

OWOSSO CITY COUNCIL

NOVEMBER 19, 2007

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: PASTOR RODGER DEVORE
FIRST CHURCH OF THE NAZARENE

PLEDGE OF ALLEGIANCE: BOY SCOUT TROUP 89

PRESENT: Mayor Michael E. Bruff, Mayor Pro-tem Mark D. Owen,
Councilpersons Michael N. Cline, Joni M. Forster, Benjamin R.
Frederick, and Gary W. Martenis.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Owen to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 5, 2007

Motion by Councilperson Frederick to approve the Minutes of the Regular Meeting of November 5, 2007 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF NOVEMBER 13, 2007

Motion by Councilperson Forster to approve the Minutes of the Special Meeting of November 13, 2007 as presented.

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

CITIZEN COMMENTS AND QUESTIONS

Justin Eppler, 115 West Ridge Street, presented information on rebuilding the skate park, including proposed layouts and equipment samples.

Aubrey Grant, 115 West Ridge Street, concluded Justin's presentation after he was stopped for time.

Kevin M. Brown, 217 Curwood Castle Drive, expressed his support for the skate park idea.

Shelva Cebulski, 1243 Marion Street, inquired as to whether the leaf pick up would be extended as many leaves have not yet fallen. It was indicated discussions to continue the leaf pick up were in progress.

Henrietta Sparkes, County Commission Chairperson, indicated the County commission would meet on Tuesday, November 20, 2007.

Justin Horvath, 1336 Stinson Street, indicated his support for the creation of a business coordination team to proactively court business investors.

Burton Fox, 216 East Oliver Street, commended Mr. Eppler on his fine presentation and indicated he would like to see the skate park idea explored.

There was general discussion regarding the cost of the proposed "ideal" skate park plan, the condition of the current skate park equipment, and the desire to explore the skate park plan in depth in the future.

Mayor Bruff introduced the new Junior Council Liaison, Cortney Chmiko.

Ms. Chmiko spoke to the Council regarding homecoming activities at all grade levels, volunteering through the leadership class, and the Character Counts! program. She further expressed a desire to see people of all ages become involved with the Council.

Mayor Bruff expressed his hopes the city would become more involved in the Character Counts! program.

CITY MANAGER REPORT

City Manager Joseph A. Fivas detailed progress on the following items: the Character Counts! program, erosion issues at the Osburn Lakes Subdivision, a Christmas Tree lighting ceremony, the reschedule of the Planning Commission meeting, the schedule of a meeting to receive citizen input regarding the Vibrant Small Cities Initiative Grant, customer service changes at City Hall, instituting a neighborhood watch program, and the auditor's presentation scheduled for December 18th.

CONSENT AGENDA

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

Payment Authorization. Authorized progress payment No. 1 to BioTech Agronomics for Lime Softening Residuals removal/reuse in the amount of \$75,235.50.

Payment Authorization. Authorized progress payment to Fishbeck, Thompson, Carr & Huber for Oliver Street Bridge construction engineering covering the time period of October 6, 2007 through November 2, 2007 in the amount of \$27,431.42.

Warrant No. 352. Accepted Warrant No. 352 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services covering the period of October 10, 2007 to November 5, 2007	General	\$10,778.04
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$23,299.00

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Mayor Pro-Tem Owen, Councilpersons Cline, Frederick, Forster, Martenis and Mayor Bruff.

NAYS: None.

ITEMS OF BUSINESS

STREET LIGHTING CONTRACT CHANGE

City Engineer Ronald G. Baker described the standard street lighting contract between the City and Consumers Energy. He also explained the nature of the changes to the contract.

Motion by Mayor Pro-Tem Owen to adopt the following resolution:

Resolution No. 50-2007

Resolved, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of Owosso, dated April 1, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract approved November 19, 2007, heretofore submitted to and considered by this Council; and

Resolved, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

AUTHORIZATION FOR CHANGE IN STANDARD STREETLIGHTING CONTRACT

Consumers Energy Company is hereby authorized as of the 19th day of November, 2007, by the City of Owosso, to make changes, as listed below, in the streetlighting system(s) covered by the existing Standard Streetlighting Contract between the Company and the City of Owosso, dated April 1, 1977.

Company-Owned Streetlight System

<u>Number of Luminaires</u>	<u>Nominal Lumen Rating</u>	<u>Light Source</u>	<u>Installation or Removal</u>	<u>Location</u>
18	175 watts	MH	Install	Cass St between S. M-52 and S. Cedar St

Except for the changes in the streetlighting system(s) as herein authorized, all provisions of the aforesaid Standard Streetlighting Contract dated April 1, 1977, shall remain in full force and effect.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Forster, Frederick, Mayor Pro-Tem Owen, Councilpersons Martenis, Cline, and Mayor Bruff.

NAYS: None.

DEED OF EASEMENT

Motion by Councilperson Forster to approve the following deed of easement to Woodard Station Lofts, LLC for an egress stairway partially contained in the Cass Street right-of-way. (Item tabled from the meeting of November 5, 2007.):

DEED OF EASEMENT

THIS DEED OF EASEMENT is made the _____ day of _____, 2007,

between the CITY OF OWOSSO, a Michigan municipal corporation, of 301 West Main Street, Owosso, Michigan 48867, as Grantor and Woodward Station Lofts L.L.C., of 200 North Franklin, Suite 100, Zeeland, Michigan 49464, as Grantee.

WHEREAS, the Grantee must install and use a fire corridor exit on a portion of Cass Street in the City of Owosso, as described on Exhibit A and Grantor wishes to permit such installation and use;

NOW THIS DEED WITNESSETH that the Grantor hereby grants unto the Grantee, its heirs and assigns, an easement for the purpose of installing and maintaining, at Grantee's expense, a fire corridor exit on the real property as described in the attached Exhibit A.

This easement shall terminate when the fire corridor exit is removed and the use discontinued. Upon termination of this Easement, Grantee shall return the premises to a clean and level condition.

Grantee shall indemnify, hold harmless and defend Grantor from any claims arising from the use of the premises and this Deed of Easement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

EXHIBIT A

Commencing at a point 275' west and 20' south of the intersection of the west line of State Highway M-52 and the north line of Cass Street in the City of Owosso, in the County of Shiawassee in the State of Michigan to the place of beginning, thence west parallel with the north line of Cass Street 25 feet, thence south 3 feet, thence east 25 feet, thence north 3 feet to the place of beginning.

Motion supported by Councilperson Frederick.

Roll Call Vote.

AYES: Councilperson Frederick, Mayor Pro-Tem Owen, Councilpersons Forster, Cline, Martenis, and Mayor Bruff.

NAYS: None.

CITY COUNCIL APPOINTMENT

There was general discussion regarding past practice in the appointment of a new City Council member. Consensus was reached to advertise the position in the newspaper, indicating letters of interest would be accepted until 4:00 pm on Wednesday, November 28, 2007. Candidates will be asked to make a brief presentation to Council at the December 3, 2007 meeting. It is anticipated an appointment will be made at the meeting.

HABITAT FOR HUMANITY – GOOD NEIGHBOR PROGRAM

A general description of the program was given and discussion followed regarding costs to the City. It was indicated there would be no cost to the City and back taxes would be paid in the course of the deal.

Councilperson Frederick expressed his support for such programs, describing them as turning negatives into positives.

Motion by Councilperson Frederick to authorize a 21-day posting period for the purchase of property, commonly known as 1601 West Lynn Street, from the US Department of Housing and Urban Development for conveyance to the Habitat for Humanity organization under the Good Neighbor Program and further authorize the Mayor to sign a sales agreement with the US Department of Housing and Urban Development.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Martenis, Forster, Frederick, Cline, Mayor Pro-Tem Owen, and Mayor Bruff.

NAYS: None.

COMMUNITY AND BUSINESS DEVELOPMENT COORDINATOR

City Manager Fivas described the nature of the position indicating the importance of having a full time staff person to pursue grant funding and facilitate grants the City has already received in addition to assisting in the development of business opportunities within the City.

There was general discussion regarding concern with the possible duplication of efforts. It was indicated the establishment of a business development team would prevent potential duplication.

Motion by Mayor Pro-Tem Owen to authorized the filling of the Community and Business Development Coordinator position.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Mayor Pro-Tem Owen, Councilpersons Forster, Frederick, Martenis, Cline, and Mayor Bruff.

NAYS: None.

BUSINESS COORDINATION TEAM

Council expressed its support for the development of the business coordination team.

Motion by Councilperson Forster to authorize the creation of a Business Coordination Team to assist potential City of Owosso business investors.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

AYES: Councilperson Forster, Mayor Pro-Tem Owen, Councilpersons Martenis, Cline, Frederick, and Mayor Bruff.

NAYS: None.

HUMAN RESOURCES COORDINATOR

City Manager Fivas detailed position indicating the position would consolidate human resource efforts and provide a cost savings.

Motion by Mayor Pro-Tem Owen to authorize the filling of the Human Resources Coordinator position.

Motion supported by Councilperson Frederick.

AYES: Councilpersons Martenis, Cline, Frederick, Mayor Pro-Tem Owen, Councilperson Forster, and Mayor Bruff.

NAYS: None.

COMMUNICATIONS

Don Galardi. Letter commending the City Engineer for his helpfulness.

Gary M. Burk, Utilities Director. Sewer Interceptor Cleaning, follow-up report.

Richard C. Williams, Finance Director. October 2007 Revenue & Expenditure Report.

John F. Archer, Building Official. October 2007 Building Department Report.

John F. Archer, Building Official. October 2007 Code Violations Report.
Michael T. Compeau, Public Safety Director. Fuel Usage Report.
Michael T. Compeau, Public Safety Director. October 2007 Police Department Report.
Michael T. Compeau, Public Safety Director. October 2007 Fire Department Report.

Mayor Bruff read aloud the letter commending City Engineer Baker.

Councilperson Martenis inquired as to what would have happened if the City had not completed the sewer interceptor cleaning and how the large, heavy debris came to rest in the pipes. He also inquired as to the ongoing code enforcement issues at 415 Bradley Street and the true savings in fuel consumption as it relates to police patrols.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, reminded all those in attendance of the Red Cross blood drive at the Knight's of Columbus on Wednesday, November 21, 2007.

William Owen, 1309 Herman, inquired as to why the color coding on a nearby fire hydrant had been changed and who is responsible for cleaning up a fallen tree in the river. He further inquired about the auction of the former AO Smith building. It was indicated the fire hydrant would be checked to verify the color coding was correct and the tree has been scheduled for clean by City crews.

Justin Horvath, 1336 Stinson Street, indicated the SEDC has been working with the auctioneer of the AO Smith building to entice prospective buyers.

Burton Fox, 216 East Oliver Street, expressed his concern as to the wording of two motions.

Kevin M. Brown, 217 East Oliver Street, commended Council for their spirit of cooperation.

Betty Coon, 1204 Palmer Avenue, indicated she doesn't want to pay an extra millage for the pool or the skate park, she also inquired about the details of the changes to the street lighting contract.

Sarah Warren-Riley, Habitat for Humanity Director, thanked Council for their support in the Good Neighbor program.

Eddie Urban, 601 Glenwood Avenue, inquired as to whether snow could be plowed onto the opposite side of Monroe Street.

Councilperson Cline informed those present the auction for the former AO Smith building would be held on-line.

There was discussion to clarify the action taken to change the street lighting contract, indicating the lights would be provided and paid for by the City and receive a reduced rate for power from Consumers Energy.

Councilperson Martenis inquired about the details of City Attorney William C. Brown's bill. City Attorney Brown detailed his billing practices and some of the issues he deals with on behalf of the City.

Councilperson Martenis commented that he is aware these are tough financial times for many people and he will keep that in mind when making decisions.

Mayor Bruff informed everyone that the City Council packet is available on line on the City's website.

City Manager Fivas indicated he would look into the snow plowing issue.

ADJOURNMENT

Motion by Councilperson Cline for adjournment at 9:34 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk