

OWOSSO CITY COUNCIL

APRIL 16, 2012

7:30 P.M.

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** GINA MOSKAL, LAY PERSON (RETIRED)
ST. PAUL CATHOLIC CHURCH
- PLEDGE OF ALLEGIANCE:** RYAN COMRIE
LOCAL EAGLE SCOUT CANDIDATE
- PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
- ABSENT:** None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 2, 2012

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of April 2, 2012 as presented.

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

SPECIAL PRESENTATIONS

KIWANIS KEY CLUB AND BUILDERS CLUB DONATION PRESENTATION

Representatives of the Key Club and Builders Club presented Mayor Frederick with a check to the City for \$2,300 for Bentley Park Playscape.

ARBOR DAY PROCLAMATION

Mayor Frederick read aloud the following proclamation of the Mayor's Office declaring May 5, 2012 as Arbor Day in the City of Owosso:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
DESIGNATING MAY 5, 2012 AS
ARBOR DAY IN THE CITY OF OWOSSO**

- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Benjamin R. Frederick, Mayor of the City of Owosso, do hereby proclaim May 5, 2012 as Arbor Day in the City of Owosso, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Proclaimed this 16th day of April, 2012.

PUBLIC HEARINGS

REZONING REQUEST – 1484 WEST KING STREET

A public hearing was conducted to receive citizen comment regarding request to rezone the parcel commonly known as 1484 West King Street from I-1, Light Industrial to R-1, Single Family Residential.

There were no citizen comments.

Mayor Pro-Tem Popovitch noted the Planning Commission vetted the request and approved it unanimously.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Popovitch that the following ordinance be adopted:

ORDINANCE NO. 731

AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY AND AMEND THE ZONING MAP

Whereas, the city council of the city of Owosso received a petition from a land owner of real property identified as 1484 West King Street, parcel 050-450-000-039-00, lots 36, 39, & 40 of the Oak Grove Addition to rezone the parcel from I-1 Light Industrial to R-1 One Family Residential.

Whereas, the city council referred the request to the planning commission, and the planning commission subsequently published the request, held a public hearing on the request, and deliberated on the request;

Whereas, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 1484 West King Street as petitioned;

Therefore, Be It Resolved, that Chapter 38, Zoning Code of the City of Owosso be amended as follows

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27 Zoning Districts and Map reflect the following change to be noted on the official map and filed with the city clerk:

Indicate a zoning classification of R-1 One Family Residential for 1484 West King, parcel 050-450-000-039-00.

Section 2. This amendment shall become effective May 6, 2012.

Section 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

County Commissioner Ronald Elder provided the Council with an update on the latest at the County level including their approval of the installation of 3 canoe launches along the river and authorization to seek a full time director for the Veteran's Affairs Office.

Eddie Urban, 601 Glenwood Avenue, said the lot on Corunna Avenue east of Gould Street looks nice now that the building has been torn down.

Councilperson Fox presented 185 letters he had collected objecting to the conversion of north M52 from 4 lanes to 3. He asked that copies be taken for the record. He will submit them to MDOT later in the week. He also asked that his concerns regarding the recent lay off of two members of the Public Safety Department be placed on the May 7th agenda for discussion.

CITY MANAGER REPORT

City Manager Crawford updated the Council on the preparations for the reconstruction of west M21 and north M52 saying MDOT has announced a meeting on April 19th to gather citizen

comments on the projects. He went on to say that there is some confusion as to whether comprehensive traffic studies have been performed and will be available to Council so an educated recommendation can be made. Council agreed if the information was not available at the meeting on the 19th a formal request would be made to obtain it.

City Manager Crawford also noted that some of the new LED lights had been installed in front of City Hall.

Councilperson Fox inquired about the new employee sharing agreement with Corunna. City Manager Crawford noted the employee in question would work part time for both organizations to assist Public Safety officials with official correspondence and reporting to state agencies.

CONSENT AGENDA

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

Set Public Hearing – Industrial Development District. Set a public hearing for Monday, April 30, 2012 to receive citizen comment on the establishment of an Industrial Development District at 403 South State Street as follows:

RESOLUTION NO. 25-2012

**SETTING PUBLIC HEARING TO CONSIDER ESTABLISHING
INDUSTRIAL DEVELOPMENT DISTRICT
403 S. STATE STREET**

WHEREAS, request was received April 9, 2012 for a Tax Abatement from Owosso Composite, LLC; and

WHEREAS, an Industrial Development District must be established to meet the needs of applicant; and

WHEREAS, the property description of proposed district is:

LOTS 8 & 9 AND EAST 9 FEET OF LOT 7, BLOCK 2. ALSO, OUTLOT 1 & NORTH 61 FEET OF OUTLOT 2. GEORGE THOMAS ADDITION TO CITY OF OWOSSO (EXCEPT ROALROAD RIGHT OF WAY); and

WHEREAS, it must be 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:

FIRST: the Owosso City Council sets public hearing for April 30, 2012 on or about 7:30 p.m. in the council chambers for the purpose of hearing comments from those within the proposed district, and any other resident or taxpayer, of the city of Owosso; and

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

Farmers Market Traffic Control Order Amendment. Consider amending Traffic Control Order No. 1265 to reflect dedicated parking spots for downtown business patrons on Ball Street from Main Street to Mason Street and the west side of Washington Street from Main Street to Exchange Street.

Bid Award. Authorize bid award to Sunburst Gardens, Inc. for the 2012 Tall Grass Mowing Bid in the amount of \$70 for a single lot, \$90 for a double lot, and \$110 for lots larger than a double lot, in an amount not to exceed \$12,000 and further authorize payment up to that amount as follows:

RESOLUTION NO. 26-2012

**AUTHORIZING THE EXECUTION OF A CONTRACT
WITH SUNBURST GARDENS, INC.
FOR THE MOWING OF PROPERTIES IN VIOLATION OF THE CITY WEED
ORDINANCE**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has an ordinance requiring property owners to mow their lots to control the growth of tall grass and noxious weeds; and

WHEREAS, the City of Owosso will mow properties that are in violation of the ordinance if the owners refuse to mitigate the situation; and

WHEREAS, efficiencies can be gained from contracting out for service to mow such properties; and

WHEREAS, the City of Owosso sought bids for the mowing of weed ordinance violation properties and a bid was received from Sunburst Gardens, Inc.; and it is hereby determined that Sunburst Gardens, Inc. 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 Sunburst Gardens, Inc. for the service of mowing properties in violation of the weed ordinance upon the city's request.

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 Sunburst Gardens for mowing and trimming services at the following rates, with a total cost not to exceed \$12,000.00:

normal city size lot or smaller	=	\$70.00 each
normal to double city size lot	=	\$90.00 each
larger than double size	=	\$110.00 each

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

Bid Award. Authorize bid award to Asia Motors for the sale of one 2007 Chevrolet Impala police vehicle in the amount of \$3,579.00 as follows:

RESOLUTION NO. 27-2012

RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID AND SALE OF RETIRED POLICE VEHICLE 2007 CHEVROLET IMPALA TO ASIA MOTORS INC.

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety department requiring the use of police vehicles; and

WHEREAS, it is the practice of the city to sell these police vehicles when they are removed from service; and

WHEREAS, sealed bids were solicited for a retired police vehicle –one 2007 Chevrolet Impala- and the high bid was received from Asia Motors, Inc. in the amount of \$3,579.00.

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

FIRST: Authorize acceptance of the bid and sale of one 2007 Chevy Impala to Asia Motors Inc., 1659 W. Grand Ave., Chicago, Illinois 60622 in the amount of \$3,579.00.

SECOND: City staff is authorized to execute the proper paperwork to complete the sale.

Repair Authorization. Authorize pump repair contract with Layne Christensen for Wastewater Pump T3 on a cost basis not to exceed \$9,526.00 and further authorize payment up to that amount upon completion of the repairs as follows:

RESOLUTION NO. 28-2012

AUTHORIZING SERVICE CONTRACT AND PAYMENT TO LAYNE CHRISTENSEN COMPANY FOR REHABILITATION OF T-3 VERTICAL TURBINE PUMP AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the rehabilitation of a 150 HP vertical turbine pump ("T-3") in line with the plant's preventive maintenance program, and

WHEREAS, the pump has been pulled and inspected at a cost of \$1,650, and determined to need replacement parts and rehabilitation as detailed on the March 30, 2012 proposal from Layne Christensen Company in the estimated amount not to exceed \$7,876, for a total cost of \$9,526; and

WHEREAS, the City Utility Director has reviewed the proposal from Layne Christensen and verified the parts and work needed to restore the pump to full capacity, and recommends authorizing Layne Christensen to perform the work with payment not to exceed \$9,526 upon satisfactory completion.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with Layne Christensen Company for the rehabilitation and resetting of the "T3" vertical turbine pump at the Wastewater Treatment Plant.
- SECOND: The accounts payable department is authorized to submit payment to the Layne Christensen Company in the amount up to \$9,526 upon satisfactory completion of the work in accordance with their proposal dated March 30, 2012 as authorized by Council this 16th day of April, 2012.
- THIRD: The above expenses shall be paid from the Wastewater Plant Replacement Fund.

Payment Authorization. Authorize final payment to Detroit Cornice & Slate Co. Inc. for work completed on the Library roof in the amount of \$44,401.00 as follows:

RESOLUTION NO. 29-2012

RESOLUTION AUTHORIZING PAYMENT TO DETROIT CORNICE & SLATE COMPANY, INC. FOR WORK COMPLETED ON THE LIBRARY ROOF REPAIR PROJECT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, owns a building known as the Owosso Public Library and Shiawassee District Library-Owosso; and

WHEREAS, Detroit Cornice & Slate Company was contracted to complete repairs on the roof of the building; and

WHEREAS, work has now been completed and an invoice submitted for payment;

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 pay Detroit Cornice & Slate Company for the work performed on the roof of the Shiawassee District Library-Owosso.
- SECOND: The accounts payable department is authorized to submit payment to Detroit Cornice & Slate Company in the amount of \$ 44,401.00 as detailed on the attached payment request as authorized by Council on April 16, 2012.
- THIRD: The above expenses shall be paid from the General Fund (Buildings and Grounds Maintenance), and by the Shiawassee District Library.

Warrant No. 440. Accept Warrant No. 440 as follows:

Vendor	Description	Fund	Amount
CalFirst Leasing Corporation	Annual Payment for HME Tower/Ladder Fire Truck	General	\$121,717.50
Logicalis, Inc	Network Engineering Support February 2012	General	\$ 7,616.000
Brown & Stewart, PC	Professional Services- March 13, 2012 – April 9, 2012	General	\$ 5,657.08
Caledonia Charter Township	Caledonia Utility Fund payment January – March, 2012	Water	\$15,336.41
Owosso Charter Township	Owosso Charter Township water sales January – March 2012	Water	\$ 8,201.74

*Check Register. Receive and approve the Check Register for March 2012.

*Revenue & Expenditure Report. Accept the March 2012 Revenue & Expenditure Report.

*These items are available in full in the Clerk's Office.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

EMERGENCY PURCHASE AUTHORIZATION

City Manager Crawford explained the pump was necessary to remove standing water from the park after a rainfall.

Motion by Councilperson Eveleth to authorize the emergency purchase and installation of a submersible pump for Bentley Park from Kennedy Industries, Inc. in the amount of \$5,748.00 as follows:

RESOLUTION NO. 30-2012

**RESOLUTION AUTHORIZING EMERGENCY PURCHASE
OF A SUBMERSIBLE PUMP FOR BENTLEY PARK**

WHEREAS, Bentley Park has a low area that collects water that needs to be pumped away; and

WHEREAS, the City of Owosso public works department has discovered the submersible pump at Bentley Park is not working causing the park to flood and needs to be replaced.

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

- FIRST: It has been theretofore determined that the immediate purchase of the submersible pump for Bentley Park is necessary.
- SECOND: The City of Owosso waives the competitive bid process to allow for this emergency purchase.
- THIRD: The City of Owosso therefore authorizes \$5,748.00 for the purchase of a Flygt submersible pump from Kennedy Industries, Inc.
- FOURTH: The above expenses shall be paid from the parks and recreation fund 101-756000-831000.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

FRIDAY NIGHT CRUISE PERMISSION (This item was removed from the agenda.)

CRUISE TO THE CASTLE CAR SHOW PERMISSION

Motion by Councilperson Fox to waive the insurance requirement, approve the application of Owosso Main Street for use of downtown streets and parking lots on Sunday, July 29, 2012 from 6:00 am to 4:00 pm for the Cruise to the Castle Car Show, and authorize Traffic Control Order No. 1271 formalizing the request.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

- Charles Rau, Building Official. March 2012 Building Department Report.
- Charles Rau, Building Official. March 2012 Code Violations Report.
- Planning Commission. Minutes of March 26, 2012.
- Parks & Recreation Commission. Minutes of March 26, 2012.
- Downtown Development Authority/Main Street. Minutes of March 28, 2012.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, presented his letter of objection to the conversion of north M52.

Councilperson Fox questioned why the fire truck that follows an ambulance on an ambulance call is instructed not to run with lights and sirens. He asked if this was a change in policy. It was indicated that indeed it was a change in policy designed to avoid the danger inherent in running with lights and sirens. It was felt that as back-ups this risk was unwarranted. It was further noted that should the fire truck receive word that they are needed immediately lights and sirens would be allowed.

NEXT MEETING

Monday, April 30, 2012 – Work Session
Monday, May 7, 2012 – Regular Meeting

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 8:14 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk