

OWOSSO CITY COUNCIL

DECEMBER 19, 2005

7:00 P.M.

7:00 PM
2004-2005 FINANCIAL AUDIT PRESENTATION

Mayor Robertson called the meeting to order at 7:00 p.m.

Jean Young, representative from Plante & Moran, LLP, addressed the City Council with the 2004-2005 Audit Report. She gave the City a "clean" audit report.

Mayor Robertson adjourned the meeting at 7:16 p.m. until the 7:30 p.m. regular starting time.

7:30 PM
REGULAR MEETING

Mayor Robertson called the regular meeting to order at 7:30 p.m.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

OPENING PRAYER: MAYOR LINDA L. ROBERTSON

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.

APPROVE AGENDA

Motion by Mayor Pro-Tem Owen to approve the agenda as presented. Motion supported by Councilperson Ford and concurred in by unanimous vote.

APPROVE MINUTES - REGULAR MEETING OF DECEMBER 5, 2005

Motion by Councilperson Horvath to approve the Minutes of the Regular Meeting of December 5, 2005 as presented. Motion supported by Councilperson Harvey and concurred in by unanimous vote.

PUBLIC HEARINGS

BROWNFIELD REDEVELOPMENT PLAN **ROBBINS LOFT, LLC**
1231 WEST MAIN STREET AND
210 ROBBINS STREET

Philip B. Hathaway, Director of Community Development, introduced Project Developer, Roberto Larrivey. Mr. Larrivey addressed the City Council regarding the Project. He commented regarding a change to make the façade look more contemporary.

There were Council questions regarding the type of proposed housing and tax rates. Brownfield Redevelopment Project Consultant Jim Linton, ATK Peerless Environmental Services, responded to the questions.

The Public Hearing was conducted to receive citizen comment regarding proposed Brownfield Redevelopment Plan--"Robbins Loft, LLC" at 1231 West Main Street and 210 Robbins Street. No citizens addressed the City Council regarding the proposed plan.

Motion by Councilperson Horvath to adopt the following resolution approving the Brownfield Redevelopment Plan for District #9, Robbins Loft, LLC at 1231 West Main Street and 210 Robbins Street:

RESOLUTION APPROVING A BROWNFIELD PLAN
FOR THE CITY OF OWOSSO PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED
Re: "District #9 – "Robbins Loft, LLC"
1231 West Main Street and 210 Robbins Street

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Owosso, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the City of Owosso Council, a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Authority has, at least twenty (20) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13 (10) and 14 (1) of the Act; and

WHEREAS, the Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of their views and recommendations of the Taxing Jurisdictions, the Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Plan Approved. Pursuant to the authority vested in the Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form as adopted herewith and as kept on file in the office of the City Clerk.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2005-1- HAZARDS AND NUISANCES

The public hearing was conducted to receive citizen comment regarding Resolution No. 2 for Special Assessment District No. 2005-1, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

The following persons addressed the City Council regarding the special assessment roll:

Harley Wiser, 945 North Saginaw Street, owner of the property at 953 North Saginaw Street, commented regarding the special assessment on the property they bought this past summer. He stated that he didn't feel that they should be charged for this assessment not paid for by the previous owners.

Buneta Beamish-Wiser, 945 North Saginaw Street, commented further about the timing of the work done and billed for and their purchase of the property. She commented that the title search didn't reflect any outstanding invoices.

The City Manager commented regarding the method for invoicing and liens. He also commented that the responsibility lies with the persons who are selling the property to disclose any outstanding liens and that he doesn't feel that these new property owners should not be responsible for this charge.

Councilperson Bruff commented that the Wisers should contact the mortgage holders and the title insurance company.

Motion by Councilperson Cline to adopt Resolution No. 2 as follows with the deletion of the property at 953 North Saginaw for a one year period to allow the property owners to seek reimbursement from the seller (If the matter is not resolved within one year from today's date, the charge will be placed back on the roll):

Parcel #	Address	Type of Nuisance/Hazard	Amount
050-602-024-001-00	1200 George Street	Property Clean-up	183.48
050-580-000-069-00	824 East Main Street	Property Clean-up	220.74
050-622-005-010-00	920 South Lyon Street	Property Clean-up	93.53
050-602-018-011-00	1100 Nelson Street	Property Clean-up	234.87
050-680-004-002-00	405 Huron Street	Property Clean-up	272.02
050-622-005-002-00	1005 West Stewart Street	Property Clean-up	334.19
050-660-012-004-00	211 North Howell Street	Property Clean-up	306.18
050-602-003-010-00	1418 Henry Street	Property Clean-up	90.00
050-580-000-078-00	837 East Comstock Street	Property Clean-up	388.71
050-010-015-011-00	623 Glenwood Avenue	Property Clean-up	243.68
050-470-021-005-00	110 East Exchange Street	Property Clean-up	246.01
050-602-026-001-00	1601 Freeman Street	Property Clean-up	508.99
050-010-024-007-00	522 Harrison Avenue	Property Clean-up	285.20
050-660-008-001-00	1000 Bradley Street	Property Clean-up	7,750.00
050-420-001-003-00	520 Corunna Avenue	Property Clean-up	135.51
050-420-005-007-00	725 Division Street	Property Clean-up	101.01
050-115-002-015-00	1135 South Shiawassee Street	Clear Ice/Snow	86.52
050-622-005-002-00	1005 West Stewart Street	Clear Ice/Snow	81.28
050-580-000-078-00	837 East Comstock Street	Clear Ice/Snow	83.79
050-320-010-010-00	803 North Washington Street	Clear Ice/Snow	156.56
050-112-000-020-00	705 East Main Street	Clear Ice/Snow	81.27
050-580-000-011-00	642 East Main Street	Clear Ice/Snow	91.77
050-602-024-005-00	1414 Herman Street	Clear Ice/Snow	81.28
050-420-004-005-00	612 Broadway Avenue	Mow Tall Grass/Weeds	97.29
050-601-000-059-00	835 Michigan Avenue	Mow Tall Grass/Weeds	162.35
050-622-005-002-00	1005 West Stewart Street	Mow Tall Grass/Weeds	165.70
050-130-000-023-00	VL – Ash Street	Mow Tall Grass/Weeds	175.61
050-541-000-018-00	501 East King Street	Mow Tall Grass/Weeds	175.83
050-680-004-002-00	405 Huron Street	Mow Tall Grass/Weeds	193.48
050-112-000-002-00	202 North Dewey Street	Sidewalk Improvements	107.00
		TOTAL ROLL	\$13,133.85

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Gary Martinez, 705 Lingle Avenue, commented regarding the need for a sledding hill and suggested the Holman Pool area.

Ed Urban, 601 Glenwood Avenue, commented regarding safety issues with a sledding hill. He also commented regarding snow plowing procedures.

Mayor Pro-Tem Owen commented regarding the benefit of paving the gravel portion of South Street.

Councilperson Bruff commented regarding the special assessment resolution that addresses the interest rate of 8% and the lack of wording that addresses lump sum payment of the special assessment.

CONSENT AGENDA

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

Special Assessment District No. 2006-01 Lansing Street from a point 66' South of
Bradley Street to the North End

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

Lansing Street from a point 66' South of Bradley Street to the North End Street Reconstruction

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2006-02 River Street from M-52 (Shiawassee Street) to Cedar Street

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

River Street from M-52 (Shiawassee Street) to Cedar Street Street Reconstruction

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2006-03 River Street from Cedar Street to Lansing Street

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

River Street from Cedar Street to Lansing Street Street Reconstruction

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2006-04 South Street from Chipman Street to Chestnut Street

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

South Street from Chipman Street to Chestnut Street Street Reconstruction

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Water Street from King Street to Galusha Street
Street Construction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Lansing Street from a point 66' South of Bradley Street to the North End
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$55,380.00 and determines that \$21,210.14 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$34,169.86 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, January 17, 2006 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Lansing Street from a point 66' South of Bradley Street to the North End

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, January 17, 2006 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2006-02

River Street from M-52 (Shiawassee Street) to Cedar Street

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**River Street from M-52 (Shiawassee Street) to Cedar Street
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$110,350.00 and determines that \$48,024.46 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$62,325.54 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, January 17, 2006 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

River Street from M-52 (Shiawassee Street) to Cedar Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction**.

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, January 17, 2006 for the purpose of hearing any person to be affected by the proposed public improvement.

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**River Street from Cedar Street to Lansing Street
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$12,500.00 and determines that \$7,276.00 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$5,224.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, January 17, 2006 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

River Street from Cedar Street to Lansing Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction**.

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, January 17, 2006 for the purpose of hearing any person to be affected by the proposed public improvement.

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**South Street from Chipman Street to Chestnut Street
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$124,000.00 and determines that \$63,645.60 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$60,354.40 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, January 17, 2006 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

South Street from Chipman Street to Chestnut Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction**.

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, January 17, 2006 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2006-05 Water Street from King Street to Galusha Street

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Water Street from King Street to Galusha Street
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.

3. The City Council hereby approves the estimate of cost of said public improvement to be \$121,880.00 and determines that \$55,663.30 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$66,216.70 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, January 17, 2006 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Water Street from King Street to Galusha Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, January 17, 2006 for the purpose of hearing any person to be affected by the proposed public improvement.

Bid Award. Approved condemnation of 705 Fletcher Street and authorized demolition by Elite Construction in the amount of \$5,787.50.

Contract Payment. Authorized Final Payment to Fisher Gravel Company in the amount of \$21,455.74 for demolition of the above grade rubble and building remnants at the Vaungarde site at 1000 Bradley Street.

Payment Authorization. Authorized payment to Sungard DTE, Inc. for licensing fees and maintenance of the Department of Public Safety - Police Division computer system software in the amount of \$7,100.56 for the time period January 1, 2006 through December 31, 2006.

Correction – Legal Description. Authorized the correction of the legal description for the sale of city-owned land at Hopkins Lake to Baker College in the June 6, 2005 and July 5, 2005 City Council Minutes to read as follows: *PT OF NW ¼ SEC 25 T7N R2E BEG 664.66' S OF N ¼ COR TH S 40°49'31" W 250.86' TH N 55°05'04" W TO SLY R/W LN HWY M-52 TH NE'LY TO POB.*

Boards and Commissions Appointments. Approved Mayoral appointment of the following: Justin R. Horvath, Council Representative to the Local Development Finance Authority/Brownfield Redevelopment Authority and John C.M. Davis to the Planning Commission for a term expiring June 30, 2007.

Warrant No. 319. Accepted Warrant No. 319 as follows:

<i>Vendor</i>	<i>Description</i>	<i>Fund</i>	<i>Amount</i>
State of Michigan – Michigan Department of Environmental Quality	NPDES Annual Permit Fee	WWTP	\$5,500.00
Brown & Stewart, PC	Professional Services covering the period from November 14, 2005 to December 13, 2005	General	\$10,904.40

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

2006 SCHEDULE OF REGULAR MEETINGS

Motion by Mayor Pro-Tem Owen to approved the proposed 2006 Schedule of Regular Meetings for boards and commissions as follows:

**CITY OF OWOSSO
301 WEST MAIN STREET
OWOSSO, MICHIGAN 48867
COUNTY OF SHIAWASSEE, STATE OF MICHIGAN**

**SCHEDULE OF REGULAR MEETINGS
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2006**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2006. The Board, dates, time and place of said regular meetings shall be as follows:

CITY COUNCIL					
The 1 st and 3 rd Monday of each month, except as noted – 7:30 p.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 03*	MAY 15		SEP 18		
JAN 17*	MAY 30		OCT 02		
JAN 30	JUN 05		OCT 16		
FEB 06	JUN 19		OCT 30		
FEB 21*	JUL 03		NOV 06		
MAR 06	JUL 17		NOV 20		
MAR 20	JUL 31		DEC 04		
APR 03	AUG 7		DEC 18		
APR 17	AUG 21				
MAY 01	SEP 05*				
PLANNING COMMISSION			ZONING BOARD OF APPEALS		
The 4 th Monday of each month, except as noted – 7:30 p.m., local prevailing time			The 3 rd Tuesday of each month, except as noted – 9:30 a.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 23	MAY 22	SEP 25	JAN 17	MAY 16	SEP 19
FEB 27	JUN 26	OCT 23	FEB 21	JUN 20	OCT 17
MAR 27	JUL 24	NOV 27	MAR 21	JUL 18	NOV 21
APR 24	AUG 28	DEC 27*	APR 18	AUG 15	DEC 19
DOWNTOWN DEVELOPMENT AUTHORITY			OWOSSO HISTORICAL COMMISSION		
The 1 st Wednesday of each month, except as noted – 7:45 a.m., local prevailing time			The 3 rd Tuesday of each month, except as noted – 7:00 p.m., local prevailing time		
Chamber of Commerce, 215 North Water Street			Gould House, 100 West Oliver Street		
JAN 04	MAY 03	SEP 06	JAN 17 6:30 p.m.	MAY 16	SEP 19
FEB 01	JUN 07	OCT 04	FEB 21 6:30 p.m.	JUN 20	OCT 17
MAR 01	JUL 05	NOV 01	MAR 21	JUL 18	NOV 21
APR 05	AUG 02	DEC 06	APR 18	AUG 15	DEC 19
OWOSSO MID-SHIAWASSEE COUNTY WWTP REVIEW BOARD			EMPLOYEES RETIREMENT SYSTEM BOARD		
The 4 th Tuesday of each month, except December- 5:15 p.m., local prevailing time			7:00 a.m., local prevailing time		
Wastewater Treatment Plant			Owosso City Hall, Council Chambers		
JAN 24	MAY 23	SEP 26	FEB 16	JUN 15	OCT 19
FEB 28	JUN 27	OCT 24	APR 20	AUG 17	DEC 21
MAR 28	JUL 25	NOV 28			
APR 25	AUG 22				

- Rescheduled due to legal holiday on regular meeting date

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

AGREEMENT – MICHIGAN DEPARTMENT OF TRANSPORTATION PERFORMANCE AND INDEMNIFICATION RESOLUTION FOR GOVERNMENTAL BODIES

Motion by Councilperson Ford to adopt the following resolution authorizing an Agreement between the City of Owosso and the Michigan Department of Transportation to apply for permits to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits and to further authorize City Engineer Ronald G. Baker and/or City Clerk Gail L. Schultz to act on behalf of the City of Owosso for the necessary permits to work within the state trunkline right of way:

**PERFORMANCE
RESOLUTION FOR GOVERNMENTAL BODIES**

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations with State Trunkline Right of Way" (form 2205B).

RESOLVED WHEREAS, the City of Owosso, Michigan, hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY: Ronald G. Baker, City Engineer and/or Gail L. Schultz, City Clerk.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

2006 INCOME THRESHOLD POVERTY EXEMPTIONS

Motion by Councilperson Cline to adopt the following 2006 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 and further amended by Public Act No. 620 of 2002:

2006 Federal Income Standards Poverty Threshold

<i>Number of Persons residing in Homestead</i>	<i>Annual Allowable Income</i>
1 person	\$ 9,570
2 persons	12,830
3 persons	16,090
4 persons	19,350
5 persons	22,610
6 persons	25,870
7 persons	29,130
8 persons	32,390
Each additional person, add	3,260

Income of students under the age of 18 years **shall not** be included as income.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

FULL, FAITH, AND CREDIT RESOLUTION

Motion by Councilperson Horvath to adopt the following resolution:

Be it resolved that the full faith, credit and resources of the City shall be pledged secondarily for the prompt payment of principal and interest if the amount collected from Robbins Loft, LLC becomes insufficient. The City will promptly advance from its general funds as a first budget obligation and if necessary levy taxes upon all taxable property in the City subject to applicable constitutional, charter and statutory tax rate limits as it relates to the repayment of \$75,000.00 Brownfield Redevelopment Loan with the State of Michigan Department of Environmental Quality to conduct environmental response activities at 1231 West Main Street.

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

AGREEMENT AMENDMENT – Owosso Drain Project

Motion by Mayor Pro-Tem Owen to authorize changes to the Amended Owosso Drain Project agreement with the Shiawassee County Drain Commissioner originally approved May 16, 2005, and further to authorize the Mayor and City Clerk to execute the appropriate documents as follows:

AMENDMENT #1 TO SEPTEMBER 7, 2001 AGREEMENT

This AMENDMENT # 1, dated the 28th day of June, 2005, amends the AGREEMENT dated the 7th day of September, 2001 between the Drain Commissioner of the County of Shiawassee, on behalf of the OWOSSO DRAIN DRAINAGE DISTRICT (Drainage District), and the City of Owosso (City).

WHEREAS, the Drainage District and the City are parties to an AGREEMENT dated September 7, 2001 to provide for transfer of easements and other elements necessary for the improvement and maintenance of the Owosso Drain; and

WHEREAS, the scope and detail of the improvement project were reduced and revised to settle litigation brought by others appealing the apportionment of benefit for the improvement project; and

WHEREAS, the detention basin and improvements to upstream portions of the drain will not be constructed as part of the improvement project; and

WHEREAS, in addition to Parcels A, B, and C as described in the September 7, 2001 Agreement the City now owns the following parcel of land: Parcel D: Lots 1 and 11 of Block 39, M.L. Stewart & Co.'s Second Addition to the City of Owosso, Section 23, Township 7 North, Range 2 East, Shiawassee County, Michigan, and;

WHEREAS, the Drainage District desires an easement, as shown and described on the attached EXHIBIT A 2005, across Parcel D to allow a more efficient route for the 72-inch relief drain; and

WHEREAS, the easement across Parcel A is revised, as shown on the attached EXHIBIT A-1 REVISED 2005, due to the revised scope of the improvement project; and

WHEREAS, the revised project will result in a change in the 100 year and 500 year flood plain boundaries for the Owosso Drain; and

WHEREAS, a study by **the Drainage District's Engineer (Spicer Group, Inc.) is required. The Engineer will delineate the revised 100 year and 500 year flood plain** boundaries for the Owosso Drain for the watershed master plan and the National Flood Insurance Program and related Flood Insurance Rate Maps.

THEREFORE, it is hereby agreed that the AGREEMENT dated September 7, 2001, is amended as follows: Paragraph 1 is amended to read as follows:

1. The City shall convey easements to the Drainage District for the Drain as shown on the attached EXHIBIT A 2005 and EXHIBIT A-1 REVISED 2005. In addition the City hereby agrees to the routing of a portion of the relief drain within the City right-of-way for West South Street as shown on the December 2004 Owosso Drain Plans by Spicer Group.

Paragraph 2 is deleted.

Paragraph 4 is amended to read as follows

4. A watershed master plan will be developed and adopted by the drainage district. This master plan shall include an updated delineation of the 1% and 0.2% annual chance (100 year and 500 year) floodplains along the Owosso Drain following completion of the drain improvements. The hydraulic analysis and floodplain delineation study shall be by **the Drainage District's Engineer, and**, and shall be suitable for submission to the Federal Emergency Management Association for update and revision of the Flood Insurance Study and Flood Insurance Rate Maps along the Owosso Drain. The master plan will outline the storm water management required for future developments/improvements throughout the district. The master plan will include on-site storm water detention and treatment requirements for future developments within the district. Within the limits of the statutory authority, the Drainage District and Drain Commissioner agree that no further development will be allowed within the drainage district unless it is in compliance with the watershed management plan. The Drain Commissioner shall endeavor to have the watershed management plan adopted by the City of Owosso and the Townships of Owosso and Bennington.

Paragraph 5.C. is amended as follows:

The compensation for easements specified herein shall be \$4,000 (previously \$30,000) and the total reimbursement shall be \$73,000 (previously \$99,000).

*changes are highlighted in **bold**

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

WATER SYSTEM CROSS CONNECTION CONTROL AGREEMENT

Motion by Councilperson Ford to authorize Professional Services Agreement with HydroDesigns, Inc. in the amount of \$1,660.00 per month for a term of three years to conduct the Cross Connection Control Project.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

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

NAYS: None.

REVIEW OF PUBLIC SAFETY DEPARTMENT

There was Council discussion regarding the review of the Department of Public Safety.

Councilperson Bruff asked Public Safety Director Compeau if he wished to defend any of the challenges of his report that had been made by the Fire Fighters. Mr. Compeau commented regarding the \$144,000 grant submitted by Fire Marshal Schaufele; changing of the billing companies; ambulance rate increase; Homeland Security grant application, denial and information received to submit another grant; and crime rates and better reporting procedures.

Councilperson Cline inquired regarding alleged statements made by Mr. Compeau regarding the hiring of Mr. Schaufele. Councilperson Cline also commented regarding department rules regarding personal finances.

Councilperson Bruff commented that he would like to see the situation resolved. There was discussion regarding the filling of the Deputy Director of Fire position; funding for the position; the Fire Marshal position and job duties; a Public Safety Department versus separate Police and Fire Departments; and suspicious fire investigations. Mayor Robertson commented regarding the definition of an employee and Council's directive to management to structure a Public Safety Department.

Councilperson Harvey commented regarding separate police and fire departments, the different types of positions, and supervision. Councilperson Horvath inquired as to how soon the hiring process could be started. Director Compeau answered "tomorrow".

Councilperson Bruff commented in support of a Public Safety Department. He also commented about the Fire Marshal job description, experience requirements, and the time allowed for obtaining the training. There was further discussion regarding a Public Safety Department that requires structure and management, the time it takes to fill the position, and who would interview for the position. Councilperson Harvey commented that he would like to see the Public Safety Department revert back to two separate departments. Councilperson Horvath commented that he would like to see accomplishments published. There was discussion regarding the level of authority that the deputy fire director would have, departmental rules and general orders. There also was discussion regarding changing the structure, how it would be done, and allowing for a fair assessment after the position is filled.

COMMUNICATIONS

Harley Wisner and Buneta Beamish-Wisner. Letter regarding special assessment charges. Shiawassee County Habitat for Humanity. Fall 2005 Newsletter.

Michigan Liquor Control Commission. Denial of application for transfer of ownership.

Gregg G. Guetschow, City Manager. Annual Liquor License Inspections.

John F. Archer, Building Official. November 2005 Building Department Report.

John F. Archer, Building Official. November 2005 Code Violations Report.

Michael T. Compeau, Public Safety Director. November 2005 Police Department Report.

Michael T. Compeau, Public Safety Director. November 2005 Fire Department Report.

Downtown Development Authority. Minutes of Meeting of December 7, 2005.

Shiawassee District Library. Minutes of Meeting of September 28, 2005.

Shiawassee Area Transportation Agency. Minutes of Meetings July 12, 2005, September 13, 2005 and October 11, 2005.

CITIZEN COMMENTS AND QUESTIONS

Ben Butcher, 3709 North Kerby Road, commented regarding the Department of Public Safety management and budget shortfalls.

Beth Butcher, 3709 North Kerby Road, commented regarding the number of Department of Public Safety management positions.

Betty Coon, 1204 Palmer Street, commented regarding the Baker College drive exit.

Jeff Hetfield, 319 East McArthur Street, Corunna commented regarding the Department of Public Safety and the Deputy Director for Fire.

Kelly Follen, 540 Brady Street, Corunna commented about the management of the Department of Public Safety.

Mayor Robertson commented regarding her respect for firefighters. She also commented regarding the management/employee structure.

Brian Springsdorf, 921 North Saginaw Street, commented regarding mutual aid activities.

Ross Stanley, 4077 Etta Road, commented regarding the management of the Department of Public Safety.

Tim Hawn, 202 North Elm Street, commented regarding "it being sad to listen to all this". He also commented that the City Council has a big responsibility to pull this all together.

Ed Urban, 601 Glenwood Avenue, commented further about his "snow" pictures and his support of a sledding hill.

ADJOURNMENT

Motion by Mayor Pro-Tem Owen for adjournment at 9:21 p.m., supported by Councilperson Bruff and concurred in by unanimous vote.

Linda L. Robertson, Mayor

Gail L. Schultz, City Clerk