

**OWOSSO CITY COUNCIL**

**APRIL 2, 2007**

**7:30 P.M.**

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

**OPENING PRAYER:** PASTOR DAVID WOODBY  
REDEEMER LUTHERAN 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 3. Signature Authorization.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 19, 2007**

Motion by Councilperson Ford to approve the Minutes of the Regular Meeting of March 19, 2007 as presented with a correction to the date in the title to read March 19, 2007.

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

**CITIZEN COMMENTS AND QUESTIONS**

Burton Fox, 216 East Oliver Street, commented on suggestions for the downtown from a recent letter in the Argus Press.

Mayor Robertson extended Council's sympathies to the family of former Councilperson Robert Teich on his passing.

**CONSENT AGENDA**

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

Set Public Hearing – Neighborhood Enterprise Zone. A public hearing was set for May 21, 2007 to receive citizen comment regarding the establishment of a proposed Neighborhood Enterprise Zone, District #2, in the Westtown area and further designated the proposed zone as the parcels encompassed in the following description:

- A) Erastus Barnes Addition including lots numbered 1 through 11, the north ½ of Lot 12, the west 44' of the north ½ of Lot 13, Lots 18, 30 and 31, and;
- B) Al and BO Williams Addition to the City, Lots 2-15 of Block 14, Lots 1-14 of Block 15, Block 8, and the RR ROW adjacent to Blocks 15 and 8 except for ROW west of the main rail line.

Order No. 1173. Amended Traffic Control Order No. 1173 to expand the number of lease permit parking spaces in the Main Street/Park Street parking lot (Lot #7).

Motion supported by Councilperson Ford.

Councilperson Bruff commented on open meetings act issues in relation to the consent agenda.

Roll Call Vote.

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

**NAYS:** Councilperson Bruff.

Councilperson Bruff attempted to abstain from the vote but was prevented from doing so. There was general discussion regarding the rules for abstaining and use of the consent agenda format in the future.

**ITEMS OF BUSINESS**

**CURWOOD FESTIVAL PERMISSION**

Motion by Mayor Pro-Tem Owen to approve the application of Christina Usher on behalf of the Curwood Festival for use of City streets and parking lots from June 7, 2007 through midnight June 10, 2007 and authorize Traffic Control Order No. 1187 formalizing such.

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

**UNPAID UTILITY CHARGES**

Motion by Councilperson Ford to authorize the Annual Notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Roll Call Vote.

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

NAYS: None.

**PROMISSORY NOTE – DOWNTOWN DEVELOPMENT AUTHORITY**

Motion by Mayor Pro-Tem Owen to authorize a promissory note from the DDA as the means of repayment for obligations to the City for the old hotel demolition as follows:

**PROMISSORY NOTE**

\$73,747.00 DATED: \_\_\_\_\_, 2007

301 West Main Street  
Owosso, Michigan 48867

This Promissory Note is entered into by the City of Owosso Downtown Development Authority pursuant to the Downtown Development Authority Act, Act 197 of 1975, MCL 125.1651 et seq., Sections 7(g), 11(1)(g), 13 and 13a and approved by the Owosso City Council on April 2, 2007.

FOR VALUE RECEIVED, the undersigned ("Borrower") promises to pay to the order of the City of Owosso, a Michigan municipal corporation, of 301 West Main Street, Owosso, Michigan 48867, ("Creditor"), the principal amount of Seventy- Three Thousand Seven-Hundred Forty-Seven and No/100 (\$73,747.00) Dollars and interest on the unpaid principal balance at a rate per annum of six (6%) percent from the date of this note with payments of \$17,507.27 per year with the first payment of \$6,247.00 as an interest only payment due on January 15, 2007 and yearly payments of 17,507.27 due January 15, 2008 and the 15th day of each year thereafter until paid in full.

Each payment upon this note shall be made at Creditor's address (set forth above) or any other place that holder of this note directs in writing.

If default occurs in the payment of any installment of principal or interest or in the payment of any other indebtedness or obligation now or in the future owing by Borrower to Creditor, and if the default continues for ten (10) days after the holder of this note gives Borrower written notice, or if a voluntary or involuntary case in bankruptcy, receivership, or insolvency is at any time begun by or against Borrower, then the indebtedness evidenced by this note shall, at the option of the holder, become immediately due and payable, without notice or demand.

Borrower shall reimburse the holder for all expenses including reasonable attorney fees and legal expenses that the holder pays or incurs in attempting to collect this note.

Borrower waives demand for payment, presentment, notice of dishonor, and protest of this note.

This note shall be governed by and interpreted according to the laws of the state of Michigan.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

**ELECTION INSPECTOR COMPENSATION**

Motion by Councilperson Horvath to approve changing the Election Inspector/Chairperson pay scale to \$10.00/hr with a \$15.00/day premium for Chairpersons.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

**SOIL EROSION FEES**

There was general discussion regarding what costs a permit entails and if the proposed charges were in line with other cities.

Motion by Councilperson Ford to approve the following fee schedule for soil erosion permits:

- \$50.00 – 2 month permit
- \$100.00 – 3 to 6 month permit
- \$150.00 – 7 to 12 month permit

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

- William C. Brown. Notice of substitution for April 2, 2007 meeting.
- Richard C. Williams, Finance Director. Transmittal of 2007-2008 City of Owosso Proposed Budget. (*Distributed at Council meeting.*)
- Owosso Historical Commission. Minutes of Meeting of March 20, 2007.

There was general discussion regarding budget cuts and cutting fuel costs. Mayor Robertson announced the agenda for the City Manager Search firm presentations/interviews scheduled for April 30, 2007.

**CITIZEN COMMENTS AND QUESTIONS**

Burton Fox, 216 East Oliver Street, inquired as to the terms of the promissory note from the DDA to the City.

Mayor Pro-Tem Owen commented on the conduct of the county prosecutor's office.

Councilperson Cline commented on the conduct of the county prosecutor's office and the money saved by not initiating prosecution.

Councilperson Bruff commented on the conduct of the county prosecutor, articles in the newspaper, defending himself, and discussions outside Council meetings.

Interim City Manger Cook made suggestions to Council regarding the scheduling of budget discussions.

**RECESSED TO EXECUTIVE SESSION AT 8:03 PM**

**RETURNED FROM EXECUTIVE SESSION AT 8:25 PM**

**APPROVE EXECUTIVE SESSION MINUTES – NOVEMBER 20, 2006**

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

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

**ADJOURNMENT**

Motion by Councilperson Horvath for adjournment at 8:26 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