

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF SEPTEMBER 21, 2015  
7:30 P.M.**

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

**OPENING PRAYER:** PASTOR RON HEILER  
NORTHGATE WESLEYAN CHURCH

**PLEDGE OF ALLEGIANCE:** NATALIE TAYLOR, OWOSSO HIGH SCHOOL STUDENT

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway, and Michael J. O'Leary.

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

**APPROVE AGENDA**

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following additions for discussion only:

**ITEMS OF BUSINESS**

2. Tree Cutting Request.
3. Sale of City-owned Properties.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 8, 2015**

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of September 8, 2015 as presented.

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

**STUDENT REPRESENTATIVE REPORT**

Owosso High student Natalie Taylor was on hand to report recent events and upcoming activities at the High School.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Zachary Rodriguez, 120 North Howell Street, inquired when the City would be issuing him a letter permitting him to have a swing set in his front yard saying Councilperson Fox asked that such a letter be drafted. He asked what the status of his issue was (regarding placement of a pool and a swing set in his front yard). He also asked why he was given 10 days to comply while businesses get 30 days to comply with code enforcement violations.

Eddie Urban, 601 Glenwood Avenue, talked about drones and the laws governing their use, specifically as they relate to hunting.

Mayor Frederick inquired about the status of Mr. Rodriguez's code enforcement issue. Assistant City Manager Montenegro indicated that the City Manager was researching exactly where the pool and swing set would be allowed. She further indicated she would try to have an answer by the close of business tomorrow.

Mayor Frederick applauded the recent Home Tour saying it was a great event for the community and thanking those that worked to put the event together. He also congratulated the DDA and

downtown businesses on an extremely successful Art Walk, estimating that 2,000 people participated in the event.

Councilperson Greenway noted that the student presenter this evening, Natalie Taylor, was a docent at one of the homes on the Home Tour this weekend. Several other high school students served as docents and did a fantastic job.

Councilperson Bailey made note of the Friends of the Shiawassee River Wine Tasting event, saying it was a wonderful event and she had a very nice time.

Councilperson Fox commented that the human statues that were “displayed” during the Art Walk defy logic and are extremely disciplined.

**CITY MANAGER REPORT**

Assistant City Manager Montenegro gave a report on the progress at the Trebor/Selleck properties saying that violation notices had been sent for each property and the owners had 30 days to comply. She further reported that City staff continues to work with the property owners meeting with them today at their property to discuss the placement of fencing. She noted that she will be meeting with them again in the coming days and will work to establish a time line that will be presented to Council in time for the next meeting.

There was discussion regarding continuing the two-pronged approach of proceeding with the code enforcement process and at the same time working with the owners to reach compliance, keeping Council apprised of progress on the issue, the time line for clean-up, and the height of fencing required in storage areas.

**CONSENT AGENDA**

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

**First Reading & Set Public Hearing – Rezoning Request.** Conduct first reading and set a public hearing for Monday, October 5, 2015 at 7:30 p.m. to receive citizen comment regarding the request from Covenant Eyes for the rezoning of the property commonly referred to as 1405 W. North Street from R-1 Single Family Residential to OS-1 Office Service District, contingent upon sale of the property to Covenant Eyes as follows:

**RESOLUTION NO. 81-2015**

**TO SET A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE A PORTION OF THE PARCEL AT 1405 WEST NORTH STREET AND AMEND THE ZONING MAP**

WHEREAS, the city council of the city of Owosso received a petition from Covenant Eyes, Inc. on behalf of the owner of real property identified as 1405 W. North Street (parcel number to be assigned following lot split) to rezone the western portion of the parcel from R-1 Single Family Residential to OS-1 Office Service; and

WHEREAS, the planning commission subsequently published the request and mailed notices of the request to surrounding property owners, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 1405 W. North Street as petitioned; and

WHEREAS, the item must now be considered by the city council and a public hearing by the council is required before any such ordinance amendment can be acted upon.

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

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, Zoning Districts and Map, reflect the following change, to be noted on the official map and filed with the city clerk:

<b>Parcel Address</b>	<b>Current Zoning</b>	<b>Amended Zoning</b>
west portion of 1405 West North St, described as follows:	R-1, Single Family	OS-1, Office Service

Part of the Northeast 1/4 of the Northeast 1/4 of Section 14, T7N-R2E, Owosso Township, Shiawassee County, Michigan, described as beginning at a point that is S88°05'30"W on the North line of said Section 14 a distance of 962.03 feet from the Northeast corner of said Section 14; thence S00°13'38"W 31.00 feet; thence S08°42'07"E 33.60 feet; thence S29°37'59"E 33.94 feet; thence S00°13'39"W 260.02 feet; thence N69°01'18"W 402.05 feet to the North and South 1/8 line in the Northeast 1/4 of said Section 14; thence N88°05'30"E 100.00 feet; thence N00°13'39"E parallel with said North and South 1/8 line a distance of 198.00 feet to the North line of said Section 14; thence N88°05'30"E on said North line a distance of 254.10 feet to the point of beginning, containing 1.89 acres, more or less. Including a non-exclusive easement for ingress and egress described as beginning at a point that is S88°05'30"W on the North line of said Section 14 a distance of 913.87 feet from the Northeast corner of said Section 14; thence S00°13'39"W 80.48 feet; thence S60°22'01"W 30.00 feet; thence N29°37'59"W 33.94 feet; thence N08°42'07"W 33.60 feet; thence N00°13'38"E 31.00 feet to the North line of said Section 14; thence N88°05'30"E on said North line a distance of 48.16 feet to the point of beginning. Subject to the use of the Northerly 33.00 feet thereof as North Street. Also subject to all other easements and restrictions of record.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, October 5, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. 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.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

**Boards & Commissions Appointment.** Approve the Mayoral Appointment of Garfield Warren to the Planning Commission to fill the unexpired term of R. Woodworth ending June 30, 2016.

**Oktoberfest Permission.** Consider request from the Shiawassee Regional Chamber of Commerce for use of the Ball/Exchange Parking Lot (Lot # 5) and various downtown streets at various times from October 8, 2015 through October 12, 2015 for Oktoberfest 2015 and approve Traffic Control Order No. 1338 formalizing the request.

**Bid Rejection – Automatic External Defibrillator.** Reject the bids received for the purchase of an Automatic External Defibrillator as none of the responses met both the bid specifications and the budget parameters as follows:

#### RESOLUTION NO. 82-2015

##### RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR AN AUTOMATIC EXTERNAL DEFIBRILLATOR

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires an Automatic External Defibrillator (AED); and

WHEREAS, the City of Owosso sought bids for an AED; only two bids were received - one substantially over the budgeted amount for this purchase and the other did not meet the bid specifications.

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

FIRST: The current bids be rejected.

SECOND: Staff is directed to re-bid for this item in hopes of receiving a more robust response.

**Lease Extension – WWTP Screening Equipment.** Authorize extension of the agreement with Duperon Leasing & Sales, Inc. for the lease of the screening equipment at the Waste Water Treatment Plant on a month to month basis, not to exceed 12 additional months, in the amount of \$1,815.00 per month as detailed below:

#### RESOLUTION NO. 83-2015

##### AUTHORIZING AMENDMENT NO. 2 TO AN EXISTING LEASE AGREEMENT WITH DUPERON LEASING AND SALES, LLC FOR SCREENING EQUIPMENT FOR THE WASTEWATER PLANT AT \$1,815 PER MONTH FOR UP TO 12 MONTHS

WHEREAS, the City and Duperon Corporation entered a lease agreement dated September 10, 2013 for full scale demonstration of wastewater screening equipment, initially for 12 months and extended 12 months through September 30, 2015, and

WHEREAS, Duperon Corporation has subsequently assigned the lease to Duperon Leasing and Sales, LLC, and

WHEREAS, both parties agree to an extension of the equipment lease on a month to month basis for up to an additional 12 months at a monthly rate of \$1,815 beginning October 1, 2015,

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 extend the lease for wastewater screening equipment from Duperon Leasing and Sales, LLC at \$1,815 per month for up to an additional 12 month lease term.

SECOND: The Mayor and City Clerk are hereby authorized to sign the attached document, Amendment No. 2 to Equipment Lease Agreement, between the City of Owosso and Duperon Leasing and Sales, LLC, extending the existing lease agreement for a second time, with all terms of the original contract unchanged, save the monthly rate and lease term.

THIRD: The accounts payable department is authorized to submit the initial and subsequent monthly payments to Duperon Leasing and Sales, LLC pursuant to the agreement up to \$21,780.00.

FOURTH: The above expenses shall be paid from the Wastewater Plant Fund.

**Purchase Authorization – Light Materials Bucket.** Authorize purchase of one light materials bucket from AIS Construction Equipment Corporation in the amount of \$7,525.00 for use on the front end loaders and further authorize payment to the vendor upon satisfactory delivery of the equipment as follows:

#### **RESOLUTION NO. 84-2015**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF A LIGHT MATERIALS BUCKET FOR DPW LOADERS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, maintains a fleet of equipment to handle the day to day operations; and the Department of Public Works requires the use of loaders and attachments to move various types of materials; and

WHEREAS, the DPW would benefit from the purchase of a large light materials bucket attachment to more efficiently move leaves, brush, and snow; and

WHEREAS, the significantly larger volume of this attachment will increase efficiency, increasing the amount of material that can be moved at one time, lowering wear and tear on equipment, reducing staff time and fuel costs; and

WHEREAS, the City of Owosso sought quotes for a light materials bucket; a competitive quote was received from AIS Construction Equipment Corporation and it is hereby determined that AIS Construction Equipment Corporation is qualified to provide such equipment and that it has submitted the responsible and responsive quote.

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 a 4.5 cubic yard, 114" light materials bucket, model # AT454158, from AIS Construction Equipment Corporation.

SECOND: City staff are instructed and authorized to carry out the purchase of the above named equipment from AIS Construction Equipment Corporation in the amount of \$7,525.00.

THIRD: The accounts payable department is authorized to pay AIS Construction Equipment Corporation up to the quote amount upon satisfactory delivery of said equipment.

FOURTH: The above expenses shall be paid from the Revolving Equipment fund.

**Purchase Authorization – Road Salt.** Waive competitive bidding requirements, authorize purchase order with The Detroit Salt Company, LLC, via State of Michigan Contract No. 071B1300339, for 1500 tons of salt at \$61.30 per ton, and further authorize payment up to \$91,950.00 upon satisfactory receipt of the product as detailed below:

**RESOLUTION NO. 85-2015**

**AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH  
THE DETROIT SALT COMPANY, LLC  
FOR THE WINTER SUPPLY OF ROAD SALT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has a duty to keep its streets safe during the winter months; and that this is advisable, necessary and in the public interest; and

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt onto the icy pavements; and

WHEREAS, in order to obtain the best price, it is in the best interest of the city of Owosso to waive competitive bidding requirements and utilize state-wide contract number 071B1300339 held by The Detroit Salt Company, LLC for the purchase of road salt at \$61.30 per ton.

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 1500 tons of road salt from The Detroit Salt Company, LLC in the amount of \$91,950.00.
- SECOND: The contract between the City and The Detroit Salt Company, LLC shall be in the form of a Purchase Order, with reference to State of Michigan Contract No. 071B1300339.
- THIRD: The accounts payable department is authorized to pay The Detroit Salt Company, LLC for road salt satisfactorily received, up to the purchase order amount.
- FOURTH: The above expenses shall be paid from Local and Major Street Funds.

**Warrant No. 509.** Authorize Warrant No. 509 as follows:

Vendor	Description	Fund	Amount
Shiawassee Economic Development Partnership	Annual investment for FY 15/16	General	\$31,426.00
Michigan Municipal Risk Management Authority	1 <sup>st</sup> installment for FY 15/16 building and property insurance	General	\$117,275.00
William C. Brown PC	Professional services- August 11, 2015 – September 9, 2015	General	\$12,074.92

**\*Check Register – August 2015.** Affirm check disbursements totaling \$897,283.92 for the month of August 2015.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Fox, Greenway, Bailey, O'Leary, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Teich.

**ITEMS OF BUSINESS**

**Cargill Property – Progress Report & Discussion**

Assistant City Manager Montenegro delivered a report concerning the progress and the issues regarding the sale of 1509 West Oliver Street to Cargill, Inc. including: the pending determination of the exact acreage involved in the sale, the development of a road to the site, and the development of a preliminary site plan. She indicated the progress was slow, but moving forward.

**Tree Cutting Request.** (This item was added to the agenda.)

Mayor Frederick indicated Council had received a petition from Viberta Olney asking for permission to remove the locust tree in the right-of-way in front of her house. Council was given a copy of the 1973 tree removal policy. After some discussion Council agreed that Ms. Olney's request did not qualify under the terms of the policy. There was further discussion regarding whether the policy needed to be amended.

Motion by Councilperson Fox to request the tree removal policy be returned to Council at the October 5, 2015 meeting for possible amendment, at which time the request from Ms. Olney would be formally addressed.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons O'Leary, Bailey, Fox, Greenway, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Teich.

**Sale of City-owned Properties.** (This item was added to the agenda.)

Mayor Frederick indicated the issue stems from a recent offer from Michael Cline to purchase City property that was scuttled due to price concerns. Mr. Cline was given the opportunity to detail the reasons he felt the land in question was not as valuable as the City's asking price of \$11,000. He indicated he was still interested in the property and would like to reach an agreement with the City for its purchase.

The discussion then turned to the City's policy for the sale of real property, a copy of which was distributed to Council members. Council expressed a desire to sell off any unneeded parcels

Motion by Councilperson O'Leary directing staff to prepare a list of City-owned properties eligible for sale in time for the second October meeting.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Bailey, O'Leary, Greenway, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Teich.

**COMMUNICATIONS**

- Susan K. Montenegro, Assistant City Manager. Cline Property Offer Update.
- Susan K. Montenegro, Assistant City Manager. Trebor Industries update.
- Charles P. Rau, Building Official. August 2015 Building Department Report.
- Charles P. Rau, Building Official. August 2015 Code Violations Report.
- Kevin D. Lenkart, Public Safety Director. August 2015 Police Report.
- Kevin D. Lenkart, Public Safety Director. August 2015 Fire Report.

**CITIZEN COMMENTS AND QUESTIONS**

Justin Horvath, president and CEO of the SEDP, thanked Council for their continued support of the SEDP and indicated he was available to answer any questions Council has regarding the Cargill project.

Alberta Phillips, 401 Corunna Avenue, inquired if the City Attorney was being compensated even though he had recused himself from the Trebor/Selleck issue, why it was so expensive for a FOIA request, why her recent FOIA request yielded so little information, and if Trebor was painting racks at a different site in town. She also commented about her concerns with industrial run-off entering the river from the properties along the railroad tracks, leaning stacks of racks, and the storage of recreational vehicles on industrial property.

Amy Gray, 405 Huron Street, inquired if there had been any changes to the fencing requirements for industrial properties in the last several years. It was noted there was not. She said Trebor

had years to comply with code enforcement and their finances should not be considered when determining a time line for clean-up.

Councilperson Fox inquired whether Trebor is indeed painting racks and if they have a proper paint booth. It was indicated that staff had not been inside the buildings as the source of the complaints was entirely on the exterior and they were unsure if the company was painting.

Mayor Frederick thanked Garfield Warren for stepping up to serve on the Planning Commission.

**NEXT MEETING**

Monday, October 05, 2015

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018  
Historical Commission, term expires December 31, 2017  
Planning Commission, term expires June 30, 2016

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:48 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk