

**OWOSSO CITY COUNCIL**

**NOVEMBER 21, 2005**

**7:30 P.M.**

**MAYOR ROBERTSON CALLED THE MEETING TO ORDER AT 7:31 P.M.**

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

**OPENING PRAYER:** PASTOR CAL EMERSON  
NORTHGATE WESLEYAN CHURCH

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

**PRESENT:** Mayor Linda L. Robertson, Mayor Pro-Tem Mark D. Owen,  
Councilpersons Michael E. Bruff, Michael N. Cline, Joane E. Ford,  
Matthew B. Harvey, and Justin R. Horvath.

**ABSENT:** None.

**APPROVAL OF THE AGENDA**

Motion by Councilperson Ford to approve the Agenda as presented with the removal of Consent Agenda Item No. 1 and placement of this item to become Item of Business No. 4 Conduct First Reading and Set Public Hearing.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 7, 2005**

Motion by Councilperson Ford to approve the Minutes of the Regular Meeting of November 7, 2005 as presented.

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

**APPROVAL OF THE MINUTES OF ORGANIZATIONAL MEETING OF NOVEMBER 14, 2005**

Motion by Mayor Pro-Tem Owen to approve the Minutes of the Organizational Meeting of November 14, 2005 as presented.

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

**CITIZEN COMMENTS**

Ed Urban, 601 Glenwood Avenue, wished everyone on the City Council good luck.

Wayne Roszman, 6<sup>th</sup> District County Commissioner, introduced himself and commented regarding the county budget.

Burton Fox, 216 East Oliver Street, commented regarding a recent house fire and commended all the departments that responded.

Councilperson Cline commented regarding the Vaungarde cleanup project; the Robbins Loft, LLC Brownfield plan; and the condemnation of 705 Fletcher Street and cost reimbursement. He also inquired about a police call on Young Street.

**CONSENT AGENDA**

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

Set Public Hearing – Brownfield Redevelopment Plan. Set a Public Hearing for December 19, 2005 to receive citizen comment regarding proposed Brownfield Redevelopment Plan--"Robbins Loft, LLC" at 1231 West Main Street and 210 Robbins Street.

Bid Award. Authorized low bid of NBC Truck Equipment for two 10-foot underbody scrapers in the amount of \$5,838.00 each.

Traffic Control Order No. 1155. Authorized Traffic Control No. 1155 for stop signs on westbound Hopkins Lake Drive at South Shiawassee, eastbound Hopkins Lake Drive at Hopkins Lake Drive, and eastbound Hopkins Lake Drive at Palmer Avenue.

Warrant No. 318. Accepted Warrant No. 318 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$17,407.00
Brown & Stewart, PC	Professional Services covering the period from October 12, 2005 to November 14, 2005.	General	\$14,147.67

Motion supported by Councilperson Horvath.

Roll Call Vote.

AYES: Councilpersons Cline, Horvath, Mayor Pro-Tem Owen, Councilpersons Bruff, Ford, Harvey, and Mayor Robertson.

NAYS: None.

### **ITEMS OF BUSINESS**

#### **HISTORICAL COMMISSION FUNDRAISING PROPOSAL**

Motion by Mayor Pro-Tem Owen to authorize a contract agreement with Tim Richardson, 6707 Old Stage Road, North Bethesda, MD 208-52-4329, for Curwood Castle Fundraising project to provide funds for repair and maintenance of the Curwood Castle as follows:

*Draft  
Contract Agreement for Curwood Castle Fundraising*

*Under the terms of this agreement, the contracting agency (the City of Owosso, Michigan) agrees to pay Tim Richardson, (consultant) a fee equal to 20% of the cost of the building and the maintenance fund. Consultant agrees to personally design and implement a fundraising campaign to raise the funds. Payments to consultant will be performance-based, with no payments due if no funds are raised. As funds are raised, contractor will be paid on a monthly basis at the 20% rate.*

*The term of the contract is six months from the time the City of Owosso's and consultant's approval of the contract. Contract extensions at six month intervals are anticipated if success is being achieved as measured by funds raised and the mutual consent of both parties to the agreement.*

*The cost of the castle repairs will be determined by the City, the size of the maintenance endowment is flexible with a minimum target being a maintenance fund sufficient for ten years of castle operations. All building repair contracting and supervision of the repairs will be the responsibility of the City.*

*Production of materials such as stationery designed for the project would be paid for by the City. An internet web page linked to the City or the Shiawassee Arts Council would be a useful tool to the campaign and the cost of creating the web page would be borne by the City with the consultant responsible for text and messages.*

*Normal office expenses such as phone and limited mailings would be paid by the consultant. Some travel within Michigan, mostly by automobile will be reimbursable out of funds raised at customary business mileage rates. No expense charges exceeding \$100 in any given month will be undertaken and submitted for reimbursement without written approval by the City.*

*Termination of the agreement occurs at the end of the contract term unless the contract term is extended by mutual consent between the City and the consultant.*

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilpersons Ford, Harvey, Mayor Pro-Tem Owen, Councilpersons Horvath, Bruff, Cline, and Mayor Robertson.

NAYS: None.

#### **LOT SPLIT AUTHORIZATION - 208 WEST MASON STREET**

Motion by Mayor Pro-Tem Owen to authorize the division of City lot under Michigan Subdivision Control Act for platted lot described as 208 West Mason Street as follows:

Atkinson, Timothy & Rebecca, Trust  
208 West Mason Street  
050-470-013-014-00

Current Description Entire Parcel

W 40' of S 22' of Lot 9 & W 40' of Lot 12, Blk 13, Original Plat.

New Description after Split (208 West Mason Street)

050-470-013-014-00

W 40' of S 48' of Lot 12, Blk 13, Original Plat.

Description of Split Parcel, Vacant Lot

Vacant Parking Lot – West Mason Street

W 40' of S 22' of Lot 9 & W 40' of N 18' of Lot 12, Blk 13, Original Plat.

With the following conditions: 1) the granting of a variance of Section 38-380 which requires space be provided for on-site parking for 208 West Mason Street and 2) the proposed parking area be dedicated as parking only for both 208 West Mason Street and 301 North Ball Street.

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Mayor Pro-Tem Owen, Councilpersons Cline, Harvey, Ford, Horvath, Bruff, and Mayor Robertson.

NAYS: None.

**CITY COUNCIL RULES OF PROCEDURE**

Motion by Councilperson Ford to adopt amendments to City Council Rules of Procedure relative to addressing a meeting of the City Council effective with the December 5, 2005 City Council meeting.

Motion supported by Councilperson Horvath.

Motion by Councilperson Harvey to amend the original motion to delete time limit on public hearings.

Motion supported by Councilperson Cline.

Roll Call Vote on amendment.

AYES: Councilpersons Cline, Harvey, Mayor Pro-Tem Owen, Councilpersons Bruff, Horvath, and Mayor Robertson.

NAYS: Councilperson Ford.

Roll Call Vote on amended motion to adopt amendments to City Council Rules of Procedure.

AYES: Councilpersons Ford, Bruff, Mayor Pro-Tem Owen, Councilpersons Cline, Harvey, Horvath, and Mayor Robertson.

NAYS: None.

The following City Council Rules of Procedure were adopted as amended:

**CITY OF OWOSSO  
CITY COUNCIL RULES OF PROCEDURE**

**Rules for Roll Call Votes**

1. *These rules are adopted pursuant to Section 5.4(j) of the Charter of the City of Owosso.*
2. *The purpose of these rules is to establish the procedure to be followed when conducting a roll call vote of City Council members.*
3. *When requested by the Mayor or, in his or her absence, the presiding officer, to conduct a roll call vote, the City Clerk shall call the names of all Council members except the Mayor in a random order followed by the name of the Mayor.*
4. *The City Clerk shall implement these rules in such a manner as to insure that the order in which names of Council members is called shall vary from one roll call vote to the next.*
5. *The City Clerk shall use a computer randomization program or other similar method to insure that each Council member's name has a statistically equal probability of appearing in any given position in the order of the roll call.*

6. *If a member of the Council is absent from a meeting, the City Clerk may strike his or her name from the roll call and such striking shall not constitute a violation of the procedure for random roll call voting. If the Mayor is absent from a meeting, the name of the presiding officer shall be included in the random roll call vote.*

#### **Rules for Addressing A Meeting of the City Council**

1. *These rules are adopted pursuant to Section 3(5) of P.A. 267 of 1976, commonly known as the Open Meetings Act.*
2. *The purpose of these rules is to establish procedures to be followed when persons desire to address a meeting of the City Council so as to insure that all persons who wish to do so are afforded an adequate opportunity to exercise the right to address their city government while conducting the public business in an orderly, professional manner.*
3. *Persons wishing to address a meeting of the City Council shall do so during times set aside on the agenda for that purpose and at other times when recognized by the Mayor for the purpose of addressing the meeting.*
4. *Persons wishing to address the City Council and attending officials shall stand, raise a hand, or otherwise signal a desire to speak, and wait to be recognized by the Mayor. When so recognized, persons shall give their names and addresses, and address their comments and/or questions to any City official attending the council meeting.*
5. *Each person wishing to address the City Council shall be afforded one opportunity of up to four (4) minutes duration during the first occasion provided for citizen comments and questions, one opportunity of up to two (2) minutes duration during the last occasion provide for citizen comments and questions and one opportunity of up to two (2) minutes duration during each public hearing; provided, however, that comments made during public hearings shall be relevant to the subject for which the public hearings are held.*
6. *Each citizen comment and question period described in paragraph 5 excluding public hearings shall last up to thirty minutes. If time expires for the comment and question period and additional time appears necessary to accommodate citizens wishing to address city officials, the council may vote to extend the period for a specific length of time. Only one such extension of each comment and question period shall be permitted during a Council meeting.*

#### **CONDUCT FIRST READING AND SET PUBLIC HEARING**

There was Council discussion regarding the proposed change to Section 34-67 as it related to water service connections and connection charges. Mayor Pro-Tem Owen commented regarding his concerns with the proposed connection charges. Councilperson Horvath requested a hypothetical" fee schedule for the next meeting.

The First Reading on the proposed ordinance amendment was conducted.

Motion by Councilperson Ford to set a public hearing for December 5, 2005 to receive citizen comment regarding proposed changes to Chapter 34, *Utilities and Services*, Article III, *Water*, Section 34-67. *Water Service Connections, Connection Charges*, of the Code of Ordinances of the City of Owosso.

AN ORDINANCE TO AMEND CHAPTER 34, UTILITIES AND SERVICES, ARTICLE III, *WATER*, SECTION 34-67, *WATER SERVICE CONNECTIONS, CONNECTION CHARGES*, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 34, *Utilities and Services*, Article III, *Water*, Section 34-67. *Water Service Connections, Connection Charges*, of the Owosso City Code shall be and the same is hereby amended to read as follows:

#### **Sec. 34-67. Water service connections, connection charges.**

(a) Application for water service connection(s) shall be made to the public utilities department on forms prescribed and furnished by it. Water service connections and water meters shall be installed, maintained and replaced in accordance with applicable rules and standards of the public utilities department and applicable plumbing code provisions. The size of the service line and meter, and installation details, are subject to review and approval by the director.

(b) The city shall be responsible for the installation, maintenance and replacement in like size of that portion of the water connection from the water main to and including the curb stop and stop box, or through the water meter pit if the meter is located in a pit in the public right-of-way or water easement. The property owner or customer shall be responsible for the installation, maintenance and replacement of that portion of the water connection from the curb stop, or meter pit if such meter pit is located in the public right-of-way or water easement, to and within the premises being served.

(c) Water meters shall generally be supplied by the city. Any water meter provided by the customer shall conform to city standards and specifications, and shall be approved by the director prior to installation or start of service. All meters shall be owned by and under the control of the city. The City shall be responsible for the cost of meter replacement except in the case of a customer requested change in meter size, or damage to the meter attributable to the customer, or agent or tenant of the customer.

(d) Connection charges for new water service connections, or for an increase in service size or capacity, in effect on the effective date of this ordinance shall remain in effect until changed by resolution of the council, which may thereafter be modified or revised by council resolution. Such connection charges may include: recovery of costs for water system capacity attributable to the new user, recovery of costs for water distribution piping serving the user if not previously assessed, recovery of city costs for the initial installation of the service connection and initial provision of the water meter, and recovery of city costs for increasing the service connection and/or meter size. In addition the connection charge schedule may include permit application and review fees, and inspection fees.

Section 2. This ordinance shall take effect 20 days following its passage.

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 Harvey.

Roll Call Vote.

AYES: Councilpersons Bruff, Ford, Harvey, Mayor Pro-Tem Owen, Councilpersons Cline, Horvath, and Mayor Robertson.

NAYS: None.

#### **COMMUNICATIONS**

Alice Rodgers. Thank you note to former Mayor Davis.  
State Representative Richard Ball. Ball's Capital News.  
Owosso Building Board of Appeals. Minutes of Meeting of November 11, 2005.  
John F. Archer, Building Official. October 2005 Building Department Report.  
John F. Archer, Building Official. October 2005 Code Violations Report.  
Michael T. Compeau, Public Safety Director. October 2005 Police Department Report.  
Michael T. Compeau, Public Safety Director. October 2005 Fire Department Report.  
Brownfield Redevelopment Authority. Minutes of Meeting of November 15, 2005.  
Downtown Development Authority. Minutes of Meeting of November 2, 2005.  
Shiawassee District Library. Minutes of Meeting of August 24, 2005.  
Shiawassee District Library. Minutes of Meeting of September 28, 2005.

#### **CITIZEN COMMENTS**

William Owen, 1309 Herman Street, commented regarding the TiAL Products Company at 615 Cass Street, new jobs, and tax abatements.

Burton Fox, 216 East Oliver Street, commented regarding the water connection charge discussion.

Ed Urban, 601 Glenwood Avenue, commented regarding snow removal procedures and proposed rerouting snow plows to put the snow along the north side of Monroe Avenue.

Mayor Pro-Tem Owen commented regarding "old" council policy to not sell water outside the city. He requested that the topic be placed on the next council agenda for discussion.

#### **RECESS TO EXECUTIVE SESSION**

Motion by Mayor Pro-Tem Owen to recess to Executive Session at 8:45 p.m. to discuss collective bargaining negotiations.

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

#### **THE CITY COUNCIL RETURNED FROM EXECUTIVE SESSION AT 10:02 P.M.**

#### **APPROVE AUGUST 15, 2005 EXECUTIVE SESSION MINUTES**

Motion by Mayor Pro-Tem Owen to approve the August 15, 2005 Executive Session Minutes as presented.

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

**AFSCME LABOR AGREEMENT\***

Motion by Mayor Pro-Tem Owen to approve the AFSCME Labor Agreement as presented for the time period July 1, 2005 through June 30, 2008.

Motion supported by Councilperson Bruff.

Roll Call Vote.

AYES: Councilpersons Bruff, Horvath, Cline, Ford, Harvey, Mayor Pro-Tem Owen, and Mayor Robertson.

NAYS: None.

**POLICE OFFICERS LABOR COUNCIL,  
OWOSSO COMMAND OFFICERS UNIT LABOR AGREEMENT\***

Motion by Councilperson Ford to approve the Police Officers Labor Council, Owosso Command Officers Unit Labor Agreement as presented for the time period July 1, 2005 through June 30, 2008.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

AYES: Councilpersons Ford, Cline, Mayor Pro-Tem Owen, Councilpersons Horvath, Harvey, Bruff, and Mayor Robertson.

NAYS: None.

\*The complete text of the approved Labor Agreements will be maintained in a file in the City Clerk's office.

**ADJOURNMENT**

Motion by Councilperson Ford for adjournment at 10:06 p.m., supported by Mayor Pro-Tem Owen and concurred in by unanimous vote.

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Linda L. Robertson, Mayor

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Gail L. Schultz, City Clerk