

**OWOSSO CITY COUNCIL**

**NOVEMBER 6, 2006**

**7:30 P.M.**

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

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

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

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

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Councilperson Ford to approve the agenda as presented with the deletion of Item of Business #4 WWTP Influent Pump and the addition of Item of Business #7 Liquor License Permit.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 16, 2006**

Motion by Councilperson Bruff to approve the Minutes of the Regular Meeting of October 16, 2006 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF OCTOBER 30, 2006**

Motion by Councilperson Bruff to approve the Minutes of the Special Meeting of October 30, 2006 as presented.

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

**CITIZEN COMMENTS AND QUESTIONS**

Mayor Robertson commented on honoring the former Corunna Meijer store manager, Greg Johnson.

Rick Morris, 1229 Willow Street, Owosso Westtown Merchant Representative, inquired as to whether Council would pay for the installation of electrical service for the trees along Main Street in Westtown.

Douglas Rowden, 1250 Jackson Drive, commented on overnight parking in the Osburn Lakes Subdivision.

Mayor Pro-Tem Owen commented on his desire to see the organization of a group to promote activities in the Castle/Amphitheatre area. It was indicated Joni Forster may be of help with this idea.

Councilperson Horvath commented on current efforts to promote the downtown area.

Councilperson Cline commended City DPW workers for their prompt service in a recent emergency.

**CONSENT AGENDA**

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

Planning Commission Referral. Referred to the Planning Commission a request from Memorial Healthcare to rezone the parcel described as LOTS 1-15, BLK 1, INGERSOLLS ADDITION TO THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, EXCEPT LOT 3, CONSISTING OF 3.87 ACRES from R-1 One Family Residential District and R-2 Two Family Residential District to OS-1 Office Service District.

Change order. Authorized Change Order No. 1 to the 2006 Street Patch Bid with One Way Asphalt in the amount of \$10,914.37 for additional patches.

Contract Payment. Authorized Final Payment to One Way Asphalt in the amount of \$13,599.82 for the 2006 Street Patch Bid.

Payment Authorization. Authorized final payment to Michigan Pavement Solutions LLC for the 2006 Slurry Seal and Seal Coat Program in the amount of \$94,610.78.

Payment Authorization. Authorized final payment to Aerocon Photogrammetric Services Inc for the aerial photography contract in the amount of \$7,230.00.

Contract Payment. Authorized Progress Payment No. 5 to Fishbeck, Thompson, Carr and Huber for Oliver Street Bridge design work covering the time period from September 9, 2006 to October 6, 2006 in the amount of \$29,739.59.

Traffic Control Order No 1164. Authorized Traffic Control No. 1164 rescinding Traffic Control No. 1017 for 15 minute parking on the south side of the 800 block of West Main Street.

Warrant No. 335. Accepted Warrant No. 335 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$20,131.00
White, Schneider, Young & Chiodini, PC	Professional Services for the month of September 2006	General	\$5,263.30

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

### **ITEMS OF BUSINESS**

#### **GOULD HOUSE GARAGE**

There was general discussion regarding the condition of the building, how the Historical Commission reached their decision to tear it down, and making another effort to save the building.

Motion by Mayor Pro-Tem Owen to approve the request of the Owosso Historical Commission to demolish the Gould House garage.

Supported by Councilperson Horvath.

Motion by Councilperson Harvey to table the issue.

Supported by Councilperson Cline.

Roll Call Vote (to table issue).

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

NAYS: None.

#### **MORTGAGE DISCHARGE AND BROWNFIELD PLAN AMENDMENT**

Motion by Mayor Pro-Tem Owen to authorize the mortgage discharge for lien with Roberto and Jennifer Larrivey, subject to the developer's prepayment to the City of the \$5,590.00 in loan proceeds used to date; amend the terms of the reimbursement agreement that reference the loan with the State of Michigan; terminate the contract with AKT Peerless; and prepay the loan for \$5,590.00 to the State of Michigan and terminate the loan agreement with the State.

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

#### **WELL PUMP REPLACEMENT.**

Motion by Councilperson Harvey to authorize Professional Services Agreement with Layne Northern to replace and upgrade the pump and motor at Local Well No. 1 in the amount of \$15,760.00.

Supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

### **TRAFFIC CONTROL ORDERS RULES AND REGULATIONS**

There was general discussion regarding what was required of entities applying for use, the appeals procedure requirement of the rules, and the role of Council in determining the appropriateness of the appeal procedures.

Motion by Councilperson Ford to approve the proposed rules and regulations for the use of City parking lots and public streets as follows:

CITY OF OWOSSO  
RULES AND REGULATIONS  
FOR THE ISSUANCE OF CERTAIN  
TRAFFIC CONTROL ORDERS

AUTHORITY. These rules and regulations are promulgated pursuant to the provisions of section 7.18 of the Owosso City Charter.

APPLICABILITY. These rules and regulations shall be applicable to traffic control orders approved by the City Council for the use of parking lots subject to the provisions of section 33-43 of the Owosso City Code and streets other than for their usual and customary purposes.

APPROVAL BY THE COUNCIL REQUIRED. The approval of the City Council is required before the issuance of any traffic control order for the use of parking lots and streets for events, parades and the like, regardless of the duration or frequency of the use.

RESCINDING OF TRAFFIC CONTROL ORDERS. The City Council may at any time rescind any traffic control order issued pursuant to these regulations, upon the receipt of a recommendation from the City Manager or upon its own initiative, when the Council determines that the interests of the City and its citizens are best served through such action. Traffic control orders approved pursuant to these regulations may also be superseded by temporary traffic control orders issued by the appropriate City officials when such action is required to safeguard the public health, safety and welfare.

PARKING LOTS. The following conditions shall pertain to the issuance of traffic control orders prohibiting parking in City parking lots when such lots are to be used for events or other purposes:

1. The request for use of the parking lot shall be submitted to the City Clerk not less than 60 days nor more than 120 days before the date for which the use is requested or, in the case of a use that occurs on more than one day, not less than 60 days nor more than 120 days before the first date in the calendar year on which the use would take place.
2. The request for use of the parking lot shall contain the name of the individual or organization making the request, the name, title, address and telephone number of the primary contact person, the dates and hours for which the request is made, and a detailed description of the use for which the request is made. The request should also include copies of any rules or policies applicable to persons participating in the event that is the proposed use of the lot.
3. The City Council may deny the request for a traffic control order prohibiting parking if:
  - The City Council determines that the loss of such parking would present an unreasonable hardship for area businesses or their customers;
  - The applicant has failed to submit a request that complies with the requirements of this policy or other applicable ordinances, laws or rules; or
  - For such other reasonable cause or causes as the City Council might determine.
4. Approval by the City Council of a request for a traffic control order shall not prejudice the zoning board of appeals in its review of an application for a conditional permit pursuant to the provisions of section 38-504(4)(b)(5) of the Owosso City Code.

PARADES AND SIMILAR EVENTS. The following conditions shall pertain to the issuance of traffic control orders regulating parking and traffic necessary to permit parades, foot races, walk-a-thons and similar events on public streets.

1. The request for the event shall be submitted to the City Clerk not less than 60 days nor more than 120 days before the date for which the use is requested.
2. The request for the event shall contain the name of the individual or organization making the request, the name, title, address and telephone number of the primary contact person, the dates and hours for which the request is made, and a detailed

description of the use for which the request is made. The request should also include copies of any rules or policies applicable to persons participating in the event.

3. The City Council may deny the request for a traffic control order regulating parking and traffic for a proposed event if:
  - The City Council determines that such regulations would represent an unreasonable hardship for motorists, pedestrians and property owners and occupants that might be affected by the event;
  - The City Council determines that the duration of the event or the frequency of occurrence of similar events would represent an unreasonable hardship for motorists, pedestrians, and property owners and occupants that might be affected by the event or events.
  - The applicant has failed to submit a request that complies with the requirements of this policy or other applicable ordinances, laws or rules; or
  - For such other reasonable cause or causes as the City Council might determine.
4. Approval by the City Council of a request for a traffic control order shall not diminish in any way the obligations of event organizers and participants to comply with applicable provisions of City ordinances and state law pertaining to the use of street rights-of-way, nor shall such approval eliminate the requirement to apply for and obtain the necessary permits for the occupancy and use of street rights-of-way issued by the City Engineer.

APPEAL PROCEDURE. Rules and policies applicable to events and activities organized in such a manner as to constitute an invitation to members of the general public to participate in the event or activity shall comply with all applicable local, state and federal laws and regulations and shall include, at a minimum, a process for appealing decisions that have the effect of denying participation or imposing limitations on participation beyond those generally applicable to all other participants..

COSTS FOR MAINTENANCE, REPAIRS, UTILITIES AND SECURITY. The City Manager shall have the authority to impose charges for the costs of maintenance and repair of City properties and facilities, for the use of utilities and for the provision of security associated with events and activities for which traffic control orders are issued when such costs exceed the costs associated with the ordinary public use of such properties and facilities. The City Manager may require a deposit be paid or a bond be submitted to cover such costs before issuance of the requested traffic control order.

HOLD HARMLESS AND INDEMINIFICATION. The submission of a request by an individual or organization for a traffic control order pursuant to these rules and regulations shall constitute an agreement to indemnify and hold the City and its officers and employees harmless from any and all liability arising from the event or activities for which the request is made.

INSURANCE. The individual or organization requesting a traffic control order pursuant to these rules and regulations shall provide evidence to the City of insurance coverage applicable to the event or activity naming the City as an additional insured in an amount of not less than \$500,000 combined single limit; provided, however, that the City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

Supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

#### **EXECUTIVE SESSION**

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

Supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

## **LIQUOR LICENSE PERMIT**

Motion by Mayor Pro-Tem Owen to authorized the following resolution for the issuance of a Dance-Entertainment Permit in conjunction with a 2006 Class C licensed business located at 217-223 South Washington Street, Owosso, Michigan, Shiawassee County.

### **RESOLUTION NO. 11-2006**

The request from Trecha Enterprises, LLC for a New Dance-Entertainment Permit, in conjunction with a 2006 Class C licensed business, located at 217-223 South Washington Street, Owosso, MI 48867, Shiawassee County be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

## **COMMUNICATIONS**

Ronald G. Baker, City Engineer. Cost estimate to provide electricity to the trees in Westtown.

Gary M. Burk, Utilities Director. Sanitary Sewer Overflow Program Update.

Downtown Development Authority. Minutes of Meeting of November 1, 2006.

Owosso Historical Commission. Minutes of Meeting of October 17, 2006

There was general discussion regarding paying for electrical service to the trees in Westtown, setting precedence, how such requests have been handled in the past, obstacles for some Westtown merchants, and using the Special Assessment process to pay for the project.

It was agreed to place the item on the next agenda along with the details of a special assessment roll for the project.

## **CITIZEN COMMENTS AND QUESTIONS**

Ed Wracan, 12090 Bristol Road, Lennon, member of the Farmer's Market inquired about the nature of the rules for use of City parking lots.

Liz Schautz, 2232 East Bennington Road, Durand, Market Master of the Farmer's Market indicated the market members will be having a meeting Wednesday November 8, 2006 and would like a copy of the newly adopted rules and regulations for use of City parking lots and streets for discussion at their meeting.

Burton Fox, 216 East Oliver Street, suggested forming a citizen committee to seek out and promote events in the Castle/Amphitheatre area, and indicated he would volunteer.

Mayor Pro-Tem Owen indicated he was looking for a committee similar to that of the Curwood Festival for promotion of the Castle/Amphitheatre area.

Shelva Cebulski, 1243 Marion Street, commented on the fine conduct of local kids on Halloween night.

Ed Brush, 1116 North Ball Street, commented on his frustration with the sequencing of the stop lights on Main Street.

Ed Urban, 601 Glenwood Avenue, asked for clarification on a portion of the newly adopted rules and regulations for use of City parking lots.

Mayor Robertson reminded all in attendance of the Veteran's Day Parade on Saturday November 11, 2006.

**RECESSED TO EXECUTIVE SESSION AT 8:30 PM  
RETURNED FROM EXECUTIVE SESSION AT 8:50PM**

## **APPROVE EXECUTIVE SESSION MINUTES - OCTOBER 2, 2006**

Motion by Mayor Pro-Tem Owen to approve the October 2, 2006 Executive Session Minutes as presented.

Supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

**ADJOURNMENT**

Motion by Mayor Pro-Tem Owen for adjournment at 8:54 p.m.

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

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Linda L. Robertson, Mayor

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Amy K. Kohagen, City Clerk