

**OWOSSO CITY COUNCIL**

**JULY 3, 2006**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR LINDA L. ROBERTSON

**OPENING PRAYER:** REVEREND JOHN WALWORTH  
MEMORIAL HEALTHCARE CENTER

**PLEDGE OF ALLEGIANCE:** MAYOR LINDA L. ROBERTSON

**PRESENT:** Mayor Linda L. Robertson, Councilpersons Michael N. Cline, Joane E. Ford, Matthew B. Harvey, and Justin R. Horvath.

**ABSENT:** Mayor Pro-tem Mark D. Owen and Councilperson Michael E. Bruff.

**APPROVE AGENDA**

Motion by Councilperson Harvey to approve the agenda as presented with the addition of Item of Business #3, Planning Commission Referral.

Motion supported by Councilperson Ford and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF JUNE 15, 2006**

Motion by Councilperson Ford to approve the Minutes of the Special Meeting of June 15, 2006 as presented.

Motion supported by Councilperson Harvey and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 19, 2006**

Motion by Councilperson Cline to approve the Minutes of the Regular Meeting of June 19, 2006 as presented.

Motion supported by Councilperson Harvey and concurred in by unanimous vote.

**PUBLIC HEARINGS**

**ORDINANCE AMENDMENT – ADMINISTRATION**

**ORDINANCE NO. 675**

The public hearing was held to receive citizen comment regarding proposed changes to Section 2-348, of Article VI, *Finance*, of Chapter 2, *Administration*, of the Code of Ordinances of the City of Owosso.

There were no citizen comments.

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Ford that the following ordinance be adopted:

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE VI, *FINANCE*, DIVISION 3, PURCHASES, CONTRACTS AND SALES, SECTION 2-348, "LOWEST QUALIFIED BIDDER" DEFINED, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN, TO EXTEND THE SUNSET DATE OF LOCAL PREFERENCE PROVISIONS.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 2, Administration, Article Vi, *Finance*, Division 3, Purchases, Contracts And Sales, Section 2-348, "Lowest Qualified Bidder" Defined, of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby amended to read as follows:

**Sec. 2-348. "Lowest qualified bidder" defined.**

The term "lowest qualified bidder," as used in this division, shall mean the lowest bidder having qualifications to perform the work which are satisfactory to the council. The lowest bidder shall be determined based on an adjusted bid tabulation which shall be prepared in the following manner:

- (1) To the bid of any bidder which is neither a city-based business nor a county-based business shall be added an amount equal to six (6) percent of the bid or two thousand five hundred dollars (\$2,500.00), whichever is less.
- (2) To the bid of any bidder which is a county-based business shall be added an amount

equal to three (3) percent of the bid or two thousand five hundred dollars (\$2,500.00), whichever is less; provided, however, that if no bid is received from a city-based business, no additional amount shall be added to the bid of a county-based business.

- (3) "Owosso-based business" shall be interpreted to mean a business registered with the county clerk or a corporation registered with the state having a business address within the city limits which pays real and/or personal property taxes levied by the city.

"County-based business" shall be interpreted to mean a business other than a city-based business registered with the county clerk or a corporation registered with the state having a business address within the county which pays real and/or personal property taxes levied by the county.

- (4) If twenty-five (25) percent or more of a contract for construction or other services is to be subcontracted by a city-based business bidder to a non-city-based business or businesses, or by a county-based business bidder to a non-county-based business or businesses, the adjusted bid shall be calculated by applying the provisions of this section separately to each portion of the contract based on the status of the contractor or subcontractor performing that portion of the contract as a city-based or county-based business.

This section shall be deemed to have been repealed as of June 30, 2010 unless re-enacted by the council.

Section 2. This Ordinance shall become effective 20 days following its adoption.

Section 3. 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.

Motion supported by Councilperson Horvath.

Roll Call Vote.

AYES: Councilpersons Horvath, Harvey, Cline, Ford, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Bruff.

#### **SITE PLAN AMENDMENT – ROBBINS LOFT, LLC**

The Public Hearing was held to receive citizen comment regarding a proposed site plan amendment for Robbins Loft, LLC.

The following persons addressed the City Council regarding the proposed amendment:

Roberto Larrivey, developer  
Shelva Cebulski, 1243 Marion Street  
Carol Hansen, 122 Robbins Street

There was general discussion regarding the adequacy of parking, how the issue is addressed in the amended site plan, and the timing of the project.

Motion by Councilperson Horvath to authorize an amended site plan for the Robbins Loft, LLC with the following recommendations:

- 1) Morris Street shall be used only as an emergency entrance or exit and not have any obstructions other than a cable closing to prevent through traffic;
- 2) The parking lot in Phase III shall have the handicap parking spaces relocated to more effective areas of the site, and the indicated dumpsters shall be removed from the plan as they are no longer needed.
- 3) All prior provisions for utility services to the apartment buildings are removed;
- 4) Parking may be permitted behind the east building and if proposed, must be indicated on the site plan that now indicates a location for a dog park;
- 5) Prior to the later phased development and occupancy of the east commercial building, the parking system capacity must undergo an evaluation at a future Planning Commission meeting; and,
- 6) The south parking area must move northerly 6 feet to provide room for a vegetative buffer. Buffer vegetation must be indicated.

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilpersons Ford, Horvath, Cline, Harvey, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Bruff.

**CITIZEN COMMENTS AND QUESTIONS**

Betty Coon, 1204 Palmer Avenue, inquired as to why the City has recently sold property for what she felt was less than market value.

Mayor Robertson indicated the ambulances recently donated to Rotary could not be sold. She also commented that the goal in selling the old hotel property was not to make money but to ensure a successful building is built there and that appraisals indicated the site sold for market value or more.

City Manager Guetschow indicated the City tried to sell the ambulances on two occasions and received no bids. He also commented on the size of the property considered for sale on South Street and indicated the \$1 selling price will help redevelopment of the site.

**CONSENT AGENDA**

Motion by Councilperson Harvey to approve the Consent Agenda as follows:

Bid Award. Accepted low bid of Kemiron for ferric chloride in the amount of \$.4967 per pound of iron for the 2006-2007 fiscal year.

Bid Award. Accepted low bid of Alexander Chemical for sodium hypochlorite in the amount of \$.77 per gallon with a \$60 per load split delivery charge for the 2006-2007 fiscal year.

Bid Award. Accepted bid of Charmeuse for Quicklime fines and small pebble quicklime in the amount of \$128.71 per ton for the 2006-2007 fiscal year.

Bid Award. Accepted the low bid of Jons-R-U's for portable toilet services at \$550.00 per for the fiscal years 2006-2007 through 2010-2011.

Bid Award. Accepted the low bid of Republic Waste for the City Refuse Service in the following amounts for the following fiscal years: \$418.26/month – 2006-2007, \$430.79/month – 2007-2008, \$443.70/month – 2008-2009, \$457.02/month – 2009-2010, and \$470.72/month – 2010-2011.

Bid Award. Accepted low bid from Sumbera Excavating for Class II Backfill Sand in the following amounts for the following fiscal years: \$3.60/ton – 2006-2007, \$3.96/ton – 2007-2008, \$4.37/ton – 2008-2009, \$4.77/ton – 2009-2010, and \$5.18/ton – 210-2011.

Change Order. Authorized balancing change order to the Ball Street Curb and Sidewalk Project contract with Collard Masonry adding \$1,369.17 to the original contract.

Payment Authorization. Authorized progress payment No. 2 to Collard Masonry for the Ball Street Curb and Sidewalk Project in the amount of \$7,190.67.

Payment Authorization. Authorized final payment to Collard Masonry for the Ball Street Curb and Sidewalk Project in the amount of \$10,363.04.

Payment Authorization. Authorized progress payment No. 2 to Lennox Electric for the electrical portion of the Ball Street Curb and Sidewalk Project in the amount of \$1,696.70.

Payment Authorization. Authorized progress payment No. 3 to Lennox Electric for the electrical portion of the Ball Street Curb and Sidewalk Project in the amount of \$1,585.56.

Payment Authorization. Authorized payment to Blumerich Communications Service Inc. for emergency purchase of a new base station radio in the amount of \$6,381.00.

Change Order. Authorized Change Order No. 1 to the contract with Glaeser Dawes for installation of water main on River Street and North Lansing Street in an amount estimated at \$28,813.00.

Warrant No. 328. Accepted Warrant No. 328 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Orchard, Hiltz & McCliment Inc.	Professional Services through 06/03/06	Sewer	\$6,787.00
Sumbera Excavating Inc.	Work done on the extension of storm sewer on North Ball Street	Sewer	\$8,902.85

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilpersons Harvey, Cline, Horvath, Ford, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Bruff.

**ITEMS OF BUSINESS**

**LOT SPLIT AUTHORIZATION – 314 Prindle Street**

Motion by Councilperson Ford to authorize the division of City lot under Michigan Subdivision Control Act for platted lot described as 314 Prindle Street as follows:

Gulick, Terry L. & Margaret  
314 Prindle Street  
050-115-003-008-00 & 050-115-003-009-00

Current Description of Entire Parcel – 314 Prindle Street 050-115-003-008-00  
LOTS 8 & 9 (EX W 44' OF S 132' LOT 9) BLK 3 CITY ASSESSORS PLAT 5

Current Description of Entire Parcel – 316 Prindle Street 050-115-003-009-00  
W 44' OF S 132' LOT 9 BLK 3 CITY ASSESSORS PLAT 5

New Description After Split – 314 Prindle Street 050-115-003-008-00  
LOTS 8 & 9 (EX W 44' LOT9) BLK 3 CITY ASSESSORS PLAT 5

New Description After Split – 316 Prindle Street 050-115-003-009-00  
W 44' OF LOT 9 BLK 3 CITY ASSESSORS PLAT 5

Motion supported by Councilperson Horvath.

Roll Call Vote.

AYES: Councilpersons Harvey, Cline, Horvath, Ford, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Bruff.

**PROPERTY SALE – 21 days posting period**

There was general Council and Staff discussion regarding the confidentiality of the proposed purchaser, the need to provide a safe environment for business development, protecting the public's best interest, supporting local business owners, and what would happen to the property if the development falls through.

Motion by Councilperson Ford to receive a purchase agreement for City owned land of the east and west sides of the parcel located at 1650 South Street legally described as: *The East 30 fee and the West 24 feet of Lot 5 of Plat of the Owosso Southeast Industrial Park of the City of Owosso, Shiawassee County and State of Michigan* for the sum of \$1.00 to M.A. Hanna Corp. of Michigan and file with the City Clerk until the meeting of August 7, 2006.

Motion supported by Councilperson Harvey.

Roll Call Vote.

AYES: Councilpersons Cline, Harvey, Ford, Horvath, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Bruff.

**PLANNING COMMISSION REFERRAL – 1460 North Shiawassee Street**

Motion by Councilperson ford to refer to the Planning Commission a request from Gregory Kanan to rezone the parcel at 1460 North Shiawassee Street from R-1 One Family Residential to B-2 Planned Shopping Center District.

Motion supported by Councilperson Harvey.

Roll Call Vote.

AYES: Councilpersons Harvey, Cline, Ford, Horvath, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Bruff.

**COMMUNICATIONS**

Steve Corey, City of Corunna. Note of congratulations regarding water district agreement.  
Bob Bluedorn, Shiawassee Council on Aging. Letter of invitation to annual Senior Picnic.  
Owosso Planning Commission. Minutes of Meeting of June 26, 2006.

**CITIZEN COMMENTS AND QUESTIONS**

Shelva Cebulski, 1243 Marion Street, inquired as to the time of the Corunna Firecracker Parade.

Don Forester, 1221 Adams Street, inquired as to why the strip of land between Dalton Elevator and the Elks is never mowed.

City Manager Guetschow indicated the Railroad owned the property and cannot be forced to mow it.

Joni Forester, 1221 Adams Street, inquired about progress on the Rails to Trails project.

Building Official John Archer gave a progress report on the Rails to Trails project.

Betty Coon, 1204 Palmer Avenue, thanked the City for mowing the lot next to her home.

David Pyke, 1401 North Hickory Street, commented that full size trucks seem to be too large for downtown parking spots.

Councilperson Cline commented on selling of City property for \$1 and his desire to know more details on such sales.

**ADJOURNMENT**

Motion by Councilperson Harvey for adjournment at 8:31 p.m.

Motion supported by Councilperson Ford and concurred in by unanimous vote.

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Linda L. Robertson, Mayor

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Amy K. Kohagen, Deputy City Clerk