

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JANUARY 16, 2018
7:30 P.M.**

PRESIDING OFFICER: MAYOR PRO-TEM SUSAN J. OSIKA

OPENING PRAYER: TOM MANKE

PLEDGE OF ALLEGIANCE: MARY RICE, SATA DIRECTOR

PRESENT: Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey (7:40 p.m.), Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.

ABSENT: Mayor Christopher T. Eveleth and Councilmember Daniel A. Law.

A moment of silence was held in memory of former City Councilman Paul Hood and his wife Annette on the occasion of their passing.

APPROVE AGENDA

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

CONSENT AGENDA

7. Memorial Healthcare Gala Permission

ITEMS OF BUSINESS

2. Discussion of City Manager Position

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 2, 2018

Motion by Councilmember Greenway to approve the Minutes of the Regular Meeting of January 2, 2018 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Ordinance Amendment – Chapter 8, Buildings and Building Regulations

The proposed amendment would adopt the 2015 International Property Maintenance Code and replace former editions.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Sections 8-141 & 142 of Article VI, *Property Maintenance Code*, of Chapter 8, Buildings and Building Regulations, of the Code of Ordinances of the City of Owosso.

City Manager Donald D. Crawford introduced the amendment and briefed those present on the proposed amendment to the Code saying they were minor changes from the last version. He went on to indicate that he had received a question regarding the right of the City to enter private property and noted that the provisions in the version proposed for adoption tonight were the same as the current version, entry is allowed only upon invitation or court order.

The following person commented regarding the proposed amendment:

Tom Manke, Owosso Township resident, inquired whether the rental program would be changed to require a court order if the owner or tenant refuses to allow the City entry to a rental property. City Attorney William C. Brown indicated that is the way things are handled currently.

There were no further citizen comments regarding the proposed amendment.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Fox that the following ordinance be adopted:

ORDINANCE NO. 790

**AN ORDINANCE ADOPTING
THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2015)**

WHEREAS the city of Owosso, Michigan (city) desires to enhance the protection of life and property in the City by regulating the condition and maintenance of properties within the city by providing the standards and requirements for utilities, facilities and physical conditions essential to ensure that such structures are safe, sanitary and fit for occupation, and by providing for issuance of permits and collection of fees and permits as may be required; and

WHEREAS the *International Property Maintenance Code (2015)* is a comprehensive uniform code that provides standards and requirements for safe and sanitary conditions of residential structures; and

WHEREAS the city finds that the standards and requirements of *International Property Maintenance Code* are suitable for properties in the city; and

WHEREAS the *International Property Maintenance Code (2015)* coordinates well with existing codes applicable to the city, including the *Michigan Residential, Building, Plumbing, and Mechanical Code*, the *State Electrical Code*, and the *International Fire Code*, and is intended to be consistent with existing ordinances; and

WHEREAS the city desires to repeal all other ordinances or parts of ordinances conflicting with this ordinance.

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

SECTION 1. REPLACE. That Sec. 8-141, International Property Maintenance Code, of Chapter 8, Buildings and Building Regulations, Article VI, Property Maintenance Code, shall be amended to replace "*International Property Maintenance Code, 2009*" with "*International Property Maintenance Code, 2015*".

SECTION 2. REPLACE. That Sec. 8-142, Changes in Code, shall be amended to replace "*International Property Maintenance Code, 2009*" with "*International Property Maintenance Code, 2015*".

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective February 5, 2018.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmembers Fox, Greenway, Mayor Pro-Tem Osika, and Councilmember Teich.

NAYS: None.

ABSENT: Councilmembers Law, Bailey and Mayor Eveleth.

Ordinance Amendment – Chapter 13, Fire Prevention and Protection

The proposed amendment would adopt the 2015 International Fire Code and replace former editions.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Section 13-7, Flammable liquids regulations, and Section 13-36, Code adopted, of Chapter 13, Fire Prevention and Protection, of the Code of Ordinances of the City of Owosso.

City Manager Crawford noted that the changes proposed were much the same as those for the property maintenance code.

There were no citizen comments received prior to, or during the meeting.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilmember Teich that the following ordinance be adopted:

ORDINANCE NO. 791

**AN ORDINANCE ADOPTING
THE INTERNATIONAL FIRE CODE (2015)**

WHEREAS the city of Owosso, Michigan (city) desires to enhance the protection of life and property in the City by regulating the condition and maintenance of properties from fire and explosion within the city by providing the standards and requirements; and

WHEREAS the *International Fire Code (2015)* is a comprehensive uniform code that provides standards and requirements for the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and

WHEREAS the city finds that the standards and requirements of *International Fire Code* are suitable for properties in the city; and

WHEREAS the *International Fire (2015)* coordinates well with existing codes applicable to the city, including the *Michigan Residential, Building, Plumbing, and Mechanical Code*, the *State Electrical Code*, and the *International Property Maintenance Code*, and is intended to be consistent with existing ordinances; and

WHEREAS the city desires to repeal all other ordinances or parts of ordinances conflicting with this ordinance.

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

SECTION 1. AMENDMENT. That Sec. 13-7, Flammable liquids regulations, of Article I, *In General*, of Chapter 13, Fire Prevention and Protection, shall amended to read as follows:

The use, storage and processing of flammable liquids shall conform to the flammable liquids regulations of the state fire marshal, and the current rules and regulations issued by the Michigan Department of Licensing and Regulatory Affairs. Any person violating any of said regulations or failing to comply therewith, shall be guilty of a violation of this Code.

SECTION 2. REPLACE. That Sec. 13-36, Code adopted, of Article II, *Fire Prevention Code*, of Chapter 13, Fire Prevention and Protection, shall be amended to replace "*International Fire Code, 2000 Edition*" with "*International Fire Code, 2015 Edition*".

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective February 5, 2018.

Motion supported by Councilmember Greenway.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmembers Bailey, Law and Mayor Eveleth.

CITIZEN COMMENTS AND QUESTIONS

Mayor Pro-Tem Osika introduced SATA Director Mary Rice noting that she was present this evening as a part of the Leadership Shiawassee curriculum.

Councilmember Bailey arrived at 7:40 p.m.

Lisa Frolka, 1613 Henry Street, expressed frustration with City officials in regard to the abandoned railroad property behind her home. She said she has been cited by the City for piling brush on railroad property, yet when she asks the City to barricade the tracks to prevent loitering on the property she is told the City does not possess the jurisdiction to do so. She said she is hoping to reach some sort of compromise with the City on the issue.

Kori Shook, Century 21 Looking Glass Broker/Manager, updated the Council on the sale of lots in the Osburn Lakes subdivision saying 5 lots have been sold, all for list price. She said that while the results of her efforts sound very modest she is happy with the progress given the current market conditions.

Joan Norton, 824 Division Street, said she is a landlord and was confused as to why the City refunded one of her former tenants for water and is now saying she owes the money.

In response to Ms. Frolka's comments City Manager Crawford noted that the City has been in contact with the company that owns the railroad behind her house and were told by the firm's legal department that the property belongs to the City, yet when the City attempts to block access to the property they are told it does not belong to the City and all structures must be removed. He said he has been trying to work with Ms. Frolka on the situation and is frustrated as well.

Mayor Pro-Tem Osika asked that Utilities Director Chinavare speak with Ms. Norton to try and get to the bottom of what transpired with her tenant.

Councilmember Fox gave an update on the bike path saying he recently met with a representative for Rails to Trails to determine a route into the City. He said there were many questions generated by the meeting such as, should the City team up with Owosso Township, who should apply for grant funding, and should an authority be formed. He went on to say that the railroad line behind Ms. Frolka's house figures into the possible bike route and it would be very helpful to know if the City owns the property or not.

City Attorney Brown thanked Mayor Pro-Tem Osika for honoring Paul Hood for his contributions to the City and the community. He said he worked tirelessly for the Retirement Board, sometimes taking flack but always handling himself with grace. He said it had been a pleasure to work with him.

CITY MANAGER REPORT

City Manager Crawford indicated he had nothing to report at this time.

CONSENT AGENDA

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

Special Assessment District No. 2018-09. Authorize Resolution No. 1 for Special Assessment District No. 2018-09 for Gould Street from Monroe Street to Corunna Avenue for street resurfacing, McMillan Avenue from Monroe Street to South Street for street reconstruction, and Monroe Street from Gould Street to McMillan Avenue for street reconstruction as follows:

RESOLUTION NO. 05-2018

Special Assessment District No. 2018-09 to include the following streets:

- Gould Street from Monroe Street to Corunna Avenue
- Monroe Street from Gould Street to McMillan Avenue
- McMillan Avenue from Monroe Street to South Street

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvements:

- Gould Street from Monroe Street to Corunna Avenue – Street Resurfacing
- Monroe Street from Gould Street to McMillan Avenue – Street Reconstruction
- McMillan Avenue from Monroe Street to South Street – Street Reconstruction

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Traffic Control Order No. 1389. Approve Traffic Control Order No. 1389 for the installation of two stop signs at the intersection of Monroe Street and Gould Street for eastbound and westbound traffic after reconstruction of the intersection is completed in August 2018.

Change Order No. 2 – Real Estate Broker Services. Authorize Change Order No. 2 to the contract with Looking Grand, Inc. d/b/a/Century 21 Looking Glass for the Provision of Real Estate Broker Services for City-owned Lots in Osburn Lakes, Phase 1, extending the term of the agreement until December 31, 2019 as detailed below:

RESOLUTION NO. 06-2018

**AMENDMENT NO. 2 TO A CONTRACT WITH
LOOKING GRAND, INC. D/B/A CENTURY 21 LOOKING GLASS
FOR THE PROVISION OF REAL ESTATE BROKER SERVICES
FOR CITY-OWNED LOTS IN OSBURN LAKES PHASE 1 BY EXTENDING THE TERM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, entered into a contract with Looking Grand, Inc. d/b/a Century 21 Looking Glass on January 5, 2015 for the marketing and sale of approximately 30 vacant lots in a single-family residential condominium development known as Osburn Lakes Phase 1; and

WHEREAS, the contract provides for an extension upon reaching the term; and

WHEREAS, Looking Grand, Inc. d/b/a Century 21 Looking Glass has met the terms of the contract and satisfactorily provided the services requested, it is deemed advisable to extend the term of the agreement for an additional twenty-four months.

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 extend the agreement with Looking Grand, Inc. d/b/a Century 21 Looking Glass for the period of January 1, 2018 through December 31, 2019.

SECOND: The mayor pro-tem and city clerk are instructed and authorized to sign the document amending the Contract for Services between the City of Owosso, Michigan and Looking Grand, Inc. d/b/a Century 21 Looking Glass.

MDOT Cost Agreement No. 17-5520 for Oliver Street Reconstruction, Phase 2. Authorize execution of MDOT Cost Agreement No. 17-5520 for the reconstruction of Oliver Street from Oak Street to Gould Street as follows:

RESOLUTION NO. 07-2018

**RESOLUTION AUTHORIZING EXECUTION OF MDOT COST AGREEMENT
FOR PHASE II ROAD IMPROVEMENTS OF OLIVER STREET
FROM OAK STREET EASTERLY TO GOULD STREET**

WHEREAS, Oliver Street, from Oak Street to Gould Street, is a part of the National Functional Classification Road system; and

WHEREAS, the City is required to provide a safe and expedient road system for users which requires proper maintenance of the roadway; and

WHEREAS, the City has applied for, and is now approved to receive, Federal Small Urban Program Funds, in the form of advance Construction, to assist in road improvements of this road; and

WHEREAS, after review, city staff recommends approval of MDOT Cost Agreement No. 17-5520 for the proposed hot mix asphalt paving work along Oliver Street from Oak Street easterly to Gould Street; including intersection improvements, storm drainage, concrete curb and gutter, concrete sidewalk and ramp, permanent signing, and pavement marking work; and all together with necessary related work (also referred to as 'project'); and

WHEREAS, the Michigan Department of Transportation requires the city of Owosso adopt a resolution indicating its willingness to participate in the road improvements of Oliver Street as set forth in the agreement.

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 approve MDOT Contract No. 17-5520 for the proposed road improvements of Oliver Street, from Oak Street easterly to Gould Street.

SECOND: That the City of Owosso is willing to participate in the project and cost as illustrated within said contract.

THIRD: That the Mayor Pro-Tem and City Clerk are hereby authorized to sign the Agreement as attached.

FOURTH: The City Council hereby directs staff to allocate \$879,984.85 from the 2016 Unlimited Obligation Bond Proceeds Fund and Water Fund, and to receive another \$375,000.00 from Federal Small Urban Grant Program Funds for a total of \$1,254,984.85 to fund this project, and directs the City Manager to proceed with the project, in accordance with the MDOT Contract Agreement.

Warrant No. 554. Authorize Warrant No. 554 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund payment-10/1/17-12/31/17	Water	\$22,272.41
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement-10/1/17-12/31/17	Water	\$10,522.21

Check Register – December 2017.* Affirm check disbursements totaling \$1,292,378.54 for December 2017.

Memorial Healthcare Gala Permission. (This item was added to the agenda.) Approve request from Owosso Community Players for the closure of South Park Street from Comstock Street to Main Street on Saturday, February 3, 2018 from 5:00 p.m. until 11:00 p.m. for handicap and valet parking for the annual Memorial Healthcare Gala, waive the insurance requirement, and approve Traffic Control Order No. 1390 formalizing the request.

Motion supported by Councilmember Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Law and Mayor Eveleth.

ITEMS OF BUSINESS

5th Monday Meeting Agenda

It was announced that one of the candidates for the City Manager position had pulled himself from consideration, leaving only one remaining candidate. Mayor Pro-Tem Osika suggested the Council move forward with the interview of the remaining candidate on Saturday, January 20, 2018 as previously scheduled but leave any decisions for a later date. A brief discussion ensued.

Motion by Councilmember Bailey to set the agenda for 5th Monday meeting scheduled for January 29, 2018 to focus on the City Manager position.

Motion supported by Councilmember Greenway.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Law and Mayor Eveleth.

Councilmember Teich indicated he would be out of town on a scheduled business trip on the 29th. City Attorney Brown indicated he could call in and listen to the discussion.

City Manager Selection (This item was added to the agenda.)

Councilmember Fox said he was concerned that given the change in the candidate pool Council would choose a new City Manager by default. He noted that it takes a super-majority vote of Council to sell property and said he would like to see a super-majority vote required when they choose a City Manager. Further, he would like to go back to the candidate pool or consult with the MML if that threshold cannot be reached. City Attorney Brown advised Council that such a

requirement would violate the City Charter. He said Council was free to reach a similar consensus, but it could not be formally required. Mayor Pro-Tem Osika suggested the group could talk about next steps at the meeting on January 20th or 29th.

COMMUNICATIONS

T. Peltier, Historical Commission. Letter of Resignation.
N. Bradley Hissong, Building Official. December 2017 Building Department Report.
N. Bradley Hissong Building Official. December 2017 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. December 2017 Police Report.
Kevin D. Lenkart, Public Safety Director. December 2017 Fire Report.
Downtown Development Authority/Main Street. Minutes of December 6, 2017.
Parks & Recreation Commission. Minutes of December 27, 2017.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, said he was late to the meeting because he was attending another meeting. He asked about the status of the item to install stop signs on Monroe Street. He was told the item was approved as proposed.

Lisa Frohka, 1613 Henry Street, inquired whether the updated International Property Maintenance Code would allow officials to write violations for items they see in the course of conducting an inspection for something entirely different. She said she had recently been cited for a problem with the fence in her back yard and was trying to determine how the violation came to light. It was noted that officials could probably only do so if the new violation found is particularly egregious.

Councilmember Teich asked that staff explain the reasoning for the traffic control order to install stop signs on Monroe Street at Gould Street. City Manager Crawford explained that the City had applied for a state grant to reconstruct the intersection which triggered an MDOT review of the site. In the resulting review MDOT noted their objection to the current stop sign on Gould Street at Monroe Street saying it could cause a vehicle to become backed up on the railroad tracks. Different traffic control devices and methods were discussed and a decision was reached to install stop signs on Monroe Street at Gould Street once the reconstruction project is completed. Further adjustment of other traffic control devices along Monroe Street will be examined should the new controls cause unintended issues.

NEXT MEETING

Saturday, January 20, 2018, 10:00 a.m. – City Manager Interviews
Monday, January 29, 2018, 7:30 p.m. – 5th Monday Meeting
Monday, February 05, 2018, 7:30 p.m. – Regular Meeting

BOARDS AND COMMISSIONS OPENINGS

Board of Review – term expires December 31, 2019
Brownfield Redevelopment Authority/LDFA – term expires June 30, 2018
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, 2018
Historical Commission – term expires December 31, 2019
Historical Commission – term expires December 31, 2020

ADJOURNMENT

Motion by Councilmember Bailey for adjournment at 8:15 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk