CITY OF OWOSSO REGULAR MEETING OF THE CITY COUNCIL MINUTES OF FEBRUARY 22, 2022 7:30 P.M. VIRGINIA TEICH CITY COUNCIL CHAMBERS

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER NICHOLAS L. PIDEK

PLEDGE OF ALLEGIANCE: COUNCILMEMBER ROBERT J. TEICH, JR.

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,

Councilmembers Janae L. Fear, Jerome C. Haber, Daniel A.

Law, Nicholas L. Pidek, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 7, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of February 7, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Ordinance Amendment - Rezoning 701 South Chestnut Street

City Manager Nathan R. Henne said the property is currently used as a church and the sale of the property is contingent upon the rezoning of the property. The Planning Commission recommends the rezoning. Prior to redevelopment of the site, a full site plan review will conducted by the Planning Commission.

A public hearing was conducted to receive citizen comment regarding the request from Terry and Georgia Gregoricka to rezone the property at 701 South Chestnut Street from R-1, Single Family Residential District, to I-1, Light Industrial District.

Mayor Eveleth noted the applicants were present to answer any questions.

There were no citizen comments regarding the proposed rezoning made prior to, or during the meeting.

Mayor Pro-Tem Osika said she had driven by the property in question and didn't see a problem with the request.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Osika that the following ordinance be adopted:

ORDINANCE NO. 827

AMENDING CHAPTER 38, <u>ZONING</u>, OF THE CODE OF ORDINANCES TO REZONE ONE PARCEL OF REAL PROPERTY AT 701 S. CHESTNUT STREET AND AMEND THE ZONING MAP

WHEREAS, the City of Owosso received a request from Terry and Georgia Gregoricka, owners of the property located at 701 South Chestnut Street, parcel # 050-546-000-026-00, to rezone the parcel from R-1 Single Family to I-1 Light Industrial District; and

WHEREAS, the Planning Commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the Planning Commission found that the proposed rezoning meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the Planning Commission recommends the rezoning of said parcel to reduce spot zoning and create an area with effective zoning for potential development and economic growth; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of the following parcel:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
701 S Chestnut St	050-546-000-026-00	026-00 R-1 Single Family I-1 Light In	

and

WHEREAS, the City Council held a public hearing on the request February 22, 2022, heard all interested persons, and deliberated on the request; and

WHEREAS, the City Council finds that the proposed rezoning meets the intent and criteria for a zoning map amendment as it relates to the master plan and the zoning ordinance.

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

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, <u>Zoning</u>, Sec. 38-27, *Zoning Districts and Map,* reflects the following changes, to be noted on the official map and filed with the city clerk:

Parcel Address	Parcel Nu	mber (Current Zoning	Proposed Zoning
701 S Chestnut S	050-546-00	00-026-00 F	R-1 Single Family	I-1 Light Industrial

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective March 15, 2022.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Haber, Pidek, Mayor Pro-Tem Osika, Councilmembers Fear,

Teich, Law, and Mayor Eveleth.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Mayor Eveleth applauded the City Manager and City staff for their handling of the ice jam at Curwood Castle Park. He said he was reassured by all the efforts made to utilize every resource available to help mitigate the situation.

CONSENT AGENDA

Councilmember Pidek asked for an update on the Washington Park development. City Manager Henne indicated the project has been put on pause due to supply chain issues and substantial increases in building costs. Despite these difficulties the developer has indicated they intend to follow through with the project at some point in the future. In an effort to ensure the City is prepared to move forward with the project when the time is right, staff is recommending completion of all engineering work related to the installation of new utilities for the development, including a sanitary sewage lift station. Construction of said utilities would not begin until the City is in receipt of a letter of commitment from a bank indicating the developer has the funds necessary to undertake the project and a Brownfield Plan has been implemented to reimburse the City for engineering costs on the project.

Mayor Pro-Tem Osika asked why a change was being proposed to the age of minors subject to curfew. Public Safety Director Kevin D. Lenkart noted that there was a change in the state law as to the official age of minors and the change was meant to bring the Code into compliance with the amended state law.

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

First Reading and Set Public Hearing - Ordinance Amendment - Curfews for Minors.

Conduct first reading and set a public hearing for Monday, March 7, 2022 at 7:30 p.m. to receive efficient comment regarding the proposed revision of Article V. Offenson Against Public Peace

citizen comment regarding the proposed revision of Article V, <u>Offenses Against Public Peace</u>, Sec. 89(b), *Curfews for minors*, to Chapter 19, <u>Offenses</u>, changing the age of minors subject to curfew as follows:

RESOLUTION NO. 27-2022

AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO CHAPTER 19, <u>OFFENSES</u>, ARTICLE V, <u>OFFENSES</u> AGAINST PUBLIC PEACE, SEC. 19-89(b) <u>CURFEWS FOR MINORS</u>,
OF THE CODE OF ORDINANCES TO AMEND THE AGE OF MINORS SUBJECT TO CURFEW

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a curfew ordinance that no longer complies with state statute; and

WHEREAS, it is necessary to amend the ordinance to change the age of minors subject to curfew; and

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Chapter 19, Offenses, Article V, Offenses Against Public Peace, Section 19-89 (b), Curfews for Minors, of the Code of Ordinances of the City of Owosso be amended as follows:

No minor, sixteen (16) year of age or under, No person under the age of eighteen (18) shall loiter, idle or congregate on any public area, street, highway, alley or park between the hours of 12:00 midnight and 6:00 a.m. immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, March 7, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed revision to the Code of Ordinances.

SECTION 3. AVAILABILITY. This ordinance may be viewed on the City's website www.ci.owosso.mi.us or 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.

<u>Boards and Commissions Appointments</u>. Approve the following Mayoral Boards and Commissions appointments:

Name	Board/Commission	Term Expires
Nathan Henne	Mid-Shiawassee County Wastewater Treatment Plant Review Board Alternate	N/A
Lona Oliver	Shiawassee District Library Board	06/30/2024

<u>Contract Amendment – WTP High Service Pump #1</u>. Authorize amendment to PO #43515 for additional parts and services by Kennedy Industries to rehabilitate high service pump #1 at the Water Treatment Plant in the amount of \$5,765.00, and further authorize payment to the vendor upon satisfactory reinstallation of the pump as follows:

RESOLUTION NO. 28-2022

RESOLUTION AUTHORIZING ADDITIONAL PARTS & SERVICES FOR REHABILITATION OF HIGH SERVICE PUMP #1 FOR THE WATER TREATMENT PLANT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, authorized a Purchase Order with Kennedy Industries for the removal, inspection, rehabilitation, and reinstallation of high service pump #1 at the Water Treatment Plant on November 15, 2021; and

WHEREAS, Kennedy Industries has removed and inspected pump #1 and found further condition issues not included in its original quote, thus requiring additional repair.

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 increase Purchase Order No. 43515 by \$5,855.00 for additional parts and services necessary to complete the rehabilitation of said

pump.

SECOND: City Purchase Order No. 43515 shall be increased to \$20,645.00.

THIRD: The above expenses, including the additional parts and service, shall be paid

from the Water Fund Account No. 591-901-977.000.

*Bid Award - Chip Seal - Contract No. 1. Approve bid award to Highway Maintenance and Construction Company for the 2022 Chip Seal Program - Contract No. 1 in the amount of \$72,049.00, plus a contingency of \$13,000.00, and further approve payment to the contractor up to the contract amount plus the contingency, upon written permission as follows:

RESOLUTION NO. 29-2022

AUTHORIZING THE EXECUTION OF A CONTRACT WITH HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY FOR THE 2022 CHIP SEAL PROJECT – CONTRACT NO. 1

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to perform surface improvements along portions of selected streets as part of 2022 Chip Seal Project – Contract No. 1; and

WHEREAS, the City has sufficient funds in its local street maintenance funds to facilitate undertaking of the project; and

WHEREAS, the City of Owosso sought bids for the 2022 Chip Seal Project – Contract No. 1, and a bid was received from Highway Maintenance and Construction Company and it is hereby determined that Highway Maintenance and Construction Company is qualified to provide such services and that it has submitted the lowest responsible and responsive bid.

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 Highway Maintenance and Construction

Company for the 2022 Chip Seal Project - Contract No. 1.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document

substantially in the form attached as Exhibit A, contract for services between the

City of Owosso, Michigan and Highway Maintenance and Construction

Company, in the amount of \$72,049.00.

THIRD: The accounts payable department is authorized to pay Highway Maintenance

and Construction Company for work satisfactorily completed on the project up to the Contract amount of \$72,049.00, plus a contingency in the amount of \$13,000.00 for additional work with prior written authorization, for a total of

\$85,049.00.

FOURTH: The above expenses shall be paid from the FY22-23 local street maintenance

account no. 203-463-818.000.

<u>Bid Award – Water Meter Pit Parts</u>. Approve bid award to Ferguson Enterprises, LLC dba Ferguson Waterworks for Water Meter Pit Parts in the amount of \$45,525.00 and further approve payment to the contractor according to unit prices upon satisfactory receipt of said parts as follows:

RESOLUTION NO. 30-2022

AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH FERGUSON ENTERPRISES, LLC DBA FERGUSON WATERWORKS FOR WATER METER PIT PARTS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to replace noncompliant water service lines; and

WHEREAS, water meter pits will be required to be replaced as part of replacing noncompliant water service lines, and additional meter pit parts are needed to complete this work; and

WHEREAS, the City has sufficient funds to purchase said parts from its water funds; and

WHEREAS, the City of Owosso sought bids for the Meter Pit Parts, and a bid was received from Ferguson Enterprises, LLC dba Ferguson Waterworks and it is hereby determined Ferguson Waterworks is qualified to provide said parts and that it has submitted the lowest responsible and responsive bid.

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 water meter pit parts from Ferguson Enterprises, LLC dba Ferguson Waterworks for the replacement of noncompliant

water service lines.

SECOND: The contract between the City of Owosso and Ferguson Enterprises, LLC dba

Ferguson Waterworks shall be in the form of a Purchase Order in an amount not

to exceed \$45,525.00.

THIRD: The accounts payable department is authorized to pay Ferguson Enterprises,

LLC dba Ferguson Waterworks according to unit prices for materials supplied up

to the purchase order amount of \$45,525.00.

FOURTH: The above expenses shall be paid from the account no. 591-000-160.000.

*Professional Services Agreement – 2023 North Street Rehabilitation Project Engineering.

Approve professional services agreement with Eng., Inc. to provide engineering and construction administration services for the 2023 North Street Rehabilitation Project (from Shiawassee Street to Hickory Street) in an amount not to exceed \$142,562.50 and authorize payment up to the contract amount upon satisfactory completion of the project or portion thereof as follows:

RESOLUTION NO. 31-2022

AUTHORIZING THE EXECUTION OF PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ENG., INC. FOR THE 2023 NORTH STREET PROJECT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary rehabilitation of North Street, from Shiawassee Street (M-52) to Hickory Street, as outlined within its RFP for professional engineering services; and

WHEREAS, the City of Owosso has received notification from the Michigan Department of Transportation (MDOT) of an award of Federal Small Urban Program Grant funding for said project; and

WHEREAS, this project requires the services of a professional engineering firm for compliance with MDOT program funding; and

WHEREAS, the City sought proposals from its Qualification Based Selection (QBS) list of firms to perform such work; and

WHEREAS, ENG., Inc. is selected as the most qualified firm to perform said design assistance and construction administration services, in an amount not to exceed \$142,562.50.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary

and in the public interest to employ the firm of ENG., Inc. to provide professional

engineering services for the 2023 North Street Project.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the necessary

documents as an Agreement for Professional Engineering Services between the

City of Owosso, Michigan and ENG., Inc.

THIRD: The Accounts Payable department is authorized to make payment up to the

amount of \$142.562.50 to ENG., Inc. upon successful completion of stated work.

FOURTH: The above expenses shall be paid from the Major Street Funds Acct No. 202-

451-818.000-NORTHSTR23 (\$86,892.50), Water Main & Hydrants Account No. 591-901-972.000-NORTHSTR23 (\$55,670.00), and other funds as appropriated.

*Professional Services Agreement - Washington Park Smart Homes Lift Station Project
Engineering. Approve professional services agreement with Tetra Tech for engineering and construction administration services for the Washington Park Smart Homes Lift Station Project in the amount of \$57,500.00, and authorize payment to the engineer upon satisfactory completion of the project or portion thereof as follows:

RESOLUTION NO. 32-2022

AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH TETRA TECH FOR THE WASHINGTON PARK SMART HOMES LIFT STATION PROJECT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering professional engineering services for the Washington Park Smart Homes Lift Station Project, as outlined within its RFP for professional engineering design and construction administration services; and

WHEREAS, the City sought and received four proposals from its Qualification Based Selection (QBS) list of firms to perform such work; and

WHEREAS, Tetra Tech is selected as the most qualified firm to perform said professional design and construction administration services, in the amount of not to exceed \$57,500.00.

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 Tetra Tech to provide professional

engineering services for the Washington Park Smart Homes Lift Station Project.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document

substantially attached as Exhibit A an Agreement for Professional Engineering

Services between the City of Owosso, Michigan and Tetra Tech.

THIRD: The Accounts Payable department is authorized to make payment up to the

amount of \$57,500.00 to Tetra Tech upon successful completion of stated work.

FOURTH: The above expenses shall be paid from the Sewer Fund Account No. 590-549-

818.000-WASHPARK21, and other funds as appropriated.

*Purchase Authorization – Police In-Car & Body Cameras. Approve sole source purchase from Axon Enterprise, Inc. for the purchase of 4 In-Car and 18 Body Worn cameras in the amount of \$108,913.33, and authorize payment to the vendor over the course of five years as provided in the contract as follows:

RESOLUTION NO. 33-2022

AUTHORIZING THE EXECUTION OF A CONTRACT FOR PURCHASE OF BODY WORN CAMERAS AND IN-CAR CAMERAS WITH AXON ENTERPRISE, INC.

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a police department requiring the use of Body Worn Cameras (BWC) and in-car cameras; and

WHEREAS, BWC's and in-car cameras used by officers are essential pieces of equipment; and

WHEREAS, Axon Enterprise, Inc. is the sole source provider of BWC and in-car cameras; and

WHEREAS, Staff recommends awarding a contract to Axon Enterprise, Inc. for the purchase of eighteen (18) BWC's and four (4) in-car cameras for a total expenditure not to exceed \$ 108,913.93, payable over five (5) years.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary

and in the public interest to purchase eighteen (18) BWC's and four (4) in-car cameras for a total expenditure not to exceed \$108,913.93, payable over five (5)

years.

SECOND: The money for this purchase was approved in the 2021-2022 budget.

THIRD: The Mayor and City Clerk are instructed and authorized to sign the contract

substantially in the form attached.

FOURTH: The accounts payable department is authorized to pay Axon Enterprise, Inc. five

annual payments in the following amounts:

2021-2022: \$44,368.99 2022-2023: \$16,136.25 2023-2024: \$16,136.23 2024-2025: \$16,136.23 2025-2026: \$16,136.23

FIFTH: The above expenses will be paid from Account No. 401.000.980.000.

Warrant No. 613. Authorized Warrant No. 613 as follows:

Vendor	Description	Fund	Amount
Gould Law, P.C.	Professional services 1/11/22-2/14/22	Various	\$11,363.56
Michigan Municipal League Workers' Compensation Fund	Workers' compensation contributions- 4th of 4 installments for FY 21/22	Various	\$26,264.00

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmember Law, Mayor Pro-Tem Osika, Councilmembers Haber, Teich, Fear,

Pidek, and Mayor Eveleth.

NAYS: None.

ITEMS OF BUSINESS

Recreation Passport Grant Withdrawal - Grove Holman Building Renovation Project

City Manager Henne expressed his reluctance to give back awarded grant funding, but the Parks & Recreation Commission is requesting the Recreation Passport Grant for renovation of the building at Grove Holman Park be returned to the DNR. Unfortunately, the bids came in over twice the estimated cost and there are simply not enough funds to make up the difference. As a result, staff is recommending withdrawal from the grant.

Mr. Henne went on to note that he feels the best use for the building at this point would be storage. He said at some point he would like to see a pavilion constructed on the property to facilitate use of the park's resources.

Motion by Councilmember Pidek to withdraw from DNR Recreation Passport Grant #RP20-0039 intended to fund renovation of the vacant building at Grove Holman Park due to unforeseen bid pricing:

RESOLUTION NO. 34-2022

RESOLUTION AUTHORIZING WITHDRAWAL FROM THE DNR RECREATION PASSPORT GRANT FOR THE GROVE HOLMAN BUILDING RENOVATION PROJECT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Parks and Recreation Commission desiring to renovate the Grove Holman Building into a warming center; and

WHEREAS, a DNR Recreation Passport Grant in the amount of \$150,000 was applied for and awarded to assist with project costs; and

WHEREAS, the City of Owosso requested and received bids for this project exceeding the project budget of \$200,000 due to the rising cost of building materials; and

WHEREAS, the City of Owosso desires to withdraw from the DNR Recreation Passport Grant.

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 withdraw from DNR Recreation Passport Grant #RP20-0059 for the Grove Holman Building Renovation Project.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Haber, Law, Mayor Pro-Tem Osika, Councilmembers Teich,

Fear, Pidek, and Mayor Eveleth.

NAYS: None.

COMMUNICATIONS

<u>Tanya Buckelew, Planning & Building Director.</u>
<u>Tanya Buckelew, Planning & Building Director.</u>

January 2022 Building Department Report.

January 2022 Code Violations Report.

January 2022 Inspections Report.

January 2022 Certificates Issued Report.

Kevin D. Lenkart, Public Safety Director. January 2022 Police Report.

Kevin D. Lenkart, Public Safety Director. January 2022 Police Report.

Kevin D. Lenkart, Public Safety Director. January 2022 Fire/EMS Report.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Mayor Pro-Tem Osika introduced newly appointed Shiawassee District Library Board member Lona Oliver. She also noted that Library Director Kim White was present as well. Ms. White updated the Council on the status of the Library Board saying that they had one more vacancy on the Board but they have a candidate lined up to take the position when they return to the state in the spring.

Councilmember Pidek asked about the status of the last strategic planning session. City Manager Henne indicated he had planned to contact facilitator Patrice Martin this week to schedule the final session.

NEXT MEETING

Monday, March 07, 2022

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – term expires June 30, 2022 Building Board of Appeals – Alternate - term expires June 30, 2022 Building Board of Appeals – Alternate - term expires June 30, 2024 Downtown Historic District Commission – term expires June 30, 2022 Owosso Historical Commission – 2 terms expire December 31, 2023 Planning Commission – term expires June 30, 2022 Zoning Board of Appeals – Alternate – term expires June 30, 2024 Zoning Board of Appeals – term expires June 30, 2023

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 7:48 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.