

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF FEBRUARY 5, 2018  
7:33 P.M.**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**PLEDGE OF ALLEGIANCE:** MAYOR CHRISTOPHER T. EVELETH

**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**

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

Add Item of Business 2. Closed Session.

Move Consent Item 6. Change Order No. 2 – 2017 Street Program Engineering Services Contract to Item of Business 4.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 16, 2018**

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of January 16, 2018 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF JANUARY 20, 2018**

Motion by Councilmember Fox to approve the Minutes of the Special Meeting of January 20, 2018 as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 29, 2018**

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of January 16, 2018 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilmember Fox announced that he may know someone that would be interested in purchasing some property the City owns.

Mayor Pro-Tem Osika welcomed three students from Owosso High School that will be listening in on the next couple of meetings.

**CITY MANAGER REPORT**

City Manager Donald D. Crawford delivered the latest Project Status Report to the Council.

Mayor Eveleth inquired if the electors vote to legalize marijuana in November would the ordinance the Planning Commission is currently working on become moot? Staff responded that parts of the ordinance could become invalid but others would maintain their validity so it was important to continue to work to put regulations in place.

Councilmember Fox inquired whether it would be possible for Council to tour the new Cargill facility. Mayor Pro-Tem Osika indicated she will reach out to the SEDP President to arrange a tour.

### **CONSENT AGENDA**

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

**Special Assessment District No. 2018-01.** Authorize Resolution No. 4 setting a public hearing for Tuesday, February 20, 2018 to receive citizen comment regarding Special Assessment District No. 2018-01 for Oliver Street, from Oak Street to Gould Street (Phase 2) for street reconstruction as follows:

#### **RESOLUTION NO. 08-2018**

#### **SPECIAL ASSESSMENT RESOLUTION NO. 4 SETTING A PUBLIC HEARING TO RECEIVE COMMENT REGARDING SPECIAL ASSESSMENT DISTRICT NO. 2018-01 OLIVER STREET, A PUBLIC STREET, FROM OAK STREET TO GOULD STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Tuesday, February 20, 2018 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

#### **NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

#### **Oliver Street, a Public Street, from Oak Street to Gould Street**

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

#### **Street Reconstruction**

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Tuesday, February 20, 2018 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**Special Assessment District No. 2018-05.** Authorize Resolution No. 2 setting a public hearing for Tuesday, February 20, 2018 for proposed Special Assessment District No. 2018-05 for Olmstead Street from West Street to Chipman Street for street resurfacing as detailed below:

**RESOLUTION NO. 09-2018**

**SPECIAL ASSESSMENT RESOLUTION NO. 2  
SETTING A PUBLIC HEARING  
TO RECEIVE COMMENT REGARDING  
SPECIAL ASSESSMENT DISTRICT NO. 2018-05  
OLMSTEAD STREET, A PUBLIC STREET, FROM WEST STREET TO CHIPMAN STREET**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described;

**Olmstead Street, a Public Street, from West Street to Chipman Street  
Street Resurfacing**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$357,189.80 and determines that \$62,525.58 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$294,964.22 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, February 20, 2018 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Olmstead Street, a Public Street, from West Street to N. Chipman Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Resurfacing.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, February 20, 2018 for the purpose of hearing any person to be affected by the proposed public improvement.

**Boards and Commissions Appointment.** Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Thomas Taylor*	Planning Commission	06-30-2020

\* Indicates reappointment

**Non-Profit Organization Recognition Request – Owosso Public Schools Foundation.**

Consider local governing body resolution recognizing the Owosso Public Schools Foundation as a non-profit organization operating in the City of Owosso for the purpose of obtaining a charitable gaming license from the State of Michigan Lottery as follows:

**RESOLUTION NO. 10-2018**

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSE**

The Owosso City Council hereby approves the request of the Owosso Public Schools Foundation asking they be recognized as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license from the State of Michigan Lottery.

**Change Order No. 2 - Curwood Castle Park Renovations.** Approve Change Order No. 2 to the Curwood Castle Park Renovation contract with Sumbera Excavating, Inc. which finalizes unit quantities resulting in an increase of \$1,207.75 to the contract, and authorize payment of the increased amount from the General Fund as detailed below:

**RESOLUTION NO. 11-2018**

**AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR  
THE CURWOOD CASTLE PARK RENOVATION PROJECT  
WITH SUMBERA EXCAVATING, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Sumbera Excavating, Inc. on August 21, 2017 in the amount of \$76,305.00 for renovation of Curwood Castle Park; and

WHEREAS, the city approved change order #1 on October 16, 2017 authorizing an extension of the contract completion date from October 13, 2017 to October 31, 2017; and

WHEREAS, work on the project has been all but completed and a change order finalizing unit quantities has been issued and requires approval.

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

FIRST: The City of Owosso has determined that it is advisable, necessary and in the public interest to amend the contract with Sumbera Excavating, Inc. to include Change Order No. 2 finalizing unit quantities.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Change Order No. 2, between the City of Owosso and Sumbera Excavating, Inc., increasing the original contract amount by \$1,207.75 for a total contract amount of \$77,512.75.

**Change Order No. 2 - 2017 Street Program Engineering Services Contract.** (This item was moved to Items of Business.)

**Change Order No. 1 - WWTP Tertiary Pump Repair.** Approve Change Order No. 1 to the purchase order authorizing the repair of WWTP tertiary pump T-1-W for additional repairs due to damage sustained from undetected debris present at the time the pump was reinstalled after servicing, increase the PO in the amount of \$6,513.50, and authorize payment to the contractor upon satisfactory delivery and installation of said equipment as follows:

**RESOLUTION NO. 12-2018**

**AUTHORIZING CHANGE ORDER NO.1 TO PURCHASE AGREEMENT BETWEEN THE CITY  
OF OWOSSO AND KENNEDY INDUSTRIES OF WIXOM, MICHIGAN  
FOR REPAIR AND INSTALLATION SERVICES OF  
TERTIARY PUMP 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 tertiary pump for moving wastewater through the Wastewater Treatment Facility for processing, and

WHEREAS, the existing T-1-W Pump is inoperable due to damage that occurred after initial repair and installation, and is determined to require immediate additional repair. Kennedy Industries has provided pricing for subsequent repair of the pump at a cost of \$6,513.50.

WHEREAS, the City Director of Public Services and Utilities has reviewed the necessity for additional repairs, and has verified the replacement parts and labor needed to restore the T-1-W pump to full capacity, and recommends authorizing Kennedy Industries to provide the required additional repairs and installation services in an amount not to exceed \$6,513.50, plus initial repair and overhauls services of 16,895.00, plus contingency in the amount of \$1,000.00 for a total of \$24,408.50.

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 Kennedy Industries of Wixom, Michigan for the procurement of repair and installation services for pump T-1-W for use at the Wastewater Treatment Plant.
- SECOND: The mayor and/or city clerk are instructed and authorized to sign Change Order No.1 to the Kennedy Industries purchase services agreement in the amount of \$6,513.50.
- THIRD: The accounts payable department is authorized to submit payment to Kennedy Industries in an amount not to exceed \$24,408.50, upon delivery, installation, and successful start-up of the tertiary pump.
- FOURTH: The above expenses shall be paid from account no. 599-901-977.000.

**Change Order No. 1 - Lime Softening Residuals Removal Contract.** Authorize Change Order No. 1 to the Filtration Plant Lime Residuals Removal Contract with Prolime Corporation increasing the quantity to be removed from 14,070 cubic yards to 21,142 cubic yards and further authorize payment to the contractor according to unit prices up to \$296,000.00 as detailed below:

#### **RESOLUTION NO. 13-2018**

#### **RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE CITY OF OWOSSO AND PROLIME CORPORATION FOR THE REMOVAL OF SPENT LIME RESIDUAL MATERIAL AT THE WATER FILTRATION PLANT**

WHEREAS, the city has determined it necessary to remove lime residual material at its water treatment plant lagoons to gain lagoon capacity; and

WHEREAS, the city awarded a contract to Prolime Corporation on September 8, 2015 for removal of said residuals over the course of a three-year period; and

WHEREAS, recent calculations indicate there are an additional 7,072 cubic yards of residuals that require removal; and

WHEREAS, additional funds in the amount of \$99,000.00 are required to continue removal of spent lime material for the remainder of the contract period of FY2015/2018, and the Director of Public Services & Utilities proposes Change Order No.1 to the current Prolime Corporation services 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 heretofore determined that it is advisable, necessary and in the public interest to employ Prolime Corporation to remove an additional 7,072 cubic yards of lime residuals for a total of 21,142 cubic yards of lime residuals at the water treatment plant at a cost of \$14.00 per yard.
- SECOND: The mayor and/or city clerk are instructed and authorized to sign Change Order No.1 to the Prolime Corporation services agreement, in the amount of \$99,000.00, for a total of \$296,000.00 for period of September 1, 2015 through June 30, 2018.
- THIRD: The accounts payable department is authorized to pay Prolime Corporation according to the revised services agreement amount of \$296,000.00 for work satisfactorily completed.

FOURTH: The above expenses shall be paid from the Water Fund account 591-553-834.000.

**Professional Service Agreement Extension – Cross Connection Control Program.**

Authorize Addendum No. 3 to the professional service agreement with H2O Compliance Services of Owosso for the provision of inspection services for the Cross Connection Control Program for a period of 36 months in an amount not to exceed \$26,325.00 and further authorize the accounts payable department to issue payment upon receipt of an invoice from the inspector as follows:

**RESOLUTION NO. 14-2018**

**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 3 TO THE AGREEMENT BETWEEN THE CITY OF OWOSSO AND H<sub>2</sub>O COMPLIANCE SERVICES, INC. OF OWOSSO, MICHIGAN FOR CROSS CONNECTION INSPECTION SERVICES**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with H<sub>2</sub>O Compliance Services, Inc. for the provision of inspection and management services for the City's Cross Connection Control Program by the adoption of Resolution No. 103-2013 on September 16, 2013; and

WHEREAS, the contract was extended thirty-six months with the adoption of Resolution No. 11-2015 on February 2, 2015; and

WHEREAS, the city and Director of Public Services & Utilities desires to extend the Cross Connection Program Services Agreement once again and to include additional inspection services for Water Billing and Water Distribution Asset Management.

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

- FIRST: The city of Owosso Public Services Director has heretofore determined that it is advisable, necessary and in the public interest to extend the Cross Connection Control Program inspection services agreement with H<sub>2</sub>O Compliance Services, Inc. for the period from February 5, 2018 through January 31, 2021.
- SECOND: The mayor and/or city clerk are instructed and authorized to sign Addendum No.3 to the H<sub>2</sub>O Compliance Services Agreement, in the amount of \$26,325.00.
- THIRD: The accounts payable department is authorized to submit payment to H<sub>2</sub>O Compliance Services, Inc. for Cross Connection Control Program inspection services in an amount not to exceed \$26,325.00.
- FOURTH: The above expenses shall be paid from Water Fund account 591-552-818.000.

**Purchase Authorization – Pickup Truck.** Waive competitive bidding requirements, authorize the purchase of one 2018 Ford F150 4x2 pickup truck in the amount of \$24,500.00 from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso via State of Michigan Contract No. 071B7700180, and authorize payment up to the quoted amount upon satisfactory delivery of said vehicle as detailed:

**RESOLUTION NO. 15-2018**

**RESOLUTION AUTHORIZING PURCHASE OF FLEET VEHICLE (PICKUP) FROM OWOSSO MOTORS, INC. D/B/A SIGNATURE FORD LINCOLN MERCURY UTILIZING CONTRACT # 071B7700180**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has Water Filtration Facility requiring the use of a pickup; 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 a replacement pickup, for a similar pickup that was previously purchased and received in 2016, and subsequently totaled in an accident in December 2017, and it is in the best interest of the City to utilize State of Michigan Contract No. 071B7700180 and Macomb County Contract 71-15 Bid 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 vehicle from Signature Ford Lincoln Mercury using State of Michigan Contract No. 071B7700180:

1	4X2 Pickup	Water Filtration Facility	\$24,376.00
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SECOND: The 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 amount of \$24,376.00 plus transportation charges of \$124.00 for total of \$24,500.00 upon delivery and acceptance.

FOURTH: Said purchase shall be paid for from the Water Fund.

**Check Register – January 2018.**\* Affirm check disbursements totaling \$2,065,644.51 for January 2018.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

### **ITEMS OF BUSINESS**

#### **SATA Millage Request**

City Manager Crawford briefly detailed the funding model that SATA uses saying that each entity that participates in SATA has to levy its own millage and the City's millage has expired. When the millage was active the City would levy taxes for SATA with the July 1 tax billing then hand the money over to them as it came in and this process has been incorporated into SATA's cash flow budgeting, meaning SATA's budget will call for funding from the City of Owosso once again this July. Council could choose to call a special election for May 2018, allowing the SATA millage to be levied with the July tax billing should it be approved. The City or SATA would have to absorb the cost of such an election (starting at \$10,000). Or the City could advance money from the General Fund to SATA in July (approximately \$33,000) and place the millage question on the August 2018 primary ballot. Should the millage pass the levy would take place with the December tax billing and the City's General Fund would be made whole. There would be no cost to add the question to the August ballot, though Council would risk not getting paid back should the millage request fail.

Mayor Pro-Tem Osika said she was not interested in having the City or SATA pay for a special election.

Motion by Councilmember Fox to approve the following resolution authorizing the placement of a millage request for SATA on the August 7, 2018 ballot:

#### **RESOLUTION NO. 16-2018**

##### **PLACING A PUBLIC TRANSIT MILLAGE ON THE AUGUST 7, 2018 BALLOT**

WHEREAS, the Shiawassee Area Transportation Agency (SATA) is an intergovernmental agency with no taxing authority; and

WHEREAS, the city of Owosso has an intergovernmental agreement with SATA whereby SATA provides transit services to the residents of the city; and

WHEREAS, in 2012 the voters of the city of Owosso approved a 0.3333 maximum millage for five (5) years on all property within the city which would go toward the support of public transit; and

WHEREAS, the 2012 millage has expired and the city of Owosso desires to seek a renewal of said millage; and

WHEREAS, it is estimated that such levy would generate \$81,638.00 in the first year from property within the city of Owosso which will be sufficient to operate the system for the year without further contributions from the city of Owosso; and

WHEREAS, the city of Owosso will be holding a primary election on August 7, 2018 when the millage question can be placed on the ballot.

NOW THEREFORE BE IT RESOLVED THAT:

FIRST: The city clerk is hereby authorized and directed to file a request with the Shiawassee County Clerk's office requesting the millage proposal be placed on the August 7, 2018 election ballot.

SECOND: The proposition be placed on the ballot for consideration by the registered voters in the city of Owosso be printed as follows:

**PUBLIC TRANSPORTATION MILLAGE  
FOR FUNDING PUBLIC TRANSIT SYSTEM  
IN THE CITY OF OWOSSO**

This proposal requests authorization for the levy of a millage upon real and tangible personal property for supporting the provision of a public transit system in the city of Owosso. The millage proceeds would be used according to Section 3.2(6) of the Owosso City Charter. It is estimated that the levy of the entire millage would generate \$81,638 in the first year.

Shall a millage for a public transit system be levied in the amount of 0.3333 mills (\$0.33 per \$1,000 of taxable value) annually for five (5) years beginning in 2018 and ending in 2022?

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

Motion by Councilmember Fox to authorize the advancement of funds to the Shiawassee Area Transportation Agency from the General Fund, in an amount not to exceed \$33,000, until such time as an appropriate millage can be passed and levied.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

**Closed Session** (This item was added to the agenda.)

Motion by Mayor Pro-Tem Osika to adjourn to closed session for the purpose of consulting with the City Attorney regarding a legal opinion and to discuss the application of the candidate for city manager at the request of the candidate.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**ADJOURNED TO CLOSED SESSION AT 8:01 P.M.**

**RETURNED FROM CLOSED SESSION AT 8:57 P.M.**

**APPROVAL OF THE MINUTES OF CLOSED SESSION OF AUGUST 21, 2017**

Motion by Councilmember Fox to approve the Minutes of the Closed Session of January 16, 2018 as presented.

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



**APPROVAL OF THE MINUTES OF CLOSED SESSION OF JANUARY 29, 2018**

Motion by Councilmember Fox to approve the Minutes of the Closed Session of January 16, 2018 as presented.

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

**Contract Approval – City Manager**

Mayor Eveleth updated the audience on the status of contract negotiations with City Manager candidate Nathan Henne saying staff had been directed as to how to proceed.

**Contract Approval – City Attorney**

Councilmember Fox inquired why this contract is typically not put out for bid. City Manager Crawford explained that it is not unusual, nor against the Charter, for the City to contract for professional services without going to bid.

Motion by Councilmember Fox to approve a Professional Services Agreement with Gould Law, P.C. for the provision of legal counsel as detailed below:

**RESOLUTION NO. 17-2018**

**AUTHORIZING THE EXECUTION OF A CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES  
WITH SCOTT J. GOULD OF GOULD LAW, P.C.**

WHEREAS, the city of Owosso, Michigan, is required by city charter to have a city attorney; and

WHEREAS, it has been determined that Scott J. Gould of Gould Law, P.C. is qualified to serve as city attorney.

NOW THEREFORE BE IT RESOLVED by the city of Owosso, county of Shiawassee, state of Michigan:

FIRST: that the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Scott J. Gould as city attorney.

SECOND: that the mayor and city clerk of the city of Owosso is hereby instructed and authorized to sign the document attached, Contract for Professional Legal services with Scott J. Gould, P.C. effective February 6, 2018.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: Mayor Eveleth.

**Change Order No. 2 - 2017 Street Program Engineering Services Contract**

Councilmember Fox indicated he had pulled this item from the Consent Agenda because he wanted clarification as to whether the contractor may be responsible for some of the increased cost. Utilities Director Chinavare explained that an overly optimistic timeline and unanticipated project and staffing issues were responsible for the increase. He went on to say that the company involved was a good company and had adapted well as conditions in the field changed. Lastly he indicated that the City hopes to do some of the field inspection work in the future utilizing a newly hired employee in the Engineering Department.

Motion by Councilmember Fox to approve Change Order No. 2 to the 2017 Street Program Engineering Services Contract (Addendum No. 3 to General Engineering Services Contract) with Fleis & Vandenbrink Engineering, Inc. increasing the contract \$64,899.00 for additional on-site inspection/administration work required when the project was split into two separate construction seasons, and authorize payment to the engineer for said additional services as detailed:

**RESOLUTION NO. 18-2018**

**AUTHORIZING CHANGE ORDER NO. 2 TO ADDENDUM NO. 3 TO  
THE 2017 STREET PROGRAM ENGINEERING SERVICES CONTRACT  
WITH FLEIS & VANDENBRINK ENGINEERING, INC. FOR  
ADDITIONAL ENGINEERING SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fleis & Vandenbrink Engineering Inc. on March 6, 2017 for Engineering Services for the 2017 Street Resurfacing Project; and

WHEREAS the city requests additional services of the consultant to provide additional inspection and construction administration services beyond the original contractual scope of services and schedule; and

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 amend the contract with Fleis & Vandenbrink Engineering Inc. for a cost to the City of Owosso of \$64,899.00.
- SECOND: The mayor and city clerk are requested and authorized to sign the document substantially in the form attached, Change Order No. 2 to Addendum No. 3 to the Contract between the City of Owosso, Michigan and Fleis & Vandenbrink, Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the amended amount of \$196,301.50 to Fleis & Vandenbrink Engineering, Inc. upon successful completion of stated work.
- FOURTH: The contract completion date for substantial completion by the Consultant is hereby extended to July 31, 2018.
- FIFTH: The above expenses shall be paid from the Major Street Construction Account No. 202-451-818.000, water fund, and other funds as appropriated.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Susan K. Montenegro, Assistant City Manager. 2017 Planning Commission Annual Report.  
Karen K. Ruddy, Finance Director. December 2017 Financial Report.  
Parks & Recreation Commission. Minutes of December 27, 2017.  
Downtown Development Authority/Main Street. Minutes of January 10, 2018.

Councilmember Fox said he appreciated the Planning Commission and Finance reports.

### **CITIZEN COMMENTS AND QUESTIONS**

Barbara Baker-Omerod, local attorney, said she was concerned the public was not aware of how the contract for the City Attorney would be handled. She said she disapproved and felt it should have been handled like the hiring process for the City Manager.

Janae Fear, 1212 Riverside Drive, said she felt there should have been an RFP for professional services for the City Attorney contract.

Brett Roberts, Charlotte resident, introduced himself as a candidate for State Senate and offered to take questions.

District 2 County Commissioner Dan McMaster reported that the County's wage study was back and the Commission would be analyzing it this week. He also reported that the new dispatch center is now open and a public hearing on wind turbines will be held March 7<sup>th</sup> at a location to be announced.

### **NEXT MEETING**

Tuesday, February 20, 2018

**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 Mayor Pro-Tem Osika for adjournment at 9:12 p.m.

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

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Christopher T. Eveleth, Mayor

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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.