

**OWOSSO CITY COUNCIL**

**FEBRUARY 18, 2014**

**7:30 P.M.**

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

**OPENING PRAYER:** PASTOR KENNETH HERBRUCK  
OWOSSO ASSEMBLY OF GOD

**PLEDGE OF ALLEGIANCE:** RONALD ELDER  
FORMER COUNTY COMMISSIONER

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox,

**ABSENT:** Councilperson Robert J. Teich, Jr.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 3, 2014**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of February 3, 2014 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF FEBRUARY 10, 2014**

Motion by Councilperson Bandkau to approve the Minutes of the Special Meeting of February 10, 2014 with a correction to the meeting start time to reflect 7:00 p.m.

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

**STUDENT REPRESENTATIVE REPORT**

None.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**CONSUMERS ENERGY THANK YOU**

Mayor Frederick read aloud the following formal statement of the Mayor's Office thanking Consumers Energy for their tireless efforts to restore power to the community after last year's ice storm. A contingent of Consumers employees was on hand to receive the thank you.

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING**

**CONSUMERS ENERGY**

WHEREAS, Owosso suffered a devastating ice storm during late December 2013 which resulted in approximately three quarters of city residents being left without power and heat for five days or more; and

WHEREAS, the 3/4" of ice left by the storm downed nearly 700 power lines across the county; and

WHEREAS, weather forecasts prompted Consumers Energy to begin planning their emergency response efforts before the storm even hit, requesting mutual aid in anticipation of the storm's aftermath; and

WHEREAS, the company mobilized 234 Consumers Energy crews and 364 mutual assistance crews from 13 states and the District of Columbia to restore power to their service territory; and

WHEREAS, this responsibility meant long, cold, and difficult hours for the 4,000 workers deployed to restore power, even spending Christmas away from their families for the sake of those that didn't have electricity; and

WHEREAS, crews replaced more than 100 miles of wire and hundreds of poles and transformers; restoring power to 99% of area customers within six days of the storm. A visible, coordinated, and immediate response was appreciated by this community and ensured that the time of the disruption was kept to a minimum; and

WHEREAS, it is fitting that this outstanding effort on the part of work crews and management, which was devoted to the interests of the citizens of Owosso and the greater Owosso community, be officially recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick do hereby acknowledge Consumers Energy personnel and numerous mutual aid crews for their critical assistance to this community and the county as a whole. We celebrate the care they have shown the community during its hour of need.

Proclaimed February 18, 2014.

**PUBLIC HEARINGS**

**SPECIAL ASSESSMENT DISTRICT NO. 2014-01 – HAZARDS & NUISANCES**

The public hearing was conducted to receive citizen comment regarding Resolution No. 2 for Special Assessment District No. 2014-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances at 1711 Frederick Street.

There were no citizen comments.

Motion by Mayor Pro-Tem Eveleth to adopt Special Assessment Resolution No. 2 for Special Assessment District No. 2014-01 – Hazards and Nuisances as follows:

**RESOLUTION NO. 16-2014**

**HAZARDS & NUISANCES ROLL FOR  
1711 FREDERICK STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property described as follows:

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>BALANCE</b>
050-602-020-002-00	1711 Frederick Street	\$9,221.88

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$9,221.88 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2014-01.
2. Pursuant to MCL 211.78k(c) said special assessment roll shall be divided into fifteen (15) equal annual installments, the first of which shall be due and payable on September 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-Hazards and Nuisances No. 2014-01 shall be placed on file in the office of the City Clerk who shall attach his 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.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

### **CITIZEN COMMENTS AND QUESTIONS**

Marcus Gough, 1006 North Chipman Street, distributed information regarding the carport he constructed to cover his RV and detailed the situation he has found himself in with the City's Building Official. He said the Building Official has been difficult to work with, adhering to the building code too rigidly. He asked Council for their assistance in working out the situation. He also asked Council to consider changing the accessory structure ordinance to allow such structures in the side yard of a property. Mayor Frederick indicated he wanted a little time to look more closely at the situation and the available opportunities for resolution. Councilperson Fox said he had looked at the structure and was hoping it could be reinforced rather than demolished.

### **CITY MANAGER REPORT**

City Manager Crawford said he had nothing much to report on the rental housing ordinance as staff continues to gather and analyze data. He hoped to have a formal report for Council at a later meeting.

He went on to announce that the State of Michigan will be holding a press conference in the Council Chamber on February 28<sup>th</sup>. While the official purpose of the press conference has not been announced he felt it may have something to do with the City's application for a DIG grant. He invited everyone to attend to find out. Lastly, he noted the annual SEDP meeting will be held this Thursday at noon, please contact him if you would like to attend.

Mayor Frederick noted a big thaw was in the forecast and he wanted to know what steps, if any, could be taken to prevent water main breaks and potholes. City Manager Crawford indicated that any potential damage from the thaw would be determined by how quickly the thaw happens. He said that if the area receives the rain forecasted there will be nowhere for the water to go so it will be essential for residents to make sure nearby catch basins are clear of snow and debris and to make sure their sump pumps are in working order and depositing water far enough away from their house to prevent it draining back in. As for potholes, he indicated the City has a new spray patch machine that should be able to patch potholes better than cold patch, but there was nothing much that could be done to prevent the potholes from happening in the first place. Mayor Frederick indicated he would like such information to be available on the City's website and put into a potential press release. Councilperson Fox said it would be a challenge to find the catch basins under all the snow.

### **CONSENT AGENDA**

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

2014 Street Program - Special Assessment District No. 2014-01. Authorize Resolution No. 1 for Special Assessment District No. 2014-01 for Elm Street from Main Street to River Street for street reconstruction as follows:

Special Assessment District No. 2014-01 Elm Street from Main Street to River Street

### **RESOLUTION NO. 17-2014**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

#### **Elm Street from Main Street to River Street Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

2014 Street Program - Special Assessment District No. 2014-02. Authorize Resolution No. 1 for Special Assessment District No. 2014-02 for Howard Street from Washington Street to Park Street for street reconstruction as follows:

Special Assessment District No. 2014-02 Howard Street from Washington Street to Park Street

**RESOLUTION NO. 18-2014**

Resolution rescinded  
04/21/14

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Howard Street from Washington Street to Park Street  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

2014 Street Program - Special Assessment District No. 2014-03. Authorize Resolution No. 1 for Special Assessment District No. 2014-03 for Washington Street from Corunna Avenue to Stewart Street for street reconstruction as follows:

Special Assessment District No. 2014-03 Washington Street from Corunna Avenue to Stewart Street

**RESOLUTION NO. 19-2014**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Washington Street from Corunna Avenue to Stewart Street  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Bid Award – South Park Street Improvement Project - Phase 1. Authorize bid award to Perrin Construction Co. for the 2014 South Park Street Improvement Project - Phase 1 in the amount of \$46,486.00, with reimbursement by the DDA of \$12,017.00 of the cost, and approve payment up to the bid amount upon satisfactory completion of the work or portions thereof as follows:

**RESOLUTION NO. 20-2014**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
2014 SOUTH PARK STREET IMPROVEMENT PROJECT  
WITH PERRIN CONSTRUCTION CO., INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that street and streetscape improvements on South Park Street between Main and Comstock Streets are advisable, necessary and in the public interest; and

WHEREAS, the City of Owosso sought bids for the streetscape portion of the above mentioned improvements; a bid was received from Perrin Construction Co., Inc. and it is hereby determined that Perrin Construction Co., Inc. is qualified to provide such services and that it has submitted the lowest responsible and responsive bid; and

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

WHEREAS, the project is supported by the Owosso Downtown Development Authority and it has demonstrated willingness to reimburse the city \$12,017.00 of the project cost.

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 Perrin Construction Co., Inc. for streetscape improvements as part of the 2014 South Park Street Improvement Project – Phase 1 with a cost of \$46,486.00.
- 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 Perrin Construction Co., Inc. for said 2014 South Park Street Improvement Project – Phase 1.
- THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds, with \$12,017.00 being reimbursed by the DDA.

Bid Award – Sale of Used Equipment. Authorize bid award to the following buyers for the listed used equipment in the amounts noted.

**RESOLUTION NO. 21-2014**

**RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTS FOR THE SALE OF USED EQUIPMENT TO EACH OF THE HIGHEST BIDDERS LISTED**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has established a purchasing cycle to maintain a health work vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, a bid solicitation for used equipment was advertised and responsive bids were received from:

Hugo Clement	Sweepster 710 Leaf Loader, Unit #174	\$880.00
	Ford 710 Leaf Loader, Unit 171	\$655.00
Demian Boon	1994 GMC 2500 ¾ Ton Truck, VIN#1GTFCZ4H94Z556829	\$2,000.00
	1988 Chevy 1 Ton Truck, VIN #1TCGC34K9J388220	\$756.00
	1988 Chevy 1 Ton Truck, VIN #1GCGC34K1J188230	\$575.00
	1994 GMC 2500 ¾ Ton Truck VIN #1GTFC24H2RZ557160	\$1,300.00
Daniel Jensenius	Brush Bandit Chipper	\$3,501.00
Barry Bass	1995 Ford L8000 Tandem Dump Truck, VIN#1FDYU82E1SVA81784	\$5,500.00
	1995 International Tandem Dump Truck, VIN #1HTGCAAR3SH651896	\$6,048.00
Dennis Fetty	2004 Chevrolet Impala VIN #2G12F55K949378497	\$2,126.00

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 sell these vehicles to the high bidders as detailed above.
- SECOND: City Staff is instructed and authorized to execute appropriate documents to complete the sale of these items for the amounts listed.

Warrant No. 478. Authorize Warrant No. 478 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc	Network engineering support – January 2014	General	\$ 8,092.00
Brown & Stewart PC	Professional services January 14, 2014 – February 7, 2014	General	\$ 9,744.55

\*Check Register–January 2014. Affirm check disbursements totaling \$1,886,271.70 for the month of January 2014.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

\*Due to its length text of the check register is not included in the minutes. Copies of this document are on file in the Clerk’s Office.

**ITEMS OF BUSINESS**

**BID AWARD – CARPET FOR PUBLIC SAFETY HEADQUARTERS**

(Postponed at the meeting of February 3, 2014.)

Public Safety Director Kevin Lenkart explained that he had sought bids from three local vendors per the direction of Council. Two of the bids received were significantly higher than those available through the GSA contract. The third bid, while lower, was for a slightly different product which was determined to be lacking in quality as compared to the product originally sought.

Motion by Councilperson Fox to authorize bid award to Commercial Marketing Associates, Inc. for Milliken carpet for the Public Safety Headquarters in the amount of \$9,765.55, per the terms of GSA contract #GS-27F-0502H, and approve payment up to the bid amount upon satisfactory receipt of the materials as follows:

**RESOLUTION NO. 22-2014**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PURCHASE OF CARPET FOR THE PUBLIC SAFETY BUILDING FROM COMMERCIAL MARKETING ASSOCIATES, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Public Safety Headquarters that has carpet that is old and worn; and

WHEREAS, the City sought bids from local vendors and reviewed other municipal contracts; and

WHEREAS, Commercial Marketing Associates, Inc. holds a contract with the General Services Administration of the federal government for the supply of carpet and related materials and it is hereby determined that Commercial Marketing Associates, Inc. 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 theretofore determined that it is advisable, necessary and in the public interest to purchase carpet, padding and adhesive from Commercial Marketing Associates, Inc. per the terms of GSA contract #GS-27F-0502H for use in the Public Safety Headquarters.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Commercial Marketing Associates, Inc., for the provision of carpet and related materials in the amount of \$9,765.55.

THIRD: The Accounts Payable Department is authorized to issue payment to Commercial Marketing Associates, Inc. in the amount of \$9,765.55 upon satisfactory delivery of the carpet, pad and adhesive.

FOURTH: The above expenses shall be paid from the Police and Fire Building Maintenance funds 101-300-831000 and 101-335-831000.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

## **PROSPECTIVE COUNCIL MEMBER INTERVIEWS**

The prospective Council candidates were interviewed in the following random order. Each candidate delivered a brief statement and then answered questions posed by Council.

Elaine Greenway  
Janine Elbing  
Michael Cline  
Daniel Jozwiak  
Paul Dinkins

## **FILLING COUNCIL VACANCY**

Mayor Frederick thanked all the candidates for their interest in filling the position and encouraged them to stay involved in the community. He then went on to explain the process for nomination and appointment. He reminded Council that it would take at least 4 votes for appointment.

Nominations for Council member were sought.

Councilperson Bailey nominated Elaine Greenway.  
Councilperson Fox nominated Michael Cline.  
Councilperson Bandkau nominated Daniel Jozwiak.

Hearing no more nominations the floor was closed.

Roll Call Vote, naming the individual they prefer.

Councilperson Fox voted for Cline.  
Councilperson Bandkau voted for Jozwiak.  
Mayor Pro-Tem Eveleth voted for Greenway.  
Councilperson Bailey voted for Greenway.  
Mayor Frederick voted for Greenway.

No candidate received at least four votes, so there was no clear winner.

Nominations for Council member were sought.

Councilperson Bandkau nominated Daniel Jozwiak.  
Mayor Pro-Tem Eveleth nominated Elaine Greenway.

Hearing no more nominations the floor was closed.

Roll Call Vote, naming the individual they prefer.

Councilperson Bailey voted for Greenway.  
Councilperson Fox voted for Greenway.  
Councilperson Bandkau voted for Jozwiak.  
Mayor Pro-Tem Eveleth voted for Greenway.  
Mayor Frederick voted for Greenway.

Council selected Elaine Greenway as the new Council member to fill the vacancy left by the passing of Councilman Jon V. Greenway, for a term extending to at least November 9, 2015.

City Clerk Kirkland administered the oath of office to Councilperson Greenway.

## **COMMUNICATIONS**

Larry D. Cook, City Assessor. March Board of Review – Assessment Changes.  
Charles P. Rau, Building Official. January 2014 Building Department Report.  
Charles P. Rau, Building Official. January 2014 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. January 2014 Police Report.  
Kevin D. Lenkart, Public Safety Director. January 2014 Fire Report.  
Downtown Development Authority/Main Street. Minutes of January 15, 2014.  
Downtown Historic District Commission. Minutes of January 15, 2014.  
Parks & Recreation Commission. Minutes of January 27, 2014.  
Planning Commission. Minutes of January 27, 2014.

## **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, business owner at 118 South Washington Street, welcomed Councilperson Greenway to the Council saying he felt the community spoke when they elected her husband and her appointment on his passing just continues that. He thanked her for serving and thanked the other candidates for putting their hats in the ring. He went on to thank the DPW for the fantastic job they have done this winter and he asked that Council consider allowing tenants to opt out of the random rental inspections as it was an intrusion on their living space.

Eddie Urban, 601 Glenwood Avenue, said he found last week's meeting on rentals very informative. He also said he would like to see more small events held like the Big Mike Fishing Contest. Lastly, he commented on the new law that allows disabled Veterans to forego property taxes.

Mike Cline, 621 Wright Avenue, said he had received a call from the former Public Safety Director informing him he was wasting his time running for the open Council seat as the Council had made up their mind before the meeting.

Councilperson Bailey said there was no conspiracy in the appointment.

Mayor Frederick noted that Mr. Cline had been rejected by voters in the last three elections.

Richard Bowen, local landlord, thanked Council for holding the special meeting to discuss rentals. He said he thought that a private meeting between the Landlord's Association and the Council may be helpful in ironing out differences between the two groups. He said whatever happens he hopes the Association will be able to have input in the result.

Mike O'Leary, 901 Huntington Drive, said he had also turned in a letter of interest for the open Council seat but had not lived in the City long enough to be appointed. He noted that he spent 25 years as a building inspector in Flint Township and he encouraged Council to not allow people to opt out of inspections as it is the only way to catch problems.

Mike Tillotson, 1299 South Shiawassee Street, said he felt that winter was getting a lot of bad press this year and he feels spring is right around the corner, no matter what the ground hog said.

Dan Jozwiak, 1504 Shady Lane Drive, thanked Council for the opportunity to be considered for the open Council seat. He said he was happy Councilperson Greenway was appointed. He said he had voted for her husband and felt she would continue his influence.

Mayor Frederick welcomed Councilperson Greenway and said he was looking forward to seeing her individual mark on the group.

Mayor Pro-Tem Eveleth welcomed Councilperson Greenway to Council. He noted that his support of her did not require any lobbying and he felt she would be a great addition to the group. He also encouraged those candidates that stepped forward tonight to continue their involvement with the City.

Councilperson Fox welcomed Councilperson Greenway. He said that while the process for tonight's proceedings was not what he had envisioned he was satisfied with the outcome.

Councilperson Bandkau welcomed Councilperson Greenway and asked that she not take his vote for Daniel Jozwiak as a sign of no-support. He said he felt she was very well versed in what is going on in the City and would be a fine Council member. He went on to note the merits of each candidate and thanked them for putting themselves forward.

Councilperson Bailey welcomed Councilperson Greenway.

Mayor Frederick said the allegations of collusion made this evening were fatiguing, saying the process that was undertaken for the appointment was open and deliberate.

#### **NEXT MEETING**

Monday, March 03, 2014

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

None.

#### **ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:23 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