

OWOSSO CITY COUNCIL

SEPTEMBER 5, 2006

7:30 P.M.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

OPENING PRAYER: PASTOR KENNETH HERBRUCK
OWOSSO ASSEMBLY OF GOD

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 Councilperson Harvey to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 21, 2006

Motion by Councilperson Ford to approve the Minutes of the Regular Meeting of August 21, 2006 as presented with corrections on page 4, misspelling of Mayor Pro-Tem Owen’s last name and page 11, misspelling of Maurell Products.

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

PUBLIC HEARINGS

ORDINANCE AMENDMENT – NUISANCES

ORDINANCE NO. 678

The public hearing was held to receive citizen comment regarding proposed changes to Section 18-92, of Article IV, *Noise Control*, of Chapter 18, *Nuisances*, of the Code of Ordinances of the City of Owosso.

The following persons addressed the City Council regarding the proposed amendment:

Burton Fox, 216 East Oliver Street asked for an explanation of the changes.

City Attorney William C. Brown explained that a recent court decision required a statement of reasonableness be included in the ordinance to be upheld.

Councilperson Harvey inquired about penalties. It was explained that penalties could be 90 days in jail and/or a \$500 fine.

WHEREAS, the City Council, after due and legal notice, has met and everyone having been heard, motion by Councilperson Ford that the following ordinance be adopted:

AN ORDINANCE TO AMEND CHAPTER 18, NUISANCES, ARTICLE IV, *NOISE CONTROL*, SECTION 18-92, “ANIMAL AND BIRD NOISES”, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 18, Nuisances, Article IV, *Noise Control*, Section 18-92, “Animal and Bird Noises”, of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby amended to read as follows:

Sec. 18-92. Animal and bird noises.

The keeping of any animal or bird which by causing frequent or long continued noise shall **unreasonably** disturb the comfort or repose of any person is hereby prohibited.

Section 2. This Ordinance shall become effective September 25, 2006.

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 Cline.

Roll Call Vote.

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

NAYS: None.

ORDINANCE AMENDMENT – ANIMALS

ORDINANCE NO. 679

The public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to Chapter 5, Animals, Article II, *Dogs*, Section 5-28, "Noise Restriction", of the Code of Ordinances of the City of Owosso.

The following persons addressed the City Council regarding the proposed amendment:

Councilperson Bruff inquired as to whom determines "reasonability".

City Attorney Brown indicated that the Police determine reasonability. He also indicated that he is informed of these sorts of issues only after the Police have been dispatched to a particular location many times to address the problem, fulfilling the "unreasonable" requirement in the ordinance.

WHEREAS, the City Council, after due and legal notice, has met and everyone having been heard, motion by Councilperson Bruff that the following ordinance be adopted:

AN ORDINANCE TO AMEND CHAPTER 5, ANIMALS, ARTICLE II, *DOGS*, SECTION 5-28, "NOISE RESTRICTION", OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 5, Animals, Article II, *Dogs*, Section 5-28, "Noise Restriction", of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby amended to read as follows:

Sec. 5-28. Noise restriction.

No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall **unreasonably annoy or disturb the quiet, comfort or repose of persons in the vicinity.**

Section 2. This Ordinance shall become effective September 25, 2006.

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 Cline.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Joni Forster, 1221 Adams Street, commented on procedural violations, Baker College paying for street improvements, use of grant money for the old Hotel site, confusion with the permit process and rising to meet challenges.

Gary Martenis, 705 Lingle Avenue, commented on his opposition to the proposed sidewalk at Bentley Park, alternatives to the sidewalk, and improvements in the Hopkins Lake area.

Betty Coon, 1204 Palmer Avenue, commented on her desire for a "No Left Turn" sign near the Palmer Street entrance to Baker College and listed her reasons for needing such a sign.

Burton Fox, 216 East Oliver Street, commented on the recent history of the old Hotel site, his opinion of City staff, and wanting the project to move forward again.

There was general Council comment regarding whether or not to place the "No Left Turn" sign issue on the next agenda, the design of the entrance off Palmer Avenue, if the City had a used "No Left Turn" sign, the desire for traffic counts, and the enforceability of any sign placed there. It was decided not to place the item on the agenda until traffic warrants it.

There was discussion regarding the future plan for the trail in Green Meadows Park.

There was general discussion regarding the status of the old Hotel site, State grant requirements regarding job creation and the character of the proposed development, negotiating with the State to establish new grant agreement terms, the timeline for the negotiations, and advertising the property as for sale.

There was further discussion regarding the proposed sidewalk at Bentley Park, safety concerns for pedestrians in and around the park, and when bids would be taken for the project.

City Manager Guetschow commented on disparaging remarks made toward City staff.

CONSENT AGENDA

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

Change Order. Authorize Change Order No. 2 to the contract with Glaeser Dawes for installation of water main on River Street in an amount estimated at \$18,090.00.

Contract Payment. Authorize Payment No. 3 to Glaeser Dawes Corporation in the amount of \$36,931.50 for work done on the River Street and North Lansing Street/Bradley Street Water Main Projects.

Contract Payment. Authorize Progress Payment to Fishbeck, Thompson, Carr and Huber for Oliver Street Bridge design work covering the time period from July 15, 2006 to August 11, 2006 in the amount of \$17,798.46.

Contract Payment. Authorize Progress Payment No. 1 to Perrin Construction Co. for the 2006 Street Program in the amount of \$60,420.64.

Payment Authorization. Authorize final 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 \$1,136.50.

Traffic Control No. 1161. Authorize Traffic Control No. 1161 for installation of a "No Parking between Driveways" sign between the driveways at 1104 Palmer Avenue and 405 Prindle Street.

Warrant No. 331. Accept Warrant No. 331 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League	Annual Membership Dues	General	\$6,182.00

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

RECIPROCAL ACT RETIREMENT POLICY

There was Council/Staff discussion regarding whether or not the policy would be retroactive and when a related ordinance amendment would be presented to Council.

Motion by Mayor Pro-Tem Owen to approve the following resolution:

RESOLUTION NO. 04-2006

WHEREAS, the Owosso City Council, acknowledges that the City of Owosso adopted the Reciprocal Retirement Act, Public Act 88 of 1961, as amended, on July 20, 1964 to provide for the preservation and continuity of retirement system service credit for public employees who transfer their employment between units of government; and

WHEREAS, the Owosso City Council, upon receipt of a resolution from the Employees Retirement System Board of Trustees recommending adoption of a policy that governs the administration of the provisions of this act, hereby adopts the attached Reciprocal Retirement Act Policy.

FURTHER BE IT RESOLVED that the crediting of service credit shall be made consistent with the City Charter and/or Code of Ordinances, applicable collective bargaining agreements, employment policies

and agreements, Retirement System policies/procedures, and applicable laws (specifically, MCL Public 88 of 1961, as amended); and

FURTHER BE IT RESOLVED that a copy of this resolution shall be provided to the appropriate City and Union representatives and interested parties.

City Of Owosso, Michigan Employees Retirement System
Reciprocal Retirement Act Policy

Purpose

The Reciprocal Retirement Act, Public Act 88 of 1961, as amended, was enacted to provide for the preservation and continuity of retirement system service credits for public employees who transfer their employment between units of government. An eligible person may combine credited service with a preceding reciprocal retirement system with credited service acquired with a succeeding governmental unit for purposes of qualifying for an age and service retirement from either retirement system, provided the conditions of the Act are observed.

The City of Owosso has elected to come under the provisions of the Reciprocal Retirement Act and accordingly is a "reciprocal unit" in accordance with the provisions of the Act.

Policy

It is the Policy of the City of Owosso to provide service credit transfers pursuant to Public Act 88 of 1961, as amended, as follows:

I. Section 4 - Service Credit

[Note: This Section of the Act is utilized to draw a retirement benefit from a retirement system in which an individual did not satisfy the vesting requirement of that system.]

Section 4 of the Reciprocal Retirement Act provides that if a member leaves the employ of the City and enters the employ of another governmental unit(s), he/she may receive a retirement allowance payable by the City of Owosso Employees' Retirement System ("OERS") subject to meeting the following conditions:

1. The former member must have had at least thirty (30) months of service credit in the OERS;
2. The former member has not withdrawn his/her employee contributions from the OERS or has re-deposited any withdrawn amounts plus interest within five years after employment with the succeeding governmental unit;

The interest rate shall be the assumed rate of return of the OERS, compounded annually, that was in effect had the contribution and credited interest remained in the system during that period.
3. The former member of the OERS must have been employed by a succeeding unit within fifteen (15) years after leaving The City of Owosso;
4. The former member's credited service in force with OERS plus the members credited service acquired in the employ of the succeeding governmental unit(s) equals or exceeds the minimum credited service required for age and service retirement in the OERS;
5. The former member has attained age 60 years; and
6. To document reciprocal service for purposes of utilizing it under the Reciprocal Retirement with The City of Owosso as the preceding reciprocal unit, the member should obtain the necessary forms from the City Treasurer. The member should provide the form to his or her succeeding governmental employer(s) to document service credit and upon completion, return the form to the City of Owosso Employees' Retirement System. The member may be required to sign a Release authorizing the Retirement Board or its representative to request and receive appropriate documentation directly from prior or subsequent employers to verify information.

An individual who satisfies the above requirements shall be eligible to receive a retirement allowance from the City of Owosso Employees' Retirement System based upon the formula, final average compensation and credited service in force with the City of Owosso Employees' Retirement System at the time of separation from service and shall be payable on the first day of the second calendar month immediately following the month in which proper written application is filed with the Retirement Board on or after the attainment of 60 years of age.

II. Section 5 - Service Credit

Section 5 of the Reciprocal Retirement Act provides that if a member of the City of Owosso Employees' Retirement System previously acquired credited service as a member of another governmental retirement system, he/she may be entitled to a retirement allowance payable by the City of Owosso Employees' Retirement System subject to meeting the following conditions:

1. The member has 30 or more months of credited service, acquired as a member of the City of Owosso Employees' Retirement System; and
2. The member has attained the age but not the service requirement for age and service retirement; and
3. The member became a member of the City of Owosso Employees' Retirement System within 15 years of leaving the prior governmental unit; and
4. To document reciprocal retirement service for purposes of utilizing it under the Reciprocal Retirement Act with The City of Owosso as the succeeding reciprocal unit, the member should obtain the necessary documents from the City Treasurer. The member should provide the form to his or her preceding governmental employer(s) to document service credit and upon completion, return the form to the City of Owosso Employees' Retirement System. The member may be required to sign a Release authorizing the Retirement Board or its representative to request and receive appropriate documentation directly from prior or subsequent employers to verify information.

A member's retirement benefit shall be based only upon the service credit rendered to The City of Owosso.

III. Section 6 - Transfer Of Service Credit

The City of Owosso does not permit service credit transfer under Section 38.1106 of the Act.

IV. General Conditions

All crediting of service time must be approved by the Retirement Board and shall be contingent upon the City of Owosso Employees' Retirement System's receipt of all appropriate documentation.

It is the individual's responsibility to contact the other governmental units to obtain appropriate documentation in support of requests for service credit.

The City Treasurer shall be responsible for the receipt and review of the necessary documents received by interested parties and shall have the authority to verify the amount and nature of service reflected in the application and supporting documentation.

Eligible individuals may have service credited up to the time of their retirement from the City of Owosso Employees' Retirement System.

The crediting of service shall be made consistent with the current Retirement Ordinance, applicable collective bargaining agreements, Retirement System policies/procedures, and applicable laws (specifically, MCL Public Act 88 of 1961, as amended).

V. Health And Welfare Benefits

The intent of the Reciprocal Retirement Act was to allow an eligible person to combine governmental service credit for purposes of qualifying for a retirement allowance from either retirement system, provided the requirements of the Act are satisfied. A "Retirement Allowance" as defined in the Act, means the annuity, pension or retirement allowance payable to a member. The Reciprocal Retirement Act is specifically limited to payment of a retirement allowance from a retirement system. Life insurance, health insurance and other similar fringe benefits are not a retirement allowance and therefore would not be covered under the Act. Accordingly, individuals who retire pursuant to said Act, prior to satisfaction of the age and service or disability requirements of the Retirement System, are not eligible for said benefits.

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

PROPERTY SALE

There was Council discussion regarding the history of this transaction and how many lots have been sold to date in the Osburn Lakes development.

Motion by Mayor Pro-Tem Owen to receive a purchase agreement for the former easement area in the Woodland Trails Condominium development legally described as: *Starting at a point on the North line of Section 18, T7N-R3E, which is S 89° 1' 21" E 224.00 feet from the North ¼ Corner of Said Section 18; Thence S 01°03'40" W 22.04 feet to the Place of Beginning; thence S 88° 56' 20" E 19.32'; thence on a curve to the left, have a radius of 72.05 feet, a central angle of 90°05'22", with a chord bearing and distance of N 46°00'59" E 101.97 feet; to the north line of "Osburn Lakes" Property; thence S 88°54'34" E 53.32 feet along said north line of Osburn Lakes Property; thence S 01°03'30" E 100.02 feet; thence N 88°54'34 W 146.00 feet; thence N 01°03'30" E 27.97 feet to the Place of Beginning.* for the sum of \$1.00 to Woodside West LLC and file with the City Clerk until the meeting of October 2, 2006.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

COMMUNITY DEVELOPMENT PLAN AND HOUSING POLICIES

There was Council/Staff discussion regarding the requirements for the proposed Neighborhood Enterprise Zone, concern regarding some of the policies listed in the plan, putting practices into writing, and the proposed paving of Cass Street.

Motion by Councilperson Ford to adopt the Community Development Plan and Housing Policies as follows:

City of Owosso
Community Development Plan
Narrative Summary
September 5, 2006

Introduction. The City of Owosso has not had a master plan since 1969. Because the city is "built-out" with essentially no developable areas, the traditional bias of master plans for maps showing future development areas with land use recommendations and capital improvements has not been a funding priority. In its place, the City has a history of policy making efforts for parks, brownfields, housing, capital improvements with existing infrastructure, downtown development, transportation, and industrial development. Each of these will be discussed below with the most recent policy statement available summarized.

I. Summary of Needs and Problems. Owosso is the historical center of the Mid-County urbanized area. It is the largest municipality in Shiawassee County at 15,713 persons (2000 Census); however, since 1970, it has shown the greatest population decline of any municipality in the County. Other signs of stress have been tracked at the State of Michigan for purposes of defining distressed communities. Since the classification process began in the mid-1980's, in one form or another, Owosso has never missed meeting that calculation of stress. The factors include:

- ✓ growth of property value
- ✓ unemployment rates
- ✓ per capita income, and
- ✓ population

Out of this larger picture the community needs and list of problems emerge. The list is weighed in favor of including items for which the City has a role to play in their alleviation. Owosso, as a home rule city, is self-contained in most areas of municipal services except for health care and social services. The capacity of the City to work with the problems and needs has the same limitation as its citizenry does in dealing with their problems. Except for the advantage of pooling resources and tapping State and Federal government transfer payments and programs, the City can be no greater than its own people's ability to direct attention to improving the station of its residents. In the past ten years, setting priorities has been a practical matter of funding traditional municipal services—that is, streets, wastewater treatment, water treatment and distribution, police, fire, ambulance, parks, administration, and public works. Within that framework the budget is faced with setting priorities for the limited funding.

The City does invest in community development as one way to improve the provision of traditional municipal services. Quite often partnerships for progress are nurtured. A full-time community development director is employed and a principle task of that position has been to direct brownfield redevelopment. Brownfields are properties that are already provided with all municipal services but without a feasible use resulting from contamination, blight or obsolescence. Another brownfield factor has been the disinvestment in these older structures and parcels owing to urbanization outside the city limits without a corresponding population increase or improvement in the region's economic base. Other community development responsibilities include housing, parks, industrial programs, capital improvements planning and downtown development.

A list of problems and needs could be exhaustive if all influences and their relative importance were analyzed and related. With some exceptions, only a statement or short paragraph of a problem or need is provided. The sources of the list of problems and needs are acquired through Council policy sessions, community forums, surveys, statistical reporting, and staff analysis.

Needs and Problems:

- 1) **The 2000 Census shows a decline in population** from its 1970 high of 17,500 to today's 15,713. Much of this is found in the declining household size. To illustrate the point, 650 residential units have been added to the housing stock since 1970 with less than 100 corresponding demolitions of units. The problem in this setting is the loss of operating revenues to the city through steep declines in state revenue sharing. Adequacy of city services is stifled from this influence. For example challenges are looming with storm water infiltration into wastewater, storm drainage improvements, and ongoing street rehabilitation.
- 2) **The City no longer has space to provide for growth** and associated municipal services through smart growth policies that advocate pedestrian and non-motorized transportation opportunities, compact growth, mixed land uses, a wide range of housing choices, and preservation of a sense of place. This landlocked nature has been a detriment to the uncoordinated single-use development elsewhere.
- 3) **Unemployment rates remain chronically high** for the City. In 2003, the city unemployment rate averaged 11.1% while the County, State and US averages were much lower at 8.6%, 7.6% and 5.7% respectively. The City rate peaked in July, 2003 at 14.7%. Since that time unemployment reporting is only provided at the County level that reported a 7% unemployment for June, 2006.
- 4) **Educational levels continue to lag far behind** the County, State and US averages. In 2000, for persons 25 years or older, 21% of these adults (2064 persons) did not have a high school degree. This is less than Owosso's 25% rate from the 1990 Census. For males the average is 23%. This condition is a critical deterrent to employability, job transition from the industrial sector to the service sector, family and self-care, and an educated response to all of life's challenges.
- 5) **Brownfields abound in Owosso**. With an industrial and railway legacy, Owosso is supplied with many outdated, dilapidated structures and contaminated sites. In a city with a weak market setting, these properties have not attracted sufficient developers. Contamination, blight and obsolescence characterize these properties in both the commercial and industrial districts. Vacant industrial space in Owosso totals about 700,000 square feet. The shortage of demand for industrial space is a strong indicator of Owosso's economic transition to the service economy.
- 6) **The upper stories of downtown buildings remain vacant** for many reasons. The absence of rent precludes the kind of maintenance required to keep these historical structures in a fit condition. Urgent care for masonry, foundations, and roof work must precede the public's preference for quick fix façade treatments that are often cosmetic and not sustainable investments for the structure's integrity. It is equally significant that inadequate parking prevents upper stories from development.
- 7) **The housing stock is very old** and faces the same economic challenges of the downtown buildings. An older survey from 1990 indicated that 50% of the units were considered substandard in at least one significant category (electrical, mechanical, plumbing, roof, etc). The higher unemployment rates, chronic lower household income, and high personal debt loads do not take care of the essential needs of dwelling units. Owosso's pre-1939 housing stock is 47% of the residential units. That totals 3062 units of the 6,684 in the city. Pre-1960 homes, houses that are now over 40 years old, constitute 71% of the housing stock.
- 8) **The cost of housing from a mortgage and rent standpoint leaves little for major maintenance work**. Over 50% of the renters use 25% or more of their income for rent. The 25% figure is a good guideline to judge what is left over for life's other expenses. In the single-family market 2,453 units are mortgaged higher than 25% of the occupants' income. The funds are not in these household budgets to assure safe, decent and sanitary housing.
- 9) **High poverty levels** are reflected in the Census fact that 2000 individuals live in poverty in the City of Owosso. This is 13% of the population. Of those in poverty 625 are children, a disproportionately high representation of those in poverty (at 16%). For those over 65 years old, 141 persons live in poverty or 7% of those in poverty.
- 10) A March, 2002 parks and recreation survey revealed the **needs of residents for open space and leisure time activities**. Leading needs included trails and pathways for walking and bicycling, skate park development for youth, restrooms, ice-skating, camping and golf
- 11) **Public transit options are critical for many Owosso residents**. The 2000 Census revealed that 500 homes (7% of households) do not have a car. Despite the community's high walk ability status, vehicular transportation is required for fundamental needs such as groceries, medical care, church attendance, education, leisure pursuits, civic activities and work.

II. Summary list of long-term activities (two years or more) to identify the identified needs and problems.

A. Housing and Population.

- 1) The City will continue to support housing rehabilitation programs through cooperation with the Shiawassee County program and periodic supplemental efforts on its own for rental and single family projects that benefit low and moderate-income households.
- 2) The City will continue with its policy of mixed-use land use support that characterizes many areas of the community. The benefits integrate existing community services and offer compact, higher density and affordable living opportunities.
- 3) Code enforcement will support the continued safe, sanitary and decent conditions for commercial housing.
- 4) Neighborhood planning meetings will encourage neighborhood identity, mutual assistance efforts, and establishment of standards for maintenance.

B. Downtown.

- 1) Upper story occupancies will increase with the continuation of barrier free programs, flexibility changes to the zoning ordinance, application of tax credits, and increased supply of parking.
- 2) The 25 year plan of the Downtown Development Authority will invest \$5,000,000 together with other public and private sources in the infrastructure and streetscape needs to complement an increased occupancy of downtown's 110 upper story structures.

C. Economic Development.

- 1) The City will continue to redevelop brownfields, some of which will be preserved for economic base business development.
- 2) The City's infrastructure capacity and professional administration will be applied to regional ventures for economic base business development.
- 3) Vacant industrial spaces will be offered the broadest range of state and federal inducement programs available to this city.
- 4) Community attractiveness investments will supplement economic development efforts.

D. Community Development.

- 1) The City will promote smart growth policies in its expanding role with surrounding government bodies. The offer of city services is encouraged and will be tied to revenue sharing, promotion of reuse of existing properties, compact design, open space preservation, walk ability, mixed uses, and transportation/traffic standards. These measures will play a role in sustaining the City's level of services.
- 2) Educational attainment levels will continue to make progress with the expansion of Baker College and the City's support for upgraded infrastructure to the site and financing methods for raising capital through tax exempt bonds.
- 3) A regional transportation plan will be adopted to establish a roadway plan to avoid congestion and serve vehicular transportation needs.

E. Open Space and Parks.

- 1) The City will maintain a 5-year parks and recreation master plan to retain eligibility for State of Michigan park improvement programs and to sustain Owosso's attractiveness for quality of life.
- 2) Progress will continue with camping, playgrounds, trails, and youth recreational facilities. Programming will continue with the support of private non-profit recreational providers.
- 3) The Shiawassee River will benefit from a perspective change as a Community River Valley with the attendant efforts to introduce natural vegetation along the shoreline, redevelopment of riverfront areas with present land uses that are not oriented to the river, and three footbridges to improve non-motorized circulation about the city.

III. Summary list of contemplated short term (within two years) activities to address the identified needs and problems.

A. Housing.

- 1) The City will continue to support the development at Osburn Lakes to assist in reversing the problem of population decline.
- 2) Selected City-owned parcels will be offered for low and moderate income housing opportunities.
- 3) Upper story spaces of downtown buildings will offer a mixed array of housing including low and moderate-income family housing.
- 4) Some brownfield sites will be considered for alternative housing arrangements including loft apartments, live-work space and row housing. The most recent effort will be the establishment of a Neighborhood Enterprise Zone at the former Woodard and Owosso Casket Company buildings.
- 5) To help curb population decline, increase property income for maintenance, and use available infrastructure capacity, infill housing opportunities will be actively identified and supported through planning processes, zoning tools and design solutions.

B. Downtown.

- 1) The upper stories of two significant downtown buildings will have public elevators to permit their development.
- 2) Parking system expansion will assist in the development of a multi-story building at the former Hotel Owosso site and in the development of upper stories in the nine-block core area.
- 3) The Chamber of Commerce Building will be relocated and result in an adaptive reuse

of the Armory.

- 4) The leveraged-loan program for small business start-ups and expansions will return.
- 5) Tree replacement and more shade for city parking lots will begin on an annual investment basis.
- 6) Two historic facades will undergo restoration from the benefits of the leveraged loan program.

C. Economic Development.

- 1) Two brownfield sites will be rehabilitated and made available for economic development.
- 2) Industrial inducement programs will be offered to the occupied and vacant industrial sites that offer more employment opportunities.
- 3) Two industrial roadways will be constructed to serve Chestnut Street (upgrade) and the 8-acre Sugar Beet site off Chipman Street.
- 4) There will be continued support for the airports plans for specialty industry and service businesses exporting products via air cargo.
- 5) Owosso will continue to support community attractiveness for small business development, commuter settlement, and family life as its competitive niche in Central Michigan.

D. Parks and Open Space.

- 1) The Tuscola Saginaw Bay riverside trail, a one mile loop and addition to the James Miner Walkway will be completed.
- 2) Collamer Park will have a new playground.
- 3) Linkages between parks, school grounds and neighborhoods will continue to be developed.
- 4) The skate park will expand in incremental play units.

E. Brownfield Redevelopment.

- 1) The attached recommendations for brownfield redevelopment will provide the community-supported outcome scenarios to help activate their reuse.
- 2) The City will employ other financing tools such as Neighborhood Enterprise Zones, Community Development Block Grants, MSHDA Programs, Historic Tax Credits, Small Business Tax Credits, Downtown Development Authority initiatives, and Tax Increment Financing to supplement private development of brownfield sites.

F. Infrastructure.

- 1) Cass Street from M-52 to Cedar Street will be paved with curb, sidewalk, lighting and landscaping.
- 2) A water line underneath the former Woodard factory on the closed Elm Street section will be relocated.

CITY OF OWOSSO
HOUSING OBJECTIVES AND POLICIES--2006

Introduction. In preparation for the establishment of a Neighborhood Enterprise Zone, the Planning Commission and City Council are asked to review and adopt housing policies and objectives for the City.

I. Policies. The City of Owosso shall...

- 1) Sustain Owosso's compact, mixed-use development meaning an integrated community containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of its residents.
- 2) Work to create widespread affordable housing through encouragement of a diversity of housing types and settings.
- 3) Apply program incentives, policies and ordinances to redevelop the inner core areas and encourage development of infill sites where ample infrastructure support exists.
- 4) Encourage new forms of urban design and create a stronger sense of community through assurances that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- 5) Enforce the property maintenance code within the Uniform Building Code to maintain safe, decent, and sanitary dwellings.
- 6) Enforce the Housing Discrimination ordinance to assure citizens' equal opportunity for housing without regard to religion, color, national origin, age, sex or marital status.
- 7) Protect property values, assure livability in neighborhoods and offer the quiet seclusion that makes the dwelling unit a sanctuary for its residents.
- 8) Apply good neighbor standards that relieve residents from trash, outdoor storage, odors, unclean air, light glare, noise, abandoned and inoperable vehicles, overcrowding, excessive traffic and other nuisances.

- 9) Support harmony in design, architectural identity, reserved bulk and structural height, smallness in scale, low intensity activity and preservation of open space.
- 10) Supply the appropriate remedies where precise delimitation of zoning districts are not easily drawn with the application of site layout and design review, inclusion of pedestrian amenities, and building concepts and placement that avoid monotony.
- 11) Collaborate with other state and local agencies, nonprofit organizations, developers, and other community-based organizations to implement action plans that offer supportive housing services for those with a disproportionate or severe cost burden to retain their homes or to live in safe, decent and affordable housing.

II. Objectives. Objectives are a series of statements about what actions the City will take in a defined time period to implement its policies. For the purpose of the 2006 Policies and Objectives, a five year period is selected for the following objectives:

- 1) Expand the County Housing Rehabilitation Program in the City to incorporate rental units together with more inspections of rental units.
- 2) Support two to three brownfield sites for conversion to housing projects for both subsidized and unsubsidized dwelling units.
- 3) Continue to convert upper stories of older commercial districts to housing when quality of life design components and parking options are assured.
- 4) Implement the second phase of the Osburn Lakes Site Condominium.
- 5) Undertake a series of neighborhood meetings to elicit specific livability standards for the respective neighborhoods and means to gain assurances for those standards.
- 6) Expand the walkability of neighborhoods through implementation of the sidewalk improvements outlined in the 2006 Parks and Recreation Master Plan.
- 7) Sustain the code enforcement program to deter nuisances.
- 8) Deliver periodic communications to the real estate community about the City's antidiscrimination ordinance and policies.
- 9) Involve MSHDA in Owosso to help conduct an evaluation of the area's housing needs and outline specific programs they offer to secure affordable housing.
- 10) Upgrade site plan review standards to include review of conversion of single-family sites to duplex or triplex sites.

Motion supported by Councilperson Harvey.

Roll Call Vote.

AYES: Councilpersons Ford, Harvey, Bruff, Horvath, Cline, and Mayor Robertson.

NAYS: Mayor Pro-Tem Owen.

ELECTRIC SERVICE AGREEMENT

Motion by Mayor Pro-Tem Owen to adopt the following resolution authorizing a contract with Consumers Energy for electric service to the Wastewater Treatment Plant.

RESOLVED, that is hereby deemed advisable to enter into a contract with Consumers Energy Company of Jackson, Michigan, for furnishing pumping service within the City of Owosso for a period of One (1) year(s) and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to and considered by this Council; and

RESOLVED, further, that the Mayor and the Clerk be and are authorized and directed to execute such contract on behalf of the City.

STANDARD PUMPING CONTRACT PART I

Effective Date of Agreement: September 5, 2006

Company: Consumers Energy Company
a Michigan Corporation
One Energy Plaza
Jackson, MI 49201-2276

Customer: City of Owosso
a Michigan Municipal Corporation
301 West Main Street
Owosso, MI 48867

Customer's Plant Locations to which energy will be delivered:

Plant Location: 1412 Chippewa Trail, Owosso, MI 48867
Approximate Supply Voltage: 4800/8320
Phase: Three (3)
Approximate Metering Voltage: 4800-8320
Rate: PS-3 (079)

Initial Term: One (1) year beginning with the Effective Date of Agreement stated above.

**PART II, TERMS AND CONDITIONS, is attached hereto and is a part of this Agreement.
CUSTOMER ACKNOWLEDGES HAVING READ SAID TERMS AND CONDITIONS.**

**STANDARD PUMPING CONTRACT
TERMS AND CONDITIONS
PART II**

1. The Company agrees to furnish to the Customer, and the Customer agrees to purchase from the Company, all of the electric energy for the operation of the Customer's plant(s) which are listed in Part I. The Customer agrees to use electric power acquired hereunder for the entire operation of said plant(s).
2. The supply of electric energy to be furnished to the Customer shall be 60 hertz, alternating current; and the applicable phase and approximate supply voltage for each plant location shall be as indicated in Part I. Said energy shall be metered at the approximate metering voltage for each plant location as indicated in Part I, by meters furnished, installed and maintained by the Company. A location for its metering equipment, suitable to the Company, shall be provided by the Customer at each plant location and adequate protection afforded to avoid damage thereto or any tampering or interference with such metering equipment. The Company shall make periodic tests of its meters, and keep them within accepted standards of accuracy. It shall have access to its said metering equipment, by its representatives, for the purpose of installing, replacing, removing, inspecting and maintaining such equipment.
3. The Customer agrees to pay for such electric energy delivered at each plant location in accordance with the Company's Rate for such plant location as indicated in Part 1, a copy of which rate(s) is hereto attached and made a part hereof, and in accordance with such future revisions and amendments thereof, supplements thereto, or substitutes therefor as may be filed with and approved by the Michigan Public Service Commission from time to time. The Company shall bill the Customer monthly for service furnished hereunder at each location. Each bill shall cover a period of approximately thirty days and be issued as soon as reasonably possible after the end of the period covered by said bill.
4. Delivery of energy by the Company to the Customer shall be made at a mutually agreeable point upon the Customer's premises at each Plant location listed in Part I.
5. It is further agreed that:
 - (a) Such service is for the sole use of the Customer for the purpose or purposes aforesaid, and shall not be transmitted elsewhere or shared or resold or used as auxiliary or standby to any other source of power supply except as may be herein specifically provided. It is agreed that the energy furnished hereunder may be used by the Customer for the lighting and other general use of said plant or plants as well as power purposes therein.
 - (b) Such service shall be governed by the Company's Schedule of Rates Governing the Sale of Electric Service and such future revisions and amendments thereof, supplements thereto, or substitutions therefore as may be filed with and approved by the Michigan Public Service Commission during the term of this Agreement. A copy thereof will be furnished to the Customer upon request.
 - (c) Except as to the Customer charges payable by the Customer, prescribed in said rate(s), neither party shall be liable to the other for damages for any act, omission or circumstance occasioned by or in consequence of any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm, or flood, explosion, breakage or accident to machinery or equipment, or by any other cause or causes beyond such party's control, including any curtailment, order, regulation or restriction imposed by governmental, military or lawful established civilian authorities, or by the making of necessary repairs upon the property or equipment of either party hereto; provided, however, that the Company's responsibility for interruptions in the service, phase failure, or reversal, or variations in the service characteristics shall be as provided in said Schedule of Rates Governing the Sale of Electric Service.
 - (d) The Customer shall furnish, install and maintain all apparatus, appliances or equipment required to control, regulate or utilize such energy after its delivery.

- (e) The Customer shall furnish, without cost to the Company, a suitable site on its premises at each plant location listed in Part I for the Company's transmission lines, substations, and/or distribution facilities as may be required to provide such service to said premises. If, during the term hereof, the Customer's use of said premises makes necessary the relocation of said facilities, from the site presently furnished, to another site on said premises, the Company shall relocate the same at the Customer's request, and the Customer shall reimburse the Company for the cost thereby incurred. The Company, its agents, employees, and authorized contractors shall have full right and authority of ingress and egress at all times on and across said premises of the Customer, for the purpose of constructing, operating, maintaining, replacing, repairing, moving and removing its said facilities. Said right of ingress and egress, however, shall not unreasonably interfere with the use of the Customer's said premises.
- (f) This Agreement will become effective on the date identified in Part I and will extend for an initial term as stated in Part I and from year to year thereafter until terminated by mutual consent, or by either party giving the other at least twelve months' written notice of its desire to terminate the same at the expiration of said initial term or at the expiration of any yearly period thereafter. This Agreement, when effective, shall supersede all existing agreements between said parties with relation to the supply of electric service for any purpose aforesaid.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

PALMER STREET RECONSTRUCTION – DISCUSSION

Discussed the handling of the reconstruction of Palmer Avenue. Councilperson Bruff felt the matter was handled inappropriately. He stated he felt the item should have been presented to Council for vote. It was agreed by all parties the situation was unusual. Past practice has been to try and accommodate parties interested in improving a street if they are willing to accept a portion of the cost, as is the case here. Council did not object to the project when notified, so construction proceeded.

Options regarding payment will be presented to Council at a later date.

COMMUNICATIONS

Janet Devereaux, SCA Packaging. Thank you letter to the Department of Public Safety – Fire Division. National League of Cities. Invitation to 2006 Congress of Cities and Exposition. Larry Cook, City Assessor. Property values for proposed Neighborhood Enterprise Zone. Brownfield Redevelopment Authority. Minutes of Meeting of August 22, 2006. Owosso Planning Commission. Minutes of Meeting of August 28, 2006.

CITIZEN COMMENTS AND QUESTIONS

Gary Martenis, 705 Lingle Avenue, suggested techniques for mowing a swampy lot on Lingle Avenue and suggested the City make use of jail trustees for maintenance projects.

There was general Council/Staff discussion regarding the condition of the unmowed lot, the impossibility of mowing it, the depth of the mud on the lot, and if there would be any benefit to mowing the lot. It was decided the DPW should try to take down the weeds with hand tools.

Betty Coon, 1204 Palmer Avenue, commented on the "No Left Turn" sign she wants placed near the Palmer Street entrance to Baker College and addressing the issue before it becomes a problem.

Roger Snyder, 418 East Oliver Street, commented on the proposed sidewalk at Bentley Park and inquired if the City has any properties currently listed by a real estate agent. It was determined there were no other City properties listed with a real estate agent.

Carol Hansen, 122 Robbins Street, commented on the condition of the construction site at Robbins Loft and inquired as to the status of the project. Director of Community Development Hathaway stated that monies to finance the project are being held until environmental studies are completed.

Shelva Cebulski, 1243 Marion Street, inquired about tall weeds at the former Vaungarde site. City Manager Guetschow reminded Council that much of that area along M-21 was owned by the railroad and they could not be forced to mow the property.

Ed Urban, 601 Glenwood Avenue, commented on filling the low lot on Lingle Avenue.

There was general discussion regarding use of jail trustees and the difficulties in coordinating such a program.

There was also discussion use of the old Hotel site as a parking lot.

ADJOURNMENT

Motion by Mayor Pro-Tem Owen for adjournment at 9:40 p.m.

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

Linda L. Robertson, Mayor

Amy K. Kohagen, Deputy City Clerk