

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF OCTOBER 17, 2016  
7:30 P.M.**

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

**OPENING PRAYER:** PASTOR RON HEILER  
NORTHGATE WESLEYAN 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, and Robert J. Teich, Jr.

**ABSENT:** Councilperson Michael J. O'Leary.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF SEPTEMBER 30, 2016**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of October 3, 2016 as presented.

Motion supported by Mayor Pro-Tem Eveleth and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 3, 2016**

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of October 3, 2016 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

None.

**CITY MANAGER REPORT**

City Manager Crawford detailed on-going tasks as outlined in the latest Project Status Report.

**CONSENT AGENDA**

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

**Change Order No. 2 - 2015 Double Chip Seal Contract.** Authorize Change Order No. 2 to the 2015 Double Chip Seal Contract with Highway Maintenance, increasing the contract amount \$3,889.80 for the fog sealing of Lynn, Lillian, Ament, Stinson and Beehler Streets, and further authorize payment up to the amount of the contract, including Change Order Nos. 1 & 2, upon satisfactory completion of the work as follow:

**RESOLUTION NO. 125-2016**

**AUTHORIZING CHANGE ORDER NO. 2 FOR  
THE FOG SEAL OF DOUBLE CHIP SEAL STREETS  
WITH HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Highway Maintenance and Construction Company on July 20, 2015 for the chip sealing of various streets in Owosso; and

WHEREAS, the City has requested additional work from Highway Maintenance and Construction Company to fog seal the following previously chip sealed streets: Lynn, Lillian, Ament, Stinson and Beehler.

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 Highway Maintenance and Construction Company to add the additional work noted above to their contract.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit C, contract Change Order No. 2 to the contract for services between the city of Owosso, Michigan and Highway Maintenance and Construction Company in the amount of \$3,889.80 (increase). This change results in a revised contract amount of \$156,493.96.

THIRD: The accounts payable department is authorized to pay Highway Maintenance and Construction Company for work satisfactorily completed on the program up to the contract amount, including Change Order Nos. 1 & 2.

FOURTH: The above expenses shall be paid from the Local Street Maintenance Fund.

**Bid Rejection – WWTP Heating System.** Reject the bids received for the purchase and installation of a new heating system at the Waste Water Treatment Plant as the responses did not meet either the bid specifications or the budget parameters as detailed below:

#### **RESOLUTION NO. 126-2016**

#### **AUTHORIZING THE REJECTION OF BIDS RECEIVED FOR THE ROOF TOP REPLACEMENT HEATING SYSTEM AT THE WASTEWATER TREATMENT FACILITY**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires a replacement Heating System for the Wastewater Treatment Facility main building; and

WHEREAS, the City of Owosso sought bids for the Heating System; two bids were received, with one bid substantially over the budgeted amount for the project and the other bid was not in compliance with bid submission requirements.

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

FIRST: The current bid(s) be rejected.

SECOND: New bids will be sought immediately using adjusted bid specifications.

**Bid Award - Automatic External Defibrillator.** Approve bid award to Bound Tree Medical, LLC for one Philips HeartStart MRx Monitor Defibrillator in the amount of \$26,733.11 and further approve payment up to the bid amount upon satisfactory delivery of the equipment as follows:

#### **RESOLUTION NO. 127-2016**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER FOR PURCHASE OF ONE PHILIPS HEARTSTART MRx MONITOR DEFIBRILLATOR FROM BOUND TREE MEDICAL, LLC**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has fire department requiring the use of a portable heart monitor/defibrillator; and

WHEREAS, bids were solicited and Bound Tree Medical, LLC responded with the lowest bid that fulfilled all the bid specifications.

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) Philips HeartStart MRx Monitor Defibrillator at a price of \$26,733.11.

SECOND: The contract between the city and Bound Tree Medical, LLC shall be in the form of a city purchase order and bid documents.

THIRD: Payment to Bound Tree Medical, LLC is authorized in an amount not to exceed \$26,733.11 upon satisfactory delivery of the defibrillator.

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

**Flexible Spending Account Terms Adoption.** Authorize acceptance of the terms governing the Flexible Spending Accounts available to City employees, with an effective date of January 1, 2017 as detailed:

**RESOLUTION NO. 128-2016**

**RESOLUTION ADOPTING THE CITY OF OWOSSO FLEXIBLE SPENDING PLAN**

WHEREAS, the city of Owosso, a Michigan municipal corporation, provides a cafeteria plan for its employees;

WHEREAS, under the tax laws of the United States of America the city council must adopt a resolution for the calendar year effective January 1, 2017 and subsequent years;

NOW THEREFORE, the city council of the city of Owosso, Michigan (the employer) resolves:

- FIRST: The form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January 1, 2017 presented and attached is approved and adopted and that the duly authorized agents of the city are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.
- SECOND: The Administrator is instructed to take such actions that they deem necessary and proper to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.
- THIRD: The undersigned certifies that attached as Exhibit A, are true copies of the *City of Owosso Flexible Spending Plan* approved and adopted in this resolution.
- FOURTH: All prior resolutions and documents for the *City of Owosso Flexible Spending Plan* are rescinded as of January 1, 2017.
- FIFTH: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Consulting and Third Party Administrator Service Agreement between the city of Owosso and Employee Benefit Concepts, Inc.

**Warrant No. 530.** Authorize Warrant No. 530 as follows:

Vendor	Description	Fund	Amount
William C. Brown, P.C.	Professional services- September 1, 2016 – September 30, 2016	Various	\$ 9,539.53
Logicalis, Inc	Network engineering services- September 2016	Various	\$ 5,488.00
Safebuilt, Inc.	Building department services- September 2016	General	\$10,400.00

Motion supported by Councilperson Fox.

Roll Call Vote.

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

**ITEMS OF BUSINESS**

**Authorizing the placement of a new skate park at Grove Holman Park**

Councilperson Fox has concern about the sled hill and says he is concerned about safety, wondering if sleds will go into the skate park. City manager Crawford believes it will be far enough to the west, shares he is concerned if this is the best location as well. Councilperson Fox agrees with the city manager.

Mayor Frederick asked assistant city manager, Susan Montenegro, to address this, stating council had tasked parks and recreation commission with finding a location for the skate park. Montenegro stated the parks and recreation commission had discussed it thoroughly and was disheartened when property owners around the proposed Monroe Street site strongly objected, causing them to miss out on a grant from the DNR for the 2016 cycle. Parks and recreation have been working towards finding a space since that time. Part of the work they have been doing is working on updating the *Parks and Recreation Master Plan*, which requires choosing a site and listing it in the master plan in order to qualify for future grants and is the main reason they chose to come before council with a formal recommendation.

Councilperson Teich asked if Bentley Park had been considered as a location. Assistant city manager Montenegro stated parks and recreation had considered Bentley but ruled it out because they believed there had already been a lot of development happen at Bentley and the commission wanted to share development in other parks within the city to encourage more use in those locations too. Another discussion point for parks and recreation is there is a building at Grove Holman that could be repurposed, utilizing the restrooms and potentially adding heat to the building for winter use. Montenegro also stated parks and recreation commission has worked diligently on this for quite a while and is looking for a place to put the skate park so they can move forward.

Councilperson Teich asked if this was something that could change and stated he has a problem with it being at Grove Hollman because of the location. Believes Bentley is a centralized park and would have more availability because of the location and believes the location is what ultimately caused Holman pool to close because it wasn't as accessible.

Councilperson Greenway asked if it is any further for the kids than its current location on Allendale.

Councilperson Teich stated it would be more accessible if it were in down in the middle of such as in Bentley Park. Believes the investment should be at Bentley.

Montenegro stated she believes parks and rec would be open to a suggestion and that they are looking at having a location to place the skate park so they can move forward in with grant seeking.

Mayor Frederick stated he believes the city should go for maximum impact in one or two parks rather than putting money into many of the smaller parks. Believes having a dialogue with parks and recreation is essential, more specifically do we know what barriers may be there, soil build up needs, or using a different park? Recommends seeking answers from the parks and recreation commission to help make the decision.

Assistant city manager Montenegro stated drainage will be an important aspect to remember. Skaters have asked for a bowl to be a part of the skate park design. One of the reasons to move it from the current location is because it is located in the flood plain and there is concern the bowl would hold water. Soils would need to be tested and drainage would need to be addressed if the park were located at Bentley.

Councilperson Fox stated the Monroe Street location was suggested but neighbors did not want the skate park there. Councilperson Fox asked what else can be put in that location to utilize city owned property? Skate parks draw a lot of people through competitions that could be held there and stated he doesn't believe council should rule out the Monroe Street location. Doesn't think council should ignore the Monroe Street property and thinks that is a better location and believes Grove Holman Park is in the flood plain.

Mayor Frederick stated he is hearing three different skate park locations from council tonight. Also believes council needs to be respectful of the parks and recreation commission and its volunteer board and again asks the question of how council engages with them. Mayor Frederick wants council to make an informed decision so they can work with parks and recreation.

Councilperson Fox stated council needs to send it back to parks and recreation for discussion and have them bring it back to council again at a later date. Let them evaluate it under the items discussed tonight.

Mayor Frederick suggested staff involvement to assist in answering the questions posed tonight.

Councilperson Greenway stated she believes Grove Holman is a good place to put the skate park and expand, stating Bentley Park has certain boundaries that won't expand.

Pro-Tem Eveleth asked for clarification if the city is locked in to the location once it is chosen or would there be opportunity to change it in the future. Assistant city manager Montenegro shared this is strictly for grant purposes and they need to identify a site as part of an overall capital improvement plan for a park within the city to include in the master plan. Pro-Tem moved again to support the motion as presented.

Councilperson Fox asked if the motion could be amended to include the other two locations as potential sites. Assistant city manager Montenegro stated she thought this would muddy the resolution as far as the DNR or other grantor would be concerned regarding the grant and that it would be better to have one park listed.

Mayor Frederick stated he has never been a fan of dictating policy based on grant requirements and that it only leads to disappointment. Wants council to be unified on the location rather than risk losing a grant if council later decides they do not like the location.

Councilperson Greenway states she believes Grove Holman is the best location and that Bentley presents too many issues regarding logistics and drainage.

Councilperson Bailey stated repurposing Grove Holman would support a grant application more than adding to an already successful park like Bentley.

Motion by Mayor Pro-Tem Eveleth to approve placement of the new skate park in Grove Holman Park as follows:

**RESOLUTION AUTHORIZING THE PLACEMENT OF A NEW SKATE PARK  
AT GROVE HOLMAN PARK**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Parks & Recreation Commission met September 27, 2016 and recommends approval of Grove Holman Park as the location for the new skate park yet to be built; and

WHEREAS, the new skate park would aid the Parks & Recreation Commission in achieving its number one priority to promote healthy lifestyles, attract tourists and offer recreational outlets; and

WHEREAS, the Parks and Recreation Commission, along with staff, will be seeking funding for the new skate park through donations and future grants.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan approves the location, as stated above.

BE IT FURTHER RESOLVED THAT the city council hereby permits members of the Parks and Recreation Commission to solicit funds and grants for this project in accordance with city ordinance and policy.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Greenway, Bailey, and Pro-Tem Eveleth.

NAYS: Councilperson Fox, Teich, and Mayor Frederick.

ABSENT: Councilperson O'Leary.

The motion failed for lack of affirmative votes.

**Amending the Downtown Loan Program Criteria**

Mayor Frederick stated the revision would allow loan program to allow for eligible use for fire protection systems. Language would include fire suppression.

City manager Crawford comments concern that as went through program there were different loan criteria that has never been used and is confusing. Policy should be referred to the loan committee for rewrite to clarify policies.

Councilperson Teich asked when the policy was put into effect. It was started in the 1990s. City manager Crawford stated HUD made certain grants to cities for development purposes. The UDAG grant was given to city and then the city was allowed to keep the remainder of the grant for downtown DDA district and is when the loan criteria was established. City manager Crawford also stated the criteria is outdated now and needs to include entire district. Another concern was that most of the loans put the city in the secondary position, which puts the risk on the city if the project/owner defaults.

Councilperson Fox found a grammatical error on page two, downtown projects...needs to be fixed before publication; staff to address.

Motion by Councilperson Fox as follows:

**RESOLUTION NO. 129-2016**

**RESOLUTION REVISING THE  
DOWNTOWN OWOSSO UDAG/CDBG LOAN PROGRAM CRITERIA  
BY ADDING FIRE PROTECTION SYSTEMS AS AN ELIGIBLE ACTIVITY**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso UDAG/CDBG Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, from time to time the program criteria and guidelines need to be revised; and

WHEREAS, a major concern in the district is fire protection, which is enhanced through the installation of fire protection systems, which has not been an eligible activity under the Downtown Owosso UDAG/CDBG Loan Program.

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

FIRST: The Downtown Owosso UDAG/CDBG Loan Program be amended to include fire protection systems as an eligible activity.

SECOND: The attached program manual be adopted and supersede any previously-adopted program manuals.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson O'Leary.

**Establishing Policy for Fire Service Lines**

Mayor asked city manager to look at this policy stating it is already in place through staff administrative policy. Mayor Frederick would like to formalize as a council policy as a tool to help business owners.

Motion by Councilperson Fox as follows:

**RESOLUTION NO. 130-2016**

**RESOLUTION ESTABLISHING POLICY FOR FIRE SERVICE LINES**

WHEREAS, building and fires codes of the city of Owosso often require the installation of fire sprinkler systems in the Owosso Downtown Development Authority district; and

WHEREAS, the city of Owosso has established connection charges for fire service, fire protection and fire line services along with schedules for usage, standby, demand and capital charges; and

WHEREAS, a major concern is the cost of connecting the fire service, fire protection or fire lines to the city water main and extending the water service to the property line.

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

FIRST: The city of Owosso water system will assume the cost of making the connection and extending the fire service, fire protection or fire line from the city water main to the property line at such time as a fire protection system is being installed.

SECOND: The schedules for fire service, fire protection or fire line services, along with schedules for usage, standby, demand and capital charges, are not modified.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson O'Leary.

**COMMUNICATIONS**

N. Bradley Hissong, Building Official. September 2016 Building Department Report.  
N. Bradley Hissong Building Official. September 2016 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. September 2016 Police Report.  
Kevin D. Lenkart, Public Safety Director. September 2016 Fire Report.  
Downtown Development Authority/Main Street. Minutes of September 7, 2016.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. Main Street, Owosso Township, shared the parks and recreation commission have worked three years on finding a location for the skate park and have had numerous meetings with the skaters looking at locations and working to build. Also asked council where they have been for the last three years and why they have not attended any of the meetings to be better informed. Mr. Manke believes parks and recreation commission has chosen the best location for the skate park and told council they have once again lost credibility in the eyes of Owosso citizens.

Mike Cline, 621 Wright Avenue, wondered if old skate park will be kept at current location or will they move it as well as the BMX course? He would be interested in buying it if the city wants to move it.

Mayor Frederick stated the door is not closed but sees it as something that would bring frustration through the grant process if these items are not addressed and worked out first.

Councilperson Fox says council has a responsibility to entire city. Believes the process is necessary. Had very little input about what will be in the skate park and what will be needed saying council is the final authority.

Mayor Frederick shared that as the skate park plan moves forward there is a potential that new voices will be coming to council over the next few weeks and hopes their voices will be heard, too.

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:10 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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Susan Montenegro, Assistant City Manager