

OWOSSO CITY COUNCIL

JUNE 16, 2008

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: MICHAEL TILLOTSON

PLEDGE OF ALLEGIANCE: COUNCILPERSON JASON D. SIMMONS

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 a change in the date of Item of Business #2 Dualthon Permission to reflect the rescheduling of the event to August 2, 2008.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 2, 2008

Motion by Councilperson Simmons to approve the Minutes of the Regular Meeting of June 2, 2008 as presented.

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

Mayor Bruff described the etiquette for addressing the City Council.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

CERTIFICATE OF APPRECIATION

Public Safety Director Michael T. Compeau and Mayor Michael E. Bruff honored all City of Owosso crossing guards and presented a the following Certificate of Appreciation to crossing guard Leo Scherer for his many years of service to the City.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING
LEO SCHERER**

WHEREAS, Leo Scherer has served the City as a crossing guard for the last 22 years; and

WHEREAS, Mr. Scherer has faithfully discharged the duties of his position during his many years of service to the City through his excellent attendance and dependability; and

WHEREAS, Mr. Scherer is a virtual landmark on the corner of Oliver Street and M-52 diligently helping children safely cross the street; and

WHEREAS, no child has ever been hurt crossing the intersection which Mr. Scherer oversees; and

WHEREAS, it is fitting that this record of dedicated community service devoted to the interests of the children of Owosso be officially recognized.

NOW, THEREFORE, I, Mayor Michael E. Bruff, on behalf of the City Council and the residents of the City of Owosso, do hereby acknowledge Mr. Scherer's years of service to Owosso and thank him for contributing his time and energy to improving his community.

Proclaimed this 16th day of June, 2008.

PRESENTATION – 102 SOUTH WASHINGTON STREET

Friends and Neighbors representative Don Marrah presented a proposal for the property at 102 South Washington Street. He stated the proposal was intended to inspire discussion as to what could be done with the property. His idea included the construction of 8 to 10 small movable Victorian theme structures to be used as low rent business incubators along with sitting and parking areas to provide visitors to the community with a place to congregate. The buildings and other improvements could be easily removed when the site is ready for a permanent development.

PUBLIC HEARINGS

PUBLIC HEARING - ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding proposed ordinance amendment to amend Chapter 2, *Administration*, Article V, Employee Relations, Sections 2-251, 2-256, and 2-276 through 2-281 of the Code of Ordinances of the City of Owosso, Michigan.

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Owen that the following ordinance be adopted:

ORDINANCE NO. 698

AN ORDINANCE TO AMEND CHAPTER 2, *ADMINISTRATION*, ARTICLE V, EMPLOYEE RELATIONS, SECTIONS 2-251, 2-256, AND 2-276 THROUGH 2-281 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN TO REFLECT THE RESTRUCTURING OF THE ORGANIZATION.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Sections 2-251, 2-256, and 2-276 through 2-281 of Chapter 2, *Administration*, Article V, *Employee Relations*, is hereby amended to read as follows:

Sec. 2-251. Policy statement.

It is hereby declared the policy of the city that:

- (1) Employment in the city government shall be based on merit and fitness, free of personal political considerations.
- (2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.
- (3) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- (4) Appointments, promotions and other actions requiring the application of the merit principal shall be based on systematic tests and evaluations, whenever practicable.
- (5) A productive work environment shall be maintained by fair administration of the rights and interests of employees consistent with the best interests of the public and the city.
- (6) Tenure of employees covered by this article shall be subject to good behavior, the satisfactory performance of work, and the availability of funds.

Sec. 2-252. Political activity.

Employees shall be selected without regard to political considerations, may not be required to contribute to any political purpose, and may not engage in improper political activity. Rules shall define the scope of improper political activity.

Sec. 2-253. Unlawful discrimination.

The city shall not discriminate with regard to hiring, terms of employment, promotion, transfer, or other conditions of employment because of race, color, creed, national origin, sex, religious affiliation, age, height, weight, marital status, disabled status, or political affiliation.

Sec. 2-254. Nepotism.

(a) No person shall become employed who is related to a member of the council within the third degree of consanguinity or affinity.

(b) No person shall become or remain employed if such employment would result in supervisory direction and responsibility by one (1) officer or employee over another who is related within the third degree of consanguinity or affinity. "Supervisory direction and responsibility" shall be interpreted to include circumstances in which an officer or employee is immediately subordinate to the superior officer or employee is within the direct line of authority of the superior officer or employee.

(c) The provisions of this section shall not apply to any such relationships between employees, supervisors and council members which are in existence on the effective date of this article.

Sec. 2-255. Administrative rules.

The director of human resources shall draft, in consultation with the city manager, such rules as may be necessary to carry out the provisions of this article. These rules shall be submitted for adoption by resolution of the council. The rules shall have the force and effect of law. Amendments to the rules shall

be made by resolution of the council.

Sec. 2-256. Training, employee service, and employee recognition programs.

The director of human resources shall encourage the improvements of service by providing employees with opportunities for training, employee service, and employee recognition programs which need not be limited to training, service, and recognition for specific jobs but may include training, service, and recognition for advancement and for general fitness for public service.

Sec. 2-257. Administration.

(a) The human resources program established by this article shall be administered by the director of human resources. The director of human resources shall be the city manager or his or her designee. The director of human resources shall administer all the provisions of this article and of the personnel rules, and shall prepare and recommend revisions and amendments to the personnel rules.

(b) The council may contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel program.

Secs. 2-258--2-270. Reserved.

DIVISION 2.

CIVIL SERVICE

Sec. 2-271. Divisions of city service.

All officers and personnel of the city are divided into the classified service and the exempt service.

Sec. 2-272. Application.

The provisions of this division shall apply only to the classified service of the city unless otherwise specifically provided.

Sec. 2-273. Exempt service.

The exempt service shall include the following:

- (1) Administrative officers of the city as defined in section 7.1 of the city charter.
- (2) All officials elected by the people.
- (3) Members of appointive boards and commissions.
- (4) Persons employed or retained in a professional capacity.
- (5) Persons whose conditions of employment are subject to collective bargaining agreements.
- (6) Persons whose positions are temporary, part-time or seasonal.

Sec. 2-274. Classified service.

The classified service shall include all other positions in the city service which are not specifically placed in the exempt service by this article.

Sec. 2-275. How status determined.

The class in which each employee shall have status shall be determined in the manner provided in section 2-276.

Sec. 2-276. Position classification plan.

(a) *Establishment; scope.* The director of human resources shall make an analysis of the duties and responsibilities of all positions in the classified service and shall recommend to the council a position classification plan. Each position in the classified service shall be assigned to a class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence, and the same pay scale. A position class may contain one (1) position or more than one (1) position.

(b) *Revision of plan.* The initial classification plan shall be revised from time to time as changing conditions require, upon recommendations of the director of human resources and with the approval of the council. Such revisions may consist of the addition, abolishment, consolidation, division or

amendment of existing classes.

Sec. 2-277. Pay plan.

(a) *Preparation.* The director of human resources under the direction of the city manager and in consultation with the finance director, shall prepare a pay plan and rules for its administration. The rate or range for each class shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places in public and private employment.

(b) *Approval.* The director of human resources shall submit the pay plan and the rules for its administration to the council for adoption. The council, after public hearing, may adopt the plan and the rules, with or without amendment. All amendments shall apply uniformly to all positions within the same class.

(c) *Assignments.* After the pay plan and the rules for its administration have been adopted by the council, the director of human resources shall assign each position class to one of the pay ranges provided in the pay plan.

(d) *Amendments.* The pay plan may be amended from time to time as circumstances require, either through adjustment of rates or by reassignment of position classes to different pay ranges.

Sec. 2-278. Employment procedures.

(a) *Appointments.* Vacancies are vacant positions in the classified service which the city desires to fill. The vacancy may be filled pursuant to section 2-279 by the recall, reemployment or promotion of an employee. If not so filled the vacancy will be filled by an original appointment. Original appointments to vacancies shall be equally based on merit as determined by competitive examinations and by an interview process.

(b) *Examinations.* Examinations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed and may not include any inquiry into characteristics or affiliations which, if used as the basis for determining eligibility for employment, would constitute unlawful discrimination.

(c) *Eligibility list.* Candidates who qualify for employment shall be placed on an eligibility list for the appropriate position class in the rank order of the grades they obtained on the examination and the score received in the interview process.

(d) *Veterans preference.* Preference in entrance examinations, but not in promotion, shall be granted to qualified persons who have been members of the armed forces of the United States in time of war, and who seek to enter the service of the city within five (5) years immediately following their honorable discharge from military service. Such preference shall be in the form of points added to the final grades of such persons, provided that they first achieve a passing grade. The preference may be as much as five (5) points for non-disabled veterans, and as much as ten (10) points for persons currently receiving compensation from the U.S. Veteran's Administration for war-service-incurred disabilities. The rank order of such persons among other eligible persons shall be determined on the basis of their augmented rating.

(e) *Promotions.* Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgment of the city manager it is in the best interest of the city to do so. Promotions shall give appropriate consideration to the applicant's qualifications and record of performance.

(f) *Promotion to exempt service.* Any person in the classified service of the city who is promoted or appointed to a position not under the protection of this division shall not, in the event of demotion or dismissal from such position, or in any case where such person is not reappointed at the end of a specified term, be privileged to return to the position which he or she held before such promotion or appointment, or to a position of equal or similar rank or classification, unless approved by the city manager.

(g) *Temporary assignments.* Pending the availability of an eligibility list determined by the director of human resources to be appropriate for a class, vacancies may be filled by temporary appointment by the city manager.

Sec. 2-279. Eligibility lists.

(a) *Priority of lists.* Eligibility lists shall be recall lists, promotional eligibility lists and original appointment eligibility lists.

(1) Recall lists shall contain the names of regular employees laid off in good standing for lack of funds or work or the elimination of the position by the city.

(2) Promotional eligibility lists and original appointment eligibility lists shall be created as provided in section 2-278.

- (3) An employee who has not completed an original orientation period and is laid off for lack of work or lack of funds or resigns and withdraws his or her resignation within one (1) year may, with the approval of the director of human resources, have his name restored to the eligibility list from which his or her appointment was originally made.

(b) *Appointment procedure.* When an appointment is to be made to a vacancy, the director of human resources shall submit to the individual or individuals making the appointment the names of the three (3) persons ranked highest on the appropriate list who have indicated willingness to accept appointment. When more than one (1) vacancy is to be filled the number of names submitted shall equal the number of vacancies plus two (2).

(c) *Rules for administering lists.* Policies and procedures for administering eligibility lists shall be provided in the personnel rules, covering the duration, cancellation, replacement, and consolidation of such lists, and the removal or suspension of names of eligible persons therefrom.

Sec. 2-280. Orientation.

Any original or promotional appointment shall be considered to be provisional in nature pending satisfactory completion of an orientation or working test period. The director of human resources shall promulgate rules and procedures relative to administration of the orientation or working test period.

Sec. 2-281. Discipline, demotions and separations.

The director of human resources, under the direction of the city manager, shall promulgate rules and regulations with regard to discipline, demotions and separation of employees from city employment.

Section 2. This ordinance shall become effective July 6, 2008.

Section 3. This Ordinance may be purchased or inspected in the City Clerk's Office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Kevin M. Brown, 217 Curwood Castle Drive, reminded everyone that Holman Pool will be open for the summer as of June 17th. He also thanked City staff for preparing and opening the pool.

Brenda Bennett, 614 ½ North Hickory Street, indicated her move to the city was based in part on the fact that she would be allowed to have camp fires. She also indicated she has never had a problem with others in her neighborhood that burn.

Robert Coon, 1204 Palmer Avenue, indicated he is appreciative of the right to burn saying that it was a good way to dispose of important papers.

Suzanne Carpenter, 122 North Washington Street, indicated that burning is harmful to people and the environment and felt all unnecessary burning should be banned.

Burton Fox, 216 East Oliver Street, expressed his support for the Friends and Neighbors proposal for the old hotel site indicating he felt it would draw people into town. He also expressed frustration with the way parking in the downtown has been handled in the past.

Lisa Stechschulte, 725 River Street, indicated she feels burning harms the people of the community and enforcement of the current ordinance is difficult at best. She further indicated she hopes Council will take a proactive stance and ban burning to protect everyone in the community.

George Hebert, 411 Curwood Drive indicated he felt it is not right to give people, even the majority, the right to harm other people through burning.

Shelva Cebulski, 1243 Marion Street, indicated she would probably not have moved back to Owosso had she known that burning was permitted within the City limits.

Dorothy Meyers, 637 North Saginaw Street, indicated she endorsed the right to burn and felt neighbors should govern neighbors in regard to enforcement of the current burning ordinance.

Paul Sutphen, 309 State Street, indicated he would like to see the current ordinance remain on the books and felt people should act responsibly when they burn.

Betty Coon, 1204 Palmer Avenue, indicated she supports the right to burn. She relayed the results of the last election on burning and the latest poll taken by the newspaper showing strong support for burning. She further indicated she felt those in support of burning have compromised already and should not be forced to compromise further.

Cindy Popovitch, 704 North Chipman Street, indicated she appreciates the right to burn but feels the city needs a curbside recycling program. She also indicated she feels neighbors should monitor neighbors in regard to burning in a responsible manner.

Jo Ann Weidman, 1011 Pearce Street indicated she has breathing issues but is still in support of burning. She also indicated she felt Council should abide by the results of the last election on burning and the rules on burning should be strictly enforced.

Bill Weidman, 420 North Chipman Street, indicated he felt the fall leaf pick up alleviated the need for a lot of burning. He further indicated he felt the current ordinance was being enforced well and went on to relay his experience with a nuisance fire.

Daniel Stewart, County Commissioner District 1, gave an update on issues addressed by the County Commission including discussions regarding the funding for the Council on Aging.

Henrietta Sparkes, County Commissioner District 6, informed Council of a recently approved homebuyer purchase rehabilitation program for the cities of Owosso and Corunna.

Michael Tillotson, 1299 South Shiawassee Street, thanked Council for their reception of his video taping at the Curwood Festival.

Eddie Urban, 601 Glenwood Avenue, indicated he felt the 1225 contributes heavily to smoke pollution in town.

Mayor Bruff indicated he had spoken with the Director of the Steam Railroading Institute and discovered the discharge from the 1225 is regulated at the federal level and is well within the guidelines established.

Councilperson Forster commented on the number of boards and commissions reappointments indicating she would have liked to have seen new people on those boards.

Motion by Councilperson Frederick to move Consent Item #1 First Reading and Set Public Hearing – Ordinance Amendment to Item of Business #11 for purposes of discussion.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

CITY MANAGER REPORT

City Manager Joseph A. Fivas relayed the plans of a City staff volunteer project to paint two local houses, he thanked all of the local business for their support of the effort. He went on to thank all those involved in making the Curwood Festival a success and the Department of Public Works employees for their hard work in opening Holman Pool. He further expressed his excitement for all of the on-going and proposed improvements in town.

CONSENT AGENDA

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

Building Code Adoption. Adopted the 2006 Michigan Building Codes.

Downtown Leased Parking Program. Reauthorized the Downtown Leased Parking Program for leased spaces and rates for designated lots.

Bid Award. Accepted low bid from Saginaw Asphalt for the 2008 HMA Ultra Thin Overlay bid in the amount of \$49,620.00 and authorized payment up to the bid amount.

Bid Award. Accepted low bid from Michigan Pavement Solutions for the 2008 Sealcoat Program bid in the amount of \$79,800.00 and authorized payment up to the bid amount.

Bid Award. Accepted bid of Thomas Van Lieshout for one 1987 Seagrave 100' ladder truck in the amount of \$5000.00.

Contract Payment. Authorized Progress Payment No. 2 to Ron Bretz Excavating, Inc. in the amount of \$85,255.98 for work completed on the Sanitary Sewer Manhole Rehabilitation Project for the time period ending May 31, 2008.

Contract Payment. Authorized Progress Payment No. 3 to Orchard Hiltz and McCliment for construction engineering services on the Sanitary Sewer Manhole Rehabilitation Project covering the 4-week period ending May 24, 2008 in the amount of \$20,002.50.

Contract Payment. Authorized Payment No. 6 to Glaeser Dawes Corporation in the amount of \$23,475.70 for water main installation on the streets included in the 2008 Street Program.

Boards and Commissions Appointments. Approved the following Mayoral appointments:

Name	Board/Commission	Term Expires
William Gilbert*	Downtown Development Authority	06-30-2012
Krista Strong*	Downtown Development Authority	06-30-2012
Randy Horton*	Zoning Board of Appeals	06-30-2011
Bryan Fitch	Planning Commission	06-30-2011
Virginia Teich*	Council on Aging	06-30-2011
Carl Ludington*	Building Board of Appeals	06-30-2011
Lucille Couzynse*	Shiawassee District Library	06-30-2012
John Hagel*	Local Development Finance Authority /Brownfield Redevelopment Authority	06-30-2012
Richard Williams*	Local Development Finance Authority /Brownfield Redevelopment Authority	06-30-2012
Richard Williams*	Building Authority	06-30-2011
Steven Flayer	Cable Access Advisory Commission	06-30-2009
Jessica Thompson	Cable Access Advisory Commission	06-30-2009
Gregg Klapko	Cable Access Advisory Commission	06-30-2009
Renita Mikolaczyk	Cable Access Advisory Commission	06-30-2009
Jack Johnson	Cable Access Advisory Commission	06-30-2009
Christopher Hardwick	Cable Access Advisory Commission	06-30-2009
John Hagel	Cable Access Advisory Commission	06-30-2009

*indicates reappointment

Traffic Control Order No. 1173. Amended Traffic Control Order No. 1173 to change two leased spaces to 2-hour parking spaces in Lot #7.

Warrant No. 364. Approved Warrant No. 364 as follows:

Vendor	Description	Fund	Amount
Waste Management	Disposal Charges for special wastes May 16, 2008 – May 31, 2008	WWTP Local/Major Streets	\$6,091.75
Brown & Stewart, PC	Professional Services May 13, 2008 – June 9, 2008	General	\$8,539.96

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

CITY BUDGET AMENDMENT – 2007/2008

There was a brief discussion regarding whether SATA had subtracted the City's in-kind contribution from the amount paid to them as part of the funding agreement between SATA and the City. Staff will research the issue to verify whether SATA agreed to the discussed terms.

Motion by Councilperson Forster to adopt the 2007-2008 Amended Budget as follows:

	2006-2007 ACTUAL	2007-2008 ADOPTED	2007-2008 AMENDED	2008-2009 ADOPTED
GENERAL FUND REVENUE SUMMARY:				
Property Taxes	3,486,219	3,670,725	3,654,525	3,649,225
Local Sources	1,205,313	1,110,300	1,172,325	1,180,100
Federal Grants	446	893,900	-	746,025

State Shared	1,751,458	1,500,000	1,779,900	1,825,000
Other Financing Sources	-	914,675	913,550	-
TOTAL REVENUES	6,443,436	8,089,600	7,520,300	7,400,350

GENERAL FUND EXPENDITURE SUMMARY:

Management	1,110,223	1,063,475	1,027,325	1,128,250
Public Safety	3,192,640	3,842,600	3,987,150	3,276,350
Community Development	259,549	262,650	260,925	338,200
Public Services	1,084,185	1,169,225	1,171,275	1,111,700
Recreation	310,667	1,169,200	297,950	1,307,425
Transfers	527,010	582,450	775,675	238,425
TOTAL EXPENDITURES	6,484,274	8,089,600	7,520,300	7,400,350

SPECIAL REVENUE REVENUE SUMMARY:

Major Fund

Special Assessments	85,964	184,125	87,200	24,300
Federal Grant	219,401	-	-	-
State Sources	932,599	2,524,700	2,558,850	800,900
Local Sources	299,573	566,325	679,400	39,150
Other Financing Sources	-	116,000	102,400	141,625
Total Major Fund	1,537,537	3,391,150	3,427,850	1,005,975

Local Fund

Special Assessments	88,235	74,700	43,325	87,550
State Sources	278,879	273,200	275,000	274,800
Local Sources	435,321	309,975	406,275	284,850
Other Financing Sources	-	-	-	176,900
Total Local Fund	802,435	657,875	724,600	824,100

CDBG Fund

Federal Grant	28,100	-	-	-
Local Sources	37,741	13,050	11,400	9,200
Other Financing Sources	-	521,950	262,400	62,300
Total CDBG Fund	65,841	535,000	273,800	71,500

Historical Fund

Local Sources	40,283	48,350	59,800	65,325
Other Financing Sources	-	9,000	1,600	33,200
Total Historical Fund	40,283	57,350	61,400	98,525

SPECIAL REVENUE EXPENDITURE SUMMARY:

Major	1,537,538	3,391,150	3,427,850	1,005,975
Local	802,435	657,875	724,600	824,100
CDBG	30,995	535,000	273,800	71,500
Housing/Redevelopment	-	-	-	200,000
Historical	38,636	57,350	61,400	98,525

COMPONENT UNITS REVENUE SUMMARY

Brownfield Authority

Property Taxes	78,829	14,350	15,100	40,875
Donations	-	12,950	12,500	12,500
Other Financing Sources	16,175	435,000	248,525	-
Total Brownfield Authority	95,004	462,300	276,125	53,375

LDFA

Property Taxes	79,911	90,850	80,550	107,425
Local Sources	-	-	-	-
Other Financing Sources	-	17,000	-	-
Total LDFA	79,911	107,850	80,550	107,425

DDA				
Property Taxes	471,068	363,600	280,700	346,175
Local Sources	193	-		
Other Financing Sources		-	62,100	27,275
Total DDA	471,261	363,600	342,800	373,450

COMPONENT UNIT EXPENDITURE SUMMARY:

Brownfield Authority	119,593	462,300	276,125	53,375
LDFA	44,096	107,850	80,550	73,875
DDA	416,438	363,600	342,800	373,450

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

POWERHOUSE DUATHLON PERMISSION

There was discussion regarding whether or not streets would be closed for the event. It was indicated projected participation would be low enough not to warrant closing the streets. Duathlon organizers would be assisted by the Citizens Radio Watch at crucial intersections.

Motion by Mayor Pro-Tem Owen to approve the application of Roberto Larrivey on behalf of Powerhouse Gym for use of portions of Robbins Street, Mack Street, Chipman Street, South Street, Pearce Street, Henry Street, Walnut Street, Young Street, North Street, Oliver Street, Ada Street, and King Street from 7:00am to 5:00pm on August 2, 2008 for a duathlon.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

*Maps of proposed routes are on file in the Clerk's Office.

CELLULAR TOWER LEASE DISCUSSION

Utilities Director Gary M. Burk indicated he wanted Council input on the proposed idea prior to discussing any details with the cellular company. He further indicated the proposed tower would be located in the buffer zone that surrounds the Mid-County Waste Water Treatment Plant, next to the Shiawassee County Household Hazardous Waste Collection site. Utilities Director Burk suggested any revenues received from the proposed tower go to fund the Household Hazardous Waste Collection program.

There was a brief discussion as to how the proposed tower would affect the view of the landscape. It was indicated the tower would be located in an open area that is currently zoned industrial. A site plan review has yet to be performed and there would be an opportunity for citizen comment.

Council granted permission for staff to explore terms of a possible land lease with T-Mobile LLC for a cellular tower near the Wastewater Treatment Plant.

MEDC GRANT AGREEMENT

Economic Development Coordinator Brent D. Morgan gave a brief synopsis of the development project for the property at 102 South Washington Street.

City Manager Fivas indicated the Michigan Economic Development Corporation accepted our proposed changes to the existing grant agreement and that downtown businesses had agreed to support the new plan. He further indicated the City is now soliciting suggestions for the site.

There was concern the site would compete with the proposed town square. It was indicated the desire for the site was multipurpose, with the hope that events could be held simultaneously in the town square and on the site.

Motion by Councilperson Forster to approve the amendment to the MEDC grant agreement for the property at 102 South Washington Street as follows:

1. Delete the first sentence of Paragraph 2 of Section I of the Agreement in its entirety and replace with the following:

The maximum amount of grant assistance hereby offered is \$247,399, but not more than fifty-four (54) percent of the total actual costs of the public infrastructure portion of the project financed with CDBG funds and local matching funds.

2. Delete the first sentence of Paragraph 3 of Section I of the Agreement in its entirety and replace with the following:

The term of work performance shall be forty-eight (48) months from January 1, 2005 through December 31, 2008, plus additional time to meet reporting and other procedural requirements.

3. Delete Section II(A1) of the Agreement in its entirety and replace with the following:

1. Sources of funds for the project under this grant agreement consist of:

State Cash Contributions	\$247,399
Local Cash Contributions	<u>\$205,000</u>
TOTAL	\$452,399

4. Delete Section II(B5) of the Agreement in its entirety and replace with the following:

5. The Grantee shall expend up to \$247,399 of grant funds to construct a public parking lot and associated streetscape/landscape.

5. Delete Section II(B6) of the Agreement in its entirety.
6. Delete Section IV of the Agreement in its entirety.
7. Delete Attachment A of the Agreement in its entirety and replace with Amended Attachment A.
8. Delete Attachment B of the Agreement in its entirety and replace with Amended Attachment B.
9. Delete Attachment C of the Agreement in its entirety.

All other terms and conditions of the Agreement shall remain unchanged and in full effect.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: None.

*Full text of the original agreement, its attachments and amendments is available in the Clerk's Office.

MSHDA GRANT AGREEMENTS

Economic Development Coordinator Morgan indicated that once the agreements were approved environmental studies could begin. He went on to thank the various staff members that had worked on the project.

There was an inquiry as to if money would be received from private property owners before work commences. It was indicated monies from private property owners would be placed in escrow prior to the start of construction.

Motion by Councilperson Simmons to approve grant agreements with the Michigan State Housing Development Authority in regard to the Vibrant Small Cities Initiative Grant as follows:

STATE OF MICHIGAN
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
VIBRANT SMALL CITIES INITIATIVE (VSCI)
GRANT AGREEMENT
BETWEEN THE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
COMMUNITY ASSISTANCE TEAM (CATeam)
AND THE
CITY OF OWOSSO

I. GRANT OFFER FOR MSHDA CDBG GRANT NUMBER 200775-VSCI

The Executive Director of the Michigan State Housing Development Authority (hereinafter, the "Grantor"), acting pursuant to the Act, hereby offers to the City of Owosso (hereinafter, the "Grantee"), grant assistance subject to the Grant Agreement.

The maximum amount of grant assistance hereby offered is \$1,000,000, but not more than fifty (50) percent of the total actual costs of the approved projects financed with CDBG funds and local, private, and other matching funds for CDBG eligible activities as outlined in the attached funding documentation. If the actual cost is less than shown in the Total Authorized Budget (See Section II. SPECIAL TERMS AND CONDITIONS A. 1) the amount of the grant set aside for an eligible activity shall be reduced on a proportional basis. The Grantee shall be responsible for any cost overruns.

The term of work performance shall be twenty-one (21) months from March 1, 2008 through December 31, 2009, plus additional time to meet reporting and other procedural requirements. Grant funds will only be made available for the Grantee's eligible expenses, which occur during the term of work performance in accordance with the Grant Agreement. The grant is dependent upon the Michigan State Housing Development Authority's Community Assistance Team's continued receipt of Community Development Block Grant funds and the availability of adequate funds.

This Grant Offer does not commit the Grantor to approve requests for additional funds during or beyond this grant. This agreement is being formally executed as of March 14, 2008 by Michael R. DeVos, Executive Director Michigan State Housing Development Authority.

The Grantee hereby certifies that there has been no known adverse material change in the business, properties, financial, or other conditions (including but not limited to current taxes and no non-mortgage liens on properties) of the city, businesses, or other entities receiving financial assistance for the proposed downtown improvements since the submission of the Requests for Grant Funding (RFG), unless expressly acknowledged in writing to the Michigan State Housing Development Authority's Community Assistance Team.

The foregoing Grant Offer is hereby accepted and it is agreed that the funds made available will be used only as set forth herein and in the attached Special and General Terms and Conditions as well as the approved eligible activity documentation.

II. SPECIAL TERMS AND CONDITIONS

For Michigan CDBG Grant Under Title I of the Housing and Community Development Act of 1974, as amended.
CFDA#: 14.228

MSHDA GRANT NUMBER: 200775-VSCI

TITLE: Downtown VSCI Grant Agreement
GRANTEE/ADDRESS: City of Owosso
301 West Main Street
Owosso, Michigan 48867
GRANT ADMINISTRATOR/
ADDRESS: Mr. Joseph Borgstrom, Grant Administrator
Community Assistance Team
735 East Michigan Avenue
Lansing, Michigan 48909
Phone: 517-241-2512

A. TOTAL AUTHORIZED BUDGET

- 1. Sources of funds for the project under this grant agreement consist of:
State Cash Contributions \$1,000,000
Local Cash Contributions \$1,000,000
TOTAL \$2,000,000
- 2. Application of funds to the project supported under this grant agreement consists of:
PLEASE REFER TO ATTACHMENT A FOR THE AUTHORIZED BUDGET FOR THIS GRANT AGREEMENT.

B. SCOPE OF WORK

The Scope of Work of the Grantee under this grant shall be to undertake and complete activities, as detailed in the City of Owosso's Request For Grant (RFG) submissions dated March 14, 2008, (as amended), subject to the limitations set forth in this grant agreement and applicable federal and state laws, rules, and regulations:

- 1. Prior to the commitment of any project funds, incurring any project costs, and state

disbursement of grant funds, the Grantee shall submit to the Grant Administrator a copy of the complete Environmental Review Record (including the Environmental Assessment), and secure written approval by the Grant Administrator of the Request for Release of Funds and Certification. The Request for Release of Funds and Certification represents local completion of the environmental review procedures and requirements as set forth in 24 CFR Part 58, "Environmental Review Procedures for Title J Community Development Block Grant Program," issued by the U.S. Department of Housing and Urban Development. Project costs include costs to be paid by grant funds or other local, public or private funds.

2. If the approved projects involve construction activities using grant funds, the Grantee shall provide for approval by the Grant Administrator a copy of all bidding documents or other evidence of compliance with federal labor standards for all construction activities financed in whole or in part with CDBG funds. Such approval must be secured prior to state disbursement of grant funds for relevant construction activities.
3. If the approved projects involve acquisition of private real estate, permanent easements or right-of-ways, or the relocation of persons, families or farms, the Grantee shall provide for approval by the Grant Administrator documentation of compliance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970. Such approval must be secured prior to state disbursement of grant funds for acquisition or relocation activities.
4. If grant funds are to be used to engage consultants or engineers, the Grantee shall comply with the procurement process as required by 24 CFR Part 85.36. For contracts greater than \$100,000, the Grantee must use competitive negotiation through a request for proposal (RFP) or request for qualifications (RFQ) process. Prior to state disbursement of grant funds, the Grantee must provide a copy of the RFP/RFQ; a list of respondents to the RFP/RFQ; the Grantee's evaluation and recommendation for the award of contract; and the proposed contract. For contract costs less than \$100,000, small purchase procedures may be used. Prior to state disbursement of grant funds, the Grantee must provide documentation that price or rate quotations were obtained from an adequate number of qualified sources.
5. The Grantee shall expend up to \$1,000,000 of grant funds to assist the community by providing funding for downtown revitalization activities which are further described within the attached documents.
6. The grant is being awarded based on this project's area-wide benefit to the entire city. According to U.S. Department of Housing and Urban Development census data, the City of Owasso consists of 63.9% low and moderate income households.
7. The Grantor may, in its sole discretion, after discussions with representatives of the Grantee, modify or reduce the total amount of Grant assistance offered under this Agreement or terminate this Agreement and demand full repayment of disbursed Grant proceeds if the Grantee violates, fails, or refuses to comply with any term, condition, or provision of this Agreement.
8. The Grantee shall provide Program Progress Reports beginning October 1, 2008, and every six (6) months thereafter for each approved project activity.
9. The Grantee shall provide a Final Program Progress Report 60 days after completion of the term of work performance for each approved project activity.
10. The Grantee shall provide documentation that at least one public hearing was held after grant award and prior to formal grant closeout for each approved project activity. Such documentation shall be provided prior to formal grant closeout.
11. During each of the Grantee's fiscal years in which a disbursement of CDBG funds is made under this agreement, the Grantee shall file an Audit Report. This Audit Report must be prepared by an independent auditor, and be in compliance with the requirements of OMB Circular A-133, or as required by the Grant Administrator. This audit report shall be filed with the Grant Administrator within 30 days after completion of the audit, but not later than nine months after the close of the Grantee's fiscal year.
12. During the Grant's Term, the Grantee hereby agrees to fully repay the Grantor the full grant amount of an approved project activity, in the event that the Grantee fails to obtain the Grantor's written approval prior to the following actions by the Grantee:
 - (a) Grantee either sells, or otherwise transfers the Real Property's ownership responsibilities to some other entity.
 - (b) Grantee leases or assigns its interest in any portion of the Real Property.
 - (c) Grantee permits liens or claims of any type to be placed on the Real Property.
13. Any program income received by the Grantee, related to the properties identified as apart of this project, must be reported to the MSHDA Community Assistance Team within 30 days of receipt and all MSHDA CATEam/U.S. Department of Housing and Urban Development program income restrictions apply.

14. All approved projects will require an Acknowledgement and Certification of Beneficiary document to be executed by all parties. It is understood and acknowledged by all parties, including the Grantee and Property Owners/Tenants, that the downtown investment and overall residential benefit to low and moderate income residents by improving the downtown area were essential factors in persuading the Michigan State Housing Development Authority (MSHDA) Community Assistance Team that this project is economically viable, and further, in absence of this commitment by the Grantee and Property Owners/Tenants, this grant would not have been awarded.

In addition, the Grantee must demonstrate (if applicable), based on the project activity, a willingness to sign a repayment/reuse/resale provision which will be outlined within the Acknowledgement and Certification of Beneficiary document to be executed by all parties. If sale/transfer/change of use activities take place without written authorization, full repayment of the entire grant award for the approved project activity will be required within 30 days made payable to the State of Michigan.

III. GENERAL TERMS AND CONDITIONS

1. Applicability to Subrecipients and Contractors: Where performance of the grant project is carried out by any subrecipient or contractor of the Grantee, the provisions of the Grant Agreement shall be made binding on such subrecipient or contractor by the Grantee. This shall be accomplished by a written agreement or contract between the Grantee and any subrecipient or contractor. Where the term "Grantee" appears in this Grant Agreement it shall be read to include any subrecipient or contractor of the Grantee.

The ultimate legal responsibility for insuring compliance with requirements of the Grant Agreement is that of the Grantee designated in the Grant Offer.

2. Compliance by the Grantee: The Grantee shall comply with all applicable provisions of the "Statement of Assurances" as included in the Grant Application.
3. Maintenance of Records: The Grantee shall maintain records which will allow assessment of the extent of Grantee performance of the Scope of Work and which allow for the comparison of actual outlays with budgeted amounts. The Grantee's overall financial management system must ensure effective control over, and accountability for, all funds received. Accounting records must be supported by source documentation such as time sheets and invoices.
4. Retention of Records: The Grantee shall retain all financial records, supporting documents, statistical records, and all other pertinent records for a period of three years. The retention period starts from the date of the Grantee's accepted and approved final audit report.
5. Amendments: The Grantee must obtain prior written approval of the Grant Administrator for grant amendments as follows:
 - a) changes of substance in the Scope of Work including new activities or alteration of existing approved activities;
 - b) extensions to the term of work performance for completion of project activities;
 - c) cumulative changes among approved CDBG funded activity budget items.

The amendment request must be submitted by an authorized local official of the Grantee.

6. Suspension of Grant: When a Grantee has failed to comply with the grant award stipulations, standards, or conditions, the State may, on reasonable notice to the Grantee, suspend the grant and withhold further payments, or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate in accordance with these Terms and Conditions. The Grantor will allow all necessary and proper costs, which the Grantee could not reasonably avoid during the period of suspension, provided they meet the provisions of OMB Circular A-87.
7. Termination for Cause: The Grantor may terminate this grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The Grantor will promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to recipients, or recoveries by the Grantor, will be in accordance with the legal rights and liabilities of the parties.
8. Termination for Convenience: The Grantor or the Grantee may terminate this grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur

new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantor will allow full credit to the Grantee for the Grantor's share of the noncancelable obligations that were properly incurred by the Grantee prior to termination.

9. The grantee and political subdivisions, agencies, and instrumentalities thereof, when engaged in letting contracts or procuring products or services which involve funds obtained from the grantor shall ensure that bid specifications, project agreements, other controlling documents, and any other local requirements do not:

- (A) require bidders, offerers, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations on the same or related projects;
- (B) discriminate against bidders, offerers, contractors, or subcontractors for refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same or related construction projects; or
- (C) require any bidder, offerer, contractor, or subcontractor to enter into, adhere to or enforce any agreement that requires its employees as a condition of employment to:

- (1) become members of or become affiliated with a labor organization; or
- (2) pay dues or fees to a labor organization, over an employee's objection, in excess of the employee's share or labor organization costs relating to collective bargaining, contract administration or grievance adjustment.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

PROPERTY SALE – TWENTY ONE DAY POSTING

City Manager Fivas explained the proposed sale involved the property currently used as the City's brush and leaf drop off site, indicating a new drop site had already been identified should the sale proceed.

There was discussion regarding requiring a deadline by which the site must be developed and if the City has another parcel that could be developed rather than this one. It was indicated this particular location seemed to fit the nature of the proposed business that would be located there.

Motion by Mayor Pro-Tem Owen to authorize the twenty-one (21) day posting period for sale of City-owned property located on South Street and described as *Part of the NE 1/4 and NW 1/4 Section 26, T7N - R2E, City of Owosso, Beginning 203 Feet East and 33 Feet South of NE Corner of said Section 26, where South Line of South Street intersects with Railroad Right of Way; Then West 544 Feet along said South line of South Street, Then South 300 Feet, Then East 320.5 Feet (M/L) to Railroad Right of Way, Then Northeasterly along said Railroad Right of Way to Point of Beginning. (2.98 Acres M/L) to American Waste Services, LLC in the amount of \$20,000.*

Mayor Bruff called for a brief recess.

Returned from recess at 9:06 p.m.

BLUE RIBBON COMMITTEE

City Manager Fivas introduced the proposed strategic planning process and indicated the first meeting of the Blue Ribbon Committee was scheduled for Tuesday, July 15, 2008 at 7:30 p.m. He further indicated the proposed planning process was open for discussion.

The Council approved the proposed Strategic Planning Process outlining the scope of work to be completed by the Blue Ribbon Committee.

Councilperson Frederick suggested the discussion of the burning ordinance be addressed as the last Item of Business. There were no objections.

EXECUTIVE SESSION

Motion by Mayor Pro-Tem Owen to authorize holding executive session at conclusion of regular business for collective bargaining purposes.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

FIFTH MONDAY MEETING

Motion by Mayor Pro-Tem Owen to cancel the fifth Monday meeting scheduled for June 30, 2008.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

FIRST READING AND SET PUBLIC HEARING – ORDINANCE AMENDMENT

The first reading of the proposed ordinance amendment was held.

Mayor Pro-Tem Owen indicated he had discussions with the local trash haulers and they had expressed their desire to be allowed to collect trash in more than one quadrant of the city in a day so as to save on time and fuel. It was noted there would be no reduction in trash pick up, just an adjustment as to the days in which trash pick up is allowed.

Motion by Councilperson Frederick to set a public hearing for July 7, 2008 to receive citizen comment for the proposed ordinance amendment to Chapter 34, *Utilities and Services*, Article II, Garbage and Rubbish, Division 2, *Collection*, Section 34-49 (3) of the Code of Ordinances of the City of Owosso, Michigan for July 7, 2008 as follows:

AN ORDINANCE AMENDMENT TO CHAPTER 34, *UTILITIES AND SERVICES*, ARTICLE II, GARBAGE AND RUBBISH, DIVISION 2, *COLLECTION*, SECTION 34-49 (3) OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN TO ALLOW TRASH COLLECTION TWO DAYS PER WEEK.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Section 34-49 (3) of Chapter 34, *Utilities and Services*, Article II, Garbage and Rubbish, Division 2, *Collection*, is hereby amended to read as follows:

Sec. 34-49. Refuse collection--Residential collection.

The following rules and regulations shall apply to residential refuse collection in the city:

- (1) The type of service to be desired by the resident may be either back or side door pick-up or curb side pick-up.
- (2) If curb side pick-up is selected by the resident, refuse is to be placed inside the curb so that the same shall not in any way be in the traffic portion of the street, and shall be placed inside the curb for pick-up on the morning of collection in residential areas. Any containers belonging to the resident that are left at the curb after collection of refuse are to be removed to the back or side yard on or before 12:00 midnight, of the day of collection. Materials left at the curb for pick-up must be in city-approved containers. The responsibility of compliance with the provisions of this section shall be with the property owner or person placing refuse at the curb. Any violator of the provisions of this section will be immediately ticketed by the police department.

- (3) Collection shall be conducted on the following prescribed routes and schedules and no collection shall be allowed on any dates other than those set forth below:

- a. Tuesday—South of M-21
- c. Thursday—North of M-21

Collection shall begin no earlier than 7:00 a.m., and finished no later than 6:00 p.m., on the day of collection.

Non-work holidays will move the schedule back one day during those weeks, with Saturday added as a day of pick-up.

- (4) Collections shall be made once each week for each customer.
- (5) Quantity of material to be collected shall be limited only by the arrangement the resident has with his or her collector.

Section 2. This ordinance shall become effective twenty days after its adoption.

Section 3. This Ordinance may be purchased or inspected in the City Clerk's Office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

OPEN BURNING DISCUSSION

Mayor Bruff and Councilperson Frederick distributed copies of proposed amendments to the burning ordinance. Mayor Bruff's proposal dealt primarily with eliminating open burning and limiting recreational burning to three days per week. Councilperson Frederick's proposal allowed the current schedule to remain but greatly increased the penalties for violation of the ordinance.

There was extensive discussion regarding following the will of the people as indicated in the last vote on burning, the wording of the last ballot question, seeking alternatives to burning, offering a brush pick up, making sure enforcement is not overly difficult, encouraging compromise, causing disagreement among neighbors, how the current ordinance is enforced, establishing penalties as a misdemeanor rather than a civil infraction, the expense of going through the court system, and putting the question back on the ballot.

Motion by Councilperson Martenis to eliminate burning on Tuesdays and Thursdays and allow recreational burning only on weekends and holidays.

Motion dies for lack of support.

There was further discussion regarding when burning was first banned by City Council and when that ban was overturned by the citizens, the Council's moral obligation to protect the health of City citizens, and whether voter sentiment had changed since the last vote was taken.

Motion by Mayor Pro-Tem Owen to have staff examine the enforcement portion of the ordinance and develop 3 proposals for review by Council.

Motion dies for lack of support.

Motion by Mayor Pro-Tem Owen to end discussion.

Motion dies for lack of support.

Motion by Councilperson Cline to submit the issue to voters in November.

Motion dies for lack of support.

Motion by Councilperson Frederick to bring back his proposed ordinance amendment for discussion at the next meeting and further direct staff to develop two additional proposals for presentation to Council at the July 7th meeting.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: Councilpersons Martenis and Cline.

COMMUNICATIONS

Michigan Liquor Control Commission. Denial of Application.

John F. Archer, Building Official. May 2008 Building Department Report.

John F. Archer, Building Official. May 2008 Code Violations Report.

Michael T. Compeau, Public Safety Director. May 2008 Police Department Report.

Michael T. Compeau, Public Safety Director. May 2008 Fire Department Report.

Owosso Downtown Development Authority. Minutes of Meeting of May 7, 2008.

Westown Corridor Improvement Authority. Minutes of Meeting of May 14, 2008.

Owosso Planning Commission. Minutes of Meeting of April 28, 2008.

Owosso Planning Commission. Minutes of Meeting of May 27, 2008.

Owosso Zoning Board of Appeals. Minutes of Meeting of May 20, 2008.

Owosso Parks and Recreation Commission. Minutes of Meeting of April 28, 2008.

Owosso Parks and Recreation Commission. Minutes of Meeting of May 12, 2008.
Owosso Cable Access Advisory Commission. Minutes of Meeting of May 12, 2008.

CITIZEN COMMENTS AND QUESTIONS

Lisa Stechschulte, 725 River Street, expressed her disappointment with Council's actions in relation to the burning issue. She said she felt upset that Council did not acknowledge the serious health issues related to burning.

Shelva Cebulski, 1243 Marion Street, expressed her disappointment with lack of action on the burning issue indicating she felt they knew what was good for the City but lacked the backbone to make changes.

Dorothy Meyers, 637 North Saginaw Street, predicted Council members would not be re-elected if they banned burning.

Paul Sutphen, 309 State Street, indicated that he felt households did not have to pay for garbage service because they could burn some refuse and put the rest in the garbage disposal. He also expressed support for Councilperson Frederick's proposed burning ordinance amendment.

Betty Coon, 1204 Palmer Avenue, commended Councilperson Frederick for his proposal and further commended those on the Council that voted in favor of it.

Cindy Popovitch, 704 North Chipman Street, commended Council for tackling a difficult issue. She cautioned them to make sure any burning ordinance was clearly enforceable or that it be banned entirely.

George Hebert, 411 Curwood Drive, seconded Ms. Popovitch's comments.

Robert Coon, 1204 Palmer Avenue, expressed confusion as to why the issue was still being discussed, saying he felt the Argus poll was a clear indication as to how the community felt about the issue.

Burton Fox, 216 East Oliver Street, gave an update on the improvements at Fayette Square and stated the 1921 Lafrance Firetruck restoration project was moving forward.

Katherine Kaye, 212 North Howell Street, indicated she had not had the chance to vote on burning the last time it was presented on the ballot because she did not live in town and that others that did vote for it had moved or passed away thus changing the ratio of those that support burning to those that do not.

Eddie Urban, 601 Glenwood Avenue, indicated May was law enforcement personnel month and that all those involved in law enforcement were heroes.

Michael Tillotson, 1299 South Shiawassee, relayed the Moving Wall memorializing those killed in the Vietnam War would be in Perry on Tuesday.

Councilperson Frederick indicated he was proud of the Fayette Square improvement project, proud of being a part of the Curwood Festival, and proud of the Council for dealing with difficult issues.

Councilperson Cline indicated he felt the burning issue should be put to the voters again and asked Lisa Stechschulte why there was a burning barrel in her yard. She indicated she did not use it.

Mayor Pro-Tem Owen encouraged those in opposition to burning to circulate petitions to have the ordinance changed.

Councilperson Forster expressed her agreement with Mayor Pro-Tem Owen's comments. She also indicated she felt the burning ordinance needed to be enforceable or burning banned altogether.

Councilperson Martenis expressed his concern that citizens would begin to ignore the storm warning sirens because they have been going off so frequently. He urged citizens to pay attention and take shelter when they are sounded.

Mayor Bruff indicated that there were many mopeds and scooters on the roads now due to high gas prices and school being out. He cautioned motorists to be aware of them when driving.

RECESSED TO EXECUTIVE SESSION AT 11:04 PM

RETURNED FROM EXECUTIVE SESSION AT 12:31 AM JUNE 17, 2008

EXECUTIVE SESSION MINUTES

Motion by Mayor Pro-Tem Owen to approve the Executive Session Minutes from the meeting of December 17, 2007.

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

ADJOURNMENT

Motion by Mayor Pro-Tem Owen for adjournment at 12:33 a.m. June 17, 2008.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk