

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF NOVEMBER 21, 2016
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: PASTOR NATHAN STRUBLE
OWOSSO FREE METHODIST CHURCH

PLEDGE OF ALLEGIANCE: DAVID ACTON, CHAIRMAN
DDA / MAIN STREET BOARD

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,
Councilmembers Loreen F. Bailey, Burton D. Fox, Elaine M.
Greenway, Daniel A. Law, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

For the sake of the new members Mayor Eveleth explained the intent of the Consent Agenda and the proper process for removing an item from the Consent Agenda for discussion.

Motion by Councilmember Greenway to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 7, 2016

Motion by Councilmember Teich to approve the Minutes of the Regular Meeting of November 7, 2016 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Writer/Moderator - Friends & Community Owosso Facebook page, welcomed the new Councilmembers. He then expressed his disappointment with the fact that the Council did not change its process for answering citizen questions and said he hopes there will not be many more 4-3 votes in the future.

James Maurer of Dick's Auto said he had questions about the apparent transfer of the preferred provider contract for no-preference towing from Reeve's Wheel Alignment to M-21 Towing and he was hoping Council could look into the matter.

Richard Gilkey, owner of Allstar Towing, said he too was concerned about the apparent transfer of the no-preference towing contract from Reeve's to M-21 Towing. He felt there were numerous issues with the transfer and asked that Council investigate the matter.

Rob Lepley, owner of Lepley & Sons Towing, said he does not accept the transfer of the no-preference towing contract and feels there is a conflict of interest clouding the matter because the owner of M-21 Towing is dating an Owosso police officer.

Eddie Urban, 601 Glenwood Avenue, commented on his hope that more people would attend Council meetings. He also encouraged those that come to stay for the entire meeting instead of leaving as soon as the citizen comments portion is over.

Richard Maurer, owner of Dick's Auto, said he felt the towing contract should not be transferred to a company that never submitted a bid for the initial contract. He also asked that Council look into the conflict of interest brought up by Mr. Lepley.

Mayor Eveleth said that he felt the Council had a practice of answering citizen questions the best they can with the information they have at the time.

At the Mayor's request City Manager Donald D. Crawford provided background information on the no-preference towing discussion, pointing out the fact that the contract had not been transferred and such an action would require Council approval.

Councilmember Fox moved to place the issue on the next agenda as an Item of Business.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmembers Greenway, Bailey, Law, Mayor Pro-Tem Osika,
Councilmembers Fox, Teich, and Mayor Eveleth.

NAYS: None.

Councilmember Greenway responded to Mr. Manke's comment regarding when Council should respond to questions posed by citizens saying that answering a question immediately or waiting until the citizen comments & questions period has concluded is simply a preference, neither way is right or wrong.

CITY MANAGER REPORT

City Manager Crawford noted that the MML puts on programs for elected officials, both experienced and new. He said the City would be happy to send any interested Councilmembers to the classes or provide them with the means to access the classes via the web.

Councilmember Fox said he had heard the groundbreaking for the Cargill project would be held December 9th and thought other Councilmembers might be interested in attending.

CONSENT AGENDA

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

First Reading & Set Public Hearing – Historical Commission Board Adjustment. Conduct First Reading & Set a Public Hearing for Monday, December 5, 2016 to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article IV, *Boards & Commissions*, Division 2, Historical Commission, Section 2-228 – *Members; Appointment, Terms, Etc.*, to increase the size of the Historical Commission as follows:

RESOLUTION NO. 138-2016

FIRST READING AND SET PUBLIC HEARING FOR AN AMENDMENT TO CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS & COMMISSIONS, DIVISION 2, HISTORICAL COMMISSION, SECTION 2-228 – MEMBERS; APPOINTMENT, TERMS, ETC. TO INCREASE THE SIZE OF THE HISTORICAL COMMISSION

WHEREAS, the Owosso Historical Commission currently consists of one (1) member from the City Council and eight (8) members at large appointed for three year terms; and

WHEREAS, the Owosso Historical Commission wishes to raise the number from eight (8) members at large to ten (10) members at large; and

WHEREAS, this increase in membership will allow the Historical Commission the flexibility to meet and exceed the needs of the community.

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

SECTION 1. AMENDMENT. That existing Article IV, Buildings & Commissions; Division 2, Historical Commission; section 2-228 – members; appointment, terms, etc., be amended to read:

Sec. 2-228. - Members; appointment, terms, etc.

The members of the historical commission shall be appointed by the city council. Membership shall consist of one (1) member from the council and ~~eight (8)~~ **ten (10)** members at large appointed for three-year terms. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.

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

SECTION 3. AVAILABILITY. The 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 p.m.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective 20 days after approval.

First Reading & Set Public Hearing – Retirement System Board Adjustment. Conduct First Reading & Set a Public Hearing for Monday, December 5, 2016 to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article VII, Municipal Employees' Pensions, Section 2-403, Board of trustees, to allow City of Owosso retirees to serve on the City of Owosso Employees' Retirement System Board of Trustees as detailed below:

RESOLUTION NO. 139-2016

**SETTING A PUBLIC HEARING TO CONSIDER AMENDING
OWOSSO CITY CODE SECTION 2.403 TO ALLOW RETIREES TO SERVE
ON THE RETIREMENT SYSTEM BOARD OF TRUSTEES**

WHEREAS, the City of Owosso has a pension system designed to provide a defined benefit to City employees after they retire; and

WHEREAS, the pension system is administered by a Board of Trustees, comprised in part of current City employees elected to represent the various groups that make up the staff; and

WHEREAS, cost reduction measures have led to the closure of the system to new members of some employee groups; and

WHEREAS, the continued retirement of employees that are members of the system has resulted in an ever-smaller pool of employees qualified to serve on the board; and

WHEREAS, it is vital to maintain the board's oversight of the system consistent with the City Charter provisions that originally created the pension system in 1964; and

WHEREAS, the current Board of Trustees has carefully considered the options available and recommends that the ordinance that now governs the pension system be amended to allow City of Owosso retirees to serve on the board of trustees; 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. ADDITION. That Section 2-403(a)(7) be added to Section 2-403, Board of trustees, of the Code of the City of Owosso to read:

Sec. 2-403. – Board of trustees.

(a) There is hereby created a board of trustees (the "board") in whom is vested the general administration, management, and responsibility for the proper operation of the retirement system and for making effective the provisions of this article. The board shall consist of seven (7) trustees as follows:

- (1) The mayor or a councilman who is not eligible to participate in the retirement system as a member or retiree;
- (2) A second councilman who is not eligible to participate in the retirement system as a member or retiree;
- (3) A citizen who has the qualifications required by the Charter for holding an elective city office and who is not eligible to participate in the retirement system as a member or retiree, to be appointed by the council;
- (4) A police officer member to be chosen by the police officer members;
- (5) A firefighter member to be chosen by the firefighter members; and
- (6) Two (2) general city members: One (1) general city member to be chosen by non-unionized general city members and one (1) general city member to be chosen by the unionized general city members.

(7) If there are no active members of the employee groups listed in sub-paragraphs (4) (5) and (6) above able or willing to serve, a retired member of the group may be elected by active and retired members of such group.

(b) The choosing of the trustees provided for in paragraphs (4), (5), and (6), above, shall be held in the month of May in each year under such rules and regulations as the board shall, from time to time, adopt.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, December 5, 2016 at or about 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. 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 4. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

Glow Owosso Permission. Approve request from Owosso Main Street for use of various streets in the downtown and High School area and the closure of Main Street Plaza at various times on November 25, 2016 for Owosso Glow events, waive the insurance requirement, and approve Traffic Control Order No. 1365 formalizing the request.

Purchase Authorization – DPW & Water Distribution Fleet Pickup Trucks. Authorize purchase of four Ford pickup trucks for use by the DPW and Water Distribution departments from Signature Ford Lincoln Mercury in the amount of \$109,550.00 utilizing State Contract No. 071B1300009, and further authorize payment to the vendor upon satisfactory delivery of the vehicles as detailed:

RESOLUTION NO. 140-2016

**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, has Public Works, Wastewater and Filtration Departments requiring 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 four 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:

2	4X4 Pickups	DPW	\$27,928.00 ea
2	4X2 Pickups	Water Distribution	\$26,847.00 ea

SECOND: The Deputy Director of Public Services 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 \$109,550.00 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 account in the noted amount:

DPW	Acct. # 661-901-979000	\$109,550.00
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Change Order No. 1 – 2016 Street Patches Program. Authorize Change Order No. 1-Final to the 2016 Street Patches Program contract with Eastern Asphalt Company Inc. for additional patches and saw-cutting in the amount of \$13,073.34 and further authorize payment of the contract amount, including Change Order No. 1-Final, upon satisfactory completion of the work as follows:

RESOLUTION NO. 141-2016

**AUTHORIZING CHANGE ORDER NO. 1 - FINAL
FOR THE 2016 STREET PATCHES PROGRAM
WITH EASTERN ASPHALT COMPANY INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Eastern Asphalt Company Inc. on September 6, 2016 for installation of permanent street patches on City streets; and

WHEREAS, additional patches and saw-cutting were required over the original contact amount.

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 Eastern Asphalt Company Inc. to add additional patches and saw-cutting work to their contract.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit B, contract change order No. 1 – Final to the contract for services between the city of Owosso, Michigan and Eastern Asphalt Company Inc. in the amount of \$13,073.34 (increase). This change results in a revised contract amount of \$155,141.46.
- THIRD: The accounts payable department is authorized to pay Eastern Asphalt Company Inc. for work satisfactorily completed on the program up to the contract, including the amount of Change Order No. 1 – Final.
- FOURTH: The above expenses shall be paid from the Water Maintenance Funds 591-552-883200 and 591-552-883300.

Warrant No. 532. Authorize Warrant No. 532 as follows:

Vendor	Description	Fund	Amount
William C. Brown, P.C.	Professional services-10/1/16-10/31/16	Various	\$11,218.00
Safebuilt Inc.	Building department services-Oct 2016	General	\$10,140.00
Sunbelt Rentals Inc.	Lift rental	Filtration	\$ 8,120.40
Logicalis Inc	Network engineering-October 2016	Various	\$ 6,272.00
State of Michigan-MDEQ	Community public water supply annual fee	Filtration	\$ 5,594.20

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmembers Greenway, Bailey, Law, Mayor Pro-Tem Osika, Councilmembers Fox, Teich, and Mayor Eveleth.

NAYS: None.

ITEMS OF BUSINESS

None.

COMMUNICATIONS

- Dennis Mahoney, Historical Commission. Letter of resignation.
- Historical Commission. Minutes of September 12, 2016.
- Planning Commission. Minutes of September 26, 2016.
- Parks & Recreation Commission. Minutes of September 27, 2016.
- Downtown Development Authority/Main Street. Minutes of October 5, 2016.
- Downtown Development Authority/Main Street. Minutes of November 2, 2016.

CITIZEN COMMENTS AND QUESTIONS

Richard Maurer, James Maurer, and Richard Gilkey all commented again regarding the no-preference towing contract saying M-21 Towing seems to get all the calls.

Tom Manke, Writer/Moderator - Friends & Community Owosso Facebook page, said his questions to Council had been ignored about 80% of the time in the past and encouraged Council to review the minutes.

Lorraine Austin, 906 Chipman Lane, stated that she had helped in the Clerk's Office for the recent election and that in doing so she had learned how hard the staff works to put on the election and just how difficult it would really be to rig an election. Now that the election is over she encouraged people not to make assumptions about others and start to come together to help make Owosso a better place.

Eddie Urban, 601 Glenwood Avenue, commented that he liked that the police department trained for an emergency at the hospital, that he sees both sides of the coin regarding citizen questions and council answers, that Clerk's Office employees Roxane and Amy are "the best", and that Charter still hasn't fixed the PEG channel so he can watch it again.

Mayor Eveleth thanked Councilmember Fox for his work on the street bond proposal saying its success is a really big deal for the City. He also formally congratulated Ice Queen Susan Osika and the other Ice Queen candidates for raising a record \$38,000 during their campaign.

Councilmember Fox gave accolades to Clerk's Office employees Amy and Roxane for their work on the recent election. Councilmember Law noted that Roxane was tremendous in helping him navigate the election process.

Mayor Pro-Tem Osika noted that all the Ice Queen candidates worked very hard for some great causes. She indicated that the funds she raised will go toward insurance for the Farmers' Market as well as new educational efforts at the market.

NEXT MEETING

Monday, December 05, 2016

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2018
Historical Commission – 2 terms expire December 31, 2017

ADJOURNMENT

Motion by Councilmember Fox for adjournment at 8:55 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk