

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MARCH 6, 2017
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER BURTON D. FOX

PLEDGE OF ALLEGIANCE: PUBLIC SAFETY DIRECTOR KEVIN D. LENKART

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

ABSENT: Councilmember Robert J. Teich, Jr.

APPROVE AGENDA

Motion by Councilmember Fox to approve the agenda with the following changes:

Remove Consent 1. Special Assessment District No. 2017-04.

Move Consent 5. Professional Services Agreement, to Item of Business 3.

Move Consent 7. Franchise Agreement Renewal, to Item of Business 4.

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

City Clerk Amy K. Kirkland reminded the group of the appointment of Nick Seabasty.

Motion by Councilmember Bailey to add the following item to the Consent Agenda:

9. Boards & Commissions Appointment.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 21, 2017

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of February 21, 2017 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Swearing In Ceremony - Fire Department Employees. Friends and family joined Mayor Eveleth and Public Safety Director Lenkart in a ceremony to swear in the City's newest firefighter/paramedics: Scott Fletcher and LJ Knight.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Joann Tilson asked for reimbursement of her late mother's sewer bill for the 6.5 years she was in Pleasant View.

County Commission Dan McMaster provided an update on happenings at the County including the purchase of new air conditioning units and completion of zoning regulations for windmills. Mayor Pro-Tem Osika inquired whether any grant funding will be utilized for the new 911 center. It was indicated the project will be funded by 911 reserves and proceeds from the 911 millage. Councilmember Fox inquired about the fencing that will be used at the new 911 center. It was noted the fencing was being donated by the Sheriff's Office.

Councilmember Fox indicated he had attended the recent conference on marijuana regulations and found it interesting. He said he gained some good ideas to put in front of Council.

Councilmember Bailey indicated she had attended Pat Vaughn's funeral over the weekend. She said Mrs. Vaughn had been an amazing resource and a wonderful advocate for the community during her lifetime.

Mayor Pro-Tem Osika thanked Public Safety Director Lenkart for participating in a recent law enforcement panel.

Mayor Eveleth noted that the five mayors in Shiawassee County had gotten together recently to get to know one another. Future get-togethers are planned and opportunities for cooperation will be explored.

Public Services Director Chinavare addressed Mrs. Tilson's request, noting that he had spoken with her previously and that while he felt her request was reasonable there were no guidelines in the current policy allowing dismissal of the bill. It was suggested City Council make a decision on the matter.

Motion by Councilmember Fox to request proper documentation from Mrs. Tilson and place the item on the next agenda for consideration.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

CITY MANAGER REPORT

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

CONSENT AGENDA

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

Special Assessment District No. 2017-04. (This item was removed from the agenda.)

Rescind Authorized Public Agency Designation. Rescind the City's designation as an Authorized Public Agency as defined by the Soil Erosion and Sedimentation Control Act as follows:

RESOLUTION NO. 22-2017

RESCINDING THE CITY'S DESIGNATION AS AN AUTHORIZED PUBLIC AGENCY OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY'S SOIL EROSION AND SEDIMENTATION CONTROL PROGRAM

WHEREAS, Part 91, Soil Erosion and Sedimentation Control (Part 91), of the Natural Resources and Environmental Protection Act provides for the control of soil erosion and protects adjacent properties and the waters of the state from sedimentation; and

WHEREAS, Part 91 generally requires a permit for any earth change activity which disturbs one or more acres of land or which is within 500 feet of a lake or stream; and

WHEREAS, on October 19, 1981 the City Council approved a resolution entitled "City Designated Authorized Public Agency – Soil Erosion" making formal application to the Michigan Department of Natural Resources seeking designation as an Authorized Public Agency enabling City crews to undertake earth change activities without first having to obtain soil erosion and sedimentation control permits from the county; and

WHEREAS, the City was officially designated an Authorized Public Agency under Part 91 on January 7, 1982; and

WHEREAS, the City now seeks removal of the designation as it has repealed its soil erosion and sedimentation control program via Ordinance No. 777 and no longer possesses the qualifications to remain an Authorized Public Agency under the terms of Part 91.

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

FIRST: the City relinquishes its title as an Authorized Public Agency under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, as of the effective date of Ordinance No. 777.

Donation Acceptance – New Roof for Paymaster Building. Authorize resolution accepting donation of and appreciation for a new roof for Woodard Paymaster Building from Weather Vane Roofing as detailed:

RESOLUTION NO. 23-2017

**ACCEPTANCE AND APPRECIATION FOR DONATED ROOF
AT CITY OWNED WOODARD PAYMASTER BUILDING**

WHEREAS, the city of Owosso owns and uses a historic building known as the Woodard Paymaster Building; and

WHEREAS, the city council may receive on behalf of the city any grant, devise, bequest, donation, gift or assignment of money, bonds or chooses in action, or of any property, real or personal, and accept the same, so that the right and title to the same shall pass to the city; and

WHEREAS, Weather Vane Roofing has offered to provide all materials and will install a new roof on this historic building; and

WHEREAS, such a feature would become property of the city to own, operate, and maintain after installed.

NOW THEREFORE BE IT RESOLVED THAT the Owosso City Council hereby accepts donation of materials and services to install a roof on the historic Woodard Paymaster Building and expresses appreciation to Weather Vane Roofing for this donation to the city.

Emergency Purchase Authorization – Sludge Grinder. Authorize emergency purchase of one refurbished sludge grinder for the WWTP from JWC Environmental utilizing the Cutter Cartridge Exchange Program in the amount of \$9,325.00 and further authorize payment to the vendor upon satisfactory delivery of the equipment as follows:

RESOLUTION NO. 24-2017

**AUTHORIZING EMERGENCY PURCHASE
FROM JWC ENVIRONMENTAL
FOR ONE REFURBISHED SLUDGE GRINDER
FOR USE AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the replacement of a sludge grinder for the sludge thickening treatment process, and

WHEREAS, the existing sludge grinder is near failure due to wear and it has been determined that immediate replacement with original equipment manufacturer (OEM) replacement parts is required to restore full capacity. The OEM, JWC Environmental, has provided pricing and availability of a refurbished sludge grinder at a cost of \$9,325.00 utilizing its Cutter Cartridge Replacement Program, and

WHEREAS, the City Public Services and Utilities Director has reviewed the necessity of replacement and the pricing provided from JWC Environmental, and has verified the replacement parts needed to restore the sludge thickener to full capacity, and recommends authorizing JWC Environmental to provide the required sludge grinder in an amount not to exceed \$9,325.00.

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 contract with JWC Environmental of Santa Ana, California for the purchase of one refurbished sludge grinder for use at the Wastewater Treatment Plant utilizing the Cutter Cartridge Exchange Program.

SECOND: The accounts payable department is authorized to submit payment to JWC Environmental in an amount not to exceed \$9,325.00 upon delivery of the required component.

THIRD: The above expenses shall be paid from account no. 599-901-977.000.

Professional Services Agreement – 2017 Street Program Engineering Services. (This item was moved to Items of Business.)

Contract Authorization – Electrical Work at Curwood Castle. Waive competitive bidding requirements and authorize a contract with Ludington Electric for work to upgrade the lighting at Curwood Castle in an amount not to exceed \$7,000.00 and further authorize payment up to the contract amount upon satisfactory completion of the work or portion thereof as detailed:

RESOLUTION NO. 25-2017

AUTHORIZING THE ELECTRICAL REWIRING OF THE GREAT ROOM; THE CHANDELIERS IN THE GREAT ROOM; AND FIRST FLOOR TURRET AT CURWOOD CASTLE; AND PLACEMENT OF INTERIOR ART LIGHTS

WHEREAS, the electrical wiring in Curwood Castle Writing and Conservation Studio Museum in the Great Room and first floor turret dates back to the 1950's and needs to be replaced and upgraded, and

WHEREAS, the electrical wiring in the two great room chandeliers and the first floor turret chandelier dates to the 1950's and needs to be replaced and upgraded, and

WHEREAS, the Historical Commission, on behalf of the City of Owosso, is currently managing the restoration process of the paintings at the Castle and has voted to install professional art lights to showcase these paintings as well as to professionally light future exhibitions, and

WHEREAS, Ludington Electric has submitted a proposal in the amount of \$6,500 for art lights, rewiring of the chandeliers and installation of new electrical wiring of the great room and 1st floor turret and an extension of the chandelier in the 1st floor turret to accommodate art lights, with an additional allowance of \$500 for unknown circumstances or hidden obstacles that might arise in changing the wiring, some of which dates to 1923, and

WHEREAS, The Owosso Historical Commission would like to use Ludington Electric and waive the normal bidding process due to the fact that they have an extensive working knowledge of the unique property that is Curwood Castle, and

WHEREAS, In the past, historic preservation had been considered a luxury practice, but in recent years, research of the economic and public benefits have proven that it is a powerful tool in sustaining local economies, creating jobs, and generating capital. The aesthetic, cultural and historical benefits of preservation are well known, but now communities like Owosso are fully realizing the overwhelming positive economic effects.

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 waive the normal bidding process due to the fact that Ludington Electric has an extensive working knowledge of the unique property that is Curwood Castle.
- SECOND: The City of Owosso has theretofore determined that it is advisable and in the public interest to allow the Owosso Historical Commission to contract with Ludington Electric to initiate and complete electrical work at the Curwood Castle – Writing and Conservation Studio Museum, detailed above, in an amount not to exceed \$7,000.00.
- THIRD: The Accounts Payable Department is authorized to submit payment to Ludington Electric up to the not to exceed amount upon satisfactory completion of the work or portion thereof.
- FOURTH: The above expenses shall be paid from the Castle Maintenance account.

Franchise Agreement Renewal – Charter Communications. (This item was moved to Items of Business.)

Warrant No. 539. Authorize Warrant No. 539 as follows:

Vendor	Description	Fund	Amount
Waste Management	Landfill charges- February 1, 2017 – February 15, 2017	Streets/ WWTP	\$ 5,983.82
Safebuilt, Inc.	Building department services- February 2017	General	\$12,893.33

Boards & Commissions Appointment. (This item was added to the agenda.) Approve appointment of Nick Seabasty to the Parks & Recreation Commission for a term expiring June 30, 2018.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

ITEMS OF BUSINESS

Set Public Hearing – Skate Park Grant

City Manager Crawford indicated that due to recent changes to the skate park plan initiated by the Parks & Recreation Commission the grant application was not ready for a public hearing. He also cautioned the Council that the City would be taking a risk submitting the grant application as the Commission has asked the City to pledge the \$50,000 that is needed to complete the funding package for the park. The Parks & Recreation Commission is planning to raise \$50,000 in the coming months negating the need for the City's funds, but should the Commission be unable to reach its goal the City will have to pay to complete the project or return the money, which may reflect negatively on future grant applications.

Parks & Recreation Commission members Michael Espich and Randy Woodworth were on hand for the discussion and responded to the City Manager's comments saying they were working to complete the plans and felt they could have the budget in place for the hearing, but the architectural drawings would not be ready. They also indicated that there are plans in place to raise money via crowd funding and a Mr. Owosso campaign and that some money had already been pledged. Both gentlemen expressed frustration that the process for planning the skate park had taken so long and asked that the Council give them a chance to bring the project to fruition.

Motion by Councilmember Fox to set a public hearing for Monday, March 20, 2017 to receive citizen comment regarding the proposed grant application for the skate park.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

Pole Usage Presentation

City Manager Crawford gave a presentation addressing requests for use of the City's utility poles and right of ways and the level of local control in such situations. He indicated that current federal regulations, adopted approximately two years ago, have placed handcuffs on local jurisdictions by prohibiting nearly all restrictions on the installation of poles. Despite these difficulties the City needs to address the issue within the next 60 days as several companies have already indicated a desire to place poles in the City.

The meeting was recessed from 8:56 p.m. until 9:05 p.m.

Professional Services Agreement – 2017 Street Program Engineering Services*

Mayor Pro-Tem Osika indicated she requested the item be pulled from the Consent Agenda because of the large discrepancy between the bids. Utilities Director Glenn M. Chinavare said the gap caught the eye of staff as well but after the bids were examined it was clear that Fleis & Vandenbrink presented the best value and was not simply coming in low to win the bid. He said the company plans on doubling up on responsibilities in the field and performing their own testing leading to a large savings for their clients. He went on to say that the firm has a good reputation and he has worked with them many times over the years.

Motion by Mayor Pro-Tem Osika to approve a professional services agreement with Fleis & Vandenbrink, Inc. for design engineering and construction administration services related to the 2017 Street Program in an amount not to exceed \$120,500.00 and authorize payment up to the contract amount as terms of the contract are fulfilled as detailed below:

RESOLUTION NO. 26-2017

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES WITH
FLEIS & VANDENBRINK, INC.
FOR THE 2017 STREET RESURFACING PROJECTS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary resurfacing of various streets as outlined within its RFP for professional engineering services; and

WHEREAS, this project requires the services of a professional engineering firm; and

WHEREAS, the City sought proposals from its QBS list of firms to perform such work; and

WHEREAS, Fleis & Vandenbrink, Inc. is selected as the most qualified firm to perform such work and offers to complete full design and construction administration services of said project in return for compensation in an amount not to exceed of \$120,500.00.

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 employ the firm of Fleis & Vandenbrink, Inc. to provide professional engineering services for the 2017 Street Resurfacing Projects.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum No. 3 to an Agreement for Professional Engineering Services between the City of Owosso, Michigan and Fleis & Vandenbrink, Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$120,500.00 to Fleis & Vandenbrink, Inc. upon successful completion of stated work.
- FOURTH: The above expenses shall be paid from the Major Street Construction, Acct No. 202-451-881.000 (\$79,800.00) and Water Mains & Hydrants, Acct No. 591-901-972.000 (\$40,700.00) and other funds as appropriated.

Motion supported by Councilmember Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

Franchise Agreement Renewal – Charter Communications*

Councilmember Fox indicated he had pulled this item from the Consent Agenda to discuss the idea of removing the 3% franchise fee. He questioned whether they should continue charging the fee as the cost is passed on to customers and the City no longer operates its cable access channels. City Manager Crawford said the fee the City receives from Charter is just like every other franchise fee the City collects; they are fees for use of the City's right-of-ways. Mayor Eveleth noted that he didn't love the fee but he didn't want to take \$115,000 from the budget.

Councilmember Law inquired whether the City could invite other cable companies to come to town to increase the choices available. City Attorney William C. Brown indicated that the City had tried to solicit new cable companies in the past but no one responded to the invitation.

Motion by Mayor Pro-Tem Osika to authorize the following resolution setting franchise fees and renewing the Uniform Video Service Local Franchise Agreement with Charter Communications.

RESOLUTION NO. 27-2017

**RENEWAL OF
UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT
WITH CHARTER COMMUNICATIONS**

WHEREAS, Public Act 480 of 2006 (the "Act") requires video service providers to obtain a franchise from a municipality by means of a Uniform Video Service Local Franchise Agreement ("Uniform Franchise"); and

WHEREAS, on February 16, 2017, the clerk of the City of Owosso received a Uniform Video Service Local Franchise Agreement renewal ("Agreement") from Charter Communications; and

WHEREAS, staff has determined the application is complete; and

WHEREAS, since the time the current franchise agreement was approved the City has ceased operation of its two cable access channels but reserves the right to renew usage of the channels according to the terms of the Act; and

WHEREAS, the Owosso City Council has reviewed the video service provider franchise fee, and the fee to support public, educational and governmental channels, and is prepared to designate the city officials to sign the Agreement.

NOW, THEREFORE, BE IT RESOLVED that a fee of 3% (three percent) of gross revenues from the video service provider is hereby established as the annual video service provider franchise fee.

BE IT FURTHER RESOLVED that a fee of 0% (zero percent) of the gross revenues from the video service provider is hereby established as the fee to support public educational and governmental channels.

BE IT FURTHER RESOLVED that the video service provider shall provide not less than two public, educational and governmental channels at no charge to the City of Owosso should the City or its authorized representative request use of the channels as provided in the Act.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and instructed to sign the agreement on behalf of the City.

BE IT FURTHER RESOLVED that this Resolution and the execution of the Agreement in no way shall be considered a waiver of any rights the City of Owosso may have under the United States Constitution, federal law, the Michigan Constitution, Michigan law, the Act and particularly if the Act is amended or is found unlawful in whole or in part.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

COMMUNICATIONS

Nick Tereck, Historical Commission. Letter of Resignation.
Downtown Development Authority/Main Street. Minutes of February 1, 2017.
Historical Commission. Minutes of January 9, 2017.
Parks & Recreation Commission. Minutes of January 10, 2017.
Historical Commission. Minutes of February 20, 2017.

CITIZEN COMMENTS AND QUESTIONS

County Commissioner McMaster noted for the Council the target completion date for the new 911 center is January 1st.

Councilmember Greenway said she like the new wayfinding signs.

NEXT MEETING

Monday, March 20, 2017

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, 2019
Parks & Recreation Commission – 2 terms expiring June 30, 2017
Parks & Recreation Commission – term expires June 30, 2018

ADJOURNMENT

Motion by Councilmember Bailey for adjournment at 9:25 p.m.

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

Christopher T. Eveleth, 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.