

OWOSSO CITY COUNCIL

APRIL 19, 2010

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: BURTON FOX

PLEDGE OF ALLEGIANCE: MICHAEL TILLOTSON

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth, Joni M. Forster, and Gary W. Martenis.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 12, 2010

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of April 12, 2010 as presented.

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

SPECIAL PRESENTATION

PROCLAMATION – ARBOR DAY

Mayor Frederick read aloud the following proclamation of the Mayor’s Office declaring May 1, 2010 as Arbor Day in the City of Owosso.

**A PROCLAMATION
OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING THE MAY 1, 2010 AS
ARBOR DAY IN THE CITY OF OWOSSO**

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Benjamin R. Frederick, Mayor of the City of Owosso, do hereby proclaim May 1, 2010 as Arbor Day in the City of Owosso, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Proclaimed this 19th day of April, 2010.

PUBLIC HEARINGS

ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Section 2-348, "Lowest qualified bidder" defined, of the Code of Ordinances of the City of Owosso, Michigan.

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 Cook that the following Ordinance be adopted:

ORDINANCE NO. 715

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE VI, *FINANCE*, DIVISION 3, PURCHASES CONTRACTS AND SALES, SECTION 2-348 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

Section 1. That Chapter 2, Administration, Section 2-348, "Lowest qualified bidder" defined, of the Code of Ordinances of the City of Owosso, Michigan be amended to read as follows:

THE CITY OF OWOSSO ORDAINS:

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.

The term "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.

Section 2. This ordinance shall become effective May 9, 2010.

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 Eveleth.

Roll Call Vote.

AYES: Councilpersons Forster, Cook, Eveleth, Erfourth, Martenis, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

CITIZEN COMMENTS AND QUESTIONS

Betty Coon, 1204 Palmer Avenue, said she was disappointed that Council did not leave changes to the burning ordinance to a referendum petition, though she was pleased that they at least referred the item to voters. She hoped that Council would examine the wording of any ballot questions carefully so they are not confusing. She also thanked the good Samaritans that secured a wheelchair for use at City Hall.

Daniel Brayshaw, 312 Randolph Street, said he enjoys recreational fires and that if there is no pool the City should at least allow recreational fires.

Burton Fox, 216 East Oliver Street, indicated he feels a schedule for the cable access channel is necessary and should be published. He said he would work with staff to develop a schedule.

Eddie Urban, 601 Glenwood Avenue, thanked Mike Tillotson for filming the meeting.

Richard Papenfuss, 802 East Oliver Street, said he felt the wording for the last ballot question on burning was confusing and the wording for the new ballot proposal should be very clear.

Shawna Brayshaw, 312 Randolph Street, said she does not see how a small recreational fire could hurt anyone and that she looks forward to the time of year when she can have recreational fires.

Roger Hudson, 411 Randolph Street, indicated he likes to cook with wood and have recreational fires and that open burning is not an appreciable hazard compared to car exhaust.

Robert Coon, 1204 Palmer Avenue, thanked the Council for deciding to put the burning issue on the ballot and asked that the questions be worded very simply.

Marsha Ladd, Parks & Recreation Commission Chairwoman, was on hand to relay the consensus of discussions about the pool held by the Parks & Recreation Commission. She indicated they had lengthy discussions on the subject and determined it was best to remove it from their operations plans for the coming year due to the high costs of repair and operation and the fact that they wouldn't know how long it would be operable after any repairs as it is very unpredictable due to age.

Mayor Frederick recognized County Commission Chairwoman Henrietta Sparkes for her service to the community upon the occasion of the announcement of her retirement.

Councilperson Martenis indicated staff is working on putting a schedule together for channel 95. Mayor Frederick indicated he was very happy to see all the activity in various areas of the City.

Councilperson Cook pointed out the Dancing with the Stars fundraiser for the Shiawassee Arts Council to be held this Saturday. Dancers include the Mayor and Councilperson Erfourth's wife, Voula.

CITY MANAGER REPORT

Interim City Manager Crawford presented a report on Holman Pool that included its history, its current situation, and alternatives. There was discussion regarding what avenue Council would like to pursue. The Mayor asked staff to arrange a Mid-County Governments meeting to discuss the option of a regional aquatic center.

CONSENT AGENDA

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

Set Public Hearing – Commercial Redevelopment District. Authorize a resolution setting a public hearing for May 3, 2010 to receive citizen comment regarding the establishment of a proposed Commercial Redevelopment District encompassing the property at 534 East Main Street as follows:

RESOLUTION NO. 25-2010

**SETTING PUBLIC HEARING TO CONSIDER ESTABLISHING
A COMMERCIAL REDEVELOPMENT DISTRICT
FOR T.A.P. ENTERPRISES, INC.
(HARDEES AT 534 EAST MAIN STREET)**

WHEREAS, request was received April 9, 2010, dated April 8, 2010, from T.A.P. Enterprises Inc. to establish a commercial redevelopment district consisting of Lots 1,2,3,4 and 5, Block 1, of Dewey and Stewarts Addition to the City of Owosso; and

WHEREAS, the Commercial Redevelopment Act, Act 255 of 1978, amended by Act 227 of 2008, is available to the City of Owosso; and

WHEREAS, the act permits the City of Owosso to establish a commercial redevelopment district; and

WHEREAS, a commercial redevelopment district may consist of one or more parcels of land; and

WHEREAS, it must be determined that the district must consist of obsolete commercial property or cleared vacant land which is part of an existing, developed commercial or industrial zone which has been zoned commercial or industrial for three years before June 21, 1978; and

WHEREAS, it must be determined that the area is or was characterized by obsolete commercial property and has experienced a decline in commercial activity; and

WHEREAS, it must be determined that establishing the district would be beneficial to the City of Owosso, as well as local and regional economy;

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

FIRST: the Owosso City Council sets a public hearing for May 3, 2010 on or about 7:30 p.m. in the council chambers for the purpose of hearing comments for those within the proposed district, and any other resident or taxpayer, of the City of Owosso; and

SECOND: the city clerk gives the notifications as required by law; and

THIRD: the city staff is directed to investigate and determine if the qualifications of the act are satisfied and report findings at the hearing.

Contract Award. Authorize resolution approving a contract to Highway Maintenance for spray patching of various City streets in an amount not to exceed \$8,688.00 and approve payment up to the contract amount as follows:

RESOLUTION NO. 26-2010

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
SPRAY PATCHING STREETS WITH
HIGHWAY MAINTENANCE & CONSTRUCTION CO.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that there are some streets that need repairs not remedied by traditional means such as crack sealing, sealcoating, or milling and paving; and

WHEREAS, the city of Owosso received an offer from Highway Maintenance & Construction Company, a reputable firm that would employ a spray patch method for repairing the streets in question; and

WHEREAS, Highway Maintenance & Construction Company is qualified to provide such services and has approached the city with a reasonable 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 & Construction Company to repair city streets using a spray consisting of liquid asphalt and stone.

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 & Construction Company up to the amount of \$8,688.00

THIRD: The above expenses shall be paid from the Major Street Fund.

Warrant No. 401. Accepted Warrant No. 401 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services March 9, 2010 – April 12, 2010	General	\$9,218.56
Mid-Michigan Area Group Narcotics Enforcement Team (MAGNET)	Annual Commitment	General	\$15,700.00

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Cook, Martenis, Eveleth, Erfourth, Forster, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

ITEMS OF BUSINESS

ACCUMED CONTRACTS

It was noted that more and more municipalities are finding it more economical to use an outside billing service rather than processing emergency billing in-house. The proposed contracts are well within the reasonable range for such contracts.

Motion by Councilperson Eveleth to authorize a resolution approving 5-year contracts with AccuMed for ambulance billing services and State reporting requirements in the amount of 7.75% of monies collected and an annual support fee of \$4,342.65 as follows:

RESOLUTION NO. 27-2010

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS FOR PROFESSIONAL BILLING AND CLAIMS MANAGEMENT SERVICES AND SOFTWARE WITH ACCUMED BILLINGS, INC. AND ACCUMEDWEB.COM, LLC

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that providing ambulance services to the residents of Owosso is advisable, necessary and in the public interest;

WHEREAS, it is necessary to obtain professional billing and claims management services for the collection of service charges from individuals, insurance companies, Medicare and public aid; and

WHEREAS, the billing and collection of charges for services is difficult because of complex procedures and regulations, which require the skills of a billing and claims management service firm.

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 the firms Accumed Billings, Inc. and Accumedweb.com, LLC to provide professional billing and claims management services and software; and

SECOND: The mayor and city clerk are hereby instructed and authorized to sign the documents attached as Exhibit A, agreement for professional billing and claims management services with Med-I-Claims, Inc. and software with Accumedweb.com, LLC, for the city of Owosso.

*Full text of the agreements is on file in the Clerk's Office.

Motions supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Eveleth, Erfourth, Forster, Cook, Martenis, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

SET PUBLIC HEARING – HOUSING GRANT

Mayor Frederick noted he was happy to see this moving forward in an effort to improve the home stock in the City.

Motion by Councilperson Eveleth authorizing a resolution setting a public hearing for May 3, 2010 to receive citizen comment regarding the application for a Targeted Homeowner Rehabilitation Program grant through the Michigan State Housing Development Authority Housing Resource Fund as follows:

RESOLUTION NO. 28-2010

**TO APPROVE MICHIGAN STATE HOUSING AUTHORITY (MSHDA)
HOUSING RESOURCE FUND
TARGETED HOMEOWNER REHABILITATION GRANT APPLICATION**

WHEREAS, the City of Owosso wants to improve dwellings throughout the City and provide affordable housing opportunities for moderate, low and very low income residents; and

WHEREAS, the Michigan State Housing Development Authority established a Housing Resource Fund to facilitate such improvements, allowing municipalities to apply for funds to establish a Targeted Homeowner Rehabilitation Grant program within their jurisdiction; and

WHEREAS, the City Council finds it in the best interest of the City to participate in the Targeted Homeowner Rehabilitation Grant program and apply for funding;

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

FIRST: to submit an application for \$175,000 through the Michigan State Housing Authority's Housing Resource Fund for a Targeted Homeowner Rehabilitation Grant;

SECOND: the mayor and city clerk of the City of Owosso are instructed and authorized to sign the grant application documents including the application environmental review and collaboration leverage agreements;

THIRD: that a public hearing be scheduled on May 3, 2010 or about 7:30 p.m. to receive public comment on the application.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Martenis, Erfourth, Cook, Forster, Eveleth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

COMMUNICATIONS

MAGNET. Request for funding.

Gary Palmer, Building Official. March 2010 Building Department Report.

Gary Palmer, Building Official. March 2010 Code Violations Report.

Michael T. Compeau, Public Safety Director. March 2010 Police Department Report.

Michael T. Compeau, Public Safety Director. March 2010 Fire Department Report.

Owosso Historical Commission. Minutes of Meeting of March 16, 2010.

CITIZEN COMMENTS AND QUESTIONS

Roger Hudson, 411 Randolph Street, indicated he was happy to see that construction of a splash pad was mentioned in the discussion about water recreation. In his experience a splash pad is well received.

Burton Fox, 216 East Oliver Street, gave his support for Interim City Manager Crawford, saying the Council does not need to look any further for a permanent replacement.

Richard Papenfuss, 802 East Oliver Street, said that as a child he always had to pay to visit the pool and he would rather pay to go to a public pool than pay to have his own pool.

Parks and Recreation Chairperson Marsha Ladd asked whether the Council was still considering revamping the website. She also listed the top Parks & Recreation goals for the coming year as: Bentley Park playscape, updated facilities at the youth baseball park, construction of a sledding hill near Holman Pool, a possible dog park, and a possible BMX bike park.

Mayor Frederick recognized Economic Development and Neighborhood Services Director Brent Morgan upon his hire as the new City Manager of Caro. He thanked him for his sizable contributions to the City during his tenure.

Councilperson Martenis indicated he would like to see a cost analysis on redeveloping the existing swimming pool and the construction of a splash pad. He also asked if the City had any black dirt that citizens could have.

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 8:37 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kohagen, City Clerk