopher T. Eveleth, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of April 2017 as Parkinson's Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Owosso Parkinson's Support Group and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 3rd day of April, 2017.

PUBLIC HEARINGS

Special Assessment District No. 2017-04 **Chipman Street from South Street to Stewart Street**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2017-04 for S. Chipman Street from South Street to Stewart Street for street resurfacing.

The following people commented regarding the proposed special assessment project:

Raymond Humphreys, 1202 S. Chipman Street, inquired how Chipman Street was determined to be a good candidate for rehabilitation and how the benefit to each property is determined. City staff indicated that streets are selected by targeting them to receive work at the most economical time to make the most of the money that is spent. It was also noted that residential property owners are assessed approximately 40% of the cost to install 4" on new asphalt on a given street.

Tom Skinner, owner of 1210-1212 S. Chipman Street, said he would like to see some of the crown taken off the street and a thicker layer of asphalt put down to handle the traffic volume. He said he also hopes the water lines will be buried deeper when the new water main is installed as his water lines have frozen twice in recent years. Staff answered his questions saying that at least 6" of asphalt would be laid and plans call for some of the crown to be taken down. They further indicated that the new water services would be located at least 5.5 feet below the surface to prevent freezing.

Larry & Sandra Noble, 1114 Mary Street, via email, indicated they felt the street needs work but they have concerns with the number of semis that travel the street. They said damage is being caused by the trucks and nothing is being done about it. Councilmember Fox asked for more enforcement of the truck route by police.

Jamie Bush, 1116 S. Chipman Street, via email, said she is opposed to the project. She has concerns about the effect the construction will have on her special needs children as well as the cost. Several Councilmembers and staff members spoke with Ms. Bush prior to the meeting seeking a solution to her objections but have yet to reach a satisfactory resolution.

Char & Steve Porubsky, owners of 800 S. Chipman Street, via telephone, are concerned with maintaining access to their grocery store during construction. City Engineer Randy J. Chesney indicated he would contact them to discuss the City's barricade plans and address any other concerns they have.

John Lemke, 1118 S. Chipman Street, via email, indicated he opposed the special assessment related to the project because he felt it was poor practice to bill homeowners for on-going maintenance projects and it was against the Charter to bill for capital improvement projects, such as the replacement of water mains. Utilities Director Glenn M. Chinavare indicated he would follow up with Mr. Lemke to answer his questions.

Motion by Councilmember Fox that the following resolution be adopted:

RESOLUTION NO. 38-2017

**ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2017-04
CHIPMAN STREET, FROM SOUTH STREET TO STEWART STREET
FOR STREET RESURFACING**

WHEREAS, the City Council, after due and legal notice, has met and having heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Chipman Street, Public Street, from South Street to Stewart Street
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$872,595.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$156,181.77 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Chipman Street, Public Street, from South Street to Stewart Street for street resurfacing.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmembers Fox, Bailey, Greenway, Teich, Mayor Pro-Tem Osika, Councilmember Law, and Mayor Eveleth.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Gordon Pennington, 417 E. Oliver Street, reiterated his concerns regarding the plans to increase the width of Oliver Street. He said he felt traffic would increase on Oliver Street after the project is completed and the planned street configuration would endanger residents.

Councilmember Bailey thanked City staff for organizing the recent educational event for Brownfield Redevelopment Authority members, saying it was very informative and timely.

Councilmember Fox said the project to reconstruct Oliver Street was the first major reconstruction of the street he'd seen in the 43 years he had lived there and he was happy to see it get started.

CITY MANAGER REPORT

Presentation of Proposed Budget for FY 2017-18. City Manager Crawford gave a brief overview of the proposed budget for the coming fiscal year noting that general fund revenues and federal street funding were predicted to be down for the year.

Project Status Report. City Manager Crawford detailed the latest Project Status Report.

Water Shut-off Update. City Manager Crawford noted that the last two rounds of shut-offs had decreased from approximately 130 to 100, which represented a typical number for a city of Owosso's size.

CONSENT AGENDA

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

Special Assessment District No. 2017-03. Authorize Resolution No. 2 setting a public hearing for Monday, April 17, 2017 for proposed Special Assessment District No. 2017-03 for Stewart Street from Chestnut Street to Chipman Street for street resurfacing as follows:

RESOLUTION NO. 39-2017

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Stewart Street, Public Street, from Chestnut Street to Chipman Street; Resurfacing

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$907,365.00 and determines that \$138,330.91 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$769,034.09 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.

5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, April 17, 2017 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Stewart Street, Public Street, from Chestnut Street to Chipman Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Resurfacing.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, April 17, 2017 for the purpose of hearing any person to be affected by the proposed public improvement.

Contract Addendum No. 5 -OHM Professional Engineering Services. Authorize Addendum No. 5 to the contract with Orchard, Hiltz & McCliment d/b/a OHM Advisors for Professional Engineering Services originally approved April 6, 2015, for additional flow metering, analysis, and modeling to assist in the development of solutions to the regional sanitary sewer overflow problem, and further authorize payment up to the contract amount, including Addendum Nos. 1-5, as amended, upon satisfactory receipt of deliverables as detailed below:

RESOLUTION NO. 40-2017

**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 5 TO
AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors by the adoption of Resolution 26-2015 on April 6, 2015; and

WHEREAS, the city and Director of Public Services & Utilities desires to expand the contract to include additional services for completing SAW Grant metering and modeling of the sanitary sewer collection system, and for completion of Michigan Department of Environmental Quality SAW Grant initiatives and Administrative Consent Order compliance.

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 expand the contract approved by Resolution 26-2015 on April 6, 2015 with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors to include additional services for the completion of Tasks 3 scope of services for metering and modeling, as required by the Michigan Department of Environmental Quality.
- SECOND: The accounts payable department is authorized to submit payment to OHM Advisors for professional services, up to and including Addendum No. 5, in an amount not to exceed \$636,355 for engineering services to complete the SAW Grant initiatives.
- THIRD: The above expenses shall be paid from SAW Grant Funds.

Contract Authorization – WWTP Screening Unit Control Panel Installation. Waive competitive bidding requirements, authorize contract with Halligan Electric, Inc. for the installation of two control panels for the new primary clarifier screening units at the Waste Water Treatment Plant in amount not to exceed \$25,100.00 (including contingency of \$1,000.00), and further authorize payment up to the contract amount plus the contingency as detailed:

RESOLUTION NO. 41-2017

**AUTHORIZING PURCHASED SERVICES AND PAYMENT TO
HALLIGAN ELECTRIC, INC.
FOR MATERIALS AND INSTALLATION OF SCREENING UNIT CONTROL PANELS
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted for electrical services for the Primary Clarifier and Screening Unit Capital Project at the Wastewater Treatment Plant, and

WHEREAS, the newly built screening unit control panels require installation by a licensed electrical contractor, and Halligan Electric, Inc. has provided a proposal for installation services in the amount of \$24,100.00, and

WHEREAS, the City Director of Public Services & Utilities has reviewed the proposal for services, and agrees with the scope of services to be provided by Halligan Electric, and recommends waiver of the purchasing policy competitive bid requirements to initiate this service agreement.

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 issue a purchase order for material and labor services with Halligan Electric, Inc. for control panel installation services located at the Wastewater Treatment Plant.
- SECOND: The accounts payable department is authorized to submit payment to Halligan Electric, Inc. in the amount not to exceed \$24,100.00, plus contingency of \$1,000.00 for a total of \$25,100.00.
- THIRD: The above expenses shall be paid from account no. 599-901-977.000.

Bid Award - WWTP Lime Tower Demolition & Wash Compactor Containment Room Construction. Approve bid award to RCL Construction Co., Inc. for the demolition of three lime towers at the WWTP and the construction of two wash compactor containment rooms with specified mechanical and electrical

components in the amount of \$253,985.00 (including contingency of \$23,000.00), and authorize payment to the contractor upon satisfactory completion of the work or portion thereof as detailed:

RESOLUTION NO. 42-2017

**AUTHORIZING CONTRACT AGREEMENT WITH
RCL CONSTRUCTION CO., INC. OF SANFORD, MICHIGAN
FOR DEMOLITION SERVICES AND CONSTRUCTION OF TWO COMPACTOR
CONTAINMENT ROOMS AT THE WASTEWATER PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the demolition of three lime towers and the construction of two Washer-Compactor Containment Rooms, and

WHEREAS, the existing process of capturing inorganic solid material is inefficient and exhibits poor sanitation, and construction of containment rooms will provide a safe, clean, and more efficient means to store and dispose of this material, and RCL Construction Co., Inc. has submitted the low responsive bid of \$230,895.00 for this process equipment, and

WHEREAS, the Director of Public Services & Utilities has reviewed the Bid proposals and verified the necessity for construction of replacement process equipment, and recommends authorizing RCL Construction Co., Inc. to provide the demolition and construction services at the not to exceed price of \$230,895.00, and requests authorization for the Director to expend up to \$23,000.00 additional funds for possible installation modification contingencies.

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 RCL Construction Co., Inc. for the demolition of three lime towers, and construction of two containment rooms with bid specified electrical and mechanical components for use at the Wastewater Treatment Plant.
- SECOND: The accounts payable department is authorized to submit payment to RCL Construction Co., Inc. in the amount of \$230,895.000, and up to \$23,000.00 in additional contingency expenses upon written authorization of the city, with completion of contracted services by June 30, 2017.
- THIRD: The above expenses shall be paid from the Wastewater Plant Fund 599-901-977.100.

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmembers Law, Teich, Greenway, Fox, Mayor Pro-Tem Osika, Councilmember Bailey, and Mayor Eveleth.

NAYS: None.

ITEMS OF BUSINESS

Tilson Sewer Refund Request

Councilmember Bailey inquired whether fulfilling this request would set a precedent. Mayor Eveleth indicated the property has a well and the owner can prove that the power was shut off during the entire period the refund covers.

Motion by Mayor Pro-Tem Osika to approve the refund of sewer charges for 1410 Frederick Street accrued from March 31, 2010 to January 31, 2017 as follows:

RESOLUTION NO. 43-2017

**AUTHORIZING REIMBURSEMENT OF SANITARY SEWER DEMAND CHARGES
FOR THE PROPERTY LOCATED AT 1410 FREDERICK STREET, OWOSSO, MICHIGAN,
IN THE CASE OF JOANN M. TILSON**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, charges quarterly sewer demand fees for connection and use of the city of Owosso sanitary sewer collection system, and

WHEREAS, the city of Owosso utility billing has required the minimum sewer demand charges be paid for property located at 1410 Frederick Street, and Joann M. Tilson has paid the minimum sewer demand charges totaling \$1,967.40 during the period of March 31, 2010 through present, and

WHEREAS, Joann M. Tilson has requested reimbursement for sewer demand charges paid in the amount of \$1,967.40 for the period March 31, 2010 through present, and has provided proof of property ownership and proof of Consumers Energy termination of electrical power to 1410 Frederick Street from March 31, 2010 thru present, and that the private drinking water well located at 1410 Frederick Street was unable to operate and discharge wastewater to the sanitary sewer collection system during this period of time, and that the property was in fact vacant and uninhabited from March 31, 2010 through present.

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 reimburse Joann M. Tilson for sewer demand charges paid in the amount of \$1,967.40 for the period of March 31, 2010 through present, and that this reimbursement amount is final and cannot be contested after receipt of payment, and that this resolution for reimbursement is without precedent for future claims against the city of Owosso.

SECOND: The accounts payable department is authorized to submit payment to Joann M. Tilson in the amount of \$1,967.40 for sewer demand charges paid from March 31, 2010 to present.

THIRD: The above expenses shall be paid from sewer revenue account.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmembers Greenway, Teich, Mayor Pro-Tem Osika, Councilmembers Law, Bailey, Fox, and Mayor Eveleth.

NAYS: None.

Unpaid Utility Charges – Annual Notice

Motion by Councilmember Fox to authorize the annual notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmember Teich, Mayor Pro-Tem Osika, Councilmembers Law, Bailey, Fox, Greenway, and Mayor Eveleth.

NAYS: None.

Scheduling of Budget Meetings

Motion by Mayor Pro-Tem Osika to set the following special meetings for the purpose of discussing the 2017-18 Proposed Budget:

Wednesday, April 12, 2017	6:00pm – 8:00pm
Thursday, May 4, 2017	6:00pm – 8:00pm
Saturday, May 13, 2017	9:00am – 12:00pm

Motion supported by Councilmember Fox.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Teich, Law, Bailey, Greenway, Fox, and Mayor Eveleth.

NAYS: None.

COMMUNICATIONS

Glenn M. Chinavare, Utilities Director. 2017 Annual Water Consumer Confidence Report (formerly: Annual Water Quality Report).
Historical Commission. Minutes of March 13, 2017.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, told the group about a first responders event to be held this spring in Elsie. He asked if the 1921 fire truck could be displayed at the event. Sadly, it was noted it could not.

Councilmember Bailey announced the Community Cats is offering a free spay/neuter event on April 26th for feral and outdoor cats. A regular spay/neuter event will be held May 11th for any type of cat.

She then inquired about the status of the issue with utility towers. City Manager Crawford noted that staff continues to work on the issue and that a licensing agreement would be presented to Council prior to the installation of any towers.

NEXT MEETING

Monday, April 17, 2017

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals - term expires June 30, 2019
Building Board of Appeals – Alternate - term expires June 30, 2018
Historical Commission – 2 terms expiring December 31, 2019
Parks & Recreation Commission – 2 terms expiring June 30, 2017
Parks & Recreation Commission – term expires June 30, 2018

ADJOURNMENT

Motion by Councilmember Fox for adjournment at 8:24 p.m.

Motion supported by Councilmember Law and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk