

**OWOSSO CITY COUNCIL**

**MAY 5, 2008**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR MICHAEL E. BRUFF

**OPENING PRAYER:** PASTOR ERICK NUMERICH  
LIFE IN CHRIST CHURCH

**PLEDGE OF ALLEGIANCE:** U.S. ARMY MASTER SERGEANT TIMOTHY SOLIZ

**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 with the removal of Consent Item 4. Boards and Commissions Appointments.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 21, 2008**

Motion by Councilperson Simmons to approve the Minutes of the Regular Meeting of April 21, 2008 as presented.

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

**SPECIAL PRESENTATION**

Dick Campbell introduced U.S. Army Master Sergeant Timothy Soliz. Master Sergeant Soliz had recently returned from service in Iraq and was given a standing ovation by those present.

Master Sergeant Soliz presented City Council with a framed certificate of appreciation dedicated to the citizens of Ovid, Elsie, Owosso and the surrounding area for their support during the war in Iraq.

**PUBLIC HEARINGS**

**BUDGET HEARING**

The Public Hearing pursuant to Chapter 8, Section 4 of the City Charter was conducted to receive citizen comments regarding the proposed 2008-2009 City Budget. There were no public comments.

There was Council discussion regarding the increase in administrative reimbursements. City Manager Joseph Fivas distributed a handout detailing the administrative reimbursements and explained the increase was due to charges that have not been accounted for in this account in the past and increased administrative duties related to the Vibrant Small Cities Initiative Grant and the Sanitary Sewer Overflow Control Project. There was continued Council discussion regarding the anticipation of budget shortfalls next year, the proposed rental registration and education program, the fire code inspection program, and the increase in volunteer efforts benefiting the City.

**CITIZEN COMMENTS AND QUESTIONS**

Lisa Stechschulte, 725 River Street, commented on her opposition to open outside burning. She listed the health problems burning can cause and asked Council to ban burning in the City.

Shelah Hockman, 705 Campbell Drive, indicated she would like a total ban on burning in the City. She also indicated she would like City staff to look into the legality of the current ordinance in reference to State law governing burning.

Howard Horn, 801 Ryan Street, inquired about follow-up on a neighborhood house tagged for clean-up. Building Official Archer will check the status of the complaint.

Laura Rolando, 1013 South Chipman Street, spoke of her desire to see the burning ordinance enforced or burning banned completely. She went on to list the health effects of burning and asked that the issue be placed on the ballot.

Shevla Cebulski, 1243 Marion Street, indicated she has been a long time supporter of a ban on open burning. She suggested the city adopt a yard waste program similar to that in Cadillac.

Betty Coon, 1204 Palmer Avenue, reminded Council that voters had defeated a ban on open burning twice in the past and indicated she was in support of greater enforcement of the current ordinance.

Gerald Alcorn, 637 ½ North Water Street, inquired if there was a net increase in administrative reimbursement costs or if the costs were previously listed in a different portion of the budget. It was noted the increase was due to both reasons. He also inquired about a rental inspection program and indicated he had seen a house of Main Street with broken windows.

Daniel Stewart, County Commissioner District 1, gave an update on current County Commission issues.

Mayor Bruff asked the young people in the audience to give their names and the name of the school they attend.

Councilperson Cline inquired whether adding the burning question to the ballot would increase the cost of the election. It was indicated it would not. He felt the issue could be placed on the ballot again but stated he felt the citizens should take the initiative as he felt Council should follow the directive mandated by the last vote on burning.

There was general discussion regarding placing the issue on the ballot, the procedure for reporting nuisance fires, and the fines for illegal fires.

Councilperson Martenis suggested the City institute a program to pick up yard waste once or twice a year from residences.

Mayor Bruff indicated he would like to discuss burning at the next meeting and he challenged all Council members to try to think of possible compromises and solutions prior to the meeting.

#### **CITY MANAGER REPORT**

City Manager Fivas commented on the public hearing to receive citizen comment on the street scaping design for Washington Street, he indicated both applications for the Michigan Main Street Program had been submitted to the State, and he described the process for volunteers to submit proposed improvements to City properties. Lastly he indicated staff was in the process of locating a venue for Councilmembers to hold office hours if they so desire.

#### **CONSENT AGENDA**

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

Set Public Hearing. A public hearing was set for May 19, 2008 to receive citizen comment on the proposed streetscape improvement project on Washington Street from Mason Street to Jerome Street.

Change Order. Authorized Change Order No. 5 to water main installation contract with Glaeser Dawes Corp. for installation of approximately 1650 feet of water main and appurtenances on streets to be reconstructed this summer on a unit price basis with a total cost estimated at \$60,403.

Educational Opportunities. Approved the City Manager's attendance at four educational seminars between May and October of 2008, subject to time and funding availability.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

#### **ITEMS OF BUSINESS**

##### **NON-PROFIT ORGANIZATION GAMING LICENSE RECOGNITION REQUEST**

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

##### **Resolution No. 24-2008**

The Owosso City Council hereby approves the request of the Michigan State Trust for Railway Preservation asking they be recognized as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license from the State of Michigan Lottery.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

**AMENDMENT TO STREET LIGHTING CONTRACT**

Motion by Councilperson Forster to adopt the following resolution:

**Resolution No. 25-2008**

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 May 5, 2008, 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 5th day of May, 2008, 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.

<u>Number of Luminaries</u>	<u>Nominal Lumen Rating</u>	<u>Light Source</u>	<u>Installation or Removal</u>	<u>Voltage Service</u>	<u>Point of Attachment</u>	<u>Location</u>
18	11,000 LM	MH	I	240	315 Cass St.	315 Cass St.

Change from Customer-Owned Streetlight System Rate L-2 to Energy-Only Streetlighting Rate L-1.

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 Martenis.

Roll Call Vote.

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

NAYS: None.

**LIQUOR LICENSE TRANSFER REQUEST AMENDMENT**

Motion by Councilperson Frederick to authorize the following resolution amending the address in the request from Woodard Lofts, LLC to transfer 2007 SDD and SDM licensed business with direct connection (1):

**Resolution No. 26-2008**

The Owosso City Council hereby approves, above all others, the request from Woodard Lofts, LLC to transfer 2007 SDD and SDM licensed business with direct connection (1) located at 823 West Main Street, Owosso, MI 48867, Shiawassee County, from Deborah Kendall-King to Woodard Lofts, LLC located 317 South Elm Street, Suite 201, Owosso, MI 48867, Shiawassee County.

It is the consensus of this legislative body that the application be recommended for issuance.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

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

NAYS: None.

**LIQUOR LICENSE APPLICATION AMENDMENT**

Motion by Councilperson Simmons to authorize the following resolution amending the address in the approval of application of Woodard Lofts, LLC for a Class C on-premise Liquor License:

**Resolution No. 27-2008**

The Owosso City Council hereby approves, above all others, the request from Woodard Lofts, LLC for a new Class C license, issued under MCL 436.1521 (a)(1)(b) with Dance-Entertainment Permit, to be located at 317 South Elm Street, Suite 201, Owosso, MI 48867, Shiawassee County.

It is the consensus of this legislative body that the application be recommended for issuance.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

AYES: Mayor Pro-Tem Owen, Councilpersons, Cline, Simmons, Forster, Martenis, Frederick, and Mayor Bruff.  
NAYS: None.

**FAYETTE SQUARE PARK CHANGES**

Burton Fox gave a presentation detailing proposed changes to Fayette Square Park on behalf of a group of citizens dedicated to improving the Veterans Memorial in the park. The proposal included forming a brick circle around the monument using brick reclaimed from the old Michigan Avenue, establishing flower beds within the circle, moving the Josephine McDonell memorial to the east side of the circle and providing electrical service to light the flag pole. A bronze plaque detailing the original project and refurbishment of the park would also be placed within the circle. Due to deterioration, the group asked for the removal of the existing cement bench and its footings. All funding and labor will be provided by volunteers, save the removal of the bench and footings to be performed by City crews. Volunteer efforts will be lead by Gerald Alcorn. Donated monies will be passed through an account established by the City for accounting purposes.

There was some discussion regarding the existing plan for Fayette Square in the Parks Master Plan. It was noted that all proposed improvements could be reversed if necessary.

There was further comment on the extensive volunteer efforts organized to develop and carry out the project.

Motion by Councilperson Frederick to approve the proposed changes to Fayette Square Park as presented.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

It was noted, those with questions regarding the project were invited to call Burton Fox or Gerald Alcorn and all construction would proceed through Building Official John Archer.

**COMMUNICATIONS**

Owosso Historical Commission. Minutes of Meeting of April 15, 2008.  
Owosso Zoning Board of Appeals. Minutes of Meeting of April 15, 2008.  
Owosso Cable Access Advisory Commission. Minutes of Meeting of April 14, 2008.

Councilperson Martenis inquired as to whether citizens liked the restored color of Curwood Castle.

**CITIZEN COMMENTS AND QUESTIONS**

Kevin Brown, 217 Curwood Castle Drive, indicated the Parks and Recreation Commission tried to take Preservation Owosso's idea for Fayette Square into account when they decided to proceed with the revamping of the park.

Howard Horn, 801 Ryan Street, indicated he thought the castle looked very nice.

Betty Coon, 1204 Palmer Avenue, apologized for confusing her facts earlier and clarified herself indicating she has been in support of open burning both times it has been on the ballot.

Burton Fox, 216 East Oliver Street, suggested an educational program along with strict enforcement to resolve the issues with burning.

Troy Piland, 716 Lynn Street, indicated he preferred the previous color of the castle.

Gerald Alcorn, 637 ½ North Water Street, thanked the Council for their support of the revamping of Fayette Square and indicated the group really tried to look at all of the ideas that were presented to them.

Howard Horn, 801 Ryan Street, stated he could understand the health concerns caused by burning and indicated he feels many people burn inappropriate materials.

Mayor Bruff stated he respected the efforts and plans for Fayette Square developed by Preservation Owosso but realizes that plans sometimes change and the changes may be better than the original plan. He further stated his hopes for Preservation Owosso to continue working in Fayette Square.

Councilperson Cline described his ride-alongs with police on nuisance fire calls.

Mayor Pro-Tem Owen presented the Mayor with a commemorative bottle of water that symbolized the water agreement reached with Caledonia Charter Township in 2006. He also indicated negotiations with Owosso Charter Township were progressing well and he hoped an agreement was near.

Councilperson Frederick thanked the other members of Council for supporting the revamping efforts at Fayette Square.

**ADJOURNMENT**

Motion by Councilperson Cline for adjournment at 9:20 p.m.

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

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Michael E. Bruff, Mayor

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Amy K. Kohagen, City Clerk