

OWOSSO CITY COUNCIL

JUNE 20, 2011

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: MAJOR KEITH BAILEY
SALVATION ARMY

PLEDGE OF ALLEGIANCE: RONALD ELDER
SHIAWASSEE COUNTY COMMISSIONER

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth, Joni M. Forster, and Gary W. Martenis.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented, removing Consent Item 8. Bid Award Rescission and moving Consent Item 10. Bid Award to Item of Business 6.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 6, 2011

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of June 6, 2011 as presented.

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

SPECIAL PRESENTATIONS

PROCLAMATION – JAMES TREADWAY

Mayor Frederick presented a proclamation to James Treadway recognizing his years of service to the City upon the occasion of his retirement as follows:

**A Proclamation of the Mayor's Office of the City of Owosso, Michigan
Recognizing the Distinguished Public Service of**

JAMES R. TREADWAY

WHEREAS, James R. Treadway, known to many as Jim or JT, began his service to the City of Owosso as a firefighter in June of 1986 and was promoted through the ranks, eventually reaching the designation as Captain in 2005; and

WHEREAS, Jim is a confident, knowledgeable, and prepared firefighter and paramedic; and

WHEREAS, Jim has displayed great leadership and dedication to the City; taking on the challenge of leading a fire crew, becoming a certified Fire Investigator, completing numerous courses to further his knowledge as a paramedic, and serving the department as Retirement Board of Trustees representative for 17 years; and

WHEREAS, Jim was recognized for his exemplary service to the community a number of times throughout his career; including a Citation for Professional Excellence for his performance during the 2009 shooting at the High School, as well as a Citation for Meritorious Service in 2010 for his work on the residential rental inspection program.

WHEREAS, it is the intent of this Office that Jim's Dedicated and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Jim for 25 years of dedicated service to the Owosso community and further express our sincere wishes to Jim and his family for a long, healthy and happy retirement.

Proclaimed this 20th day of June, 2011.

PUBLIC HEARINGS

PLANT REHABILITATION DISTRICT – 1070 AIKEN ROAD

A public hearing was conducted to receive citizen comment regarding the establishment of a

Plant Rehabilitation District for the property located at 1070 Aiken Road, Owosso, Shiawassee County, Michigan.

The following people commented in regard to the proposed Plant Rehabilitation District:

Justin Horvath, president of the SEDP, indicated he supports the request and encouraged the use of such tools to provide incentive to rehabilitate dilapidated industrial facilities.

Motion by Councilperson Eveleth to authorize the following resolution approving the establishment of a Plant Rehabilitation District for the property located at 1070 Aiken Road.

RESOLUTION NO. 101-2011
ESTABLISHING
A PLANT REHABILITATION DISTRICT
FOR THE PROPERTY AT
1070 AIKEN ROAD

WHEREAS, a request was received May 19, 2011 for a Tax Abatement from Midwest Bus Corporation; and

WHEREAS, a Plant Rehabilitation District must be established to meet the needs of applicant; and

WHEREAS, this property is located in the city limits of the City of Owosso, County of Shiawassee; and

WHEREAS, the property description of proposed district is:

LOT 8, of OWOSSO SOUTHEAST INDUSTRIAL PARK OF THE CITY OF OWOSSO, according to the plat thereof as recorded in Plat Liber 14, Page 272, Shiawassee County Records; and

WHEREAS, it is determined, through an inspection by the City Assessor, that over 50% of the State Equalized Value of this Industrial Property is Obsolete; and

WHEREAS, it is determined that establishing this district would be beneficial to the city of Owosso, as well as local and regional economy;

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Owosso, Shiawassee County, Michigan that a Plant Rehabilitation District be approved for the property located at 1070 Aiken Road.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilperson Martenis, Mayor Pro-Tem Popovitch, Councilpersons Forster, Cook, Eveleth, Erfourth, and Mayor Frederick.

NAYS: None.

VSCI GRANT CLOSEOUT – PROJECTS 3 & 4

A public hearing was conducted to receive citizen comment regarding the close-out of the Vibrant Small Cities Initiative Grant Projects 3 & 4 for the Exchange Street Infrastructure Improvement and the Downtown Façade Projects.

The following people commented in regard to the grant projects:

Linda Keenan, Executive Director of the Owosso Community Players, thanked the Council for their support, via this grant, to help in the rebuild of the Lebowsky Center. She indicated the group hopes to hold performances in the rehabilitated structure by late next year.

Councilperson Martenis said he felt the improvements to the downtown were great. He asked for consideration in changing the location of the benches downtown.

Mayor Pro-Tem Popovitch indicated she really enjoyed the fountain. She inquired whether there would be special lighting and a plaque noting the artist. It was noted neither had been planned but it would be looked into.

Motion by Councilperson Erfourth to officially close out VSCI Projects 200775V-3 and 200775V-4 per HUD and MSHDA requirements.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilperson Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Martenis, Forster, Cook, and Mayor Frederick.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Joseph Nowacki, 710 Ament Street, asked that someone look into the drainage issue on Ament Street which has caused water to enter his basement twice this year.

Remi Werner, 1220 Freeman Street, spoke on behalf of the crossing guards asking for a raise to \$9.75 per hour.

Burton Fox, 216 East Oliver Street, expressed his appreciation for the new fountain downtown.

Councilperson Martenis commended the fire department personnel for their quick response to an emergency at his home this morning. He also inquired whether Council would be interested in having SATA Director Larry Alpert speak to the group about the funding model for SATA. Councilperson Cook noted the bike meeting that took place last Friday. He distributed a handout listing 13 different local efforts to promote biking.

Mayor Pro-Tem Popovitch inquired whether an estimate for a limestone path at Hopkins Lake had been obtained. She also expressed her support for the crossing guards.

Councilperson Forster commented on the quality of the work on Oliver Street. She also inquired about the garden at the Gould House and whether it cost the City money.

There was discussion regarding whether improvements to Bentley Park would take place this summer. It was noted that the City had applied for a grant that could potentially leverage the City's investment by a 4 to 1 ratio, the caveat being that any improvements taking place prior to the award of the grant could not be counted as part of the City's required match. It is anticipated the grant will be awarded in late September. Council directed staff to present a status report on the plans for Bentley Park on or before November 21 once word has been received on the grant.

There was also discussion regarding the BMX track. It was noted work on shaping the track should begin in the next few weeks.

CITY MANAGER REPORT

None at this time.

CONSENT AGENDA

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

Set Public Hearing – Rental Rehabilitation Program. Set a public hearing for Tuesday, July 5, 2011 to receive citizen comment regarding the use of grant funds for the Rental Rehabilitation Program as follows:

RESOLUTION NO. 102-2011

**TO SET A PUBLIC HEARING REGARDING
MICHIGAN STATE HOUSING AUTHORITY (MSHDA)
HOUSING RESOURCE FUND
RENTAL REHABILITATION
GRANT # MSC-2010-0037-HO**

WHEREAS, the City of Owosso has applied for and has been awarded a Community Development Block Grant (CDBG) # MSC-2010-0037-HO to be used to create rental units in downtown Owosso;

WHEREAS, the Michigan State Housing Development Authority (MSHDA) requires a public hearing allowing for citizen comment on the proposed uses of the aforementioned grant funds;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: the Owosso City Council sets a public hearing for July 5, 2011 on or about 7:30 p.m. in the council chambers for the purpose of hearing comments from any interested party, or resident or taxpayer, of the city of Owosso.

SECOND: the city clerk gives the notifications as required by law.

RESOLUTION NO. 103-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Tuesday, July 5, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

ALLEY BOUNDED BY WILLIAMS, ADAMS, OLIVER AND WATER STREETS

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Alley Improvements.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Tuesday, July 5, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011- 10 The east 198' of the East- West Public Alley bounded by Hickory Street, Exchange Street, Saginaw Street and Main Street.

RESOLUTION NO. 104-2011

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

The east 198' of the East- West Public Alley bounded by Hickory St. Exchange St., Saginaw Street, Main Street for alley paving

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.

Special Assessment District No. 2011-10 The east 198' of the East- West Public Alley
bounded by Hickory Street, Exchange Street,
Saginaw Street and Main Street.

RESOLUTION NO. 105-2011

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

The east 198' of the East- West Public Alley bounded by Hickory Street, Exchange Street, Saginaw Street and Main Street for Alley Paving

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 is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$2,200.00 and determines that \$2,200.00 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.
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 Tuesday, July 5, 2011 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:

The east 198' of the East- West Public Alley bounded by Hickory Street, Exchange Street, Saginaw Street and Main Street.

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

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 Tuesday, July 5, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Cable Ordinance Amendment. Conduct first reading and set a public hearing for Tuesday, July 5, 2011 to receive citizen comment regarding an amendment to the cable ordinance altering the make up and purpose of the Cable Access Advisory Commission as follows:

The First Reading on the proposed Ordinance Amendment was held.

A Public Hearing was scheduled for July 5, 2011 to receive citizen comment regarding the proposed amendment to Chapter 9, Cable Television, Article III, *Owosso Community Television*, Sections 9-100 through 9-110, of the Code of the City of Owosso as follow:

**AN AMENDMENT TO THE CODE OF ORDINANCES
ARTICLE III, OWOSSO COMMUNITY TELEVISION, SECTIONS 9-100 THROUGH 9-110
TO REVISE THE PURPOSE AND MAKE-UP OF THE CABLE ACCESS ADVISORY
COMMISSION**

WHEREAS, the City of Owosso has an ordinance governing the use of the local cable access channels; and

WHEREAS, the ordinance dictates the membership and purpose of the Cable Access Advisory Commission, which advises the City Council on matters related to the access channels; and

WHEREAS, it has become necessary to revise the make-up of the Commission to better fit the purpose of the channels.

THE CITY OF OWOSSO ORDAINS: that Chapter 9, Cable Television, Article III, *Owosso Community Television*, Sections 9-100 and 9-105 through 9-110, be amended as follows:

Section 1: Sec. 9-100, Purpose of OCTV, will be amended as follows:

(a) The Owosso Community Television (OCTV) studio has been established to provide support services necessary for video casting locally produced television programs.

(b) It is the purpose of OCTV to provide the people of the city and organizations in the Owosso area with an opportunity to be involved in using the television medium to inform, communicate, educate and entertain. It is also the purpose of OCTV to provide the Owosso community with locally produced programs of public interest.

(c) The following television channels shall be operated by OCTV:

(1) *Channel 95.* This channel or its successor shall be known as the "public access channel" and shall be used solely to cablecast non-profit, non-commercial programming produced or sponsored by individuals or organizations in the Owosso area. When the aforementioned programming is not scheduled, this channel may cablecast either an electronic message board to be known as the "public access electronic message board" or the Channel 96 electronic message board. The public access electronic message board shall be used solely for promotion of the public access channel and shall not be used for "for-profit" commercials or advertisements. Messages cablecast on the public access electronic message board may not contain any of the following:

- a. Obscene material as the same is defined and regulated under Act No. 343 of the Public Acts of Michigan of 1984, being MCL 752.362 et seq.
- b. Slanderous or libelous material.

(2) *Channel 96.* This channel or its successors shall be known as the "government/education access channel" and shall be used to cablecast non-profit, non-commercial programs produced or submitted by government or educational agencies. When the aforementioned programming is not scheduled, this channel shall cablecast an electronic message board containing government or educational messages submitted by government or educational agencies, or an electronic message board used for the promotion of community activities, meetings or events by non-profit organizations within the county, as determined by the city administration. Electronic messages advising of emergencies, including but not limited to weather emergencies, shall take precedence over all other programming on this channel.

Section 2: Secs. 9-105 through 9-110 will read as follows:

Sec. 9-105. Same--Membership.

Membership of the commission shall consist of three (3) citizen at large voting members possessing the qualifications to hold appointed office as stated in Charter sections 4.2 and 4.3. Whenever possible, members shall be cable subscribers.

The person from the administrative staff of the city who has been designated by the city manager as the OCTV coordinator shall be an ex officio member of the commission but without the right to vote.

(Ord. No. 687, § 1, 10-15-07; Ord. No. 706, § 1, 4-20-09)

Sec. 9-106. Same--Term of members.

Each at large member of the commission shall be appointed for a term of three (3) years commencing on July 1 except that the members at the time of this reorganization shall receive terms of one (1) year, two (2) years, and three (3) years respectively.

Sec. 9-107. Same--Internal administration.

The commission shall select one (1) of its voting members as chair and shall designate the ex-officio member as secretary. The commission may adopt such rules as it deems necessary for the transaction of its business. Any decision of the commission shall require the concurrence of a majority of the members. The commission shall meet as often as necessary with at least one (1) meeting each calendar quarter and all of its meetings shall comply with the open meetings act.

Sec. 9-108. Same--Specific duties.

The commission shall have the following specific duties:

- (1) Advise the city council regarding general policy matters related to the services provided to public access producers and viewers pursuant to the Code of Ordinances of the city.
- (2) Encourage the use of public access channels among the widest range of institutions, groups, and individuals within the city.
- (3) Make an annual report to the city which shall include, but not be limited to, a summary report on the utilization of any public access channels and a summary report of the commission's deliberations throughout the year.
- (4) Request comments and encourage suggestions from the public regarding public access channels.
- (5) Perform such other functions as the city council may direct.
- (6) Conduct public hearings at the request of the city council

Sec. 9-109. Same--Finances.

The commission shall not have the power to expend public funds but may make recommendations to the city council for budget purposes.

The commission shall not engage in rate regulation, rate change request processing, financial analysis, legal interpretation, or contractual negotiation with a cable operator or public service channel operator.

Sec. 9-110. Effective date.

This article shall become effective twenty days after passage.

Section 3. Repeal Clause.

All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Inspection.

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.

Planning Commission Referral. Refer to the Planning Commission the request to close the alley between Cedar Street and Pierce Street from Grace Street to Hampton Avenue.

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

Name	Board/Commission	Term Expires
Brent Smith	Planning Commission	06-30-2014
Thomas Taylor	Planning Commission	06-30-2014
Melvin Renfrow	Planning Commission (to fill the unexpired term of J. Peltier)	06-30-2013
Virginia Teich*	Council on Aging	06-30-2014
Carl Ludington*	Building Board of Appeals	06-30-2014
Gary Miller Jr*	Building Board of Appeals	06-30-2014
Larry Cook*	Brownfield Redevelopment Authority	06-30-2015
Joni Forster*	Brownfield Redevelopment Authority	11-14-2011
David Vaughn*	Brownfield Redevelopment Authority	06-30-2015
Richard Williams*	Building Authority	06-30-2014
Rick Morris*	Westtown Corridor Improvement Authority	06-30-2015
Marsha Ladd*	Parks & Recreation Commission	06-30-2013
Sherry Chavora*	Parks & Recreation Commission	06-30-2013
Scott Newman*	Downtown Historic District Commission	06-30-2014
Matthew Van Epps*	Downtown Historic District Commission	06-30-2014
Barbara Busci*	DDA/Main Street	06-30-2015
Randy Horton*	Zoning Board of Appeals	06-30-2014

(Bid Award Rescission. This item was removed from the agenda.)

Bid Award. Approve the bid of The Glaeser-Dawes Corporation for the 2011 Water Main Replacement Program in the amount of \$208,192.42 and further approve payment up to the contract amount as follows:

RESOLUTION NO. 106-2011

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2011 WATER MAIN REPLACEMENT PROJECT
WITH THE GLAESER-DAWES CORPORATION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is necessary to replace old and undersized four inch cast iron water mains and the city portion of water service lines on streets that are to be reconstructed in 2011; and

WHEREAS, the City of Owosso has prepared detailed plans and specifications for the work; advertised and opened sealed bid(s) in accordance with City procedures; a bid was received from The Glaeser-Dawes Corporation.; and it is hereby determined that The Glaeser-Dawes Corporation is qualified to provide such services, and that it 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 heretofore determined that it is advisable, necessary and in the public interest to employ The Glaeser-Dawes Corporation for the 2011 WATER MAIN REPLACEMENT PROJECT.
- 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 The Glaeser-Dawes Corporation, based on bid unit prices with an estimated total contract amount of \$208,192.42 as bid.
- THIRD: The above expenses shall be paid from the 2011-2012 Water Fund Budget.

Bid Award. Accept low bid from Kemira Water Solutions, Inc. for Ferric Chloride in the amount of \$.48 per pound of iron, with an estimated annual contract of \$34,560.00, and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2012 as follows:

RESOLUTION NO. 107-2011

RESOLUTION AUTHORIZING THE EXECUTION

**OF A PURCHASE ORDER FOR
FERRIC CHLORIDE FOR WATER TREATMENT FOR FY 2011/12
WITH KEMIRA WATER SOLUTIONS, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires ferric chloride (iron) in bulk deliveries for use in treating municipal wastewater; and

WHEREAS, the City of Owosso sought bids for ferric chloride; a bid was received from Kemira Water Solutions Inc.; and it is hereby determined that Kemira Water Solutions Inc. is qualified to provide such product and that it 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 heretofore determined that it is advisable, necessary and in the public interest to purchase ferric chloride from Kemira Water Solutions Inc. in the amount of \$0.48 per pound of iron for the city fiscal year 2011/2012 with an estimated total amount for the year of \$34,560.
- SECOND: The purchase agreement between the City and Kemira Water Solutions Inc. shall be in the form of a City Purchase Order and bid documents.
- THIRD: The above expenses shall be paid from the Wastewater Fund.

Bid Award. Accept low bid from Jones Chemical, Inc. for bulk Sodium Hypochlorite in the amount of \$.75 per gallon plus \$50 per truck load for split delivery with an estimated annual contract of \$41,100.00 and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2012 as follows:

RESOLUTION NO. 108-2011

**RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE ORDER FOR
BULK CHLORINE SOLUTION FOR WATER TREATMENT
FOR FY 2011/12
WITH JONES CHEMICAL INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires chlorine solution in bulk deliveries for use in treating municipal drinking water wastewater; and

WHEREAS, the City of Owosso sought bids for bulk chlorine solution (sodium hypochlorite); a bid was received from Jones Chemical Inc.; and it is hereby determined that Jones Chemical Inc. is qualified to provide such product and that it 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 heretofore determined that it is advisable, necessary and in the public interest to purchase bulk chlorine solution from Jones Chemical Inc. in the amount of \$0.75 per gallon of solution plus \$50 per truckload for split delivery for the city fiscal year 2011/2012 with an estimated total amount for the year of \$41,100.
- SECOND: The purchase agreement between the City and Jones Chemical Inc. shall be in the form of a City Purchase Order and bid documents.
- THIRD: The above expenses shall be paid from the Water and Wastewater Funds.

Bid Award. Accept low bid from Western Lime Corporation for Quicklime in the amount of \$128.00 per ton, with an estimated annual contract of \$102,400.00 and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2012 as follows:

RESOLUTION NO. 109-2011

**RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE ORDER FOR
QUICKLIME FOR WATER TREATMENT
FOR FY 2011/12
WITH WESTERN LIME CORPORATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires quicklime in bulk deliveries for use in treating municipal drinking water; and

WHEREAS, the City of Owosso sought bids for quicklime; a bid was received from Western Lime Corporation; and it is hereby determined that Western Lime Corporation is qualified to provide such product and that it 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 heretofore determined that it is advisable, necessary and in the public interest to purchase quicklime from Western Lime Corporation in the amount of \$128 per ton for the city fiscal year 2011/2012 with an estimated total amount for the year of \$102,400.
- SECOND: The purchase agreement between the City and Western Lime Corporation shall be in the form of a City Purchase Order and bid documents.
- THIRD: The above expenses shall be paid from the Water and Wastewater Funds.

Payment Authorization. Authorize Progress Payment No. 6 to the Michigan Department of Transportation for the City's share of work completed on the Washington Street Streetscape in the amount of \$6,505.39 as follows:

RESOLUTION NO. 110-2011

**AUTHORIZING PAYMENT TO
THE MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR WORK COMPLETED ON
THE WASHINGTON STREET STREETScape PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received a Michigan Department of Transportation Enhancement Grant and Federal stimulus money; and

WHEREAS, using these funds in concert with monies from the Main Street Bond Fund the City undertaken a project to refurbish the downtown landscape, replacing deteriorated infrastructure and creating a pedestrian friendly and welcoming atmosphere for the downtown; and

WHEREAS, a portion of the work on this project has been completed and is now eligible for payment; and

WHEREAS, the Michigan Department of Transportation has requested reimbursement for the City's share of the work completed to date.

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 the Michigan Department of Transportation for eligible funds spent in the course of reconstructing the downtown landscape.
- SECOND: The accounts payable department is authorized to submit payment to the Michigan Department of Transportation in the amount of \$6,505.39 as detailed on the attached Payment Request #6 as authorized by Council on June 20, 2011.
- THIRD: The above expenses shall be paid from the Main Street Bond Fund.

Warrant No. 424. Accept Warrant No. 424 as follows:

Vendor	Description	Fund	Amount
Shiawassee Area Transportation Agency	Annual Local Funding Commitment Fiscal Year 2011-2012	General	\$49,724.25
Brown & Stewart, PC	Professional Services May 5, 2011 – June 8, 2011	General	\$10,143.18
Netarx, LLC	Network Engineering Services May 2011	General	\$7,616.00
Bodman PLC	Professional Services May 2011	General	\$10,425.25

Check Register. Receive and approve the Check Register for May 2011.

Revenue & Expenditure Report. Accept the May 2011 Revenue & Expenditure Report.

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilpersons Forster, Martenis, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Cook, Eveleth and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

SEDP FUNDING

City Manager Crawford indicated a past Council had authorized a pledge for an additional dollar per capita should funding permit. Unfortunately, the motion was unclear as to the exact terms of the additional pledge.

Justin Horvath, president of the SEDP, gave a report on the activities of the SEDP including the approximate monetary value of business expansions/creations they have assisted with.

There was discussion regarding what the City could do, outside of funding, that would help the SEDP with its economic development efforts.

There was further discussion as to how the City could fund the additional \$1/per capita pledge. It was noted the money could come from the water fund in return for the development of potential additional customers. Councilperson Forster expressed concern that using water fund monies would necessitate a water rate increase. It was noted the SEDP payment would be \$15,713 of a \$2.8 million budget.

Motion by Councilperson Cook to amend the 2010-11 Amended Budget by increasing the general ledger appropriation of Fund Balance (Acct # 101-000-695600) by \$15,713.00 and increasing the general ledger Membership and Dues balance (Acct # 101-299-858000) by \$15,713.00 which will be designated for the Shiawassee Economic Development Partnership. And further amend the 2011-2012 adopted budget to create a Membership and Dues account in the Water Fund and to budget \$15,713.00 which will be designated for the Shiawassee Economic Development Partnership and that an identical amount be included in the 2012-13 budget.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Eveleth, Cook, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Martenis, and Mayor Frederick.

NAYS: Councilperson Forster.

RECESSED AT 9:01 P.M.

RETURNED AT 9:07 P.M.

CITY BUDGET AMENDMENT

City Manager Crawford noted that we came in under budget in every department except Public Safety.

He also noted passage of the proposed amendment would incorporate the changes authorized during the SEDP funding discussion.

Councilperson Erfourth expressed his concern that inclusion of information relating to the 2011-12 Adopted Budget with the 2010-11 Amended Budget would be seen as implicit approval of the Adopted Budget, when the action before them was simply to approve the 2010-11 Amended Budget. It was noted that the 2011-12 Adopted Budget had been acted on at a previous meeting and was simply included for informational purposes. The action before the Council this evening was to adopt the 2010-11 Amended Budget. He asked that any references to the 2011-12 fiscal year be removed from the document so as to only include the 2010-2011 fiscal year.

Motion by Councilperson Eveleth to adopt the 2010-2011 Amended Budget, with a friendly amendment to require the removal of references to 2011-12 fiscal year information, as follows:

Note: Subsequent to the meeting it was discovered MCL 141.435 requires the budget include an estimate of the expenditure amounts required to conduct governmental operations in the ensuing fiscal year, hence the inclusion of the 2011-12 fiscal year data in spite of the motion. The motion remains accurate in its intent that only the 2010-11 Amended Budget was acted upon.

**AMENDED BUDGET
FISCAL YEAR 2010-2011**

DESCRIPTION	2009-10 ACTUAL	2010-11 ADOPTED BUDGET	2010-11 AMENDED BUDGET	2011-12 ADOPTED BUDGET
Fund 101 - GENERAL FUND				
ESTIMATED REVENUES				
CHARGES FOR SERVICES	724,919	704,300	778,750	838,800
FEDERAL GRANTS	113,366	0	35,850	28,300
FINES & FORFEITS	65,204	66,900	58,575	68,000
INTEREST & RENTS	23,141	37,600	24,000	24,500
LICENSES & PERMITS	110,084	65,500	82,200	80,450
OTHER FINANCING SOURCES	725,575	778,500	741,150	895,000
OTHER REVENUE	28,396	3,500	106,650	19,900
STATE SOURCES	1,501,870	1,479,000	1,506,475	1,319,900
TAXES	<u>3,557,722</u>	<u>3,609,500</u>	<u>3,625,650</u>	<u>3,451,000</u>
<u>TOTAL ESTIMATED REVENUES</u>	<u>6,850,277</u>	<u>6,744,800</u>	<u>6,959,300</u>	<u>6,725,850</u>
APPROPRIATIONS				
Total - Function GENERAL SERVICES	1,682,871	1,720,350	1,720,975	1,697,925
Total - Function COMMUNITY DEVELOPMENT	227,077	254,765	194,750	348,425
Total - Function PUBLIC SAFETY	3,461,005	3,269,335	3,420,425	3,368,825
Total - Function PUBLIC WORKS	1,065,667	1,281,475	1,150,825	992,100
Total - Function TRANSFERS	<u>171,377</u>	<u>79,300</u>	<u>205,425</u>	<u>81,650</u>
<u>TOTAL APPROPRIATIONS</u>	<u>6,802,413</u>	<u>6,744,800</u>	<u>6,959,300</u>	<u>6,725,850</u>
Fund 202 - MAJOR STREET FUND				
ESTIMATED REVENUES				
FEDERAL GRANTS	234,610	509,800	0	321,800
OTHER FINANCING SOURCES	65,008	335,500	67,975	327,025
OTHER REVENUE	0	0	43,125	0
STATE SOURCES	711,078	698,800	758,800	702,500
TRANSFERS	<u>0</u>	<u>0</u>	<u>1,062,700</u>	<u>0</u>
<u>TOTAL ESTIMATED REVENUES</u>	<u>1,010,696</u>	<u>1,544,100</u>	<u>1,932,600</u>	<u>1,351,325</u>
APPROPRIATIONS				
451 CONSTRUCTION	275,683	755,000	1,064,175	606,800
463 STREET MAINTENANCE	182,400	176,500	137,250	157,400
473 BRIDGE MAINTENANCE	812	6,150	1,775	3,075
474 TRAFFIC SERVICES-MAINTENANCE	29,516	34,100	33,425	39,550
478 SNOW & ICE CONTROL	90,184	107,600	157,200	89,450
480 TREE TRIMMING	54,276	44,050	56,450	44,800
482 ADMINISTRATION & ENGINEERING	172,261	197,100	201,400	186,950
484 TRUNKLINE SUPERVISOR	2,931	4,500	4,825	4,150
485 LOCAL STREET TRANSFER	260,175	167,100	221,050	173,200
486 TRUNKLINE SURFACE MAINTENANCE	3,552	6,600	975	3,175
488 TRUNKLINE SWEEPING & FLUSHING	1,496	2,750	3,175	1,650
490 TRUNKLINE TREE TRIIM & REMOVAL	0	200	75	175
491 TRUNKLINE STORM DRAIN, CURBS	3,460	4,900	2,050	4,900
492 TRUNKLINE ROADSIDE CLEANUP	57	275	150	175
494 TRUNKLINE TRAFFIC SIGNS	547	925	600	725
495 TRUNKLINE PAVEMENT MARKING	0	0	0	0
496 TRUNKLINE TRAFFIC SIGNALS	1,798	2,725	2,625	2,025
497 TRUNKLINE SNOW & ICE CONTROL	23,574	28,125	38,300	27,800
502 TRUNKLINE LEAVE & INS BENEFITS	<u>3,983</u>	<u>5,500</u>	<u>7,100</u>	<u>5,325</u>
<u>TOTAL APPROPRIATIONS</u>	<u>1,106,705</u>	<u>1,544,100</u>	<u>1,932,600</u>	<u>1,351,325</u>
Fund 203 - LOCAL STREET FUND				
ESTIMATED REVENUES				
FEDERAL GRANTS	12,801	12,400	0	12,400
INTEREST & RENTS	0	0	0	0
OTHER FINANCING SOURCES	57,803	359,775	240,225	356,950
OTHER REVENUE	0	0	104,300	0
STATE SOURCES	247,977	242,800	259,975	245,600
TRANSFERS	<u>355,525</u>	<u>167,100</u>	<u>279,450</u>	<u>173,200</u>
<u>TOTAL ESTIMATED REVENUES</u>	<u>674,106</u>	<u>782,075</u>	<u>883,950</u>	<u>788,150</u>

APPROPRIATIONS					
451	CONSTRUCTION	144,302	245,000	295,175	319,300
463	STREET MAINTENANCE	251,580	245,500	251,725	183,900
474	TRAFFIC SERVICES-MAINTENANCE	9,766	9,325	11,375	11,025
478	SNOW & ICE CONTROL	64,318	67,200	96,975	62,850
480	TREE TRIMMING	121,357	124,600	135,950	103,175
482	ADMINISTRATION & ENGINEERING	82,767	90,450	92,750	107,900
	<u>TOTAL APPROPRIATIONS</u>	674,090	782,075	883,950	788,150

Fund 245 - PUBLIC IMPROVEMENT FUND

<u>TOTAL REVENUES</u>			844,650	0
<u>TOTAL APPROPRIATIONS</u>	0	0	844,650	0

Fund 248 - TIF PROJECTS

<u>TOTAL ESTIMATED REVENUES</u>	198,867	227,925	187,050	0
<u>TOTAL APPROPRIATIONS</u>	119,728	227,925	187,050	0

Fund 273 - CDBG REVOLVING LOAN FUND

<u>TOTAL ESTIMATED REVENUES</u>	8,785	31,425	77,975	98,725
<u>TOTAL APPROPRIATIONS</u>	96,927	31,425	77,975	98,725

Fund 275 - HOUSING & REDEVELOPMENT

<u>TOTAL ESTIMATED REVENUES</u>	55,250	241,425	96,000	156,725
<u>TOTAL APPROPRIATIONS</u>	55,228	241,425	96,000	156,725

Fund 28X - BROWNFIELD DISTRICTS

<u>TOTAL ESTIMATED REVENUES</u>	47,804	39,125	41,075	42,050
<u>TOTAL APPROPRIATIONS</u>	41,614	39,125	41,075	42,050

Fund 296 - DOWNTOWN DEVELOPMENT AUTHORITY

<u>TOTAL ESTIMATED REVENUES</u>	170,527	153,750	184,400	232,800
<u>TOTAL APPROPRIATIONS</u>	159,204	153,750	184,400	232,800

Fund 297 - HISTORICAL FUND

<u>TOTAL ESTIMATED REVENUES</u>	38,943	87,850	52,275	62,500
<u>TOTAL APPROPRIATIONS</u>	46,991	87,850	52,275	62,500

Fund 32X - DEBT SERVICE FUNDS

<u>TOTAL ESTIMATED REVENUES</u>	205,933	253,100	316,900	125,375
<u>TOTAL APPROPRIATIONS</u>	260,398	263,500	316,900	125,375

Fund 40X - CAPITAL PROJECTS FUNDS

<u>TOTAL ESTIMATED REVENUES</u>	859,488	0	3,108,325	0
<u>TOTAL APPROPRIATIONS</u>	851,774	0	2,537,650	0

Fund 588 - TRANSPORTATION FUND

<u>TOTAL ESTIMATED REVENUES</u>	38,037	54,650	54,725	49,725
<u>TOTAL APPROPRIATIONS</u>	37,435	54,650	54,725	49,725

Fund 590 - SEWER FUND

<u>TOTAL ESTIMATED REVENUES</u>	1,415,709	1,832,245	1,832,245	1,706,270
<u>TOTAL APPROPRIATIONS</u>	1,420,210	1,832,245	1,832,245	1,706,270

Fund 591 - WATER FUND

<u>TOTAL ESTIMATED REVENUES</u>	1,942,003	2,749,755	2,749,755	2,124,700
<u>TOTAL APPROPRIATIONS</u>	2,057,931	2,749,755	2,749,755	2,775,000

Fund 599 - WASTEWATER FUND

<u>TOTAL ESTIMATED REVENUES</u>	<u>1,454,603</u>	<u>2,052,050</u>	<u>2,052,050</u>	<u>2,030,000</u>
<u>TOTAL APPROPRIATIONS</u>	<u>1,727,436</u>	<u>2,052,050</u>	<u>2,052,050</u>	<u>2,252,000</u>

Fund 661 – FLEET MAINTENANCE FUND

<u>TOTAL ESTIMATED REVENUES</u>	<u>651,290</u>	<u>599,600</u>	<u>599,600</u>	<u>788,025</u>
<u>TOTAL APPROPRIATIONS</u>	<u>463,036</u>	<u>516,725</u>	<u>516,725</u>	<u>788,025</u>

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Cook, Erfourth, Martenis, Mayor Pro-Tem Popovitch, Councilpersons Eveleth and Mayor Frederick.

NAYS: Councilperson Forster.

CDBG LOAN PROGRAM

Assistant City Manager Adam Zettel indicated the City had received the funds for revolving fund loan program a number of years ago. Since that time the payback of loans has accumulated to a point where the program can consider lending again.

There was discussion regarding concern that some past loans were never paid back, if the City was eligible for more funding for the program, oversight of the program, and what the money could be used for.

There was further discussion regarding what areas of the City were eligible for the funds (DDA district only) and whether a similar program could be established for the Westtown Corridor Improvement district.

Motion by Councilperson Martenis to approve the reestablishment of a CDBG Loan Program in the downtown as follows:

RESOLUTION NO. 111-2011

**ESTABLISHING A CDBG LOAN PROGRAM
IN DOWNTOWN OWOSSO**

WHEREAS, the City of Owosso previously operated a Community Development Block Grant (CDBG) revolving loan fund that was approved for programming by the State of Michigan; and

WHEREAS, the CDBG revolving loan fund assisted businesses and property owners in the downtown with historical renovations, signage, façade work, business startup costs and other programming; and

WHEREAS, the loan program was put on hold years ago because of staffing and economic issues; and

WHEREAS, the City of Owosso finds that there is a current need to assist with these former endeavors and that the funds are available to do so.

NOW, THEREFORE, BE IT RESOLVED that the City of Owosso City Council hereby reestablishes the CDBG loan program, approves the loan packet proposed by staff, and further directs the community development department to publish the proposed loan packet and carry out the program in conjunction with the loan committee for the 2012 fiscal year.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Councilpersons Erfourth, Forster, Eveleth, Martenis, Cook, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

CITY MANAGER EVALUATION PROCESS

The Council was presented with two potential forms for the City Manager evaluation. There was discussion regarding the absence of goals specifically for the City Manager and the difficulty this presents at evaluation. After some discussion the Council agreed to use Option #2, the shorter of the two forms and requested staff make some changes to the generic form to incorporate goals

and weighting for different performance areas. It was also asked that Council be provided the job description for the position. The revised form and job description will be presented for consideration at the July 5th meeting.

BID AWARD – REFUSE SERVICE

Councilperson Erfourth asked if the City had received any bids from local providers. It was noted that while the local providers were sent bid materials none responded.

Motion by Councilperson Erfourth to approve the bid of Republic Services of Flint for refuse service for the 2011-12 fiscal year in the amount of \$4,758.00 and further approve payment up to the contract amount as follows:

RESOLUTION NO. 112-2011

AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE 2011 REFUSE COLLECTION WITH REPUBLIC SERVICES OF FLINT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the collection and disposal of waste generated at the main city facilities is advisable, necessary and in the public interest; and

WHEREAS, the City of Owosso sought bids for the collection of the dumpsters at the main city facilities; a bid was received from Republic Services of Flint; and it is hereby determined that Republic Services of Flint is qualified to provide such services and that it 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 heretofore determined that it is advisable, necessary and in the public interest to employ Republic Services of Flint for the collection and disposal of waste from the main City facilities
- 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 Republic Services of Flint, with a \$4,758.00 bid for the 2011-2012 fiscal year.
- THIRD: The above expenses shall be paid from the General Fund.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Martenis, Erfourth, Eveleth, Cook, and Mayor Frederick.

NAYS: Councilperson Forster and Mayor Pro-Tem Popovitch.

EXECUTIVE SESSION

Motion by Councilperson Eveleth to authorize holding executive session at the conclusion of regular business for the purpose of discussing pending litigation, labor negotiations, and property acquisition.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES:

NAYS:

RECESSED TO EXECUTIVE SESSION AT 9:49 P.M.

RETURNED FROM EXECUTIVE SESSION AT 10:37 P.M.

COMMUNICATIONS

Jeff Peltier. Letter of resignation.

Gary Palmer, Building Official. May 2011 Building Department Report.

Gary Palmer, Building Official. May 2011 Code Violations Report.

Michael T. Compeau, Public Safety Director. May 2011 Police Department Report.

Michael T. Compeau, Public Safety Director. May 2011 Fire Department Report.

Owosso Main Street/Downtown Development Authority. Minutes of Meeting of June 1, 2011.
Downtown Historic District Commission. Minutes of the Meeting of June 1, 2011.

Councilperson Forster inquired why only 5% of the housing budget was used last year. Staff will investigate her inquiry.

CITIZEN COMMENTS AND QUESTIONS

None.

APPROVE SEPTEMBER 20, 2010 EXECUTIVE SESSION MINUTES

Motion by Councilperson Eveleth to approve the September 20, 2010 Executive Session Minutes as presented.

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

NEXT MEETING

Tuesday, July 5, 2011

BOARDS AND COMMISSIONS OPENINGS

Cable Access Advisory Commission, term expires 06-30-2011
Downtown Historic District Commission, term expires 06-30-2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 10:40 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk