

**OWOSSO CITY COUNCIL
REGULAR MEETING**

MAY 4, 2015

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: CHAPLAIN DAVID DUMOND
OWOSSO VFW POST 9455

PLEDGE OF ALLEGIANCE: ALLY AND AIMEE CLARK
OWOSSO VFW POST 9455 POPPY QUEENS

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

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following changes:

Remove Special Presentation 1. Wayfinding Update and replace it with a brief presentation by the Owosso VFW Post 9455 Poppy Queens.
Consent 4. Engineering Services Agreement be moved to Item of Business 5.
Consent 5. Traffic Control Order 1331 be moved to Item of Business 6.
Add Item of Business 7 Saturday Budget Meeting.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 15, 2015

Motion by Councilperson Bailey to approve the Minutes of the Special Meeting of April 15, 2015 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 20, 2015

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of April 20, 2015 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

WAYFINDING UPDATE (This item was removed from the agenda)

OWOSSO VFW POST 9455 POPPY QUEENS PRESENTATION

(This item was added to the agenda.)

Mayor Frederick introduced the Owosso VFW Post 9455 Poppy Queens Ally and Aimee Clark. As is customary, the Mayor bought the first poppy of the season. Proceeds from all poppy sales go to support veterans.

PUBLIC HEARINGS

ORDINANCE AMENDMENT - RESIDENTIAL DESIGN STANDARDS

A public hearing was conducted to receive citizen comment regarding the proposed ordinance amendment to repeal Section 38-398, Residential dwelling design standards, of the Code of Ordinances of the City of Owosso.

City Manager Crawford indicated the ordinance was adopted a couple of years ago to address several issues. The major problem with the ordinance is how restrictive it is and the level of judgement left up to the building official. That being said, Mr. Crawford questioned whether all of the ordinance should be repealed or only portions of it.

Mayor Frederick opened the floor up to public comments.

Tom Manke, business owner at 118 South Washington, reminded the council that this ordinance was detrimental to the economy and discouraged people from buying property in the city. His major concern was that the ordinance was too restrictive. He expressed hope that council would repeal the entire ordinance. He also claimed that the ordinance only allows for the top 15% of the socioeconomic class to purchase homes in the area and that the ordinance prevents popular housing trends like smaller housing.

Mayor Frederick expressed a desire to celebrate the diversity of housing in the city, including Habitat for Humanity houses without obstruction. The Mayor stated that it would be his preference to remove these provisions.

Councilperson Bailey indicated that initially the ordinance was meant to address real issues existing in the community and to protect neighborhoods, not just against dissimilar housing. She pointed out that some houses were being neglected, which affects everybody. She used an example of smoking and secondhand effects to illustrate her argument. She agreed that it is different if it does not just fit building characteristics.

Councilperson Fox said it appears that it was written for an HOA (home owners' association). He said he hears a lot of complaints about the restrictions of the HOA in Osburn Lakes. He went on to indicate he would vote for removing all of the ordinance with a stipulation to keep up with neglected housing.

Councilperson Bandkau acknowledged being on planning commission when the ordinance initially passed and had some concerns at the time. He proceeded to read portions of the ordinance that he agreed with and portions he felt should be removed. He stated that the sections that should remain deal with compliance to building codes and storage, which is a common complaint.

City Manager Crawford stated that much of the ordinance is repeating the building code that has already been adopted with the exception of storage issues. Mayor Frederick agreed that the storage requirements stuck out to him.

There was discussion in regarding the architectural design phrasing and the need to remove it. City Manager Crawford pointed out that there is a building board of appeals where the disputes would be resolved.

Council person Fox reiterated that the planning commission can also address new housing and that the ordinance creates confusion.

Motion by Councilperson Fox to repeal Section 38-398 of Chapter 38, Zoning, Residential Dwelling Design Standards.

City Manager Crawford clarified that the building codes would remain the same.

ORDINANCE NO. 764

AN ORDINANCE TO REPEAL SECTION 38-398 OF CHAPTER 38, ZONING TO REMOVE RESIDENTIAL DWELLING DESIGN STANDARDS

WHEREAS, the city of Owosso has a zoning ordinance governing the aesthetic standards of new homes; and

WHEREAS, this ordinance has been deemed to be too restrictive and destructive of the very housing variations that Owosso prides itself upon.

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

SECTION 1. REPEAL. That Section 38-398, Residential dwelling design standards, be repealed in its entirety.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective May 25, 2015.

SECTION 3. 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.

Motion Supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: Councilpersons Bailey, Greenway, and Bandkau.

ORDINANCE AMENDMENT - RESIDENTIAL REFUSE COLLECTION

A public hearing was conducted to receive citizen comment regarding the proposed ordinance to amend Section 34-49, Refuse collection-Residential collection, of the Code of Ordinances of the City of Owosso to allow trash to be placed at the curb the night before scheduled trash collection.

City Manager Crawford explained that there is confusion with the current wording of the ordinance. Specifically, that garbage cannot be taken to the curb until the morning of pick up. A large percentage of people put the trash out the day before scheduled collections. He stated that there shouldn't be a problem if trash is put to the curb after 4:00 p.m. and garbage cans are not left at the curb for extended periods of time.

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

Amended for clarification
by City Council
08-03-2015.

Motion Councilperson Teich to amend Section 34-49, Refuse Collection-Residential Collection, to allow residents to place refuse curb-side no earlier than 4:00 pm the day before collection.

ORDINANCE NO. 765

AN ORDINANCE AMENDING SECTION 34-49, REFUSE COLLECTION-RESIDENTIAL COLLECTION, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN PERTAINING TO PLACING OF REFUSE FOR COLLECTION

WHEREAS, the Code of Ordinances of the City of Owosso, Michigan currently has rules and regulations applying to residential refuse collection requiring that refuse not be placed at curbside until the morning of collection; and

WHEREAS, the city desires to repeal that morning of collection provision to allow the placing of refuse at curbside the evening before collection.

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

SECTION 1. AMENDMENT. That Section 34-49(2) be amended to read as follows:

Sec. 34-49. - Refuse collection—Residential collection.

- (2) If curb side pick-up is selected by the resident, refuse is to be placed inside the curb so that the same shall not in any way be in the traffic portion of the street, and shall be placed inside the curb for pick-up on the morning no earlier than 4:00 p.m. the day before the day of collection in residential areas. Any containers belonging to the resident that are left at the curb after collection of refuse are to be removed to the back or side yard on or before 12:00 midnight, of the day of collection. Materials left at the curb for pick-up must be in city-approved containers. The responsibility of compliance with the provisions of this section shall be with the property owner or person placing refuse at the curb. Any violator of the provisions of this section will be immediately ticketed by the police department.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective May 25, 2015.

SECTION 3. 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.

Motion Supported by Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, described a situation he had with a man at his place of business where Mr. Manke felt he was assaulted. He was concerned that the city is not arresting people who commit assault. He feels that the laws regarding Freedom of Information Act are unreasonable. He said that he turned down national television interviews because this issue should be resolved locally.

Rick Dibeau, director of the girls' softball league, spoke about the recreation agreement. He took issue with the amount of money that is allocated to the parks and that the city does not take good care of the ball fields on which his teams play. He stated that he is not happy that he is being forced to get insurance and enter into an agreement but acknowledged Assistant City Manager Susan Montenegro has worked with him on the issue.

Councilperson Fox wanted to know what the policy is in regards to the parks. City Manager Crawford said that the city provides a location and some mowing and that's about the extent of it. The city also pays the utilities.

CITY MANAGER REPORT

City Manager Crawford distributed the project status report and gave some brief details.

Assistant City Manager Susan K. Montenegro gave an update on the Safe Routes to School program.

CONSENT AGENDA

Motion by Councilperson Teich to approve the Consent Agenda as follows:

Boards and Commissions Appointments. Approve the following mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Tracey Peltier	Historical Commission filling unexpired term of L. Weckwert	12-31-2015
Dean Ebert	Historical Commission filling unexpired term of S. Osika	12-31-2016
Larry Cook	Building Authority Reappointment	6-30-2018
Larry Cook	Brownfield Redevelopment Authority Reappointment	6-30-2019
Frank Livingston	Planning Commission Reappointment	6-30-2018
Randy Woodworth	Parks and Recreation Commission Filling unexpired term of T. Alderman	6-30-2017
Brent Wesley	Airport Board Reappointment	12-31-2017
Denice Grace	Shiawassee District Library Board Reappointment	6-30-2019
Gary Wilson	Downtown Historic District Commission Reappointment	6-30-2018
Dave Vaughn	Brownfield Redevelopment Authority Reappointment	6-30-2019

Recreation Service Agreement - Softball. Approve the proposed recreation service agreement with Owosso Girls' Softball League LLC for the use of Bennett Field for youth softball for a period expiring December 31, 2019 as follows:

RESOLUTION NO. 33-2015

AUTHORIZING EXECUTION OF A CONTRACT FOR RECREATION SERVICES BETWEEN THE CITY OF OWOSSO, MICHIGAN AND OWOSSO GIRLS SOFTBALL LEAGUE, LLC FOR THE USE OF BENNETT FIELD

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

WHEREAS, the Owosso Girls Softball League, LLC has dedicated itself to providing exercise and recreation opportunities for young girls in Owosso and the surrounding area; and

WHEREAS, the city wishes to contribute to recreation opportunities for area youth by allowing the use of Bennett Field for softball league games and events; and

WHEREAS, the Owosso Girls Softball League, LLC has agreed to coordinate all use of the softball fields.

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 enter into agreement with the Owosso Girls Softball League, LLC for recreation services.

SECOND: The mayor and the city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached memorializing use of Bennett Field and the responsibilities of the city and the Owosso Girls Softball League, LLC.*

Recreation Service Agreement – Baseball. Approve the proposed recreation service agreement with Owosso Youth Baseball for the use of the Rudy Demuth Field for youth baseball for a period expiring December 31, 2020 as follows:

RESOLUTION NO. 34-2015

AUTHORIZING EXECUTION OF A CONTRACT FOR RECREATION SERVICES BETWEEN THE CITY OF OWOSSO, MICHIGAN AND OWOSSO YOUTH BASEBALL FOR THE USE OF RUDY DEMUTH FIELD

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

WHEREAS, the Owosso Youth Baseball has dedicated itself to providing exercise and recreation opportunities for young boys in Owosso and the surrounding area; and

WHEREAS, the city wishes to contribute to recreation opportunities for area youth by allowing the use of Rudy DeMuth Field for baseball league games and events; and

WHEREAS, the Owosso Youth Baseball has agreed to coordinate all use of the baseball fields.

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 enter into agreement with the Owosso Youth Baseball for recreation services.
- SECOND: The mayor and the city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached memorializing use of Rudy DeMuth Field and the responsibilities of the city and the Owosso Youth Baseball.*

Engineering Services Agreement. (This item was moved to Items of Business).

Traffic Control Order 1331. (This item was moved to Items of Business).

Purchase of Two Cots for Ambulance Services. Approve the execution of a contract for purchase of one Stryker 6082 MX-Pro Cot and one Stryker 6252 Stair-Pro for a total cost of \$8,413.05 as follows:

RESOLUTION NO. 35-2015

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PURCHASE OF TWO COTS FOR AMBULANCE SERVICE

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has fire department requiring the use of cots for an ambulance; and

WHEREAS, the City of Owosso requested bids and it is hereby determined that Kodiak Emergency Vehicles is qualified to provide such cots and that it has submitted the 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 one (1) Stryker 6082 MX-Pro Cot at a price of \$5,430.05.00 and one (1) Stryker 6252 Stair-Pro at a price of \$2,983.00 for a total price of \$8,413.05 from Kodiak Emergency Vehicles.
- 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 Kodiak Ambulance up to the amount of \$8,413.05.*
- THIRD: The above expenses shall be paid from the Fire Division Equipment fund 101-335-978.000.
- FOURTH: Authorize payment to Kodiak Emergency Vehicles in the amount of \$8,413.05 upon delivery of the cots.

Set Public Hearing – 2014-2015 City Budget. Set required Public Hearing pursuant to Chapter 8 of the City Charter for May 5, 2014 to receive citizen comment regarding proposed 2014-2015 City Budget.

RESOLUTION NO. 36-2015

SET PUBLIC HEARING TO CONSIDER THE PROPOSED FISCAL YEAR 2015/2016 BUDGET FOR THE CITY OF OWOSSO

WHEREAS, pursuant to Section 8-4 of the Owosso City Charter and in accordance with Michigan Compiled Laws 15.261 – 15.275 and 141.411 – 141.415, a hearing on any budget of local units empowered to prepare budgets of estimated expenditures and revenues; and

WHEREAS, MCL141.412 requires that a notice of such hearing be given by publication in a newspaper of general circulation at least six (6) days prior to such hearing; and

WHEREAS, Public Act #40 of 1995 provides that in order to avoid the necessity of holding a truth in taxation hearing, that a municipality must include a statement in its budget hearing notice that the property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

NOW, THEREFORE, BE IT RESOLVED, that a hearing will be held by the City Council in the City Council Chambers, Owosso City Hall, 301 West Main Street, Owosso, Michigan on Monday, May 18, 2015 at 7:30pm to receive citizen comment regarding the proposed 2015-16 Budget.*

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

FERAL/STRAY CAT TRAP-NEUTER-RETURN ORDINANCE

Councilperson Bailey stated that there are people in town taking care of colonies of cats. She provided an example of a woman in town who is protecting cats from abuse. This person is struggling to get many cats neutered because of the cost. The goal of the ordinance is to decrease the number of cats and not attempt to legislate against people's kindness, but to help people to become responsible caretakers of cats. Some changes to the language of the ordinance are still being suggested, one is to make the city the responsible party and not a cat organization because the situation could change over time.

City Attorney Brown is concerned any time you delegate legislative authority to a non-city organization. He suggested the council should look at it from the enforcement side and how they are to deal with these colonies, if the colonies are registered how are the officers supposed to know when they respond to a complaint. Mr. Brown stated that he feels the ordinance needs more work.

Councilperson Bailey agreed that the ordinance should not put the city into a predicament. She said the goal was to encourage people to let the city know who is taking care of cats and the city can provide resources to help.

There was discussion as to what the ordinance would accomplish and what legal recourse there would be to enforce the ordinance. There was concern that enforcement would be handicapped. City Attorney Brown stated that, as proposed, the ordinance would make an exception to the current pet ordinance and allow people to be responsible for more than three pets.

Council requested the City Attorney review and revise the ordinance for formal first reading at the May 18th meeting.

DEQ CONSENT AGREEMENT

City Manager Crawford gave an explanation of what the MDEQ Consent Agreement was. The MDEQ named the city of Owosso as a liable party for the city's involvement in the Shiawassee Sanitary Landfill, a landfill on the west end of Frederick Street. The city is considered liable for the pollution as a result of the landfill, along with other parties including the owner of the landfill, Frank Fisher. The MDEQ has records the city used the landfill between 1971 and 1972. The city joined in with a number of other potentially responsible parties as a group to deal with MDEQ, there are many other parties that did not join and others were simply left out. The consent agreement would mean the city agrees to contribute to the group and would be immune from further action. The main reason to join the agreement would be to limit current and future liabilities. As a part of the agreement the city would agree to provide water service to the contaminated area. Approval of the agreement would mean that the city has decided to join the the group of identified responsible parties and pay its agreed upon share. The estimated costs for

the city are around \$170,000 to \$200,000. The city has currently has set aside \$148,772 for this and will look into other options including Insurance reimbursements.

Mayor Frederick commented that he does not feel the city should be at fault. The mayor feels that only Mr. Fisher should be a fault because the landfill was legal and licensed at the time in question, so anything the city did was legal at the time. He reluctantly said he would vote in favor of joining the group to limit future liabilities.

Councilperson Fox wanted to know why Owosso Township was not a responsible party since the landfill is in that jurisdiction. City Manager Crawford said that there are not records showing the township ever put anything in the landfill. Councilperson Teich asked what the \$170,000 to \$200,000 would go to. City Manager Crawford said the money will go to install water mains to connect the dwellings in the area and to have their wells capped. Some other portion will go to pay the MDEQ for their work and continued monitoring the site. Councilperson Teich asked if the city could cap payment at \$200,000 due to concern of higher bids. City Manager Crawford explained that the city is responsible 17% of the total cost.

There was further council discussion in regard to the potential for increased costs, above the estimated amount.

Motion by Pro Tem Eveleth to approve the MDEQ Consent Agreement as presented.

Councilperson Teich inquired about the timeline. City Manager Crawford stated that the water main should be installed by September 2015.

Councilperson Fox asked if the other members of the group have agreed to the terms of the settlement. City Manager Crawford said that the other public entities have.

RESOLUTION NO. 37-2015

RESOLUTION AUTHORIZING EXECUTION OF AN ADMINISTRATIVE ORDER BY CONSENT FOR RESPONSE ACTIVITIES AND PAYMENT OF RESPONSE ACTIVITY COSTS WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, the City of Owosso was considered to be a potentially responsible party and became a party to proceedings under Section 20134(1) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, with respect to the Shiawassee Sanitary Landfill; and

WHEREAS, in August 2009 the City of Owosso joined the Shiawassee Sanitary Landfill PLP Group (MDEQ Reference No. AOC-RRD-13-002) which consists of other potentially responsible parties; and

WHEREAS, an *Administrative Order by Consent for Response Activities and Payment of Response Activity Costs with the Michigan Department of Environmental Quality* has been prepared, which is attached as Exhibit A.

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

FIRST: the City Council finds it in the best interest of the City to join with the members of the Shiawassee Sanitary Landfill PLP Group (MDEQ Reference No. AOC-RRD-13-002) to enter into the *Administrative Order by Consent for Response Activities and Payment of Response Activity Costs with the Michigan Department of Environmental Quality* attached as Exhibit A.*

SECOND: the Mayor and City Clerk are authorized to execute the *Administrative Order by Consent for Response Activities and Payment of Response Activity Costs with the Michigan Department of Environmental Quality*.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

Mayor Frederick called for a 5 minute recess.

Council meeting resumed at 9:06 pm.

AUTHORIZE PURCHASE OF VACTOR MANUFACTURING MODEL 2115 COMBINATION SEWER CLEANER

City Manager Crawford described what the vactor is and that the city thought the current vactor would last two more years, but it did not. The city explored the option of rebuilding the current vactor or buying from the factory, but decided buying a new one from a purchasing group was the most fiscally responsible. City Manager Crawford stated there was enough money to purchase one now from the fleet replacement fund and the city would get the new vactor within three weeks. City Manager Crawford said the resolution is asking the mayor and clerk to sign agreement with Jack Doheny Company paid through fleet maintenance fund or tax exempt municipal purchase plan.

Motion by Pro Tem Eveleth to approve the purchase agreement as follows:

RESOLUTION NO. 38-2015

AUTHORIZING THE EXECUTION OF A CONTRACT WITH JACK DOHENY COMPANIES FOR A VACTOR MANUFACTURING MODEL 2115 COMBINATION SEWER CLEANER

WHEREAS, the City of Owosso, Shiawassee County, Michigan, maintains extensive sanitary and storm sewer systems which require ongoing cleaning and maintenance; and

WHEREAS, the City of Owosso is a member and participant in the National Intergovernmental Purchasing Alliance, a group purchasing alliance which secured a competitive bid and awarded a contract for sewer cleaning and sewer inspection products(RFP-RH-10-078).

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 a Vactor Manufacturing Model 2115 combination sewer cleaner in the amount of \$404,771.25 per National Intergovernmental Purchasing Alliance Contract # RFP-RH-10-078 less trade-in of \$80,500.00 for a total purchase price of \$324,271.25 with the city retaining the right to solicit bids in the open market that nets an amount greater than trade-in value in accordance with quotation dated May 1, 2015.
- SECOND: The mayor and city clerk are instructed and authorized to sign the documents between the City of Owosso, Michigan and Jack Doheny Companies incorporating the provisions contained in an agreement, as amended as of May 1, 2015 with the National Intergovernmental Purchasing Alliance (Contract# RFP-RH-10-078).*
- THIRD: The above expenses shall be paid from the 2014/15 Fleet Maintenance Fund 661-901-979000 or through a tax-exempt municipal lease.
- FOURTH: The 2014-15 Fleet Maintenance Fund Budget be amended to include the monies needed to complete this purchase.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

APPLICATION FOR TRANSPORTATION ECONOMIC DEVELOPMENT FUNDS

City Manager Crawford stated that the city has looked at this problem many times most recently a study by Michigan State University, but the problem has been kicked down the road. This grant program has become available for commercial and industrial traffic. City Manager Crawford believes this funding may be available in two to three years.

Motion by Pro Tem Eveleth to approve the application for Transportation Economic Development Funds as follows:

RESOLUTION NO. 39-2015

RESOLUTION AUTHORIZING APPLICATION FOR TRANSPORTATION ECONOMIC DEVELOPMENT FUNDS, CATEGORY F FOR S. WASHINGTON STREET IMPROVEMENTS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Service Department recommends pavement rehabilitation of Washington Street from Gute Street to Corunna Avenue (M-71); and

WHEREAS, the Michigan Department of Transportation offers special funding known as Transportation Economic Development Fund-Category F (TEDF-F) for roadway improvements that provide continuity with the secondary all-season commercial truck route system; and

WHEREAS, the roadway proposed for improvement meets all of the requirements of the TEDF Program; and

WHEREAS, the City of Owosso proposes to procure TEDF-F funds for the purpose of providing a 68.5 percent (68.5%) state match to the City's Unlimited Tax General Obligation Bond Proceeds as outlined in its application.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to proceed with the proposed roadway improvements.
- SECOND: That the City of Owosso is actively seeking TEDF-F funds to partially fund the pavement rehabilitation of Washington Street from Gute Street to Corunna Avenue (M-71) and is willing to participate in this program.
- THIRD: That the proper city officials are authorized to sign the application documents.
- FOURTH: Staff is hereby authorized to obligate City funds as its match of the project cost.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ENGINEERING SERVICES AGREEMENT – NORTH STREET CULVERT REPLACEMENT

(This item was moved from the Consent Agenda.)

City Manager Crawford noticed that the general conditions in the new agreement contradict a previous contract with Spicer Group.

Motion by Pro Tem Eveleth to approve the following agreement with the removal of the general conditions:

RESOLUTION NO. 40-2015

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES WITH
SPICER GROUP, INC.
FOR THE NORTH STREET CULVERT REPLACEMENT PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the replacement of the North Street culvert over Corlett Creek; and

WHEREAS, this project requires the services of a professional engineering firm; and

WHEREAS, Spicer Group, Inc. has been prequalified to perform such work and offers to perform work as described in the city's Request For Proposal for the North Street Culvert Replacement Project; and

WHEREAS, Spicer Group, Inc. offers to complete full design and construction administration services of said project in return for compensation in an amount not to exceed of \$58,000.00; and

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to employ the firm of Spicer Group, Inc. to provide professional engineering services for the North Street Culvert Replacement Project.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum 2015-1 to an Agreement for Professional Engineering Services between the City of Owosso, Michigan and Spicer Group, Inc., removing the proposed General Conditions.*

THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$58,000.00 to Spicer Group, Inc. upon successful completion of stated work.

FOURTH: The above expenses shall be paid from the proceeds of the General Fund Bridge Maintenance Account No. 203-473-818000.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

TRAFFIC CONTROL ORDER 1331

(This item was moved from the Consent Agenda.)

Councilperson Bandkau was concerned about the general scope of the order and its broadness. He raised concerns with conflicts of the farmers market, Curwood Festival, the car show and other activities. Councilperson Bandkau clarified that the request was for parking on the street and not in a lot.

There was council discussion in regard to the length and the location of the spaces requested. Councilmembers expressed concern of fairness for someone to reserve street parking for such a length of time, conflicts to community activities, and how this would affect brick and mortar stores.

Public Safety Director Kevin Lenkart told the council members that the request when the Tamale Rose owner approached DDA Director Josh Adams about starting a full time food truck. Director Lenkart told them they would need to proceed with the traffic control order since that is the only process available.

Councilperson Bailey has a concern with how to proceed with mobile food trucks until there is an ordinance in place. Councilperson Teich was also concerned about the precedent that the TCO would set.

Mayor Frederick suggested that the TCO be sent back to the Main Street Board for further study. He stated that this is a good problem to have because it means increased interest and a sign of a dynamic downtown.

Councilperson Fox added that since there is a fee to lease parking spaces in the downtown lots that there should be a fee attached to the TCO.

Motion by Eveleth to send Traffic Control Order 1331 to the Main Street Board for further study and recommendation.

Motion supported by Mayor Frederick.

Roll Call Vote.

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

NAYS: None.

SATURDAY MAY 5, 2015 BUDGET MEETING

(This item was added to the agenda.)

Motion by Pro-Tem Eveleth to cancel the special budget meeting scheduled for Saturday May 5, 2015.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

T. Alderman Parks & Recreation Commission. Letter of Resignation.
Planning Commission. Minutes of April 27, 2015.
Parks & Recreation Commission. Minutes of March 23, 2015.
Historical Commission. Minutes of March 9, 2015 and April 13, 2015.
Zoning Board of Appeals. Minutes of April 21, 2015.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, was still concerned about his assault issue that was not addressed. He stated he will begin to open carry and advocate others to open carry if nothing will be done about it. Mr. Manke said that he will contact the Attorney General's office and is concerned about the lack of law enforcement.

Eddie Urban, 601 Glenwood Avenue, said that he knows Rick Dibeau and that he is a good guy, who really cares about the kids. Mr. Urban hopes that the council will try to find some money to help the parks and the children.

Mayor Frederick urged the city to take a more aggressive road funding strategy, specifically with chip sealing.

Councilperson Fox mentioned a problem with a storm drain on Mason Street by First Baptist Church that backs up frequently. Councilperson Fox asked the City Manager if there was a possibility to obtain a camera to see if there is obstruction in some of the storm drains. City Manager Crawford said there is a possibility the SAW grant could provide funds for a camera.

Councilperson Teich questioned what was going on with Tom Manke's situation. Public Safety Director Lenkart stated that in that case there was a difference in the accounts from the individuals and therefore he sent the matter to the City Attorney.

NEXT MEETING

Monday, May 18, 2015, Regular Meeting 7:30 p.m.

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, expires December 31, 2017
Parks & Recreation Commission, expires June 30, 2017
Planning Commission, expires June 30, 2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:42 pm.

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

Benjamin R. Frederick, Mayor

~~Amy K. Kirkland, City Clerk~~
Tyler J. Leppanen, Recording Secretary

*Due to their length marked items are not included in the minutes. Full text of these items is on file in the Clerk's Office.