

OWOSSO CITY COUNCIL

MAY 7, 2007

7:30 P.M.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

OPENING PRAYER: CHRIS HARDWICK
JUMPSTART MINISTRIES

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, Matthew B.
Harvey, and Justin R. Horvath.

ABSENT: Councilperson Joane E. Ford.

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 APRIL 16, 2007

Motion by Councilperson Bruff to approve the Minutes of the Regular Meeting of April 16, 2007 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 30, 2007

Motion by Councilperson Bruff to approve the Minutes of the Special Meeting of April 30, 2007 as presented.

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

SPECIAL PRESENTATION

MAGNET PRESENTATION

Detective Lieutenant Robyn Lynde detailed the make up, current activities and budget structure of the MAGNET organization.

There was general discussion regarding the advantages and disadvantages of the current organization, the advantages and disadvantages of creating a drug team with the City of Flint or Genesee County, and the idea of funding an organization that is unable to provide for all of the City's needs.

PUBLIC HEARINGS

2007-2008 CITY BUDGET

The Public Hearing pursuant to Chapter 8 of the City Charter was conducted to receive citizen comment regarding proposed 2007-2008 City Budget.

The following persons addressed the City Council:

Gary Martenis, 705 Lingle Avenue, gave staffing suggestions and recommended cuts be left to the new City Manager.

Burton Fox, 216 East Oliver Street, gave staffing suggestions.

Joni Forster, 1221 Adams Street, inquired about the funding for Holman Pool and her concerns with putting off the reconstruction of North Street.

Councilperson Cline read aloud a letter from Burton Fox recommending staffing cuts.

There was general discussion regarding fuel usage, methods for reducing fuel consumption in the police department including stationary patrols, foot patrols, and bike patrols, the desire to find more revenue not cut City staff, the trailer park tax, the elimination of cost of living raises for department heads, the City's past practice of providing equal benefits to both union and non-union employees, compensation and benefits for the Director of Public Safety, and the need for the Fire Marshall position.

CITIZEN COMMENTS AND QUESTIONS

William Owen, 1309 Herman Street, commented on his concern with trains causing possible delays in emergency service by blocking roadways.

Thomas Ford, 649 Adams Street, commented on his desire to see the City add a 2% PEG to its new cable franchise and on a misunderstanding in regard to current programming.

Gary Martenis, 705 Lingle Avenue, commented on his desire for the 2% PEG fee and what it could be used for and his concern that some current users will be pushed out the new cable administration.

James Hardwick, 813 North Shiawassee Street, commented on his desire not to see a 2% PEG fee charged, who would benefit from the charge and who would not, and administering the channel within the current management structure.

Judy Ford, 649 Adams Street, commented on the town hall meeting that addressed the decisions faced in relation to the new cable franchise, details of the new legislation, and what PEG fees could do for the community.

John Hoskins, Pastor – Church of Jubilee, commented on his desire not to see the 2% PEG fee and working within the current system to provide more diverse programming.

Martha Hornus, 415 West Main Street, commented on efforts made in the past to accommodate various users of the public cable system.

Rev. Tim Whalen, 103 Keifer Street, commented on his desire not to see the 2% PEG fee and efforts made to make the current system better.

Gary Inman, 1299 South Shiawassee Street, commented on efforts to include other organizations in cable programming, providing a free public service and his desire to see things continue as they have been.

Burton Fox, 216 East Oliver Street, commented on personal attacks on staff, his contact with a video professional that has offered his services to the community, his desire not to see a PEG fee and his concern that some current users will be pushed out of the cable system.

There was general discussion regarding the administration of the current system users, how the new legislation effects PEG channels, how long the new franchise agreement will last, hidden charges not regulated by the new law, and having more money available for community cable programming.

Interim City Manager Cook indicated the agenda packet will now be available on the City website.

CONSENT AGENDA

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

Set Public Hearing – Brownfield Plan Amendment. A public hearing was set for June 4, 2007 to receive citizen comment regarding the District #3 Brownfield Plan amendment for TiAl, Inc.

Bid Award Rejection. Rejected the original bid award to Mid Michigan Turf for limestone gravel for the Sam and Opal Voight Loop Park in the amount of \$9,880.00 due to an error in the bid unit price.

Bid Award. Accepted bid from Constine, Inc. for limestone gravel for the Sam and Opal Voight Loop Park in the amount of \$10,946.00.

Bid Award. Accepted low bid of L & L Construction Co. for the 2007 Street Program in the amount of \$374,754.87 and approved payment up to the bid amount.

Change Order. Approved Change Order No. 4 to the Water Main installation contract with Glaeser Dawes on a bid unit cost basis in an amount estimated at \$14,992 for relocation of an 8-inch water main for the Woodard Station Project.

Contract Payment. Authorized Progress Payment to Fishbeck, Thompson, Carr and Huber for Oliver Street Bridge preliminary design work covering the time period from March 24, 2007 through April 20, 2007 in the amount of \$5,252.45.

Warrant No. 342. Accepted Warrant No. 342 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League	Workers' Compensation Insurance	General	\$23,299.00

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Ford.

ITEMS OF BUSINESS

SIGNATURE AUTHORIZATION – OSBURN LAKES AND WOODLAND TRAILS DEVELOPMENTS

Motion by Mayor Pro-Tem Owen to approve resolutions updating the signatories for sales and discharges of mortgage in the Osburn Lakes and Woodland Trails developments as follows:

**RESOLUTION NO. 14-2007
SIGNATURE AUTHORIZATION
OSBURN LAKES SINGLE FAMILY CONDOMINIUMS**

Whereas, on November 15, 2004, the Owosso City Council adopted a resolution designating City of Owosso officers authorized to sign all documents necessary to sell and close a sale of the lots in the development commonly known as Osburn Lakes Condominium and memorialized in the Master Deed recorded in Liber 1069, Page 159, of the Shiawassee County Records; and

Whereas, it has become necessary to remove references to specific City employees due to staffing changes.

Now, Therefore, Be It Resolved that the following City of Owosso officers may sign all documents necessary to sell and close a sale of the lots in said Master Deed:

The Owosso City Clerk, the Owosso City Manager, the Interim City Manager, the City Treasurer, the City Assessor, or the City Attorney.

**RESOLUTION NO. 15-2007
SIGNATURE AUTHORIZATION
OSBURN LAKES DUPLEX CONDOMINIUMS**

Whereas, on November 15, 2004, the Owosso City Council adopted a resolution designating City of Owosso officers authorized to sign the partial discharge of mortgage for sales of condominium units in the development memorialized in the Master Deed recorded in Liber 1057, Page 595, of the Shiawassee County Records; and

Whereas, it has become necessary to remove references to specific City employees due to staffing changes.

Now, Therefore, Be It Resolved that the following City of Owosso officers may sign all documents necessary to discharge the mortgage on said property:

The Owosso City Manager, the Interim City Manager, the City Treasurer, the City Assessor, and the City Attorney.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Ford.

LOAN APPLICATION – CHESTNUT STREET

Motion by Mayor Pro-Tem Owen to approve loan application for \$116,000 for the improvement of Chestnut Street from Young Street to Stewart Street to be reimbursed by Federal Grant funds in 2009 as follows:

Date: 3-8-2007

Rob Whaley, Project Development Engineer
Design Division
Michigan Department of Transportation
425 West Ottawa
Lansing ML 48909

Subject: JN 89573 Route: CHESTNUT ST

Project Limits: YOUNG STREET TO STEWART STREET

Dear Sir/Madam

Please process a loan in the amount of \$116,000 for the Jobs Today Program for the above described project I have enclosed the Jobs Today Submission Form which was submitted with the initial Jobs Today application through CRAM or MML. This form indicates the pertinent information necessary to process the loan contract. I understand the loan will only include the unavailable Federal Aid for this project The Federal Aid amount is based on 87% of the High Priority Project (HPP)/Transportation Improvements (TI) allocations or the amounts currently fixed by the State Transportation Improvement Plan (STTP) process.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Ford.

GRANT SUBMISSION – PUBLIC SAFETY DEPARTMENT

Motion by Councilperson Horvath to approve request to submit grant applications to the U.S. Department of Homeland Security for a regional 800MHz radio system, local 800MHz computer aided dispatch equipment for the ambulances, and a Vehicle Exhaust Extraction System for the Fire Department apparatus floor.

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: Mayor Pro-Tem Owen.

ABSENT: Councilperson Ford.

PURCHASE ORDER INCREASE - SOUTH STREET RECONSTRUCTION

Motion by Mayor Pro-Tem Owen to authorize an increase in the purchase order for the reconstruction on South Street in the amount of \$1732.78 due to MDOT audit and advertising costs.

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Ford.

LETTER OF AGREEMENT – HIRING SOLUTIONS/VARNUM CONSULTING

Motion by Councilperson Bruff to approve a letter of agreement (in part, as follows) to specify the terms and conditions of professional services to be received from Hiring Solutions/Varnum

Consulting in the performance of the search for a new city manager and authorized the Mayor and City Clerk to execute appropriate documents.

May 2, 2007

**LETTER OF AGREEMENT - RETAINED SEARCH
CITY MANAGER**

Thank you for the opportunity to offer our firm's retained search services for your City Manager position. This LETTER OF AGREEMENT is to specify the terms and conditions of our professional services, including a candidate placement guarantee.

Professional fees are offered on a retained and fixed cost basis of \$9,800. Candidate assessment and individual background investigations are in addition to professional fees. We charge \$250 per candidate for assessments and \$100 per candidate for all background checks, including criminal conviction, motor vehicle, and education verification, which will be conducted on the finalist only. (Additional costs may be incurred if several county or name searches are required.) Candidate assessment costs will not exceed five candidates without prior approval. Out-of-pocket expenses include the cost of necessary travel to meet prospective candidates or to conduct interviews (*This applies only to travel outside a 45 mile radius of Lansing Michigan*). This search includes advertising on our website and one internet source such as careerbuilder.com or monster.com. All additional advertising costs will be billed directly to City of Owosso. This search also includes providing for citizen input during the search process. Please notify us if confidentiality is required.

The fee is payable in two installments: (1) \$4,900 upon contract acceptance; and (2) \$4,900 upon completion of the search and acceptance of City of Owosso's employment offer by the successful candidate. We will invoice for both installments. Expenses and the costs associated with assessment of candidates and background investigations are itemized and billed with the second installment.

We guarantee placement of a qualified candidate for a period of one (1) year effective on the starting date of the employee. If an employee is discharged or leaves of his or her own volition during the one (1) year period, upon written request, within five working days after date of termination, Hiring Solutions/Varnum Consulting, LLC will reopen the search and replace the individual on an expenses only basis, and without additional professional fees.

We do not accept responsibility for our supplier's errors as a result of criminal, credit, motor vehicle, or education verification. It is the responsibility of City of Owosso to advise Hiring Solutions/Varnum Consulting, LLC if other background or criminality checks are required.

The above retainer and professional fees are payable to Hiring Solutions/Varnum Consulting, LLC even in the event that a candidate is identified and hired by City of Owosso from other outside sources, or through the independent efforts of its executives. Full professional fees are payable if the company elects not to fill the position for any reason. However, if the company elects not to fill the position and Hiring Solutions/Varnum Consulting, LLC is notified of this decision prior to submission of candidates for on-site interviews, the second and final fee installment will be canceled. City of Owosso is responsible for itemized out-of-pocket expenses incurred up to the date we are notified of the search termination.

If these terms and conditions meet with your approval, please confirm our agreement below and return this letter to me.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Ford.

CABLE FRANCHISE

There was general discussion regarding the purpose of franchise fees and PEG fees, required usage of PEG fees, how much money would be generated by the proposed fees, surrounding communities that charge fees, the perception of the fees as a tax, other options to cable, planning for the future (acknowledging the cable contract will last for at least 10 years), concern with other cable companies coming into the area or buying out current cable company, adding language to the standard contract to prevent the City from being charged for items/services related to the PEG channels, and the establishment of a board to oversee the administration of the PEG channels.

Motion by Mayor Pro-Tem Owen to approve resolution authorizing the Interim City Manager to file a statement indicating the Uniform Video Service Local Franchise Agreement is incomplete due

to the fact there is nothing in the contract protecting the City from future assessments charged for use of the PEG channels currently provided.

Motion supported by Councilperson Bruff.

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

NAYS: None.

ABSENT: Councilperson Ford.

There was general discussion regarding getting assistance to write a business plan to fulfill the community assessment requirement.

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 Bruff, Harvey, Horvath, Mayor Pro-Tem Owen, Councilperson Cline, and Mayor Robertson.

NAYS: None.

ABSENT: Councilperson Ford.

COMMUNICATIONS

Michael T. Compeau, Public Safety Director. MAGNET Reports.
Downtown Development Authority. Minutes of Meeting of May 2, 2007.
Owosso Planning Commission. Minutes of Meeting of April 23, 2007.
Owosso Historical Commission. Minutes of Meeting of April 17, 2007.

CITIZEN COMMENTS AND QUESTIONS

James Hardwick, 813 North Shiawassee Street, commented on who could use the funds provided by PEG fees.

Betty Coon, 1204 Palmer Avenue, asked if the 2% fee would apply only to cable users. (Yes.)

Martha Hornus, 415 West Main Street, detailed the current structure of the organizations managing the cable channels.

Burton Fox, 216 East Oliver Street, also commented on the organizations managing the cable channels and the need for a joint effort in their management and use.

Tom Ford, 649 Adams Street, indicated he hadn't seen any advertisement for the cable channels in the past and his desire to see a diverse board administer the channels.

Gary Martenis, 705 Lingle Avenue, commented in agreement with Mr. Ford and stated his hope the next few months would be a cooling off period before the selection of the new city manager.

Judy Ford, 649 Adams Street, indicated her desire to see a committee established to administer the cable channels and passed along an offer of assistance from Hap Haasch to help in the development of a business plan.

Tim Whalen, 103 Keifer Street, commented the current administration of the cable channels was fine and did not need fixing.

Mayor Pro-Tem Owen commented on the need for all people to have equal access to place programming on the cable channels.

RECESSED TO EXECUTIVE SESSION AT 9:59 PM

RETURNED FROM EXECUTIVE SESSION AT 10:09 PM

APPROVE EXECUTIVE SESSION MINUTES – APRIL 2, 2007

Motion by Mayor Pro-Tem Owen to approve the April 2, 2007 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 10:10 p.m.

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

Linda L. Robertson, Mayor

Amy K. Kohagen, City Clerk