

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF OCTOBER 3, 2016  
7:30 P.M.**

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

**OPENING PRAYER:** PASTOR MARLENE WEBSTER  
CITY CHURCH

**PLEDGE OF ALLEGIANCE:** MAYOR BENJAMIN R. FREDERICK

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

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Mayor Pro-Tem Eveleth to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 19, 2016**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of September 19, 2016 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Marlene Webster introduced herself as the Executive Director of Shiawassee Hope, a new organization that is putting together a county-wide report on substance abuse in the county. She invited everyone to a presentation of the report on November 2<sup>nd</sup> at 4:30pm, Baker Welcome Center Room B.

Nick Pidek, owner of Foster Coffee, relayed his dismay with the complete lack of communication regarding the Consumers Energy project currently underway throughout the downtown. He said he had received no notice that the project would involve the closure of the street in front of his business, possibly for a number of days. He inquired how a project this extensive was permitted without the involvement of downtown business owners and wanted to know what would be done to prevent such issues from happening in the future.

Becky Langtry, owner of the property at 202 S. State Street, said she would like to see the issue with her property resolved and not dragged out any longer.

Mike Cline, 621 Wright Avenue, reported that a large tree had fallen on power lines near the water treatment plant and needs attention to prevent a power outage.

In response to Mr. Pidek's comments it was noted that as a utility company Consumers Energy has an open permit that allows them to undertake work anytime, anywhere. Staff agreed to find out what work would be happening going forward. Council suggested that downtown businesses receive notice through Owosso Main Street when a project may disrupt their business. It was also suggested that the City request that Consumers make all project plans available for downtown projects.

Mayor Pro-Tem Eveleth inquired who is responsible for patching the holes that Consumers puts in City streets. Staff noted that the City performs the work and bills Consumers.

In response to Ms. Langtry's request there was a significant discussion regarding the complexity of the situation brought about by the presence of multiple issues, the options open to the

Langtry's given the ZBA's decision regarding the property, potential unintended consequences of changing the ordinance to allow an accessory structure without a main structure, and making sure there is a clear indication of next steps for the Langtry's. It was concluded that the Langtry's must file a case in circuit court if they want to appeal the ZBA decision and the Council desires a review of the Code by the Planning Commission to determine if a City-wide change is appropriate.

There was a question regarding enforcement of the law in regard to other parcels in the City without main structures. It was noted that some of the situations in question may have existed for a very long time and the reasoning in each case would have to be researched separately.

Mayor Frederick said he was very happy to hear the announcement that the Cargill/Sonoco project and the Armory redevelopment project have been approved for funding and will be moving forward. The City needs to make sure that it continues to foster local businesses, as well as ensure that City staff continues to be of high caliber to service the needs of residents and businesses (in light of numerous recent employee retirements).

**CITY MANAGER REPORT**

City Manager Donald D. Crawford detailed the latest Project Status Report.

**CONSENT AGENDA**

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

**Boards and Commissions Appointments.** Approve the following Mayoral Boards and Commissions appointments:

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Donald Crawford	Shiawassee River Trail Joint Powers Committee	TBD
Susan Montenegro	Shiawassee River Trail Joint Powers Committee - Alternate	TBD

**Contract Extension – Auditing Services.** Authorize a one year extension of the Professional Services Agreement with Rehmann Robson, PLLC for the provision of Financial Audit Services at a cost not to exceed \$22,600.00, and further authorize payment up to the extension amount upon successful completion of the audit as follows:

**RESOLUTION NO. 120-2016**

**RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF ENGAGEMENT WITH REHMANN ROBSON, CERTIFIED PUBLIC ACCOUNTANTS, TO AUDIT FISCAL YEAR ENDING JUNE 30, 2016**

WHEREAS, the city of Owosso, Michigan is required by the state of Michigan to have an independent audit performed annually according to generally accepted auditing standards; and

WHEREAS, obtaining certified public accountants to prepare the audit of the financial statements is necessary and it is hereby determined that Rehmann Robson, PLLC, are qualified to provide such services;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN:

- FIRST: that the city of Owosso has heretofore determined that engaging Rehmann Robson, PLLC, certified public accountants, is advisable and necessary, to conduct and prepare an audit of the basic financial statements for the city of Owosso, Michigan;
- SECOND: that the letter of engagement between the city of Owosso and Rehmann Robson, attached as Exhibit A for a cost not to exceed \$22,600 is hereby approved; and
- THIRD: that the city manager of the city of Owosso is hereby instructed and authorized to sign the document attached as Exhibit A for the city of Owosso.
- FOURTH: Payment of \$22,600 is hereby approved upon successful completion of the audit from the various funds being audited.

**Change Order No. 3 – Gould Street Resurfacing Contract.** Authorize Change Order No. 3 to the Gould Street Resurfacing Contract with Pyramid Paving Company, decreasing the overall contract amount by \$73,938.55, amending the contract to include additional work due to conditions found in the field and balancing quantities of various contract pay items, and further authorize payment up to the amount of the change order upon satisfactory completion of the work as detailed:

**RESOLUTION NO. 121-2016**

**AUTHORIZING CHANGE ORDER NO. 3  
TO THE CONTRACT WITH PYRAMID PAVING COMPANY  
FOR RESURFACING OF GOULD STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract to Pyramid Paving Company on March 7, 2016 for resurfacing of Gould Street; and

WHEREAS, the City has requested additional work from Pyramid Paving Company due to conditions found in the field; and

WHEREAS, the City and Pyramid Paving Company have agreed on final quantities of contract pay items as result of measurements taken in the field.

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

- FIRST: The City of Owosso amends the contract with Pyramid Paving Company to include additional work and the balancing of contract pay items.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit D, Contract Change Order No. 3 to the Contract for Services between the City of Owosso and Pyramid Paving Company, decreasing the total amount by (\$73,938.55).
- THIRD: The accounts payable department is authorized to pay Pyramid Paving Company for work satisfactorily completed up to the amount of the contract including Change Order No. 3.
- FOURTH: The above expenses shall be paid from a combination of MDOT Transportation Economic Development Fund-Category F funds, 2010 Unlimited Obligation Bond Proceeds Account No. 202-463-818000 and other funds as appropriated.

**Bid Award – Former Eastside Cleaners Vapor Barrier Installation.** Approve bid award to TSP Services, Inc. dba TSP Environmental for the installation of a vapor barrier at the former Eastside Cleaners site in the amount of \$28,030.00 and further approve payment to the contractor upon completion of the project or portion thereof as follows:

**RESOLUTION NO. 122-2016**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
VAPOR BARRIER INSTALLATION AT  
THE FORMER EASTSIDE CLEANERS  
WITH TSP SERVICES, INC. DBA TSP ENVIRONMENTAL**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that redevelopment of the former Eastside Cleaners location, also known as the Qdoba project, is necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids for vapor barrier installation work at the site; a bid was received from TSP Environmental; and it is hereby determined that TSP Environmental is qualified to provide such services and that it has submitted the only 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 TSP Services, Inc., d/b/a TSP Environmental, for the vapor barrier installation work to be performed at the former Eastside Cleaners location.
- 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 TSP Services, Inc., d/b/a TSP Environmental in the amount of \$28,030.00.
- THIRD: The accounts payable department is authorized to pay TSP Services, Inc., d/b/a TSP Environmental up to the contract amount upon satisfactory completion of the project or portion thereof.
- FOURTH: The above expenses shall be paid from the District #16 Qdoba OBRA Fund, account 276-000-401.407.

**Bid Award — Ambulance Cot.** Approve bid award to Kodiak Emergency Vehicles for the purchase of one Stryker 6506 Power-Pro XT Demo Unit Cot for the Fire Department in the amount of \$15,693.00 and authorize payment to the vendor upon satisfactory receipt of the equipment as detailed below:

**RESOLUTION NO. 123-2016**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
PURCHASE OF ONE STRYKER AMBULANCE COT**

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

WHEREAS, said cots must be periodically replaced due to general wear and tear; and

WHEREAS, the City of Owosso sought bids for the purchase of an ambulance cot; a bid was received from Kodiak Emergency Equipment, Inc. d/b/a Kodiak Emergency Vehicles and it is hereby determined that Kodiak Emergency Vehicles is qualified to provide such equipment and that it has submitted the only bid.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase one (1) Styker Power-Pro XT Cot Model # 6506 Demo Unit from Kodiak Emergency Equipment, Inc. d/b/a Kodiak Emergency Vehicles in the amount of \$15,693.00.
- SECOND: The contract between the City and Kodiak Emergency Vehicles shall be in the form of a City purchase order and bid documents.
- THIRD: The above expenses shall be paid from the Fire Division Equipment fund 101-335-978.000.
- FOURTH: The Accounts Payable department is authorized to make payment to Kodiak Emergency Vehicles in the amount of \$15,693.00 upon satisfactory delivery of the cot.

**Purchase Authorization — Fire Department Pick-up Truck.** Waive competitive bidding requirements, authorize the purchase of one 2017 Ford F250 in the amount of \$28,217.00 from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso via Macomb County Contract No. 71-15, and authorize payment up to the quoted amount upon satisfactory delivery of said vehicle as detailed below:

**RESOLUTION NO. 124-2016**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
THE PURCHASE OF A FIRE VEHICLE WITH  
SIGNATURE AUTO GROUP OF OWOSSO**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a fire department requiring the use of fire vehicles; 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 may waive competitive bidding requirements when purchasing equipment in coordination with another municipality; and

WHEREAS, the City of Owosso desires to purchase one new 2017 Ford F250 vehicle from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso, holder of the contract for emergency vehicles with Macomb County.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase one 2017 Ford F250 vehicle from Signature Auto Group of Owosso, utilizing the Macomb County Cooperative Contract No. 71-15.
- SECOND: City staff are instructed and authorized to carry out the purchase of the above named vehicle from Signature Auto Group of Owosso in the amount of \$28,217.00.

THIRD: The accounts payable department is authorized to pay Signature Auto Group of Owosso up to the quoted amount upon satisfactory delivery of the vehicle.

FOURTH: The above expenses shall be paid from the Fire Division Capital Outlay fund 101-335-978.000.

**Warrant No. 495.** Authorize Warrant No. 495 as follows:

Vendor	Description	Fund	Amount
State of Michigan-MDOT	Local progress billings for paving work along west North St.	Streets/ Water	\$108,080.62
Orchard Hiltz & McCliment Inc.	Water reliability study	Water	\$ 2,239.00
Shiawassee Area Transportation Agency	FY 2016/2017 local funding commitment	General	\$ 34,658.31

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

### **ITEMS OF BUSINESS**

#### **Planning Commission Recommendation Re: Recreational Vehicle Parking**

Motion by Mayor Pro-Tem Eveleth to pass on the opportunity to take action to amend Sect. 38-379(8) – Accessory buildings, governing the parking of recreational vehicles in residential districts, based on the recommendation of the Planning Commission.

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

#### **Development of Educational Plan for Street Bond**

City Manager Crawford indicated people were needed to help promote the bond question and Council members needed to talk up the question.

Councilperson Fox noted his efforts to promote the issue. He said he was disappointed that more people aren't getting involved, saying street repairs will only get more expensive in the future if nothing is done now.

### **COMMUNICATIONS**

Randy J. Chesney, City Engineer. Letter to residents regarding the Oliver Street Reconstruction Project.

Planning Commission. Minutes of August 22, 2016.

Parks & Recreation Commission. Minutes of August 23, 2016.

### **CITIZEN COMMENTS AND QUESTIONS**

Nick Pidek, 308 E. Oliver Street, inquired about the meeting for Oliver Street residents affected by the upcoming street reconstruction project. He was given the pertinent information.

Becky Langtry, owner of 202 S. State Street, inquired whether they would be permitted to put an apartment on the top floor of the barn remaining at 202 S. State Street. It was suggested she speak with the Building Official regarding the matter.

Councilperson Greenway said she sympathized with Mr. Pidek and assured him that Council knows local businesses are important.

### **NEXT MEETING**

Monday, October 17, 2016

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – term expires June 30, 2019  
Building Board of Appeals – Alternate - term expires June 30, 2018  
Historical Commission – term expires December 31, 2016

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:29 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk