

OWOSSO CITY COUNCIL

FEBRUARY 5, 2007

7:32 P.M.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

OPENING PRAYER: MAYOR LINDA L. ROBERTSON

PLEDGE OF ALLEGIANCE: MAYOR LINDA L. ROBERTSON

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Bruff to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 16, 2007

Motion by Councilperson Harvey to approve the Minutes of the Regular Meeting of January 16, 2007 as presented with the following changes:

SPECIAL ASSESSMENT DISTRICT NO. 2007-06 Should read "Motion by Councilperson Harvey to adopt the following resolution:"

CITIZEN COMMENTS AND QUESTIONS Second period, correct spelling of "Manager" in the comments from Gary Martenis.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 29, 2007

Motion by Councilperson Ford to approve the Minutes of the Regular Meeting of January 29, 2007 as presented.

Motion supported by Mayor Pro-Tem Owen and concurred in by unanimous vote.

CITIZEN COMMENTS AND QUESTIONS

Dan Stewart, 706 Willow Springs Drive, County Commissioner District 1, introduced himself and indicated he will be visiting Council when he can to keep them informed of County issues.

Marsha Lyttle, 624 North Saginaw Street, commented on rumor that some council members wish to remove the city manager, indicated her support for the city manager and her feeling the situation was not being handled properly.

Casey Voss and Jamie Irish, owners of Hair Peace Salon, commented on their struggles with clients receiving parking tickets while patronizing their salon and inquired about what could be done to accommodate their clients.

There was general discussion regarding suggestions to remedy the situation. Community Director Hathaway indicated he will contact other DDA directors to get opinions and ideas from other communities.

Mike Everhart Jr., 624 East King Street, commented on his concern about streets being unplowed. City Manager Guetschow indicated that local streets get plowed only after 2" of snow has accumulated, major streets are plowed and salted more frequently.

Councilperson Ford inquired about what transpired in regard to the city manager's impending resignation, indicating she was left out.

City Manager Guetschow indicated the matter would be resolved and questions would be answered at the end of meeting.

CONSENT AGENDA

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

Set Public Hearing-Street Closure

Whereas, Memorial Healthcare has submitted a petition to vacate a portion of Ada Street from the South line of Jennett Street to the North line of West King Street, said street section lying within Ingersoll's Addition to the City of Owosso, and

Whereas, provision for local authority in vacating a street section is made in the Michigan Constitution, the Land Division Act, PA 288 of 1967 as amended, and in the City Code of Ordinances, Section 29-154, Vacating Streets, and

Whereas, the City Planning Commission has recommended closure of the aforesaid street section and the Council deems it advisable to grant the petition for closure,

Now Therefore be it Resolved, that the City Council advises closure of that portion of Ada Street from the south line of Jennett Street to the North line of West King Street; and Furthermore,

Be it Resolved that a public hearing shall be scheduled for February 20, 2007 at 7:30 p.m. at City Hall when the Council shall meet and hear objections thereto; and Furthermore,

Be it Resolved that notice of the hearing, in addition to the required newspaper publication, shall be mailed to abutting property owners and to the property owners north of the closure location on Ada Street and Campbell Drive.

Conduct First Reading and Set Public Hearing-Rezoning Request.

The First Reading on the proposed Ordinance Amendment was held.

A Public Hearing was scheduled for February 20, 2007 to receive citizen comment regarding the proposed amendment to Section 38-27, Chapter 38, Article II, District Boundaries, of the Code of the City of Owosso, as follows:

AN ORDINANCE TO AMEND SECTION 38-27 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Section 38-27 of Article II of the Owosso City Code, District Boundaries, is hereby amended by changing the designation of the following lots and parcels of land designated in a zoning map of the City of Owosso, and referred to in said Section and made a part thereof, which said lots and

parcels hereby intended to be redesignated are not described in body of said Section as in certain zone districts; said designation being as follows:

APPLICANT: Scott Bosgraaf
200 Franklin
Zeeland, MI 48464

PROPERTY ADDRESSES: 317 South Elm Street
314 & 318 South Shiawassee Street

PROPOSED REZONING: FROM I-1 Light Industrial District
TO PUD Planned Unit Development District

PROPERTY DESCRIPTION:

Parcel A - LOTS 16 & 17 INCL W 1/2 ADJ VAC HOWELL ST EXC W 7' OF LOT 16 BLK 23 ALSO LOTS 1 THRU 8 INCL ADJ N 20' VAC CASS & W 1/2 ELM & E 1/2 HOWELL STS EXC PRT OF LOT 1 DESCR AS BEG 7.68' W OF NE COR OF SD LOT 1 - W 119.47' - S 2.8' - NE'LY 119.5' TO POB BLK 24 ALSO LOTS 5 8 & 9 INCL W 1/2 VAC ALLEY ADJ TO LOT 5 & PRT OF LOT 4 DESCR AS BEG AT SW COR LOT 4 - E 40' - NW'LY TO A PT 33' N OF SW COR LOT 4 - S TO BEG INCL E 1/2 VAC ALLEY ADJ TO THIS PRT OF LOT 4 ALSO INCL N 20' ADJ VAC CASS ST & E 1/2 VAC ADJ S ELM ST ALL ON A L & B O WILLIAMS ADDN

Parcel B - LOT 3 BLK 25 A L & B O WILLIAMS ADD INCLUDING 1/2 CLOSED ALLEY

Parcel C - LOT 4 (EX COM S W COR LOT 4 TH E 40' N'WSTLY TO A PT 33' N OF SW COR LOT 4 S 33' TO BEG BLK 25 A L & B O WILLIAMS ADD INCLUDING 1/2 CLOSED ALLEY

SECTION 2. The changes made in the zoning in the lots and parcels of land hereinbefore described are hereby ordered to be redesignated on said map in accordance with this Ordinance.

SECTION 3. This Ordinance shall take effect twenty (20) days after passage.

Site Plan Review. Set a public hearing to receive citizen comment regarding review of the site plan for the Planned Unit Development at 317 South Elm Street and 314-318 South Elm Street (Woodard Station Lofts).

Sole Source Purchase. Waived competitive bidding and approved sole source purchase of twelve (12) Chairman Light Fixtures from The Lighting Group in the amount of \$23,040.00 and authorized payment up to the approved amount.

Sole Source Purchase. Waived competitive bidding and approved sole source purchase of twelve (12) Wazata light poles from the Dynamic Group in the amount of \$11,940.00 and authorized payment up to the approved amount.

Purchase Authorization. Waived bid irregularities and approved sole source purchase from Alfa-Laval for off-site refurbishment of the sludge dewatering centrifuge at the Wastewater Treatment Plant at an estimated cost of \$15,000.00.

Contract Payment. Approved progress payment to Environmental Consulting & Technology for environmental site investigation work completed involving the future right-of-way of the new road to the Sugar Beet site in the amount of \$1,193.50.

Boards and Commissions Appointment. Approved mayoral appointment of Dallas Lintner to the Owosso Planning Commission to fill the position vacated by Amy Six King for a term expiring June 30, 2008.

Traffic Control Order No. 1182. Authorized Traffic Control Order No. 1182 for installation of two handicap parking signs on North Washington Street near the entrance to Fayette Square.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

LOT SPLIT AUTHORIZATION

Motion by Councilperson Harvey to authorize the division of City lot under Michigan Subdivision Control Act for platted lot described as 1210 Krust Drive as follows:

Simpson, Mildred
1210 Krust Drive
050-360-000-043-00

Current Description of Entire Parcel – 1210 Krust Drive 050-360-000-043-00
LOT 44 KRUST SUBDIV

Current Description of Entire Parcel – 1214 Krust Drive 050-360-000-044-00
LOT 45 KRUST SUBDIV

New Description after Split – 1210 Krust Drive 050-360-000-043-00
LOT 44 KRUST SUBDIV, (EXCEPT N 4')

New Description after Split – 1214 Krust Drive 050-360-000-044-00
LOT 45 KRUST SUBDIV & N4' OF LOT 44

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

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

NAYS: None.

FIFTH THIRD PURCHASE DISCUSSION – 102 SOUTH WASHINGTON STREET

Council received the highlights of the proposed purchase agreement with Fifth Third Bank for the City owned parcel at 102 South Washington Street as follows:

- a. The purchase offer is for \$400,000 with a \$10,000 earnest money deposit.
- b. The City shall provide a title commitment insurance policy for the sale amount.
- c. The City is to supply the Buyer with information on hand (surveys, environmental studies, etc.).
- d. The Buyer has a 180-day due diligence and inspection period.
- e. Except for a "For Sale" sign, the Buyer has exclusive rights to purchase the site during the contract term.
- f. The City cannot alter the physical condition of the site during the term of the contract.
- g. Ordinary closing fees will be assessed to the parties, Fifth Third agrees to pay the realtor's commission.

- h. The City is prohibited from developing any adjoining property for another financial institution for 15 years.
- i. The offer ends February 23, 2007.

There was general discussion regarding when the formal purchase agreement would be presented to Council, proposed site plan details, the length of the due diligence period, and what Fifth Third Bank is entitled to if the purchase agreement is approved. Staff was directed to proceed with the development of the purchase agreement.

REAL ESTATE BROKER SELECTION – 102 SOUTH WASHINGTON STREET

The names of the following real estate brokers were entered into the drawing for selection as the broker for the City owned property at 102 South Washington Street. (The broker will be utilized only if the purchase agreement with Fifth Third Bank does not reach fruition.):

Don Horton and Sons Inc.
MA Hanna Corp.
Re/Max
Northside Realty – Roger Snyder
Selleck Realty
Jim Civile

Public Safety Director Michael T. Compeau pulled from the bowl Re/Max as the primary broker and Jim Civile as the back-up.

COMMUNICATIONS

Amy Six King. Letter of resignation for Planning Commission.
Marjorie Renwick. Letter requesting plaque from Oliver Street Bridge.
Michigan Municipal League. Invitation to National League of Cities Congressional City Conference.
Owosso Planning Commission. Minutes of Meeting of January 22, 2007.
Owosso Planning Commission. Minutes of Meeting of January 29, 2007.
Owosso Historical Commission. Minutes of Meeting of January 16, 2007.

In regard to Mrs. Renwick's letter, City Manager Guetschow indicated the plaques on the Oliver Street bridge will be remounted upon reconstruction of the bridge.

CITIZEN COMMENTS AND QUESTIONS

Gary Martenis, 705 Lingle Avenue, expressed his desire to avoid water and sewer rate increases and suggested an independent review of the water system.

Mike Everhart Jr., 624 East King Street, inquired about postal service requirements that a path to the mailbox be cleared of snow. He was directed to approach the Post Office.

City Manager Guetschow indicated he learned late today that he lacks support of the majority of Council members to continue as city manager and it was in the best interest of the city for a transition in the executive leadership. He offered his resignation subject to negotiation of a termination agreement acceptable to both city and himself. He further requested Council set a meeting for one February 12, 2007 to take action on the severance agreement and formally accept his resignation.

SET SPECIAL MEETING TIME

Motion by Councilperson Ford to set a special meeting for Monday February 12, 2007 at 7:30 pm in the City Hall Council Chambers to discuss the severance package and resignation of the City Manager.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

There was general discussion regarding the legality of actions taken by some Council members, what is best for the city, the city manager's potential severance package, and why things were handled behind the scenes.

ADJOURNMENT

Motion by Councilperson Harvey for adjournment at 8:33 p.m.

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

Linda L. Robertson, Mayor

Amy K. Kohagen, City Clerk