

OWOSSO CITY COUNCIL

MARCH 7, 2011

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND SUSAN KINGSLEY
TRINITY UNITED METHODIST CHURCH

PLEDGE OF ALLEGIANCE: RETTA PARSONS
SHIAWASSEE UNITED WAY DIRECTOR

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 with the addition of a presentation on the County's new 211 service.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 22, 2011

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of February 22, 2011 as presented.

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

SPECIAL PRESENTATIONS

HOUSING PROGRAM PRESENTATION

Housing Program Manager Sarah Warren-Riley gave a presentation detailing the City's new housing program. There was a brief discussion regarding plans for continued improvement of the program as well as outreach efforts.

211 SERVICE

Shiawassee United Way Director Retta Parsons gave a presentation on the new 211 service in Shiawassee County. The purpose of the service is to provide a central location for those seeking information on social services in the area.

PUBLIC HEARINGS

None.

STUDENT REPRESENTATIVE REPORT

None.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, inquired about the annual cost of the 211 service. She also noted the upcoming blood drive at the Knight's of Columbus hall on Wednesday, March 16th from 12:00 – 5:45 p.m.

Burton Fox, 216 East Oliver Street, wished Councilperson Erfourth a happy birthday. He also inquired about the emergency purchase of heating and cooling units for the Public Safety building, saying he was concerned no bids were taken. It was noted the purchase was emergent in nature and 4 quotes were sought from various providers.

Corunna City Manager Joseph Sawyer indicated the City of Corunna is closing on grant funding to improve their water and sewer systems in anticipation of upcoming economic growth, but changes were needed to the water and sewer agreements to allow them to receive the grant. He further noted he was present to answer any questions on the proposed amendments necessitated by the grant.

Brent Jones of the SEDP gave his support to the proposed amendments saying they were essential to allow Corunna to take a proactive approach for economic development.

Justin Horvath, Director of the SEDP, echoed Mr. Jones's comments saying Shiawassee County has very few, if any, vacant industrial buildings and steps must be taken to improve land to allow for further development.

Eddie Urban, 601 Glenwood Avenue, commented on the new 211 service as well as his feelings on the proposed ordinance amendment regarding the discharge of weapons within the City limits.

Thomas Manke, 118 South Washington Street, commented on the proposed water and sewer agreements saying he supports any cooperative efforts between communities in the region. He also encouraged Council to view the community as a part of the greater region when making all decisions.

Councilperson Martenis mentioned he would like to see an aquatic center come to fruition as a regional project. He also asked why the benches on Washington Street do not face the street.

Councilperson Erfourth noted that cupcakes in honor of his birthday were available for anyone that was interested.

Mayor Frederick noted that March is Reading Month and he had greatly enjoyed reading to some local elementary classes. He also noted a recent ceremony honoring two local Eagle Scouts.

Councilperson Cook indicated that in the interest of cooperation he would like to hold a joint council meeting with the City of Corunna. He also encouraged people to contact their legislators regarding the potential cuts to State shared revenue and various tax incentive programs at the State level.

Councilperson Martenis commended the Fire Department for the work they do educating kids.

CITY MANAGER REPORT

City Manager Donald D. Crawford detailed the proposed ordinance amendment regarding the discharge of weapons in the City saying there were reasonable times a weapon could legally be discharged and a permit process should be put in place to allow things such as archery competitions and shooting ranges as long as specific conditions were met.

CONSENT AGENDA

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

Set Public Hearing-Alley Closure. Set a public hearing for March 21, 2011 to receive citizen comment regarding request to close Public alley east of lots 70-75 and west of lots 106-111, Park Hill Addition, City of Owosso, Shiawassee County, Michigan. (alley north of Cleveland Avenue parallel to Lafayette Street) as follows:

RESOLUTION NO. 40-2011

SETTING A PUBLIC HEARING TO GATHER CITIZEN COMMENT REGARDING THE CLOSURE OF THE ALLEY NORTH OF CLEVELAND AVENUE BETWEEN LAFAYETTE STREET AND HOYT STREET

Whereas, The Owosso City Council has determined it advisable to consider the necessity of vacating, discontinuing, and abolishing the public alley described as follows, to wit:

ALL THAT PART OF ALLEY IN PARK HILL ADDITION TO THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, RECORDED JULY 30, 1910 IN VOLUME 1 OF PLATS ON PAGE 60 DESCRIBED AS LYING NORTH OF THE NORTH LINE OF CLEVELAND STREET, AND EAST OF LOTS 70-75 AND WEST OF LOTS 106-111

Pursuant to the provisions of Section 29-154 of the 1988 Owosso City Code and Act 288, Public Acts of 1967, as amended, the Owosso City Council does hereby establish 7:30 p.m., Monday, March 21, 2011 in the Owosso City Hall Council Chambers as the time and place to hold a Public Hearing to hear all objections to said proposed alley closure and hereby directs the City Clerk to cause a notice of said Public Hearing to be published in the Owosso Argus Press at least seven days prior to the date of said hearing.

First Reading and Set Public Hearing - Ordinance Amendment. Conduct First Reading and set a public hearing for March 21, 2011 to receive citizen comment regarding proposed ordinance amendment to amend Chapter 19, Nuisances, Article VII, *Offenses Against Public Safety*, Section 19-129, Discharge of Weapons, of the Code of Ordinances of the City of Owosso, Michigan as follows:

ORDINANCE NO. ____

ORDINANCE TO MODIFY THE CODE OF ORDINANCES SECTION 19-129 DISCHARGE OF WEAPONS TO ALLOW THE DISCHARGE OF WEAPONS UNDER SUPERVISED SITUATIONS

WHEREAS, the city of Owosso has an ordinance regulating the discharge of weapons; and

WHEREAS, the provisions contained in that ordinance prohibit the discharge of weapons in all situations, with no provision for an exception;

THE CITY OF OWOSSO ORDAINS: that Chapter 19, Offenses, Article VII, *Offenses Against Public Safety*, Section 19-129, Discharge of Weapons, be amended as follows:

Section 1: Section 19-129, Discharge of Weapons, be deleted in its entirety.

Section 2: A new Section 19-129, Discharge of Weapons, which reads as follows, be added:

Sec. 19-129. Discharge of weapons.

It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, bow and arrow, sling shot or wrist rocket within the city unless part of an exposition, tournament or range under adult supervision after issuance of a permit by the police department.

Section 3. Repeal Clause.

All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date.

This ordinance shall take effect 20 days after its passage.

Section 6. Inspection.

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.

Emergency Purchase Authorization. Authorize emergency purchase and installation of heating and air-conditioning units for the Public Safety Building from Lamphere's Plumbing and Heating in the amount of \$10,837.00 as follows:

RESOLUTION NO. 41-2011

**RESOLUTION AUTHORIZING EMERGENCY PURCHASE AND
INSTALLATION OF TWO ROOF TOP HEATING AND AIR-CONDITIONING
UNITS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety building that requires heat and air conditioning.

WHEREAS, the City of Owosso discovered that two roof top heating and air-conditioning units had cracks in the heat exchangers that could emit carbon-monoxide into the building that required immediate attention.

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 an emergency required the immediate purchase of the heating and air-conditioning units.
- SECOND: The City of Owosso waive the competitive bid process.
- THIRD: The City of Owosso therefore authorizes \$10,837.51 for the purchase and installation of two roof top heating and air-conditioning units.
- FOURTH: The above expenses shall be paid from the Fire and Police Division Building Maintenance funds 101-335-831.000 and 101-300-831.000.

Warrant No. 419. Accept Warrant No. 419 as follows:

Vendor	Description	Fund	Amount
Bodman, PLC	Professional Services	General	\$17,111.54

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

CORUNNA WATER & SEWER AGREEMENT AMENDMENTS

City Manager Crawford detailed the proposed changes to both agreements and noted the changes to the date on the sewer agreement. He went on to indicate he felt there was no reason not to proceed with them as proposed.

Motion by Councilperson Eveleth to authorize amendments to the water agreement with the City of Corunna to facilitate their acceptance of a USDA Rural Development grant for infrastructure improvements as follows:

RESOLUTION NO. 42-2011

**RESOLUTION AUTHORIZING THE EXECUTION OF
AN ADDENDUM TO WATER AGREEMENT
BETWEEN THE CITY OF OWOSSO AND THE CITY OF CORUNNA**

WHEREAS, the city of Owosso and the city of Corunna entered into an agreement for the sale and purchase of water dated June 17, 1991 and amended in February of 1993;

WHEREAS, the city of Corunna applied for a United States Department of Agriculture Rural Development loan requiring amendments to the June 17, 1991 agreement in order for the loan to be closed, which include the inclusion of the following provisions:

1. The term of this agreement shall be 42 years from the date of execution of this amendment.
2. This agreement is fully assignable, whether such assignment occurs by reason of legal process, written assignment or otherwise.
3. This agreement shall inure to the benefit of and be binding upon the respective parties hereto and both the successors and assigns of the respective parties.
4. In the event that there is a reduction in the city of Owosso's ability to provide water, all the users of the city of Owosso's water supply operation shall proportionately in the reduction of the city's water ability.

WHEREAS, an addendum to the water agreement between the city of Owosso and the city of Corunna has been prepared and is attached to this resolution;

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 amend an agreement titled *Water Agreement* and dated June 17, 1991 as amended between the city of Owosso and the city of Corunna.

SECOND: the city council approves and the mayor and city clerk are instructed and authorized to execute for and on behalf of the city of Owosso an agreement substantially in the form the attached exhibit, *Addendum to the Water Agreement Between the City of Owosso and the City of Corunna*.

THIRD: the city clerk is authorized and directed to attest to the signature of the mayor and other city officials on said agreement and retain in the city clerk's office a fully executed original of said agreement for public inspection.

**ADDENDUM TO WATER AGREEMENT
BETWEEN THE CITY OF OWOSSO AND THE CITY OF CORUNNA**

This Agreement, entered into this _____ day of _____, 2011 by and between the CITY OF OWOSSO, a municipal corporation, hereinafter referred to as the "Seller", and the CITY OF CORUNNA, a municipal corporation, hereafter referred to as the "Buyer",

WITNESSETH as follows:

WHEREAS, the parties entered into an agreement for the sale and purchase of water by means of a Contract dated June 17th, 1991;

WHEREAS, it is the desire of the City of Corunna to extend the terms of the contract;

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the parties hereto as follows, to-wit:

1. That Section 17 (page 13) shall be amended to read: "The term of this agreement shall be 42 years from the date of execution of this amendment".
2. The following language shall be added to Section 18 (page 14) "This agreement is fully assignable, whether such assignment occurs by reason of legal process, written assignment or otherwise."
3. That Section 19 (page 14) shall be amended to read: "This agreement shall inure to the benefit of and be binding upon the respective parties hereto and both the successors and assigns of the respective parties".
4. The following provision is added to the contract, "In the event that there is a reduction in the City of Owosso's ability to provide water, all the users of the City of Owosso's water supply operation shall share proportionately in the reduction of the city's water ability.

It is further agreed that all other provisions of the contract dated June 17th, 1991 shall remain in full force and effect.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

Motion by Councilperson Cook to authorize amendments to the sewer agreement with the City of Corunna to facilitate their acceptance of a USDA Rural Development grant for infrastructure improvements as follows:

RESOLUTION NO. 43-2011

RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO SEWER SERVICE AGREEMENT BETWEEN THE CITY OF OWOSSO, THE CITY OF CORUNNA, AND THE CHARTER TOWNSHIPS OF OWOSSO AND CALEDONIA

WHEREAS, the city of Owosso, the city of Corunna, and the charter townships of Caledonia and Owosso entered into an agreement for sewer service dated August 17, 1977 and amended December 20, 2004;

WHEREAS, the city of Corunna applied for a United States Department of Agriculture Rural Development loan requiring amendments to the August 17, 1977 agreement in order for the loan to be closed, which include the inclusion of the following provisions:

1. The agreement shall remain in full force and effect for a minimum of forty-two (42) years from and after the date of execution of this agreement.
2. This agreement is fully assignable by either parties to this agreement, whether such assignment occurs by reason of legal process, written assignment or otherwise.
3. In the event that there is a reduction in the City of Owosso's ability to provide sewer service, all the users of the City of Owosso's sewer treatment operation shall share proportionately in the reduction of the city's sewer treatment ability.

WHEREAS, an addendum to the sewer service agreement between the city of Owosso, the city of Corunna, and the charter townships of Caledonia and Owosso has been prepared and is attached to this resolution;

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 amend an agreement titled *Agreement Between the City of Owosso, the City of Corunna, and the Townships of Caledonia*

and Owosso dated August 17, 1977 and amended December 20, 2004 between the city of Owosso, the city of Corunna, and the charter townships of Caledonia and Owosso.

SECOND: the city council approves and the mayor and city clerk are instructed and authorized to execute for and on behalf of the city of Owosso an agreement substantially in the form the attached exhibit, *Addendum to Sewer Service Agreement Between the City of Owosso, the City of Corunna, and the Charter Townships of Owosso and Caledonia*.

THIRD: the city clerk is authorized and directed to attest to the signature of the mayor and other city officials on said agreement and retain in the city clerk's office a fully executed original of said agreement for public inspection.

**ADDENDUM TO SEWER SERVICE AGREEMENT
BETWEEN THE CITY OF OWOSSO, THE CITY OF CORUNNA,
AND THE CHARTER TOWNSHIPS OF OWOSSO AND CALEDONIA**

This Agreement, entered into this _____ day of _____, 2011 by and between the City of Owosso, a municipal corporation, the City of Corunna, a municipal corporation, and the Charter Townships of Caledonia and Owosso of Shiawassee County.

WITNESSETH as follows:

WHEREAS, the parties entered into an AGREEMENT dated August 17, 1977 for sewer service to be provided by the City of Owosso for the City of Corunna and the Charter Townships of Caledonia and Owosso; and which Contract was amended on December 20th, 2004;

WHEREAS, it is the desire of the City of Corunna to amend the terms of the contract;

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the parties hereto as follows, to-wit:

1. The following language shall be added to Section 15 (page 31) of the agreement: The agreement shall remain in full force and effect for a minimum of forty-two (42) years from and after the date of execution of this agreement.
2. The following language shall be added to Section 7 (page 24): This Agreement is fully assignable by either parties to this agreement, whether such assignment occurs by reason of legal process, written assignment or otherwise.
3. The following language shall be added to the agreement: "In the event that there is a reduction in the City of Owosso's ability to provide sewer service, all the users of the City of Owosso's sewer treatment operation shall share proportionately in the reduction of the city's sewer treatment ability.

It is further agreed that all other provisions of the contract dated August 17th, 1977, and the Amendment to the Sewer Service Agreement dated December 20th, 2004, shall remain in full force and effect.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Cable Access Advisory Commission. Minutes of the Meeting of February 14, 2011.
Owosso Historical Commission. Minutes of Meeting of February 15, 2011.

CITIZEN COMMENTS AND QUESTIONS

Councilperson Cook reminded the City Manager he would like to see cost estimates for the goals established by Council in January.

Mayor Frederick noted the continued vacancy on the Cable Access Advisory Commission.

NEXT MEETING

March 21, 2011

BOARDS AND COMMISSIONS OPENINGS

Cable Access Advisory Commission, term expires 06-30-2011

ADJOURNMENT

Motion by Councilperson Erfourth for adjournment at 8:53 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk