

OWOSSO CITY COUNCIL

JANUARY 7, 2008

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: PASTOR DAVID WOODBY
REDEEMER LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE: COUNCILPERSON JONI M. FORSTER

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

ABSENT: None.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF DECEMBER 17, 2007

Motion by Councilperson Cline to approve the Minutes of the Special Meeting of December 17, 2007 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 17, 2007

Motion by Councilperson Forster to approve the Minutes of the Regular Meeting of December 17, 2007 as presented.

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

PUBLIC HEARINGS

SPECIAL ASSESSMENT DISTRICT NO. 2008-01

BALL STREET FROM RIDGE STREET TO GUTE STREET

The public hearing was conducted for the proposed project.

The following people addressed the City Council regarding the proposed special assessment:

Shelia Stienke, 934 South Ball Street, commented on her concern the street is reconstructed well to avoid future assessments.

Glen Olson, 921 South Ball Street, commented on the amount of traffic using the street and his concerns with drainage in the area. It was indicated drainage should be somewhat improved.

City Manager Fivas explained how streets are chosen for reconstruction each year.

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

RESOLUTION NO. 01-2008

WHEREAS, the City Council, after due and legal notice, has met and heard all persons affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Ball Street from Ridge Street to Gute Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$63,470.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.

3. The City Council determines that of said total estimated cost, the sum of \$23,930.63 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Ball Street from Ridge Street to Gute Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2008-02

BRADLEY STREET FROM SHIAWASSEE STREET TO ELM STREET

The public hearing was conducted for the proposed project. There was no citizen comment.

Motion by Councilperson Forster to adopt the following resolution:

RESOLUTION NO. 02-2008

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Bradley Street from Shiawassee Street to Elm Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$17,250.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$10,512.96 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Bradley Street from Shiawassee Street to Elm Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2008-03

BRADLEY STREET FROM ELM STREET TO HOWELL STREET

The public hearing was conducted for the proposed project.

The following person addressed the Council in regard to the proposed special assessment:

Randy Morgan, 203 North Elm Street, inquired as to whether the intersection will be higher than the street after reconstruction and if the sidewalks would be addressed at the same time. It was indicated overlapping areas will be milled prior to paving and the sidewalks will be addressed at the time of reconstruction.

It was also noted corner lot residents will be asked to pay only 75% of the normal special assessment amount.

Motion by Councilperson Frederick to adopt the following resolution:

RESOLUTION NO. 03-2008

WHEREAS, the City Council, after due and legal notice, has met and heard all persons affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Bradley Street from Elm Street to Howell Street
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$27,600.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$11,039.00 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Bradley Street from Elm Street to Howell Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2008-04

PARK STREET FROM KING STREET TO OSBURN STREET

The public hearing was conducted for the proposed project. There was no citizen comment.

Motion by Councilperson Cline to adopt the following resolution:

RESOLUTION NO. 04-2008

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Park Street from King Street to Osburn Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$77,840.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$34,221.00 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Park Street from King Street to Osburn Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2008-05

PARK STREET FROM MASON STREET TO WILLIAMS STREET

The public hearing was conducted for the proposed project.

The following person addressed the City Council regarding the proposed special assessment:

Burton Fox, 216 East Oliver Street, inquired as to whether reconstruction of the street would improve the drainage. It was indicated an improvement is anticipated.

Motion by Councilperson Cline to adopt the following resolution:

RESOLUTION NO. 05-2008

WHEREAS, the City Council, after due and legal notice, has met and heard all persons affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Park Street from Mason Street to Williams Street.

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$48,000.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$10,548.00 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Park Street from Mason Street to Williams Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Forster

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, announced the Red Cross blood drive at the Knight's of Columbus on January 16th.

Betty Coon, 1204 Palmer Avenue, commended Council for instituting charges for notary services and use of City parks by out of town residents. She also inquired as to whether snow could be plowed to the other side of her street and why the City was included on the list of foreclosed properties published in the paper. It was indicated the City's inclusion on the foreclosure list will be looked into.

Burton Fox, 216 East Oliver Street, commented on his recent meeting with the City Manager indicating he was appreciative of his willingness to listen. He also commented on parking issues in the downtown, including enforcement.

Dan Stewart, County Commissioner District 1, indicated he would like to see some Council participation on County Boards.

Eddie Urban, 601 Glenwood Avenue, commented on possible misinterpretations of the proposal for the VSCI Grant, snow plowing in outlying County areas and the new City Manager's performance.

Councilperson Martenis echoed the sentiments of those praising the City Manager's performance.

Mayor Bruff commented on the fines for business employees parking in the 2 hour time limit parking spots and changes in the attendance of the Council's student liaison.

CITY MANAGER REPORT

City Manager Joseph A. Fivas thanked everyone for their compliments. He went on to thank everyone that assisted in the preparation of the VSCI Grant application. He indicated that a copy would be on file for public inspection at both City Hall and the Library. He further indicated he had received a positive response to the newly instituted charges for pavilion rental and notary services.

There was a brief discussion whether the new charges would encourage people to leave a mess in the pavilions because they were being charged for their use. City Manager Fivas indicated he did not feel it would become a problem.

CONSENT AGENDA

Motion by Mayor Pro-Tem Owen to approve the Consent Agenda as follows:

Contract Payment. Authorized Progress Payment to Fishbeck, Thompson, Carr and Huber for Oliver Street Bridge construction engineering covering the time period from November 3, 2007 through November 30, 2007 in the amount of \$16,454.35.

Contract Payment. Authorized Progress Payment to the Michigan Department of Transportation for the City's portion of the Oliver Street Bridge Reconstruction Project in the amount of \$102,275.14.

Warrant No. 354. Accepted Warrant No. 354 as follows:

| Vendor | Description | Fund | Amount |
|--|---------------------------------|-------------|---------------|
| Michigan Municipal Risk Management Authority | Building and Property Insurance | General | \$70,007.00 |

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

2008 INCOME THRESHOLD POVERTY EXEMPTIONS

Motion by Councilperson Frederick to adopt the following 2008 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 and further amended by PA 620 of 2002:

2008 Federal Income Standards Poverty Threshold

| <i>Number of Persons residing in Homestead</i> | <i>Annual Allowable Income</i> |
|---|---------------------------------------|
| 1 person | \$ 10,210 |
| 2 persons | 13,690 |
| 3 persons | 17,170 |
| 4 persons | 20,650 |
| 5 persons | 24,130 |
| 6 persons | 27,610 |
| 7 persons | 31,090 |
| 8 persons | 34,750 |
| Each additional person, add | 3,480 |

Income of students under the age of 18 years **shall not** be included as income.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

EASEMENT ACCEPTANCE

There was a brief discussion regarding why the City was agreeing to pay Consumers Energy to provide oversight for possible clean-up of contaminated soil. It was indicated the City would be excavating otherwise undisturbed soil in undertaking the project and would thus be responsible for its clean-up.

Motion by Councilperson Forster to accept grant of easement from Consumers Energy in the amount of \$1 for the sidewalk along M-52 north of Bentley Park as follows:

EASEMENT FOR A PUBLIC SIDEWALK

THIS INDENTURE is made as of _____, 2007, between Consumers Energy Company, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201, Grantor, and City of Owosso, a Michigan municipal corporation, 301 West Main Street, Owosso, MI 48867-2958, Grantee.

WITNESSETH:

Grantor, for and in consideration of the sum of \$1.00, the receipt whereof Grantor hereby acknowledges, does by these presents release and quit-claim to Grantee an easement to install, maintain, repair, replace, and remove approximately 2 feet of a 5-foot-wide concrete sidewalk on' over, and across the West side of Grantor's land in the City of Owosso, County of Shiawassee, and State of Michigan, described as follows:

Part of the Northeast 1 /4 of Section 24, T7N, R2E, and part of Blocks 27 and 28 and part of Reserve No. 9 of A.L. Williams Addition to the City of Owosso, according to the plat thereof recorded in Liber 1 of Plats, Page 110, described as follows: Beginning on the East line of Shiawassee Street (66 feet wide) at a point 498 feet North from the North line of Stewart Street (66 feet wide); running thence East parallel with the North line of Stewart Street and on the North line of land sold to the City of Owosso for park purposes 503.01 feet to the East line of Reserve No. 9; thence North on the East line of Reserve No. 9, 403.05 feet to the South line of the Grand Trunk Western Railroad grounds; thence Westerly along the South line of said railroad grounds to the East line of Shiawassee Street; thence South along the East line of Shiawassee Street to the place of beginning.

This easement is made subject to the following terms, conditions, and reservations:

1. Grantee shall install the sidewalk from the adjoining road right-of-way. Grantee shall place all soil excavated from Grantor's land into barrels provided by Grantor for disposal by Grantor. Grantee shall contact Roger Whiting, Consumers Energy Company Environmental Department, at 517-788-2230 at least 3 business days in advance of the commencement of work on Grantor's land, so that Grantor may arrange for a consultant to be present during the excavation and to observe the disposition of excavated soil. Grantee shall reimburse Grantor for the consultant's fee, but shall not be responsible for the cost of disposing of excavated soil.

2. Grantor shall not be required to incur any cost or expense as a result of Grantee's exercise of the rights granted by this Easement. Without limiting the foregoing, Grantee agrees to reimburse Grantor for any cost or expense it incurs in modifying its utility facilities located within Grantor's land in connection with the sidewalk and for any tax or assessment levied on Grantor related to the sidewalk. Grantee shall be responsible to temporarily relocate Grantor's concrete flower containers during sidewalk installation and to return the containers to their original location following the work. In addition, Grantee shall be responsible for periodic removal of snow and ice from the sidewalk and grass mowing and weed removal from the easement strip in accordance with applicable laws and ordinances during such period as Grantor owns the land.

3. Grantor reserves the right to use the easement strip for gas and electric facilities, but agrees not to install additional facilities that will unreasonably interfere with the use or maintenance of the sidewalk. Grantor shall not be required to repair damage to the sidewalk that may occur as a result of work performed on Grantor's land in connection with Grantor's electric and gas facilities.

4. Grantee shall conduct all activities permitted by this Easement in compliance with all applicable federal, state, and local laws.

5. All work Grantee performs on the easement strip shall comply with the following requirements:

a. Prior to commencing work, Grantee shall provide final plans for the sidewalk to Grantor's Electric Distribution and Gas Distribution Departments at 530 West Willow Street, Lansing, Michigan 48909.

b. Construction equipment shall maintain a minimum separation of 15 feet from any energized conductor. MIOSHA requirements shall apply if more restrictive. No equipment having the height potential to contact the electric transmission lines shall operate between the lines. Dump trucks shall not lift their beds under the electric transmission lines. Grantor shall not be liable for injuries or damages should its electric lines come down due to Grantee's activities pursuant to the Easement.

c. No pockets shall be created around any power poles where water could collect.

d. During construction, Grantee shall take all measures reasonably necessary to prevent erosion. Disturbed areas must be reseeded after construction activities.

6. Grantee, to the full extent it may lawfully do so, agrees to indemnify and hold Grantor harmless from claims for injuries or damages to persons or property or both arising directly or indirectly out of the use of Grantor's land pursuant to this Easement, including but not limited to claims arising out of Grantee's negligence, Grantor's and Grantee's concurrent negligence, or any other person's negligence.

7. Grantee, as a further inducement to Grantor to grant this Easement, agrees to require all of Grantee's contractors and the subcontractors of such contractors, who perform work on Grantor's land to assume all liability for and protect, indemnify, and save Grantor, its successors and assigns, harmless from and against all action, claims, demands, judgments, losses,

expenses of suits or actions and attorney fees, for any type of injury to or death of any person or persons and loss or damage to the property of any person or persons whomsoever, including the parties hereto and their agents, contractors, subcontractors, and employees, arising in connection with or as a direct or indirect result of the rights and privileges herein granted. The provisions of this paragraph shall apply to each and every such injury, death, loss and damage, however caused, whether due, or claimed to be due, to Grantees negligence, Grantor's negligence, the negligence of any such contractor or subcontractor, the negligence of both parties or the combined negligence of either or both of the parties hereto and any one or more of said contractors or subcontractors, the negligence of any other person, or otherwise. Grantee further agrees to require all of its contractors, and the subcontractors of such contractors, who perform work on the easement areas to maintain in full force and effect a policy of Commercial General Liability Insurance, with a minimum combined bodily injury and property damage single limit of \$500,000 per occurrence. The policy shall not preclude recovery by an insured as a result of the negligence of any other insured under said policy. Unless Consumers approves otherwise in writing, the policy shall not be subject to deductibles or self-insured retentions. Said policy shall name Consumers as an additional insured. Prior to commencement of work, Grantee shall provide to Grantor a certificate evidencing the above coverage, which certificate shall provide that the insurer will give Grantor at least 10 days prior written notice of any cancellation of or material change in the insurance policy.

8. If the exercise of the rights granted in this Easement at any time results in the presence on or under Grantor's land (which includes but is not be limited to the groundwater underlying said land) of contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, as currently or hereafter defined in applicable laws, Grantee shall, without cost to Consumers, promptly take: 1) all actions that are required by any federal, state, or local governmental agency or political subdivision, and 2) all actions that are necessary to restore Grantor's land to the condition existing prior to the introduction of such contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, notwithstanding any lesser standard of remediation allowable under applicable law or governmental policies. The actions required by Grantee include, but are not limited to: a) the investigation of the environmental condition of Grantor's land, b) the preparation of any feasibility studies, reports, or remedial plans required by law or governmental policy, and c) the performance of cleanup, remediation, containment, operation, maintenance, monitoring, or restoration work, whether on or off Grantor's land. Grantee shall proceed continuously and diligently with such investigatory and remedial actions. Grantee shall promptly provide to Grantor, free of charge, copies of all test results and reports generated in connection with the above activities and copies of all reports submitted to any governmental entity. No cleanup, remediation, restoration, or other work required by this paragraph may require or result in the imposition of any limitation or restriction on the use of Grantor's land, without Grantor's prior written approval and permission.

9. Grantee shall indemnify, defend, and hold Consumers, its officers, employees, agents, affiliates, and parent corporation, harmless from and against any and all losses, liabilities, claims, damages, payments, actions, recoveries, settlements, judgments, orders, costs, expenses, attorney fees, penalties, fines, encumbrances, and liens arising out of: A) the presence on or beneath Grantor's land, including but not limited to the groundwater underlying said land, of contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, as currently or hereafter defined in applicable laws, as a result of the exercise of the rights granted in this Easement; B) the violation or alleged violation of any federal, state, or local law related directly or indirectly to the exercise of the rights herein granted; or 3) failure to comply with the terms and conditions of this Easement.

10. This easement is subject to any licenses, leases, easements, or other interests in the land heretofore granted by Consumers or its predecessors in title and to any such interests reserved to other parties in instruments granted to Consumers or its predecessors in title.

11. If use of the land for sidewalk purposes at any time ceases for a period of 1 year, then this easement shall terminate and the rights granted shall revert in Grantor, its successors and assigns.

12. If Grantee in any way fails to comply with any of the provisions of this Easement and fails to remedy such failure within 30 days after receiving written notice from Grantor, then Grantor may revoke this easement grant by written notice to Grantee. In such event, all right and interest herein granted shall, upon such written notice to Grantee, terminate and revert in Grantor, its successors and assigns.

13. Acceptance of this Easement and use of Grantor's land shall constitute an acceptance of the terms and conditions of this Easement.

14. The benefits hereof shall accrue to and the obligations shall bind the successors and assigns of the respective parties.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

EASEMENT APPLICATION – OAKWOOD BRIDGE

City Manager Fivas provided background information on the project, indicating the easement was a necessary piece in refurbishing the bridge for use as part of the loop trail.

Motion by Councilperson Frederick to authorize the following resolution approving the application for a Historic Preservation Easement for restoration of the Oakwood Bridge:

RESOLUTION NO. 06-2008

RESOLUTION APPROVING THE REQUEST FOR AN EASEMENT APPLICATION BY THE CITY OF OWOSSO, MICHIGAN, TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PREPARING AN EASEMENT FOR THE OAKWOOD STREET BRIDGE LOCATED IN THE CITY OF OWOSSO, MICHIGAN

Be it resolved that the Owosso City Council is requesting an easement to be prepared by the Michigan Department of Transportation and the Michigan Department of History, Arts, and Libraries acting through the State Historic Preservation Office. Said easement to be recorded on the property is required to implement the TEA-21 Grant Award, Project Enhancement No. ENH 200300178.

Be it Further Resolved that said easement shall indicate that the Mayor and Clerk of the City of Owosso, Michigan, shall be hereby designated as the easement signatories on behalf of the City of Owosso, Michigan.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

BALL STREET CLOSURE

There was a discussion regarding why Cass Street was closed and if it could be reopened.

Motion by Mayor Pro-Tem Owen to set a public hearing for January 22, 2008 to receive citizen comment regarding the proposed closing of South Ball Street at the railroad crossing.

RESOLUTION NO. 07-2008 NOTICE OF PUBLIC HEARING STREET CLOSURE RESOLUTION

Whereas, the City Council of the City of Owosso has determined it advisable to consider the necessity of vacating, discontinuing, and abolishing a portion of the Public Street described as that portion of South Ball Street as follows: the 66' portion of the South Ball Street right of way south of the north line of Lot 15 in block 12 extended to the north line of Lot 12 in block 11 all in A. L. Williams Addition to the Village of Owosso, Shiawassee County, Michigan, 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

Now Therefore be it Resolved, that the City Council advises closure of that portion of South Ball Street described as follows: A 66' wide by 66' long portion of the 400 block of the South Ball Street right of way that crosses the Great Lakes Central Railroad, Inc. right of way, between Howard Street and Cass Street; and Furthermore,

Be it Resolved that a public hearing shall be scheduled for January 22, 2008 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 nearby property owners.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Michael T. Compeau, Public Safety Director. November 2007 Fire Department Report.
Downtown Development Authority. Minutes of Meeting of December 5, 2007.

CITIZEN COMMENTS AND QUESTIONS

Kevin M. Brown, 217 Curwood Castle Drive, commented on his desire to see the staples used to post reservations at the parks removed from the pavilions. It was indicated new Plexiglas holders are being constructed to resolve the issue.

Betty Coon, 1204 Palmer Avenue, suggested the charges for pavilion use for out of town residents include a non-refundable fee and a deposit, she also suggested the Council change the rules for addressing City Council to allow for two 4 minute opportunities for citizen comments and questions.

Burton Fox, 216 East Oliver Street, announced City Manager Fivas had agreed to a standing appearance on the Keeping You Informed cable program, he further announced the VSCI Grant will be discussed on the next program.

Connie Codde, 326 North Park Street, inquired as to whether the parking lot behind the senior center was scheduled for repair. It was indicated the issue would be examined.

Shelva Cebulski, 1243 Marion Street, commended Council on their spirit of cooperation and communication. She also commended the DPW for its quick response to the latest snow storm.

Mayor Bruff echoed Ms. Cebulski's sentiments.

Eddie Urban, 601 Glenwood Avenue, commented on his enjoyment at seeing new faces attending city meetings and his feeling that more parking is needed in the downtown.

Councilperson Frederick commented on his recent tour of the Woodard Station Lofts.

There was a brief discussion regarding possible changes to the Rules for Addressing City Council. It was agreed an item of discussion will be placed on the next agenda.

ADJOURNMENT

Motion by Mayor Pro-Tem Owen for adjournment at 8:41 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk