

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JANUARY 19, 2016
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR RAY STRAWSER
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN

PLEDGE OF ALLEGIANCE: DEBRA ADAMS-MILLS
CURWOOD FESTIVAL, PAST PRESIDENT

PRESENT: Mayor Benjamin R. Frederick, Councilpersons Loreen F. Bailey,
Burton D. Fox, Elaine M. Greenway, Michael J. O’Leary, and
Robert J. Teich, Jr.

ABSENT: Mayor Pro-Tem Christopher T. Eveleth.

A moment of silence was held in memory of long-time Independent newspaper editor and overall Shiawassee County authority Bill Constine on the occasion of his passing. He will be missed.

APPROVE AGENDA

Motion by Councilperson Bailey to approve the agenda with the following change:

Move Consent 2. Equalizing Downtown Parking Times to Item of Business 5.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 4, 2016

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 4, 2016 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Curwood Festival Donation

Curwood Festival Past President Debra Adams-Mills presented the City with the Curwood Festival’s annual donation of \$1,000 for maintenance of Curwood Castle. Members of the Historical Commission were on hand to receive the donation.

PUBLIC HEARINGS

Special Assessment District No. 2016-01 – Gould Street from Main Street to Corunna Avenue

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2016-01 for Gould Street from Corunna Avenue to Main Street for street resurfacing.

The following people commented regarding the proposed project:

Kathryn Crooks, 712 Wright Avenue, via letter, stated that she could not afford a special assessment.

Ed Beamish, 838 Grover Street, via telephone, stated that the street had been reconstructed poorly over the years and he wondered how many times it would be done at the expense of tax payers.

Tara Flanagan, 841 Comstock Street, wanted to know how the assessments are paid and when the debt would be assessed against her property. City Manager Donald D. Crawford indicated that payments could be spread out over a 10 year period and would be billed separately from taxes once per year.

Scott Cerveny, 716 Wright Avenue, wondered why he was being assessed if his address isn’t on Gould Street. City Manager Crawford noted that special assessment rolls are spread based on which properties receive a benefit from the project, not necessarily the address of the property.

Councilperson Fox inquired about the chances of receiving money from Caledonia Charter Township for the project. City Manager Crawford indicated that in the past the township had contributed toward projects along its border with Corunna, but the City had not yet approached the township regarding the project.

City Manager Crawford went on to explain the rest of the special assessment process.

Motion by Councilperson Fox to adopt the following resolution:

RESOLUTION NO. 02-2016

**GOULD STREET RESURFACING PROJECT
DETERMINATION OF NECESSITY**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: **Gould Street from Corunna Avenue to Main Street.**
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$535,700.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$109,622.00 be paid by special assessment upon the properties specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: **Gould Street from Corunna Avenue to Main Street for Street Resurfacing.**
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, O'Leary, Fox, Greenway, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

CITIZEN COMMENTS AND QUESTIONS

Michael Espich, Parks & Recreation Commission Chairman, invited everyone to participate in the Plunge for Parks/Winter Carnival being held February 27th at noon in Collamer Park.

Eddie Urban, 601 Glenwood Avenue, said he was sad to hear of Bill Constine's passing. He asked if South Gould Street near Corunna Avenue could be more clearly marked as it is hard to see in the dark.

Mayor Frederick announced that 2nd graders at Central School are collecting bottled water and donations for the residents of Flint affected by high lead levels in the drinking water.

Councilperson Bailey thanked everyone for their kind thoughts and generous donations after her mother's recent passing. She also announced a free cat shelter workshop to be held at City Hall Sunday, January 24th.

Councilperson Fox gave an update on the discussions held at the meeting of the county tax advisory committee. He said he would appreciate any input on the future county millage from citizens and council alike.

CITY MANAGER REPORT

City Manager Crawford remarked that recent reports of trouble along the abandoned railroad tracks have brought to light a potential opportunity to seek donation of the property to the City for use as a trail, for merging with abutting properties, and/or for selling. He inquired if Council was interested in approaching the current owner of the property (Genesee & Wyoming RR) about the opportunity.

Motion by Councilperson Teich to request that staff contact the Genesee & Wyoming Railroad about donating their abandoned railroad property to the City and report back to Council on the status of the request within 60 days.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Greenway, Bailey, O'Leary, Teich, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Theresa Trecha	Downtown Development Authority/ Main Street Board	06-30-2019

Equalizing Downtown Parking Times. (This item was moved to Items of Business.)

Purchase Authorization — Water Filtration and Wastewater Fleet Pickup Trucks. Authorize purchase of three Ford pickup trucks for use at the Water Filtration and Wastewater Plants from Signature Ford Lincoln Mercury in the amount of \$78,955.00 utilizing State Contract No. 071B1300009, and further authorize payment to the vendor upon satisfactory delivery of the vehicles as follows:

RESOLUTION NO. 03-2016

**RESOLUTION AUTHORIZING PURCHASE OF FLEET VEHICLES (PICKUPS)
FROM OWOSSO MOTORS, INC. D/B/A SIGNATURE FORD LINCOLN
MERCURY
UTILIZING CONTRACT # 071B1300009**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Wastewater and Water Filtration Departments require the use of pickups; and

WHEREAS, these vehicles must be periodically replaced to ensure a mechanically sound and reliable fleet is available at all times; and

WHEREAS, the City of Owosso desires to purchase three new pickups at this time and staff has determined it is in the best interest of the City to utilize State of Michigan Contract No. 071B1300009, held by Owosso Motors, Inc. d/b/a Signature Ford Lincoln Mercury, for said purchase; and

WHEREAS, city ordinance section 2-345(3) provides for an exception to competitive bidding when the best interest of the city would be served by jointly purchasing with another governmental unit.

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 the following vehicles from Signature Ford Lincoln Mercury using State of Michigan Contract No. 071B1300009:

1	4X2 Pickup	Water Filtration	\$22,261.00 ea
1	4X4 Pickup	Water Filtration	\$29,685.00 ea
1	4X4 Pickup	Wastewater	\$27,009.00 ea

SECOND: The Director of Utility Operations is hereby instructed and authorized to sign any necessary documents to complete said purchase.

THIRD: Payment is authorized to Signature Ford Lincoln Mercury in the total amount of \$78,955.00 upon delivery and acceptance of the vehicles. Payment shall be made for vehicles as they become available and accepted.

FOURTH: Said purchase shall be paid for using funds from the following accounts in the noted amounts:

Water Filtration	Acct. # 591-901-977000	\$51,946.00
Wastewater	Acct. # 599-901-977000	\$27,009.00

Purchase Authorization – Snow Plows. Authorize the purchase and installation of three truck-mounted snow plows from D & G Equipment, Inc. in the amount of \$15,300.00 and further authorize payment to the vendor upon satisfactory delivery and installation of said equipment as follows:

RESOLUTION NO. 04-2016

RESOLUTION AUTHORIZING THE PURCHASE OF SNOW PLOWS FOR CITY FLEET PICKUP TRUCKS FROM D & G EQUIPMENT, INC.

WHEREAS, the City of Owosso, Shiawassee County, Michigan, maintains a fleet of equipment to handle day to day operations; and the Department of Public Works and Water Filtration Departments require the use of pickup mounted snow plows; and

WHEREAS, the City of Owosso sought quotes for the purchase and installation of three snow plows; a competitive quote was received from D & G Equipment, Inc. and it is hereby determined that D & G Equipment, Inc. is qualified to provide and install such equipment and that it has submitted a responsible and responsive quote; and

WHEREAS, it is determined that the public interest is best served by making this purchase from a local vendor that is able to quickly attend to any service requests on the equipment.

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 three truck-mounted snow plows from D & G Equipment, Inc.

SECOND: City staff are instructed and authorized to carry out the purchase of the above named equipment from D & G Equipment, Inc. in the amount of \$15,300.00.

THIRD: The accounts payable department is authorized to pay D & G Equipment, Inc. up to the quote amount upon satisfactory delivery and installation of said equipment.

FOURTH: The above expenses shall be charged against the following accounts:

DPW	Acct# 661-901-979000	\$10,200.00
Water Filtration	Acct# 591-901-977000	\$ 5,100.00

Warrant No. 516. Authorize Warrant No. 516 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering services-December 2015	Various	\$ 6,272.00
William C. Brown, PC	Professional services-December 10, 2015-January 11, 2016	General	\$10,123.36
Owosso Charter Township	Owosso charter township 2011 water agreement payment-October 1, 2015-December 31, 2015	Water	\$ 9,602.46
Caledonia Charter Township	Caledonia utility fund payment-October 1, 2015-December 31, 2015	Water	\$20,132.77

***Check Register – December 2015.** Affirm check disbursements totaling \$1,049,858.05 for the month of December 2015.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons O'Leary, Bailey, Teich, Greenway, Fox, and Mayor Frederick.
NAYS: None.
ABSENT: Mayor Pro-Tem Eveleth.

ITEMS OF BUSINESS

Easement Agreement – Southwind Restaurants, LLC

City Manager Crawford noted that while the request for an alley easement seems a bit counterintuitive when there is unrestricted access between the alley and the property, but this easement would ensure the property owners of continued access to the rear of the property even if the alley is closed at some point in the future.

Motion by Councilperson Fox to grant an easement to Southwind Restaurants, LLC to allow access to their property from the alley south of their property at 910 East Main Street as follows:

RESOLUTION NO. 05-2016

**AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
SOUTHWIND RESTAURANTS, LLC FOR
A PERMANENT EASEMENT ALONG THE ALLEY TO THE SOUTH OF
910 EAST MAIN STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to grant an ingress/egress easement over and across an alley which is adjacent to 910 East Main Street; and

WHEREAS, the alley is approximately 12' wide, running in an east-west direction between Oakwood Avenue and Gould Street; and

WHEREAS, the city of Owosso is willing to grant a permanent easement for that portion of the alley as described in Exhibit B of the easement agreement; 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 determined that it is advisable, necessary and in the public interest to grant a permanent easement as outlined by the terms set forth in the attached permanent easement document between the city of Owosso and Southwind Restaurants, LLC, 109 East Broadway Street, Mount Pleasant, Michigan 48858.*

SECOND: The City Clerk is instructed and authorized to file said easement documents with the Shiawassee County Register of Deeds.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilpersons Fox, Bailey, O'Leary, Greenway, Teich, and Mayor Frederick.
NAYS: None.
ABSENT: Mayor Pro-Tem Eveleth.

Waiver of Reversionary Clause – Osburn Lakes Lot 50

(This item was postponed from December 21, 2015 meeting.)

There was general discussion regarding the fact that Council had previously discussed the sale of lots for side yards, the fact that a house could still be built on the lot in the future, and the fact the buyers will pay full price, install a sidewalk, and pay full HOA dues for the lot.

There was further discussion regarding creating a similar blanket agreement covering the entire subdivision and amending the Master Deed to remove the Reversionary Clause. City Attorney William C. Brown recommended the Council not make a blanket waiver but deal with this issue lot by lot. City Manager Crawford indicated that there are a number of changes that could be made to the Master Deed to facilitate sales, but he cautioned the Council that such changes would take time.

Motion by Councilperson Fox to approve the following agreement waiving the City's right to repurchase Lot 50 of the Osburn Lakes Residential Site Condominium development:

**WAIVER OF REVERSIONARY CLAUSE
OSBURN LAKES LOT 50**

This Waiver of Reversionary Clause is entered into on the date stated below by the City of Owosso, a Michigan municipal corporation of 301 West Main Street, Owosso, Michigan 48867.

WHEREAS, the City of Owosso became the Developer of the Osburn Lakes Residential Site Condominium ("Osburn Lakes") as established in a Master Deed recorded October 22, 2004 in Liber 1069, Page 159 of the Shiawassee County Records; and

WHEREAS Article VII, paragraph F. of the Master Deed grants the Developer the right to repurchase a Unit if construction of the residence has not commenced within eighteen (18) months of an owner acquiring title to a Unit; and

WHEREAS Article VII paragraph B.(v)(c) of the Master Deed reserves to the Developer the power to make exceptions to the restrictions contained in the Master Deed; and

WHEREAS the economy of the State of Michigan and the housing market have changed since 2004; and

WHEREAS David A. and Pamela L. Walter currently own Unit 49 of the Osburn Lakes upon which is a residence and said Unit is contiguous to Unit 50 of Osburn Lakes; and

WHEREAS David A. and Pamela L. Walter have offered to purchase Unit 50 of Osburn Lakes but do not intend to construct any buildings on Unit 50; and

WHEREAS the City of Owosso finds that it is in its best interest and that of current property owners in Osburn Lakes to waive the right to repurchase Unit 50.

NOW, THEREFORE, THE CITY OF OWOSSO hereby waives its right pursuant to Article VII, paragraph F. of the Master Deed to repurchase Unit 50 of Osburn Lakes for failure to commence construction of a residence.

Provided further that nothing herein bars any owner of Unit 50 from constructing a residence thereon in compliance with the Master Deed and the Ordinances of the City of Owosso.

Provided further that no owner of Unit 50 may construct or cause to be constructed any accessory building or other non-residential structure thereon unless a residence is constructed on Unit 50.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Fox, Bailey, O'Leary, Greenway, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

Mayor Frederick invited the City's realtor for the Osburn Lakes subdivision, Kori Shook, to provide Council with periodic updates on the sale of lots at future meetings.

Property Sale – Vacant Land along Gould Street and Wright Avenue

Councilperson Bailey inquired as to how the Council would make a counter-offer for the property saying she did not feel that \$1,000 was too low a price for the property in question. Councilperson Teich expressed his dislike for the process used for the sale of land saying there was no minimum bid established. Assistant City Manager Susan K. Montenegro explained how this point in the process was reached, and noted that the City has an established policy for the sale of land but the Council chose not to follow it in this case against the recommendations of staff. Councilperson Teich said it was clear that Council needed to be more clear in its direction to staff in the future. The conversation then turned with Councilperson Fox and Mayor Frederick noting the property has little real value, is located in the flood plain, no one has sought to develop it, and the prospective buyer would be relieving the City of the burden of maintaining the property as well as accepting responsibility for the charges that will be specially assessed against the property if the Gould Street resurfacing project moves forward.

Motion by Councilperson Fox to approve the sale of vacant property along Gould Street and Wright Avenue to Michael Cline for \$1,000.00 as follows:

RESOLUTION NO. 06-2016

**AUTHORIZING THE SALE OF CITY-OWNED PROPERTY
BETWEEN GOULD STREET AND WRIGHT AVENUE**

WHEREAS, the city owns a several parcels of property along Gould Street, Allendale Avenue and Wright Avenue; and

WHEREAS, Michael N. Cline has expressed interest in purchasing a portion of these parcels described as follows;

DESCRIBED PROPERTY LOCATED IN THE CITY OF OWOSSO, COUNTY OF SHIAWASSEE, STATE OF MICHIGAN, BEING PART OF NORTHEAST ¼ SECTION 19, T7N-R3E, GEORGE T. ABREY'S WOODLAWN PARK ADDITION TO THE VILLAGE, NOW CITY, OF OWOSSO, DESCRIBED AS: LOTS 22 & 23 & SOUTH ½ LOT 24 INCLUDING EAST ½ OF ADJACENT CLOSED ALLEY. ALSO, LOTS 37 - 43, BLOCK 34, INCLUDING WEST ½ OF ADJACENT CLOSED ALLEY. ALSO LAND LYING BETWEEN WEST LINE OF LOTS 37-41 AND EAST LINE OF GOULD STREET, FORMERLY VACATED STANLEY AVENUE. (EXCEPT BEGINNING AT SW CORNER LOT 43, THEN NORTH 33' TO NW CORNER OF LOT 43, THEN SOUTHEASTERLY TO A POINT 9.83' EAST OF SW CORNER LOT 43, THEN WEST TO POINT OF BEGINNING, SAID POINT BEING EAST RIGHT OF WAY LINE OF GOULD STREET.

WHEREAS, the parcels in question are of no use to the City and the City desires their sale; and

WHEREAS, the land in question has a value of approximately \$10,000 as set by the city assessor and according to the city's Property Sale Policy; and

WHEREAS, Michael N. Cline approached the City offering to purchase the parcel described above, for One Thousand and NO/100 (\$1,000.00) Dollars; and

WHEREAS, the City Council authorized a 21-day posting period prior for the proposed sale at the meeting of December 21, 2015; and

WHEREAS, no citizen comments or other offers for the property were received during the posting period.

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

- FIRST: the property be sold to Michael N. Cline for the price of \$1,000.00 in accordance with the terms included in the attached purchase agreement.*
- SECOND: the Mayor and City Clerk are instructed and authorized to execute appropriate documents to execute the sale.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Greenway, O'Leary, Fox, Teich, and Mayor Frederick.

NAYS: Councilperson Bailey.

ABSENT: Mayor Pro-Tem Eveleth.

MDOT Performance Resolution

Motion by Councilperson Bailey to authorize the following resolution outlining the City's responsibilities in relation to the granting of permits by MDOT to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and/or under a State Highway right of way.

RESOLUTION NO. 07-2016

**MICHIGAN DEPARTMENT OF TRANSPORTATION
PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES**

RESOLVED WHEREAS, the City of hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations; within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name	Title
Mark Sedlak	Director of Public Service
Randy Chesney	Engineer
Mark Mitchell	DPW Superintendent

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Bailey, O'Leary, Greenway, Fox, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

Equalizing Downtown Parking Times

(This item was moved from the Consent Agenda.)

Mayor Frederick, speaking as the Council representative to the DDA, noted that after the recent change in allowed parking times in some downtown lots the DDA had received citizen comments regarding confusion as to how long a car could be parked in each lot. In response to this the DDA recommended Council increase the parking time to four hours for all downtown lots. Councilperson Fox expressed his concern with increasing the parking time in Lot 7 (Main and Park Streets) saying it could possibly damage business at Abiding in the Vine. Public Safety Director Kevin D. Lenkart noted that the parking attendant had indicated there is no congestion in either of the lots in question with all available spaces rarely full. Councilperson Fox sought assurances that the action could be reversed if the change is found to damage the nearby restaurant. It was noted it could.

Motion by Councilperson Fox to approve amendments to Traffic Control Order Nos. 1173.5 and 1208.1 to allow four (4) hour parking in Lots 7 and 13, bringing them in line with other downtown parking lots on the contingency the change does not adversely affect Abiding in the Vine.

Councilperson O'Leary indicated he could support the motion if the contingency was removed. Agreed to remove the contingency from the motion.

Motion, without the contingency, supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons O'Leary, Bailey, Greenway, Fox, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

COMMUNICATIONS

- Michigan Liquor Control Commission. Liquor License Transfer – Niche Industries, LLC
- Charles P. Rau, Building Official. December 2015 Building Department Report.
- Charles P. Rau, Building Official. December 2015 Code Violations Report.
- Kevin D. Lenkart, Public Safety Director. December 2015 Police Report.
- Kevin D. Lenkart, Public Safety Director. December 2015 Fire Report.
- Historical Commission. Minutes of December 14, 2015.

CITIZEN COMMENTS AND QUESTIONS

Tara Flanagan, 841 Comstock Street, was concerned that the easement granted to Southwind Restaurants would allow the company to block the alley, thereby prohibiting access to her home. It was noted the easement simply allows access to the rear of the property at 910 East Main Street, it does not permit the them to block or impede the alley in any way.

Mike Cline, 621 Wright Avenue, thanked Council for agreeing to sell him the vacant land on South Gould Street. He thanked Councilperson Teich for the points he brought up and said he thinks there is interest in other properties out there.

Eddie Urban, 601 Glenwood Avenue, spoke about his experiences when he lived along the abandoned railroad tracks.

There was discussion among Council regarding whether the land sale policy should be amended to require a minimum bid for each property the City offers for sale, what methods could be used to market any excess properties, and what properties may be offered for sale at an auction. Councilperson Teich asked to set a deadline of June for conduct of a land auction. The Council agreed to select a date at the next meeting for a work session to discuss the land auction and the process for selling land.

NEXT MEETING

Monday, February 01, 2016

BOARDS AND COMMISSIONS OPENINGS

- Building Board of Appeals – Alternate (2), both terms expire June 30, 2018
- Board of Review – term expires December 31, 2020

ADJOURNMENT

Motion by Councilperson Bailey for adjournment at 8:54 p.m.

Motion supported by Councilperson O'Leary and concurred in by unanimous vote.

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

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