

OWOSSO CITY COUNCIL

AUGUST 18, 2008

7:30 P.M.

PRESIDING OFFICER: MAYOR PRO-TEM MARK D. OWEN

OPENING PRAYER: BURTON FOX

PLEDGE OF ALLEGIANCE: COUNCILPERSON JASON D. SIMMONS

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

ABSENT: Mayor Michael E. Bruff.

APPROVE AGENDA

Motion by Councilperson Forster to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 4, 2008

Motion by Councilperson Simmons to approve the Minutes of the Regular Meeting of August 4, 2008 as presented with the following change:

Ordinance Amendment – Ordinance No. 700 should read Ordinance No. 701

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

CITIZEN COMMENTS AND QUESTIONS

Shelah Hockman, 705 Campbell Drive, commented on her feeling the burning ordinance is unenforceable as written due to its subjectiveness. She asked that it be rewritten to allow only outdoor cooking devices and eliminate all other burning.

Howard Horn, 801 Ryan Street, said he did not realize how negatively burning affected people until his grandson visited and had trouble breathing due to smoke in the air. He also inquired whether the sign ordinance was enforced in an equitable fashion. He felt police picked up the signs in the right of way in front of his house but left others to stand.

Henrietta Sparkes, County Commissioner District 6, informed Council that a household hazardous waste collection will be held September 13th at the site near the waste water treatment plant beginning at 8:00 a.m. She indicated the County is attempting to budget monies to conduct further collections in the coming year. She also indicated the Commission approved the project plan and issuance of bonds for the Baker College expansion project.

Shelva Cebulski, 1243 Marion Street, commented on her feeling the recent burning ordinance amendment would not change behavior very much. She asked that all outdoor burning be banned except for outdoor cooking devices. She also informed those in attendance of two Red Cross blood drives, August 27th and September 17th, to be held at the Knights of Columbus hall.

Cindy Popovitch, 704 North Chipman Street, expressed her concern with LED signs in the downtown indicating she felt that while they may attract business they did not contribute to the overall impression of the downtown. She asked that Council examine the sign ordinance in light of the improvements that will be taking place in the downtown over the next 12 to 18 months and asked that a moratorium on the installation of such lights be instituted until a discussion on the ordinance takes place.

Burton Fox, 216 East Oliver Street, announced that his cable TV program, Keeping You Informed, will be covering the amended burning ordinance in depth, with Councilperson Frederick as a guest on the show. He also asked that the intersection of Gould Street and Oliver Street be added to the 2008 Street Program to allow for its repair.

Eddie Urban, 601 Glenwood Avenue, said he had seen police officers take down improperly erected signs. He also reported that a work truck lost a can of paint on Monroe Street which then proceeded to leak down into a nearby storm sewer.

CITY MANAGER REPORT

City Manager Fivas reported the Public Safety Department will be conducting training on the enforcement of the amended burning ordinance. He also reported the Blue Ribbon Committee had met recently and the group was beginning to come together and make some progress. The BRC will meet again on Monday, August 25th at 6:00 p.m. and meetings are open to the public.

He went on to commend Department of Public Works staff for their efforts in getting the pump at Holman Pool repaired and running. He also commended the DPW Water Crew for their efforts in quickly repairing a major water main break last week.

COUNCIL COMMENTS

Councilperson Martenis indicated he too had seen the paint leaking into the storm sewer on Monroe Street and noted that it was later cleaned up. He inquired as to how much money in city tax dollars was being spent on the improvements in the downtown, saying he knew grant money was picking up a bulk of the cost but wanted to know how much city money would be spent and the value of the improvements to be done.

City Manager Fivas indicated the value of the improvement projects in the downtown is expected to be approximately \$5 to \$6 million, with the City share being around \$205,000. Most the City share will be spent on the old hotel corner in order to prevent the need to pay back the State funds used from a grant to demolish the hotel and redevelop the corner.

Councilperson Martenis also sought clarification on the amount of electrical work awarded to Lennox electric in relation to the old hotel site redevelopment. It was noted the bid was inclusive of almost all of the improvements on the site not just electrical work and Lennox was awarded the bid as the general contractor for the project.

Councilperson Cline indicated he takes down improperly placed signs whenever he sees them and he knows the police do the same. He also commented on his feeling that the only way to end the continuous discussions on burning would be to initiate a citizen petition and have the issue placed on the ballot.

Councilperson Frederick clarified grant money also comes from tax payers but he was pleased the City was taking advantage of such funds.

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 September 15, 2009 to receive citizen comment regarding a proposed ordinance to amend Chapter 34, Utilities and Services, Article V, Water and Sewer Rates, Section 34-250(a) of the Code of Ordinances of the City of Owosso, Michigan.

AN ORDINANCE TO AMEND CHAPTER 34, UTILITIES AND SERVICES, ARTICLE V, WATER AND SEWER RATES, SECTION 34-250(A) OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Section 34-250(a) of Chapter 34, Utilities and Services, Article V, Water and Sewer Rates is hereby amended to read as follows:

Sec. 34-250. Billing.

(a) Charges for water and sewer service ~~shall~~ **may** be billed and collected monthly, **or on a quarterly basis.**

(b) Sewer service surcharges shall be billed and collected concurrently with the sewer service charge.

(c) Billing and collection of sewer service charges to persons outside the city corporate limits shall be in accordance with the contractual agreement for that service.

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 Rejection. Rejected all bids for the Elevated Walkway and Oakwood Bridge Rehabilitation due to budget concerns.

Contract Payment. Authorized Progress Payment No. 2 to Novak Construction in the amount of \$67,961.21 for work completed on the 2008 Street Program.

Contract Payment. Authorized Progress Payment No. 4 to Ron Bretz Excavating, Inc. in the amount of \$106,534.82 for work completed on the Sanitary Sewer Manhole Rehabilitation Project for the time period ending July 31, 2008.

Contract Payment. Authorized Progress Payment No. 5 to Orchard Hiltz and McCliment for construction engineering services on the Sanitary Sewer Manhole Rehabilitation Project covering the 5-week period ending July 27, 2008 in the amount of \$20,291.50.

Membership Dues. Authorized membership in the Michigan Municipal League for 2008-2009 in the amount of \$6,558.00.

Boards and Commissions Appointments. Approved the following Mayoral appointment:

Name	Board/Commission	Term Expires
Jerry Hebekeuser (filling unexpired term of Richard Theile)	Parks and Recreation Commission	06-30-2010

Traffic Control Order No. 1208. Authorized Traffic Control Order No. 1208 establishing parking regulation in the parking lot being constructed at the corner of Washington Street and Main Street (Lot #13).

Warrant No. 368. Authorized Warrant No. 368 as follows:

Vendor	Description	Fund	Amount
Shiawassee Family YMCA	Management Services for Holman Pool covering the period from June 17, 2008-July 26, 2008	General	\$24,145.00
Shiawassee Area Transportation Agency	Annual Local Funding Commitment	General	\$23,797.73
Brown & Stewart, PC	Professional Services covering the period from July 15, 2008-August 11, 2008	General	\$7,641.40

ITEMS OF BUSINESS

LIQUOR LICENSE STOCK TRANSFER REQUEST

Motion by Councilperson Cline to authorize the following resolution:

RESOLUTION NO. 33-2008

That the request from Blaha & Blackburn, Inc. to transfer stock in 2008 Class C licensed business located at 715 South Chipman Street, Owosso, MI 48867, Shiawassee County, dropping Peggy L. Blackburn as stockholder thru transfer of 1,000 shares of stock to new stockholder Mark Blackburn, transferring 400 shares from Michael Blaha to Mark Blackburn, dropping Mark Blackburn as stockholder by transferring 1,400 shares to Michael Blaha and adding Daisy Blaha as joint stockholder with Michael Blaha on 2,000 shares of stock be considered for approval.

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

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Bruff.

WATER SERVICE REQUEST – SMILE KEEPERS, PC

Motion by Councilperson Forster to approve the Water Service Request of Smile Keepers PC for service to a proposed new building located east of their current location at 221 East North Street, Owosso Charter Township.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Bruff.

WATER SERVICE REQUEST – BAKER COLLEGE

Motion by Councilperson Frederick to approve the Water Service Request of Baker College for service to a proposed new Health Sciences building located south of the existing campus in Owosso Charter Township.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Bruff.

UTILITIES DEPOSIT POLICY

Councilperson Cline introduced the subject indicating the current practice was to collect a \$75.00 deposit from homeowners that have their water shut off due to non-payment. The deposit is kept for two years and refunded if the account remains in good standing for that period. He went on to say that he felt the policy should be changed to allow for one 10-day grace period during the probationary period and provide for refund of the deposit after one year.

There was discussion regarding the administrative costs in changing the policy, changing the policy to require water accounts be held in the name of the landlord, reducing the amount of the deposit and leaving the two year probationary period intact, and attempting to protect the City from absorbing the cost of overdue accounts and administration of the policy.

Councilperson Cline suggested the idea be revisited again. He asked that staff develop a rough draft to change the deposit policy and present a possible advertisement/press release notifying residents of a change in the policy, items to be presented at the 2nd September meeting. It was also suggested a notice go out in the water bills notifying residents of any change in the policy.

EXECUTIVE SESSION

Motion by Councilperson Cline to authorize holding Executive Session at the conclusion of regular business to discuss real property acquisition.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Bruff.

COMMUNICATIONS

The Arc. Invitation to Transportation Advocacy Coalition monthly meeting, August 20, 2008.

Charter Cable. Letter regarding channel line-up.

Michigan Municipal League. Invitation to National League of Cities 2008 Congress and Exposition.

Brent D. Morgan, Economic Development Director. Michigan Main Street update.

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

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

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

John F. Archer, Building Official. July 2008 Code Enforcement Report.

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

CITIZEN COMMENTS AND QUESTIONS

Kevin Brown, 217 Curwood Castle Drive, praised City staff for their work in repairing the pump at Holman Pool indicating he had not realized the repairs were as complex as they were. He also expressed his praise for the upcoming Red Cross blood drive in honor of a local sheriff deputy.

Tony Newman, 8340 Juddville Road, Corunna, introduced himself and indicated he is running for County Drain Commissioner. He further indicated some of the things he hoped to accomplish if elected to office.

Gerry Alcorn, 637 ½ North Water Street, expressed his hope that a comprehensive study be completed to ascertain the true cost of shutting off individual water service prior to making any change in the water deposit policy. He also suggested the City offer references to organizations that would assist residents that are behind on their water bills.

Burton Fox, 216 East Oliver Street, commented on his desire to see a program instituted to remove a portion of the sewer charge in the summer time to account for activities, such as watering gardens or washing cars, in which the water used is not treated at the waste water treatment plant.

Eddie Urban, 601 Glenwood Avenue, reported there is a bus service that will take veterans to VA medical facilities in Saginaw or Ann Arbor for \$10. He also indicated his support for sewer charge reductions and the upcoming blood drives.

Michael Tillotson, 1299 South Shiawassee Street, indicated the VA hospital in Saginaw is now checking every patient for diabetes and that Saginaw facility has improved greatly.

ADJOURNED TO EXECUTIVE SESSION AT 8:44 PM.

RETURNED FROM EXECUTIVE SESSION AT 9:00 PM.

EXECUTIVE SESSION MINUTES – JUNE 16, 2008

Motion by Councilperson Simmons to approve the Executive Session Minutes of meeting of June 16, 2008 as presented.

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

ADJOURNMENT

Motion by Councilperson Frederick for adjournment at 9:01 p.m.

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

Mark D. Owen, Mayor Pro-Tem

Amy K. Kohagen, City Clerk