

OWOSSO CITY COUNCIL

AUGUST 16, 2010

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: SHELVA CEBULSKI

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM CINDY S. POPOVITCH

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 Cook to approve the agenda as presented noting the proposed list of appointments to the Historic District Commission and adding Communication 7. SATA Update.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 2, 2010

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of August 2, 2010 as presented.

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

SPECIAL PRESENTATIONS

None.

PUBLIC HEARING

GRANT CLOSEOUT – WATER INFRASTRUCTURE ENHANCEMENT PROJECT

A public hearing was conducted to receive citizen comment regarding the close-out of the CDBG Infrastructure Capacity Enhancement Grant for water system capacity and reliability improvements.

Utilities Director Gary M. Burk gave a brief history of the grant and the work performed, noting the reduction in the scope of the work resulting in a lower overall cost. He noted that the project provided for both improved water system reliability as well as improved aesthetics in Collamer Park.

There were no citizen comments.

Motion by Councilperson Eveleth to close out the CDBG Infrastructure Capacity Enhancement Grant for water system capacity and reliability improvements.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Forster, Erfourth, Cook, Eveleth, Mayor Pro-Tem Popovitch, Councilperson Martenis, and Mayor Frederick.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Michael Espich, 1124 Ada Street, commented on the new brush pick up saying the City needed to accept a wider range of yard waste for the program to be truly beneficial. He also endorsed Interim City Manager Crawford for the permanent City Manager position.

Shelva Cebulski, 1243 Marion Street, endorsed Interim City Manager Crawford for the permanent City Manager position.

Mayor Frederick noted the resignation of Mike Cline from the SATA Board and asked for a second Council rep to fill his vacancy. He went on to announce the annual Labor Day Bridge Walk on Monday, September 6th.

Councilperson Erfourth gave a report on the recent discussions of the City Council Sub-Committee on Medical Marijuana Regulation. He indicated they had directed the City Attorney to draft an ordinance limiting home occupations to one caregiver per household. He also indicated the next meeting of the group is scheduled for Thursday, August 19, 2010 at 6:30 p.m.

Mayor Pro-Tem Popovitch asked about the current practice for code enforcement in regard to the duties of police officers. Interim City Manager noted that currently there is one code enforcement officer that responds to calls and patrols the City to proactively look for potential issues. He also noted he hopes to implement a significant change in this practice through the utilization of Fire Department employees.

Mayor Pro-Tem Popovitch suggested code enforcement ordinances be periodically published in the newspaper. She also suggested holding one week crack downs on code enforcement violations twice per year to help clean up the City.

There was discussion regarding the types of brush the City can pick up. Interim City Manager Crawford noted that State law heavily regulates what cities are allowed to pick up and how they are required to dispose of it limiting the City's ability to take most yard wastes.

Councilperson Cook noted the fall sports pep rally this Friday at Wilman Field at 6:00 p.m.

CITY MANAGER REPORT

Interim City Manager Crawford presented the updated status report for ongoing projects in the City. He detailed the projects that had a status change since last month. Council expressed their appreciation for the number of on-going projects as well as the progress that was being made.

CONSENT AGENDA

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

Set Public Hearing. Set Public Hearing for September 7, 2010 to receive citizen comments regarding application from Daystarr Development, LLC for an Obsolete Property Rehabilitation Exemption Certificate for their property at 307 North Ball Street.

Set Public Hearing - BMX Park. Set a public hearing for September 7, 2010 to receive citizen comment regarding the proposal to establish a BMX track next to the skate park on the corner of Wright and Allendale Avenues.

Boards and Commissions Appointments. Authorize the following Mayoral appointments:

MEMBER	BOARD/COMMISSION	TERM EXPIRES
Scott Newman 700 North Chipman Street	Historic District Commission	06-30-2011
Matthew Van Epps 618 Ada Street	Historic District Commission	06-30-2011
Gary Wilson 115 Goodhue Street	Historic District Commission	06-30-2012
Philip Hathaway 736 Elmwood Street	Historic District Commission	06-30-2012
Vincent Gonyou 787 Center Street	Historic District Commission	06-30-2013
Lance Omer 1230 South Washington Street	Historic District Commission	06-30-2013
Jeff Peltier (Architect) 723 Grand Avenue	Historic District Commission	06-30-2013

Bid Award. Accept low bid of Michigan Paving and Materials Company for the 2010 Ultra Thin Overlay and Parking Lot Paving program in the amount of \$78,874.00 and authorized payment up to the bid amount as follows:

RESOLUTION NO. 89-2010

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2010 ULTRA THIN OVERLAY AND PARKING LOT PAVING PROJECT
WITH MICHIGAN PAVING AND MATERIALS COMPANY**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the surfaces of various streets and parking lots have deteriorated and would benefit from a thin overlay to protect the road surface from further deterioration; and

WHEREAS, the City of Owosso sought bids for ultra thin overlay resurfacing as part of the 2010 Ultra Thin Overlay and Parking Lot Paving Project; a bid was received from Michigan Paving and Materials Company; and it is hereby determined that Michigan Paving and Materials 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 Michigan Paving and Materials Company for ultra thin overlay resurfacing as part of the 2010 Ultra Thin Overlay and Parking Lot Paving Program.
- 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 Michigan Paving and Materials Company, with a \$78,874.00 bid.
- THIRD: The above expenses shall be paid from the Major and Local Street Funds.

Bid Award. Approve low bid of Fahrner Asphalt Sealers, LLC for the 2010 Seal Coat Program in the amount of \$55,434.00 and authorized payment up to the bid amount as follows:

RESOLUTION NO. 90-2010

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2010 SEAL COAT PROGRAM
WITH FAHRNER ASPHALT SEALERS, LLC**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the surfaces of various streets have deteriorated and would benefit from seal coating to protect the road surface from further deterioration; and

WHEREAS, the City of Owosso sought bids for sealcoating as part of the 2010 Seal Coat Program; a bid was received from Fahrner Asphalt Sealers, LLC; and it is hereby determined that Fahrner Asphalt Sealers, LLC 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 Fahrner Asphalt Sealers, LLC for seal coat resurfacing as part of the 2010 Seal Coat Project.
- 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 Fahrner Asphalt Sealers, LLC, with a \$55,434.00 bid.
- THIRD: The above expenses shall be paid from the Major and Local Street Funds.

Contract Agreement. Authorize contract agreement with Johnson Controls, Inc. for regular preventive maintenance and emergency availability for the HVAC systems in City buildings as follows:

RESOLUTION NO. 91-2010

**AUTHORIZING THE EXECUTION OF AGREEMENT
FOR PREVENTIVE MAINTENANCE AND ON-SITE REPAIR SERVICES
WITH JOHNSON CONTROLS, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that providing heat, air conditioning and ventilation to city-owned buildings (city hall, library and Curwood Castle) is advisable, necessary and in the public interest;

WHEREAS, it is necessary to maintain and repair such equipment requires skilled services beyond those available from city employees; and

WHEREAS, Johnson Controls, Inc. previously installed the control system in city hall and has been maintaining the systems serving the city hall, library and the Curwood Castle and has the skills maintaining and repairing the systems.

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 Johnson Controls, Inc.; and
- SECOND: The mayor and city clerk are hereby instructed and authorized to sign the

documents attached as Exhibit A, agreement for preventive maintenance and on-site repair services with Johnson Controls, Inc. for the city of Owosso.

Professional Services Agreement. Approve professional services agreement with Plante & Moran, PLLC for annual auditing services as follows:

RESOLUTION NO. 92-2010

**AUTHORIZING THE EXECUTION OF A LETTER OF ENGAGEMENT
WITH PLANTE & MORAN, PLLC, CERTIFIED PUBLIC ACCOUNTANTS,
FOR AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2010**

WHEREAS, the city of Owosso, Michigan is required by the state of Michigan to have an independent audit performed annually according to generally accepted auditing standards; and

WHEREAS, obtaining a certified public accountant to prepare the audit of the financial statements is necessary and it is hereby determined that Plante & Moran, PLLC, certified public accountants, is qualified to provide such services;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN:

- FIRST: that the city of Owosso has heretofore determined that engaging Plante & Moran is advisable and necessary, PLLC, certified public accountants, to conduct and prepare an audit the basic financial statements and one Federal single audit for the city of Owosso, Michigan;
- SECOND: that the letter of engagement between the city of Owosso and Plante & Moran, PLLC, attached as Exhibit A for a cost not to exceed \$62,450 is hereby approved; and
- THIRD: that the city manager of the city of Owosso is hereby instructed and authorized to sign the document attached as Exhibit A for the city of Owosso.

Payment Authorization. Authorize Progress Payment No. 1 to the Michigan Department of Transportation for the City's share of the Washington Street Streetscape project in the amount of \$56,283.24 as follows:

RESOLUTION NO.93-2010

**AUTHORIZING PAYMENT TO
THE MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR WORK COMPLETED ON
THE WASHINGTON STREET STREETSCAPE PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received a Michigan Department of Transportation Enhancement Grant and Federal stimulus money; and

WHEREAS, using these funds in concert with monies from the Main Street Bond Fund the City undertaken a project to refurbish the downtown landscape, replacing deteriorated infrastructure and creating a pedestrian friendly and welcoming atmosphere for the downtown; and

WHEREAS, a portion of the work on this project has been completed and is now eligible for payment; and

WHEREAS, the Michigan Department of Transportation has requested reimbursement for the City's share of the work completed to date.

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 reimburse the Michigan Department of Transportation for eligible funds spent in the course of reconstructing the downtown landscape.
- SECOND: The accounts payable department is authorized to submit payment to the Michigan Department of Transportation in the amount of \$56,283.24 as detailed on the attached Payment Request #1 as authorized by Council on August 16, 2010.
- THIRD: The above expenses shall be paid from the Main Street Bond Fund.

Warrant No. 408. Accept Warrant No. 408 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and Property Insurance	General	\$136,881.00
Brown & Stewart, PC	Professional Services July 13, 2010 – August 9, 2010	General	\$10,108.16
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$21,602.00
Michigan Municipal League	Annual Membership Dues	General	\$5,913.00

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Forster, Erfourth, Eveleth, Cook, Martenis, and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

MML DELEGATE

There was discussion regarding whether anyone was planning on attending the annual conference. The Council agreed it was too cost prohibitive to send a City Representative to cast the vote of the municipality at the Michigan Municipal League annual business meeting on September 22, 2010.

REVENUE & EXPENDITURE REPORT

Interim City Manager Crawford guided the Council through a review of the July 2010 Revenue & Expenditure Report and the July 2010 Check Register, noting that something similar to the check register would be used in the future to serve as a more comprehensive warrant.

Motion by Councilperson Cook to approve the check register for July 2010.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Erfourth, Forster, Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Cook, Martenis, and Mayor Frederick.

NAYS: None.

PROFESSIONAL SERVICES AGREEMENT – DONALD CRAWFORD

Councilperson Martenis indicated that while he was reluctant to authorize an increase in the pay for the City Manager position he felt it was a warranted investment in the City's future because of Mr. Crawford's knowledge and experience.

Numerous Council members noted their approval with Mr. Crawford's performance and their pleasure at seeing this agreement move forward

Motion by Councilperson Eveleth to approved a resolution authorizing a professional services agreement with Donald D. Crawford for City Manager services as follows:

RESOLUTION 94-2010

**AUTHORIZING EXECUTION OF AN AGREEMENT FOR
THE EMPLOYMENT OF
DONALD D. CRAWFORD AS CITY MANAGER**

WHEREAS, the city of Owosso, Michigan has, through the adoption of a charter provision created the position of city manager;

WHEREAS, the employment of a municipal manager is a matter pertaining to the local government and affairs of the city of Owosso;

WHEREAS, the city of Owosso has authority, pursuant to the Sections 7.2 and 7.3 of the *Charter for the City of Owosso*, to appoint a city manager and enter into an employment agreement for a city manager;

WHEREAS, the city council hereby appoints Donald D. Crawford to serve as city manager; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the city of Owosso to enter into an employment agreement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THAT:

- FIRST: Donald D. Crawford be appointed as city manager for the city of Owosso and have those powers and duties granted by the *Charter for the City of Owosso*.
- SECOND: the mayor be authorized to execute for and on behalf of the city of Owosso an agreement for the employment of a city manager. A copy of said agreement, marked Exhibit A, is attached hereto and incorporated herein by reference.
- THIRD: the city clerk be authorized and directed to attest to the signature of the mayor on said agreement, and retain in the city clerk's office a fully executed original of said agreement for public inspection.

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilpersons Martenis, Cook, Erfourth, Mayor Pro-Tem Popovitch, Councilperson Eveleth, and Mayor Frederick.

NAYS: Councilperson Forster.

COMMUNICATIONS

Michael Cline. Letter of resignation from SATA Board (received at the meeting).
Gary Palmer, Building Official. July 2010 Building Department Report.
Gary Palmer, Building Official. July 2010 Code Violations Report.
Michael T. Compeau, Public Safety Director. July 2010 Police Department Report.
Michael T. Compeau, Public Safety Director. July 2010 Fire Department Report.
Owosso Planning Commission. Minutes of Meeting of July 26, 2010.
 Councilperson Martenis gave an oral update on the discussions and decisions of the SATA Board.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, noted the façade of the Lebowsky Center is coming along well. She also announced the Battle of the Badges blood drive on August 25th at the Knights of Columbus Hall.

Burton Fox, 216 East Oliver Street, indicated he was happy the City hired a good City Manager with integrity.

NEXT MEETING

August 30, 2010

BOARDS AND COMMISSIONS OPENINGS

SATA Board of Directors, term expiring October 1, 2010

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:02 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kohagen, City Clerk