

OWOSSO CITY COUNCIL

JULY 7, 2008

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: PASTOR DAVID WOODBY
REDEEMER LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE: COUNCILPERSON GARY W. MARTENIS

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 Councilperson Cline to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 16, 2008

Motion by Councilperson Forster to approve the Minutes of the Regular Meeting of June 16, 2008 as presented.

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

SPECIAL PRESENTATION

PRESENTATION OF PINS TO ROTARY EXCHANGE STUDENTS

Mayor Bruff presented City of Owosso lapel pins to outgoing Rotary exchange students James Riddell (Taiwan) and Kelli Shepherd (Denmark).

PUBLIC HEARINGS

PUBLIC HEARING - ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding 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.

Mayor Pro-Tem Owen explained the reasoning behind the amendment was to save gas and increase efficiency by reducing the number of days open for collection.

Mayor Bruff indicated he had received letters supporting the amendment from Granger and Waste Management.

The following persons addressed the City Council regarding the proposed amendment:

Shelva Cebulski, 1243 Marion Street, expressed concern as to whether the amendment would force haulers to work longer days with trash being picked up after dark. It was noted the times for collection would remain the same.

Bruce Kilpatrick, American Waste representative, indicated he would like the current ordinance remain in effect noting that he was a small hauler and would find it difficult to complete his routes in the time proposed.

Kelly Kuchmun, Kelly's Refuse representative, indicated his support for the amendment and noted enforcement of the ordinance would be easier under the amendment.

Stephen Somers, 108 Curwood Castle Drive, indicated he felt the money and gas saved by the amendment makes the decision to adopt it very easy.

Councilperson Simmons inquired as to whether the current days could be rearranged to give haulers an option as to what day to collect in each area.

Councilperson Forster suggested the Council look at the idea of hiring a single hauler at some point in the future.

Councilperson Martenis inquired about the inference that American Waste would be starting recycling pick up. Mr. Kilpatrick indicated his company intended to add such services in the very

near future, thus increasing the amount of work they would have to accomplish in a limited amount of time.

Mayor Bruff indicated Council had the power to change an ordinance at any time if needed.

Councilperson Martenis indicated he would be willing to consider approval of the amendment if Council reviewed the ordinance again at a later date.

Mayor Pro-Tem Owen indicated the intent of the amendment was not to hurt anyone's business, just reduce fuel usage and increase efficiency.

Whereas, the City Council, after due and legal notice, has met and having heard all interested persons, motion by Councilperson Cline that the following Ordinance be adopted:

ORDINANCE NO. 699

AN ORDINANCE 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
 - b. Thursday—North of M-21Collection 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 October 1, 2008 and be re-examined during the Monday, January 5, 2009 City Council Meeting.

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 Martenis.

Roll Call Vote.

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

NAYS: Councilpersons Simmons and Forster.

CITIZEN COMMENTS AND QUESTIONS

Betty Coon, 1204 Palmer Avenue, expressed her confusion as to whether all options on burning would be discussed tonight or just enforcement issues.

Mayor Bruff indicated that a number of options were up for consideration but there was no intent to deceive anyone as to the subject of the evening's discussions. He noted agendas are available well before the meeting.

Shelva Cebulski, 1243 Marion Street, indicated, despite the adverse health effects, she was now willing to compromise on the burning issue, saying she would be agreeable to allowing recreational burning and barbecuing. She also indicated she would like the issue to be placed before the voters again.

Paul Sutphen, 309 State Street, indicated he does not like the idea of putting items into a landfill if they can be burned. He also encouraged citizens to dry the materials they plan to burn and to tend their fire so it burns hot and fast. He also felt enforcement of the burning ordinance could be stepped up.

Jacob Meganck, 1114 Beehler Street, indicated part of the reason he moved to the property where he currently resides was the opportunity to have recreational fires. He also indicated his desire to continue recreational burning.

Marlette Wallace, 803 North Washington Street, inquired about programs to aid handicapped individuals find suitable housing or remodel existing housing. The Mayor and City staff agreed to assist her in her search.

Stephen Somers, 108 Curwood Castle Drive, indicated he felt an educational program on proper burning would be beneficial so a few people do not spoil burning for all those that enjoy it or find it necessary.

Eddie Urban, 601 Glenwood Avenue, indicated he felt the hours of operation for the brush drop off site were not convenient. Mr. Urban then left the meeting on his own accord.

Councilperson Martenis read aloud the names of City residents killed during the Korean and Vietnam wars, indicating one soldier was a friend of his. He also encouraged the idea of bringing the Moving Wall to Owosso.

Mayor Bruff noted the letter of resignation from Bryan Fitch.

Councilperson Forster indicated she would like to see new people appointed to boards and commissions.

CITY MANAGER REPORT (following the Consent Agenda)

CONSENT AGENDA

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

First Reading and Set Public Hearing - Ordinance Amendment.

The first reading was conducted.

A public hearing was set for July 21, 2008 to receive citizen comment regarding proposed ordinance to amend Chapter 38, *Zoning*, Article II, Zoning Districts and Map, Section 38-26 of the Code of Ordinances of the City of Owosso, Michigan as follows:

AN ORDINANCE TO AMEND CHAPTER 38, ZONING, ARTICLE II, ZONING DISTRICTS AND MAP, SECTION 38-26, *DISTRICTS ESTABLISHED*, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN TO REFLECT THE ADDITION OF THE PUD ZONING DISTRICT.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Section 38-26, Districts established, of Chapter 38, *Zoning*, Article II, Zoning Districts and Map, is hereby amended to read as follows:

ARTICLE II.

ZONING DISTRICTS AND MAP

Sec. 38-26. Districts established.

For the purpose of this chapter, the city is hereby divided into the following districts:

Residential districts.

- R-1 one-family residential district
- R-2 two-family residential district
- RT attached one-family residential district
- RM-1 multiple-family residential district--Low rise
- RM-2 multiple-family residential district--High rise

Nonresidential districts.

- OS-1 office service district
- B-1 local business district
- B-2 planned shopping center district
- B-3 central business district
- B-4 general business district
- I-1 light industrial district
- I-2 general industrial district
- P-1 vehicular parking district
- C-OS conservation-open space district

Combination districts.

PUD planned unit development district

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.

Bid Award. Accepted low bid from Arrow Construction for the 2008 Street Patch bid in the amount of \$31,601.50 and authorized payment up to the bid amount.

Bid Award. Accepted low bid from Mehay Construction for the 2008 Miscellaneous Sidewalk Replacement Program in the amount of \$21,520.00 and authorized payment up to the bid amount.

Bid Award. Accepted low bid from Mehay Construction for the 2008 Miscellaneous Curb Replacement bid in the amount of \$15,780.00 and authorized payment up to the bid amount.

Bid Award. Accepted low bid from Kemira Co., Inc. for Ferric Chloride in the amount of \$.66 per pound of iron, with an estimated annual contract of \$47,502.00, and authorized payment up to the estimated amount.

Bid Rejection. Rejected all bids received for Sodium Hypochlorite for lack of conformity to bid specifications and authorized staff to seek spot prices from available suppliers for supply and delivery during the 2008-2009 budget year.

Bid Award. Accepted low bid from Western Lime Corporation for Quicklime in the amount of \$126.00 per ton, with an estimated annual contract of \$90,720.00, and authorized payment up to the estimated amount.

Change Order. Authorized Change Order No. 6 to Glaeser Dawes Corporation in the amount of \$26,503.00 for extra work performed to install water main and service line on streets scheduled for reconstruction in the 2008 Street Program.

Contract Payment. Authorized Pay Estimate No. 7 to Glaeser Dawes Corporation in the amount of \$35,605.80 for work completed to install water main and service line on streets scheduled for reconstruction in the 2008 Street Program.

Boards and Commissions Appointments. Approved the following Mayoral appointments:

Name	Board/Commission	Term Expires
Daniel Stewart*	Local Development Finance Authority / Brownfield Redevelopment Authority	06-30-2012

Kevin Brown	Cable Access Advisory Commission	06-30-2009
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*indicates reappointment

Warrant No. 365. Approved Warrant No. 365 as follows:

Vendor	Description	Fund	Amount
Miller Canfield Paddock & Stone PLC	Professional Services rendered	Sewer	\$19,000.00

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

CITY MANAGER REPORT

City Manager Joseph A. Fivas briefly detailed the accomplishments of the Brush Up Owosso effort and thanked all those involved. He also indicated action on the Energy Efficiency and Green Technology Initiative could wait until there was time for more extensive discussion.

ITEMS OF BUSINESS

MOOTZIE'S GALLERY PERMISSION

Motion by Mayor Pro-Tem Owen to approve the application of Mootzie's Gallery for use of the alley behind their location at 112 West Main Street for temporary outdoor service on July 26, 2008 from 10:00 a.m. to midnight and authorize Traffic Control Order No. 1206 formalizing such.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

PROPERTY SALE

City Manager Fivas noted the action called for was only the 21 day posting, indicating there were still questions that needed to be answered prior to reaching a formal agreement. He also noted the property was located in Owosso Charter Township and the Township would be reviewing the site plan and overseeing the zoning process for the property.

There was a brief discussion regarding concern over health issues and other problems associated with cell towers.

Motion by Mayor Pro-Tem Owen to authorize the twenty-one (21) day posting for the lease option of City-owned property located near the Mid-County Waste Water Treatment Plant to T-Mobile Central, LLC and described as follows:

Part of the east part of the southwest fractional quarter of Section 12, Township 7, north range 2 East, bounded as follows: Commencing at a iron pipe in the west line of Michigan State Trunk Line Highway M-47 952.38 feet north and 33 feet west of the southwest quarter post of said section 12 and running thence north, 87°23' west, 298.20 feet to an iron pipe; thence north, 3' east, 530.30 feet to an iron pipe thence north 87°17' west, 737.50 feet to an iron pipe on the east bank of the Shiawassee River; thence along said east bank southeasterly 639.60 feet to an iron pipe; thence south, 87°19' east 752.83 feet to an iron pipe on the west line of said trunk line highway M-47; and thence north 30 feet to the place of beginning; Reserving, however, to the said first parties, their heirs and assigns, the use of the south 30 feet as a driveway, in common with the said second party, to the Shiawassee River from said trunk line highway M-47.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: Councilperson Forster.

ENERGY EFFICIENCY & GREEN TECHNOLOGY INITIATIVE

City Manager Fivas noted that fuel and energy costs have been steadily rising, in an effort to reduce energy costs an energy audit was conducted on the 5 main City buildings. The audit revealed areas that need improvement and areas that are efficiently using energy resources. He went on to describe the goals and objectives developed to reduce the City's energy costs over time. He indicated some of the goals were very aggressive and would probably require the introduction of green technologies. He invited open discussion on the matter.

There was a discussion regarding the suggested no idling policy, high energy usage at the water treatment plant (it was noted this was due to the pumps servicing the water system), and converting street lights to LED lights.

Councilperson Frederick indicated he was pleased to see the City looking at steps to reduce its carbon footprint. He inquired about incentives for implementing green technologies. City Manager Fivas indicated he was looking into Federal grants.

FIRE INVESTIGATION UNIT

Public Safety Director Michael T. Compeau detailed the proposed unit comprised of the Michigan State Police, the Shiawassee County Sheriff Department, the Corunna Police Department, the Owosso Police Department, and the Owosso Fire Department. Indicating each unit had committed resources and investigators to respond in the event of a suspicious fire or arson within the City. He further indicated the goals and objectives of the Unit would be to pool resources, determine the cause and origin of a fire, investigate and prosecute those responsible, and provide prevention and education resources.

Motion by Councilperson Frederick to support the creation of a Fire Investigation Unit.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

COUNCIL MEMBER OFFICE HOURS

There was discussion regarding the establishment of voluntary office hours for City Council members. It was noted consistency would be essential to making the office hours an effective tool for communication with citizens.

It was decided hours would be held the forth Monday of each month. Council will discuss the idea again during the August 4th meeting and members will schedule individual times.

BURNING ORDINANCE DISCUSSION

There was discussion regarding how the written warning system suggested by the previously proposed Frederick amendment would work, adding major holidays to the burning days in the previously proposed Bruff amendment, reducing the need for enforcement by reducing the number of days people can burn, the amount discretion allowed of individuals charged with enforcement of the ordinance, how to enforce the noxious odor ordinance, and combining the Bruff and Frederick proposals.

Motion by Councilperson Cline to accept the Frederick proposal and set a First Reading for July 21, 2008 regarding proposed ordinance to amend Chapter 13, *Fire Prevention and Protection*, Article I, In General, Sections 13-4 (f & g) and 13-5 (c & d) of the Code of Ordinances of the City of Owosso, Michigan.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: Councilperson Martenis and Mayor Bruff.

There was discussion regarding making additional motions to add to the items up for first reading. There was further discussion regarding the health issues related to burning, asking the citizens to vote on all controversial issues, and the State law on burning.

Motion by Councilperson Martenis to adopt a ballot proposal to amend the City Charter to allow only recreational burning.

Motion supported by Councilperson Simmons.

It was noted the public has a number of avenues to make its opinion on the matter known. There was discussion regarding citizen initiatives, council members representing all residents of the city, and putting the current proposal to the voters in light of differences from past ballot questions.

Roll Call Vote.

AYES: Councilpersons Martenis, Forster, Simmons, and Mayor Bruff.

NAYS: Councilpersons Cline, Frederick, and Mayor Pro-Tem Owen.

Motion fails as a 3/5 vote is required to place a Charter amendment on the ballot.

Motion by Councilperson Martenis to accept the Bruff proposal, with the addition of weekends and holidays, and set a First Reading for July 21, 2008 regarding proposed ordinance to amend Chapter 13, *Fire Prevention and Protection*, Article I, In General, Sections 13-4(a-c) and 13-5(c) of the Code of Ordinances of the City of Owosso, Michigan.

Motion supported by Councilperson Forster.

Mayor Pro-Tem Owen inquired as to whether the two ordinances would conflict with one another. It was noted they could work together.

Roll Call Vote.

AYES: Councilpersons Martenis, Forster, and Mayor Bruff.

NAYS: Mayor Pro-Tem Owen, Councilpersons Cline, Frederick, and Simmons.

Motion fails.

COMMUNICATIONS

Phil Heavilin. Letter of resignation from the Owosso Historical Commission.

Richard Theile. Letter of resignation from the Parks and Recreation Commission.

Renita Mikolaczyk. Letter of resignation from the Cable Access Advisory Commission.

Gary M. Burk, Utilities Director. 2008 Water Quality Report.

Owosso Historical Commission. Minutes of Meeting of June 17, 2008.

Bryan Fitch. Letter of resignation from the Building Board of Appeals (received at meeting).

Councilperson Martenis noted Mr. Heavilin's frustration with the lack of funding for the Historical Commission as his reason for resignation.

CITIZEN COMMENTS AND QUESTIONS

Betty Coon, 1204 Palmer Avenue, commented on her feeling that a majority of those that spoke out on the burning issue spoke about open burning not recreational burning.

Paul Sutphen, 309 State Street, thanked Councilperson Frederick for his proposed ordinance amendment and commented on his feeling that recreational fires cause more problems than open burning.

Jacob Meganck, 1114 Beehler Street, inquired as to the level of police presence during the night near the old Vaungarde site, indicating he had 4 incidents of trespassing and/or destruction of property at his residence recently. It was noted there are three police cars assigned to patrol the city during the night and officers regularly check the railroad tracks in the area to try to prevent trouble.

Michael Tillotson, 1299 South Shiawassee Street, indicated the government of the City was a republic and not a democracy. He commented on his feeling that it is the Council's responsibility to handle issues, such as burning, without constantly turning to the voters. He also commented on the wording of the proposed ballot question included in the Council packet.

Stephen Somers, 108 Curwood Castle Drive, indicated he works with LED lights frequently, they have a very long life, and have a much more focused light than the currently used mercury vapor lights.

There was a brief discussion regarding how a ballot question is approved for clarity.

ADJOURNMENT

Motion by Mayor Pro-Tem Owen for adjournment at 9:44 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk