

OWOSSO CITY COUNCIL

JULY 17, 2006

7:30 P.M.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

PLEDGE OF ALLEGIANCE: MAYOR LINDA L. ROBERTSON

PRESENT: Mayor Linda L. Robertson, Councilpersons Michael E. Bruff, Michael N. Cline, Joane E. Ford, Matthew B. Harvey, and Justin R. Horvath.

ABSENT: Mayor Pro-tem Mark D. Owen.

APPROVE AGENDA

Motion by Councilperson Harvey to approve the agenda as presented with the addition of Items of Business #5 Farmer's Market and #6 Executive Session.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 3, 2006

Motion by Councilperson Bruff to approve the Minutes of the Regular Meeting of July 3, 2006 as presented.

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

Mayor Pro-Tem Owen arrived at 7:32 p.m.

SPECIAL PRESENTATION

Mayor Robertson presented City of Owosso lapel pins to outbound Rotary Exchange Student James Riddle.

CITIZEN COMMENTS AND QUESTIONS

Gary Martenis, 705 Lingle Avenue, commented on the success of Holman Pool this year, suggestions for the City's weather warning system, reminded voters about the August 8 election, and invited City Council members to the Lingle Avenue block party July 29.

Betty Coon, 1204 Palmer Avenue, commented on the reconstruction of the Baker College drive off Palmer Avenue, the use of City streets to access areas in the township and the desire for an opening prayer.

William Owen, 1309 Herman Street, presented Council with a petition to close the southern end of George Street.

Helen Granger, 524 Pine Street, informed Council that the Owosso Farmer's Market is one of the oldest continuously running Farmer's Markets in the country and encouraged Council to ask questions of the vendors present.

Burton Fox, 216 East Oliver Street, commented on local businesses being able to use the Farmer's Market as another outlet for their product and the impact of vacant spaces at the Farmer's Market.

CONSENT AGENDA

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

Bid Award. Approved low bid from One Way Asphalt, Paving and Excavating for the 2006 Street Patch program in the amount of \$45,752.80 and further authorized payment up to the bid amount.

Bid Award. Approved low bid from Spartan Asphalt for 2006 Parking Lot Paving in the amount of \$40,355.35 and further authorized payment up to the bid amount.

Payment Authorization. Authorized payment to Kessler Environmental Excavating for environmental services on North Ball Street in the amount of \$31,081.97.

Payment Authorization. Authorized payment to AKT Peerless for environmental management and laboratory testing for the removal of the underground storage tank on North Ball Street in the amount of \$10,906.00.

Payment Authorization. Authorized payment to Fisher Redi-Mix, Inc for supply of concrete for the sidewalk along the Osburn Lakes subdivision in the amount of \$10,062.00.

Payment Authorization. Authorized Progress Payment No. 1 to Classic Concrete for installation of sidewalk along the Osburn Lakes subdivision in the amount of \$16,523.60.

Boards and Commissions Appointment. Approved Mayoral appointment of John C.M. Davis to the Zoning Board of Appeals.

Warrant No. 329. Accepted Warrant No. 329 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services covering the period of June 10, 2006 to July 11, 2006.	General	\$15,674.92

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

MINUTES CORRECTIONS

Motion by Councilperson Ford to approve the following corrections to the minutes of the February 21, 2006 and April 3, 2006 City Council Meetings:

Meeting Of	Item	Correction
February 21, 2006	Public Hearing - Ordinance Amendment - Chapter 2, Administration, Article VII, Municipal Employees' Pensions, Section 2-410	Insert name of Councilperson supporting the motion to read as follows: Motion supported by Councilperson Ford.
April 3, 2006	Conduct First Reading and Set Public Hearing - Rezoning Request	Change the date of the proposed public hearing from June 20, 2005 to April 17, 2006.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

CHANGE TO STANDARD STREETLIGHTING CONTRACT

Motion by Councilperson Harvey to adopt the following resolution:

Resolved, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of Owosso, dated April 1, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of July 17, 2006, heretofore submitted to and considered by this Council; and

Resolved, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

AUTHORIZATION FOR CHANGE IN STANDARD STREETLIGHTING CONTRACT

Consumers Energy Company is hereby authorized as of the 17th day of July, 2006, by the City of Owosso, to make changes, as listed below, in the streetlighting system(s) covered by the existing Standard Streetlighting Contract between the Company and the City of Owosso, dated April 1, 1977.

Company-Owned Streetlight System

Number of Luminaires	Nominal Lumen Rating	Light Source	Installation Or Removal	Location
3			removal	100 block of North Ball Street

Except for the changes in the streetlighting system(s) as herein authorized, all provisions of the aforesaid Standard Streetlighting Contract dated April 1, 1977, shall remain in full force and effect.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

M71 DETOUR

Motion by Councilperson Bruff to approve request of the MDOT to use Gould Street from M71 to M21 for detour route during reconstruction of the rail crossing at M71 and Howard Street.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

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

NAYS: None.

PROPERTY SALE

There was general discussion regarding whether the sale was contingent upon the proposed structure being built, the length of time the lot has been available, if the sale will be financed by the City, and allowing other offers to come in during the posting period.

Motion by Mayor Pro-Tem Owen to authorize a 21-day posting of purchase agreement for the following parcels commonly known as 210-216 North Hickory Street in the amount of \$12,635.00, with the following conditions:

1. Architectural compliance with plan on file with the City Clerk.
2. As-is sale without survey.
3. City to pay ordinary closing costs.
4. First right of refusal to permit buyer to match a higher, qualified offer through the real estate agent.

Parcel #1: THE WEST 99 FEET OF LOT 1 OF THE PLAT OF J. H. LAVEROCK'S SUBDIVISION OF OUTLOT 5 OF THE ORIGINAL PLAT OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF AS RECORDED IN LIBER 1, PAGE 119, SHIAWASSEE COUNTY RECORDS, AND

A PART OF LOT 1 AND 2, OUTLOT 6 OF A.L. AND B.O. WILLIAMS SUBDIVISION OF OUTLOTS 6 AND 7 OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 6, PAGE 677, SHIAWASSEE COUNTY RECORDS, DESCRIBED AS BEGINNING 101.2 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 1, THENCE EAST 99 FEET, THENCE NORTH 30.8 FEET TO THE NORTH LINE OF LOT 2, THENCE WEST ALONG THE NORTH LINE OF LOTS 1 AND 2 A DISTANCE OF 99 FEET TO THE NORTHWEST CORNER OF LOT 1, THENCE SOUTH 30.81 FEET TO THE POINT OF BEGINNING.

Parcel #2: A PART OF LOTS 1 AND 2, OUTLOT 6, OF THE PLAT OF A.L. AND B. O. WILLIAMS SUBDIVISION OF OUTLOTS 6 AND 7 OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 6, PAGE 677, SHIAWASSEE COUNTY RECORDS, AS DESCRIBED AS BEGINNING ON THE WEST LINE OF LOT 1, AT A POINT WHICH IS 96.50 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 1; THENCE EAST 70.50 FEET, THENCE NORTH 4.70 FEET, THENCE WEST 70.50 FEET, THENCE SOUTH 4.70 FEET TO POINT OF BEGINNING.

Parcel #3: A PART OF LOT 2 OF THE PLAT OF J. H. LAVEROCK'S SUBDIVISION OF THE ORIGINAL PLAT OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 1, PAGE 119, SHIAWASSEE COUNTY RECORDS, DESCRIBED AS THE EAST 33 FEET OF SAID LOT 2 THEREOF

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilpersons Cline, Harvey, Mayor Pro-Tem Owen, Councilpersons, Bruff, Horvath, Ford, and Mayor Robertson.
NAYS: None.

FARMER'S MARKET

There was general discussion regarding the instance that prompted Council's attention, the manner in which the Farmer's Market is run, open spaces at the market, the desired product balance for the Market, concern regarding bias of certain vendors/potential vendors, allowing the Market to self-govern, conditional use permits, and the need to develop rules for the use of City owned parking lots. Council recommended the Farmer's Market create written rules for their organization and further consider allowing local businesses to join the Market. Council also directed City staff start developing general rules for the use of City parking lots.

EXECUTIVE SESSION

Motion by Mayor Pro-Tem Owen to authorize holding executive session at the conclusion of regular business for the purpose of discussing real property acquisition.

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Michael T. Compeau, Public Safety Director. June 2006 Police Department Report.

Michael T. Compeau, Public Safety Director. June 2006 Fire Department Report.

Owosso Planning Commission. Minutes of Meeting of June 26, 2006.

Owosso Westtown Merchants. Requests of Owosso Westtown Merchants.

City Manager Guetschow commented on the requests of the Westtown Merchants.

CITIZEN COMMENTS AND QUESTIONS

Burton Fox, 216 East Oliver Street, commented on discrimination in regard to the Farmer's Market.

William Owen, 1309 Herman Street, inquired as to which railroad crossings would be repaired this year.

City Engineer Ronald G. Baker indicated the railroad crossings on South Street and South Washington Street just north of M-71 will be repaired this year.

Gary Martenis, 705 Lingle Avenue, inquired about the possibility of a concession stand and a donation box at Holman Pool.

Kevin M. Brown, 217 Curwood Castle Drive, suggested a location for the donation box at Holman Pool.

Betty Coon, 1204 Palmer Avenue, inquired about the cost of leasing cars and if the road leading to Baker College from the township will be paid for by City money.

Joni Forster, 1221 Adams Street, commented on the exclusion of certain vendors from the Farmer's Market and the idea of the City taking over the Farmer's Market.

Mayor Robertson asked that traffic counts be taken on George Street to evaluate the request to have it closed.

RECESSED TO EXECUTIVE SESSION AT 8:56 PM

RETURNED FROM EXECUTIVE SESSION AT 9:24 PM

EXECUTIVE SESSION MINUTES – MARCH 20, 2006

Motion by Mayor Pro-Tem Owen to approve the March 20, 2006 Executive Session minutes as presented.

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

ADJOURNMENT

Motion by Councilperson Horvath for adjournment at 9:25 p.m.

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

Linda L. Robertson, Mayor

Amy K. Kohagen, Deputy City Clerk