

**OWOSSO CITY COUNCIL**

**OCTOBER 2, 2006**

**7:30 P.M.**

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

**OPENING PRAYER:** REVERAND JOHN WALWORTH  
CHAPLAIN, MEMORIAL HEALTHCARE

**PLEDGE OF ALLEGIANCE:** 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 Ford to approve the agenda as presented with the following amendment:  
Consent Item #7 to become Item of Business #11.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 18, 2006**

Motion by Councilperson Harvey to approve the Minutes of the Regular Meeting of September 18, 2006  
as presented.

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

**PUBLIC HEARINGS**

**PARKS AND RECREATION MASTER PLAN**

The public hearing was held to receive citizen comment regarding the proposed 2006 Parks and  
Recreation Plan.

The following people addressed the City Council:

Betty Coon, 1204 Palmer Avenue  
Gary Martenis, 705 Lingle Avenue, letter read aloud by the Mayor.

Motion by Councilperson Ford to adopt the following resolution:

WHEREAS, the City Council of the City of Owosso, Michigan has undertaken a Five Year Parks  
and Recreation Plan that describes the physical features, existing recreation facilities and the  
desired actions to be taken to improve and maintain recreation facilities during the period between  
2007 and 2012, and

WHEREAS, a public comment session was held on October 2, 2006 at Owosso City Hall to provide  
an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Parks  
and Recreation Plan, and

WHEREAS, the City of Owosso has developed the Plan for the benefit of the entire community and  
wishes to adopt the Plan as a document to assist in meeting the recreation needs of the  
community, and

WHEREAS, after the public hearing the City Council of the City of Owosso found that it was  
sufficiently informed of the citizens viewpoints and plan contents to vote to adopt the 2006 Parks  
and Recreation Master Plan,

NOW THEREFORE BE IT RESOLVED the City Council of the City of Owosso hereby adopts the  
Owosso 2006 Parks and Recreation Plan as a guideline for improving recreation for the residents  
of the City of Owosso.

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

**NAYS:** None.

**ORDINANCE AMENDMENT – ZONING**

The public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to Chapter 38, Zoning, Article XXI, *Board of Appeals*, Sections 38-501 through 38-503, of the Code of Ordinances of the City of Owosso.

There were no citizen comments.

There was general discussion regarding the definition of the term “contractor” as used in the proposed ordinance.

Motion by Mayor Pro-Tem Owen to table the proposed ordinance amendment until the term “contractor” is sufficiently defined.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

**ORDINANCE AMENDMENT – ADMINISTRATION**

The public hearing was conducted to receive citizen comment regarding proposed addition of Chapter 2, Administration, Article VII, Municipal Employees’ Pensions, Section 2-411 (d), of the Code of Ordinances of the City of Owosso.

There were no citizen comments.

There was general Council/ Staff discussion regarding whether the proposed ordinance amendment was retroactive as written. Concern was expressed regarding establishing retroactive ordinances and policies.

Motion by Mayor Pro-Tem Owen to table the proposed ordinance amendment for redrafting.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

**COMMUNITY DEVELOPMENT BLOCK GRANT CLOSE-OUT – “WESENER BUILDING”**

Director of Community Development Philip B. Hathaway described the City’s contractual obligation with the State of Michigan to conduct a close-out public hearing for the elevator installation at the Wesener Building. He explained the hearing was advertised in the Argus Press, and citizen comments and questions were being sought to provide the State of Michigan insight into to any concerns that may need to be addressed.

There were no citizen comments.

Councilperson Bruff inquired as to what constituted new jobs on the site. Director Hathaway explained that most of the jobs were created at the beauty salon and one new employee was hired at the tuxedo store. It was not known what other employment experience or completion of educational training the new employees had prior to locating at the project. He also explained the 2<sup>nd</sup> floor office area will result in additional new jobs for the downtown.

**CITIZEN COMMENTS AND QUESTIONS**

Betty Coon, 1204 Palmer Avenue, commented on the synopsis, the loop trail, and the necessity of recent millages.

Burton Fox, 216 East Oliver Street, commented on water demand charges.

Mark Anderson, 106 North Lansing Street, commented on the conduct of Council.

Ed Urban, 601 Glenwood Avenue, inquired as to regulations regarding soliciting business through the mail.

Director of Community Development Philip Hathaway indicated the distribution of cost for the loop trail.

Utilities Gary Burk commented on water demand charges.

Mayor Robertson commented on allegations the City Manager violated the Charter.

City Attorney William Brown commented on allegations the City Manager violated the Charter.

Councilperson Bruff inquired as to the legality of using fireworks in the City.

Public Safety Director Compeau commented on the noise ordinance and use of fireworks in the City.

City Manager Gregg Guetschow commented on Central Dispatch handling local issues.

**CONSENT AGENDA**

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

Bid Award. Approved low bid of Searles Construction Co. for 21AA gravel in the amount of \$9,384.00 for up to 800 tons and approved payment up to the bid amount.

Bid Award. Approved low bid of Searles Construction Co. for 25A gravel in the amount of \$5,865.00 for up to 500 tons and approved payment up to the bid amount.

Bid Award. Approved bid of Collard Masonry for replacement of the brick corners on Exchange Street at the Water Street and Ball Street intersections in the amount of \$7,890.00 and approved payment up to the bid amount.

Bid Award. Accepted low bid from Owosso Dry Cleaners for dry cleaning of the Police/Fire Division uniforms for the 3-year period from July 1, 2006 through June 30, 2009.

Purchase Authorization. Authorized purchase of salt for the 2006-2007 winter salt supply through the State of Michigan Road Salt Contract in the following amounts: 400 tons for early shipment at \$26.89 per ton and approximately 2000 tons at \$36.51 per ton and approved payment up to the maximum amounts.

Payment Authorization. Authorized payment to AKT Peerless for environmental site investigation at Robbins Loft in the amount of \$5,590.00.

Payment Authorization. Authorized final payment, keeping \$100 retainer, to Glaeser Dawes Corp. for water main installation in the amount of \$25,183.50.

Contract Payment. Authorized Progress Payment No. 1 to the State of Michigan for South Street Reconstruction in the amount of \$132,064.35.

Contract Payment. Authorized Progress Payment No. 2 to Perrin Construction for the 2006 Street Program in the amount of \$102,466.07 for work completed through September 22, 2006.

Warrant No. 333. Accepted Warrant No. 333 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Michigan Municipal Risk Management Authority	Building and Property Insurance	General	\$149,491.00

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**CITY CLERK APPOINTMENT**

Motion by Mayor Pro-Tem Owen to approve the appointment of Amy K. Kohagen to the position of City Clerk.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

**BANK ACCOUNT SIGNATORIES**

Motion by Councilperson Horvath to authorize the following resolution:

**RESOLUTION NO. 09-2006**

**CHEMICAL BANK SIGNATORIES**

BE IT RESOLVED that Chemical Bank, 100 East Main Street, Owosso, Michigan 48867 be and its hereby designated as a depository of the funds of the City of Owosso, and that the said funds be subject to withdrawal upon checks, notes, drafts, bills of exchange, acceptances, undertakings or other orders for the payment of money when signed by any two (2) of the following: Amy K. Kohagen, City Clerk; Gregg G. Guetschow, City Manager; Richard C. Williams, Finance Director; and Stanley P. Jelinek, Public Works Director.

BE IT FURTHER RESOLVED that the above named Chemical Bank is authorized to pay any such checks, notes, drafts, bills of exchange, acceptances, undertakings or other orders and also to receive the same for the credit of or in payment from the payee or any other holder without injury as to the circumstances of issue of the disposition of the proceeds thereof, even if drawn to the individual other of any signing officer or payable to said Chemical Bank or others for his account, or tendered in payment of his individual obligation.

BE IT FURTHER RESOLVED that any and all endorsements for or on behalf of the City of Owosso upon checks, drafts, notes or instruments for deposit or collection made with the said Chemical Bank may be written or stamped endorsements of the City of Owosso without any designation of the person making such endorsements.

BE IT FURTHER RESOLVED that said Chemical Bank be promptly notified in writing by the City Clerk of the City of Owosso of any change in this resolution and that until it has actually received such notice in writing said Chemical Bank is authorized to act in pursuance of this resolution.

It is further certified that this resolution is within the power of the City Council to pass as provided in the Charter and Ordinances of this City.

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

**PROPERTY SALE**

Motion by Mayor Pro-Tem Owen to authorize the sale of property described as:

DESCRIPTION OF PARCEL 'A'  
PART OF THE NORTHEAST 1/4 OF SECTION 18 AND THE SOUTHEAST 1/4 OF SECTION 7, T7N-R3E, CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89°01'21" E, ALONG THE NORTH LINE OF SECTION 18, 224.00 FEET AND S 01 °03'40" W 22.04 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 18; THENCE S 88°56'20" E 19.32 FEET; THENCE ON A CURVE TO THE LEFT, HAVING 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; THENCE S 89°01'21" E 53.32 FEET TO THE NORTHWEST CORNER OF SHIAWASSEE COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 8, "WOODLAND TRAILS", AS RECORDED IN LIBER 1057, PAGE 595, SHIAWASSEE COUNTY, MICHIGAN RECORDS; THENCE ALONG THE WEST AND NORTH LINES OF SAID "WOODLAND TRAILS" S 00°26'31" E 100.02 FEET AND N 89°01'21" W 147.31 FEET; THENCE N 01°03'40" E 27.96 FEET TO THE PLACE OF BEGINNING, BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

And

DESCRIPTION OF PARCEL 'B'  
PART OF THE NORTHEAST 1/4 OF SECTION 18, T7N-R3E, CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH STREET RIGHT-OF-WAY, WHICH IS S 01°03'40" W, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 50.00 FEET AND

S 89°01'21" E 50.00 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION; THENCE N 01°03'40" E 17.98 FEET; THENCE S 89°01'21" E 174.00 FEET; THENCE S 01°03'40" W 17.98 FEET TO SAID SOUTH LINE OF NORTH STREET RIGHT-OF-WAY; THENCE N 89°01'21" W, ALONG SAID SOUTH LINE, 174.00 FEET TO THE PLACE OF BEGINNING, EXCEPT A UTILITY EASEMENT RECORDED IN LIBER 661, PAGE 260, SHIAWASSEE COUNTY, MICHIGAN RECORDS, AND EXCEPT A PUBLIC SIDEWALK EASEMENT ON THE NORTH 5 FEET.

to Woodside Builders in the amount of \$1.00 and authorize the Mayor and City Clerk to execute appropriate documents and further authorize the discharge of the mortgage for Woodside Trails Condominiums (after payoff).

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

### **MOOTZIE'S GALLERY REQUEST**

Motion by Mayor Pro-Tem Owen to approve temporary changes to the liquor license permit (serving outside of their usual premises) for outside event October 6, 2006 at Mootzie's Gallery.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

### **NATIONAL INCIDENT MANAGEMENT SYSTEM**

Motion by Councilperson Harvey to approve the following resolution designating the National Incident Management System as the basis for all incident management in the City of Owosso.

#### **RESOLUTION NO. 10-2006**

#### **DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF OWOSSO**

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS):

WHEREAS, NIMS provides a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all federal, state, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all federal, state, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the ability of the City of Owosso to utilize federal funding to enhance local readiness, maintain first responder safety, and streamline incident management processes;

WHEREAS, the Incident Command System components of NIMS are already an integral part of various

incident management activities throughout the City of Owosso, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, BE IT RESOLVED by the City of Owosso that we, the members of the City Council, endorse and do hereby establish the National Incident Management System (NIMS) as the standard for incident management by the City of Owosso.

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

#### **BID AWARD – BENTLEY PARK SIDEWALK**

There was general discussion regarding the cost of the project, original estimates for the project, alternatives to a sidewalk, new State sidewalk requirements, justifying the cost of the project, and the need to provide a connection to the park for pedestrians.

Motion by Councilperson Ford to approve the low bid of Central Michigan Industries for sidewalk on the east side of M-52 from Cass Street to Stewart Street.

Motion supported by Councilperson Horvath.

Roll Call Vote.

AYES: Councilperson Horvath, Ford, Bruff, and Mayor Robertson.

NAYS: Councilperson Harvey, Mayor Pro-Tem Owen, and Councilperson Cline.

#### **CASS STREET ENGINEERING SERVICES**

Motion by Councilperson Horvath to authorize professional services agreement with Gould Engineering to provide preliminary engineering and final concept plans for the Cass Street Design Project. in the amount of \$8,500.00.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

#### **FARMER'S MARKET**

There was general discussion regarding the need for rules governing use of City parking lots, special use permits, past efforts to resolve issues with the Farmer's Market, the need to handle the situation carefully and avoid disrupting the Market, establishing an appeals process for those denied access to the Farmer's Market, and suggestions from Market vendor Morley Terbush.

It was decided to draft a request to the Farmer's Market asking them to establish an appeals process.

#### **PURCHASE AGREEMENT – 100 SOUTH WASHINGTON STREET**

There was general discussion regarding the characteristics of the proposed structure, job creation, the financial impact to the City should the offer be accepted, the term of the offer, plans for the current Fifth Third building should the offer be accepted, and options to the purchase agreement. Council was in favor of further discussions with Fifth Third Bank regarding the offer.

#### **CHANGE ORDER – 2006 WATER MAIN PROJECT**

There was general discussion regarding the large increase in the contract, past practice with change orders, the advantages and disadvantages of allowing staff to make spending decisions in the field, establishing a threshold for overages, the temptation to assume overages in a contract estimate, and tracking overages and contracts that come in under budget. Council directed staff to provide information regarding change orders at the next Council meeting.

Motion by Mayor Pro-Tem Owen to approve Change Order No. 3 to the contract with Glaeser Dawes Corp. for water main installation adding \$15,142.00 for work and materials above and beyond the original contract.

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

### **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 Harvey.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Owosso Westown Merchants. Letter regarding supplying electrical service along the sidewalk.  
Liquor Control Commission. Cancellation of application for Wright Brothers Enterprises, Inc.  
Charter Cable. Information regarding Charter Telephone service.  
Owosso Historical Commission. Minutes of Meeting of September 19, 2006.

There was general discussion regarding the request of the Westown Merchants for electrical service along the sidewalk. There is currently no wiring to provide service. Businesses would need to be specially assessed for the installation of materials to provide service. A cost estimate will be provided at the next Council meeting.

### **CITIZEN COMMENTS AND QUESTIONS**

William Owen, 1309 Herman Street, inquired about the reconstruction of Cass Street.

Betty Coon, 1204 Palmer Avenue, commented on previous offers for the old hotel site, the City loaning the DDA money, installation of the new sidewalk on M-52, and the sound system in the Council Chambers.

Burton Fox, 216 East Oliver Street, commented on a pedestrian walkway over M-52.

Don Forester, 1221 Adams Street, inquired as to the status of the Robbins Loft project.

William Owen, 1309 Herman Street, inquired about emergency access to the Corunna Avenue area during construction.

There was general discussion regarding outdoor wood burners.

### **ADJOURNED TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING REAL PROPERTY ACQUISITION AT 9:58 PM**

#### **RETURNED FROM EXECUTIVE SESSION AT 10:29 PM**

##### Approve Executive Session Minutes – July 17, 2006

Motion by Mayor Pro-Tem Owen to approve the July 17, 2006 Executive Session Minutes as presented.

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

##### Approve Executive Session Minutes – September 18, 2006

Motion by Mayor Pro-Tem Owen to approve the September 18, 2006 Executive Session Minutes as presented.

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

### **ADJOURNMENT**

Motion by Mayor Pro-Tem Owen for adjournment at 10:31 p.m.

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

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Linda L. Robertson, Mayor

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Amy K. Kohagen, City Clerk