

**OWOSSO CITY COUNCIL**

**SEPTEMBER 2, 2008**

**7:30 P.M.**

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

**OPENING PRAYER:** COUNTY COMMISSIONER DISTRICT 1 CANDIDATE  
RICHARD SEMANS

**PLEDGE OF ALLEGIANCE:** COUNCILPERSON JONI M. FORSTER

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

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Councilperson Cline 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 18, 2008**

Motion by Councilperson Simmons to approve the Minutes of the Regular Meeting of August 18, 2008 as presented.

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

**SPECIAL PRESENTATIONS**

**SIGN ORDINANCE PRESENTATION**

Building Official John F. Archer gave a brief summary overview of the current sign ordinance describing to the Council the process used by staff for determining whether a particular sign is allowed in a certain area.

**LED SIGN PRESENTATION**

John Eggers of Agnew Graphics Signs and Promotions gave a presentation on the value and effectiveness of LED signs. He indicated many small businesses feel the success of their business is directly related to their signage. He cautioned the Council against making restrictions against the signs saying he felt it might deter businesses from locating in the downtown.

There was discussion regarding how the current ordinance governing LED signs was developed, the desire to see the signs incorporated into an area without disturbing it, limiting the size of such signs, and the cost of sign permits (\$5.00).

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Cindy Popovitch, 704 North Chipman Street, indicated she held nothing personal against local business owners that have LED signs, she only questioned how they fit into the historic vision for the downtown. She further relayed comments made to her in regard to LED signs including the idea that they were dangerous, too bright, and would detract from the natural beauty of the downtown.

Sam Stead, 1431 Lynn Street, relayed the concerns of his former neighbor in regard to needed repairs to the alley between Lafayette Street and Hoyt Street.

Lorraine Weckwert, 1011 North Shiawassee Street, member of Citizens for Clean Air, indicated she would like Council to ban burning within the City limits. She read aloud a letter from a doctor and Michigan State University professor highlighting the health risks of burning. She further indicated she expects Council to take action without a referendum to force them to act.

Elaine Jensen, 639 Comstock Street, displayed pictures of garbage piled along the side of the road and indicated she felt Owosso would suffer this type of problem if it banned burning. She also indicated she felt it was her right to burn and that burning reduces the amount of trash in landfills.

George Hebert, 411 Curwood Drive, indicated he wants a total ban on burning. He also questioned the definition of "active fire" from the current ordinance indicating fires without flames tend to cause the most problems.

Public Safety Director Compeau indicated a fire that is smoking is considered active.

Betty Coon, 1204 Palmer Avenue, inquired if the City were to adopt quarterly water billing would citizens be allowed to pay on a monthly basis if they wished. She also expressed her concern that it would be more difficult for people to pay on a quarterly basis.

Shelva Cebulski, 1243 Marion Street, member of Citizens for Clean Air, indicated people would thank Council for making sure we have clean air by banning burning. She also thanked the City for its efforts in repairing streets and parking lots.

Richard Semans, Middlebury Township, introduced himself indicating he is a candidate for County Commissioner in District 1. He detailed his history as a farmer and funeral home worker and indicated he had been involved in local government in various positions over many years.

Burton Fox, 216 East Oliver Street, inquired as to what determines which communications make the agenda and which do not. He explained he had submitted a letter that he thought would be included on the agenda.

Eddie Urban, 601 Glenwood Avenue, inquired whether there was a list of current Council members with contact information that could be handed out to the public. It was indicated the City Council has a voice mail account at City hall, each member has an email address and lists of contact information are available in City Hall.

There was a brief discussion regarding the condition and potential repair to the alley between Lafayette Street and Hoyt Street. It was noted the repair had been planned for this summer but had been postponed due to budget issues and will have a high priority for repair in the spring.

Councilperson Martenis relayed he had asked two residents of the Washington School area to keep their fires to after school hours so as not to fill the school with smoke. They both agreed to do so.

There was further discussion regarding the alley and the offer of a loan to the city to see that it is fixed this year. There was also discussion regarding the actions of staff and Council in response to the alley repair request.

Mayor Bruff noted there was no increase in accidents at the corner of Shiawassee Street and King Street due to the LED sign near that intersection.

### **CITY MANAGER REPORT**

City Manager Fivas introduced the idea of changing the water billing process to a quarterly time frame from the current monthly billings. He explained the goal of the change was to reduce the time, energy, and money spent on producing bills and collecting money on a monthly basis. He also hoped the change would improve customer service allowing a resident some time to catch up on a delinquent bill before being shut off. He went on to detail the upcoming changes to the utilities software that would allow for electronic payments, automatic payments, and payments through the website. He noted there would be a public hearing on the quarterly billing matter at the September 15<sup>th</sup> meeting and went on to say the change in billing would be slow if approved to allow time for dialog.

He went on to describe progress on the projects at the corner of Washington Street and Main Street, the Walk of History, and the River walk. Lastly, he indicated the report of citations issued for burning violations would be available at the next meeting.

### **CONSENT AGENDA**

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

#### **Set Public Hearing-Alley Closure**

Whereas, The Owosso City Council has determined it advisable to consider the necessity of vacating, discontinuing, and abolishing the public alley described as follows, to wit: Public alley adjacent to Lots 1-8 and 83-90, Plat of Grand View Addition, City of Owosso, Shiawassee County, Michigan. (Bounded by South Cedar, Grace, and Pearce Streets.)

Pursuant to the provisions of Section 29-154 of the 1988 Owosso City Code and Act 288, Public Acts of 1967, as amended, the Owosso City Council does hereby establish 7:30 p.m., Monday, September 15, 2008 in the Owosso City Hall Council Chambers as the time and place to hold a Public Hearing to hear all objections to said proposed alley closure and hereby directs the City Clerk to cause a notice of said Public Hearing to be published in the Owosso Argus Press at least seven days prior to the date of said hearing.

Bid Award. Accepted bid from TWA Construction for decorative fencing for the parking lot at Washington Street and Main Street in the amount of \$10,200.00.

Purchase Authorization. Authorized sole source purchase from Election Systems & Software for one M100 ballot tabulator in the amount of \$5210.00.

Warrant No. 369. Accepted Warrant No. 369 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and Property Insurance	General	\$139,740.00
Johnson Controls, Inc	Planned Service Agreement covering the period from August 1, 2008 thru January 31, 2009	General	\$10,679.00

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**MINUTES CORRECTION – ORDINANCE NO. 688**

It was noted all advertisements and documentation provided to Council and citizens in regard to this ordinance amendment listed the correct section reference.

Motion by Councilperson Frederick to approve section reference corrections to the City Council Minutes of Nov 5, 2007 as follows (corrections are noted in bold italicized text):

**ORDINANCE NO. 688  
CHAPTER 34, UTILITIES AND SERVICES  
ARTICLE IV, SEWER SERVICE, SECTION 34-170(1)**

A public hearing was conducted to receive citizen comment regarding the proposed amendment of Chapter 34, Utilities and Services, Article IV, Sewer Service, Section 34-170(1) of the Code of Ordinances of the City of Owosso, Michigan.

The proposed changes to the ordinance were outlined by Utilities Director Gary M. Burk.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Bruff that the following ordinance be adopted:

**ORDINANCE NO. 688**

AN ORDINANCE TO AMEND CHAPTER 34, UTILITIES AND SERVICES, ARTICLE IV, SEWER SERVICE, SECTION 34-170(1), OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN, TO CHANGE THE LIMITATIONS ON MERCURY AND CYANIDE.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 34, *Utilities and Services*, Article IV, Sewer Service, Sections 34-170(1) Limitations on toxic and hazardous pollutants, of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby amended to read as follows:

**Sec. 34-170. Limitations on toxic and hazardous pollutants.**

1. These limitations shall be daily maximum limitations. Compliance or noncompliance may be determined by analysis of: Twenty-four-hour flow proportioned samples, twenty-four-hour composite samples, or one (1) or more grab samples averaged over a twenty-four-hour period as determined to be appropriate by the public services director for the discharge and parameters to be measured. No discharge to the city's wastewater system shall exceed the following limitations unless so authorized in an order of determination from the public services director which sets alternative mass limitations for the specific parameter:

1.0 mg/l  
Arsenic

0.1 mg/l  
Cadmium

2.7 mg/l  
Chromium (total)

2.0 mg/l  
Copper

0.6 mg/l  
Lead

1.0 mg/l  
Nickel

4.5 mg/l  
Zinc

0.0002 mg/l  
Mercury

0.07 mg/l  
Selenium

1.0 mg/l  
Silver

0.56 mg/l  
Cyanide (free)

1.0 mg/l  
Trichloroethylene

No detectable discharge PCB's (total)

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

**MICHIGAN MUNICIPAL LEAGUE CONVENTION REPRESENTATIVE**

Motion by Mayor Pro-Tem Owen to appoint City Manager Joseph Fivas as the City Representative to the Michigan Municipal League Convention business meeting October 2, 2008.

Motion supported by Councilperson Forster.

There was discussion whether an alternate should also be appointed.

Motion by Councilperson Frederick to amend the previous motion to include the appointment of Mayor Pro-Tem Mark Owen as the Alternate City Representative.

Motion supported by Councilperson Cline.

Roll Call Vote on amendment.

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

NAYS: None.

The motion at hand was restated as: Motion to designate City Manager Joseph Fivas as the City Representative and Mayor Pro-Tem Mark Owen as the Alternate Representative to the Michigan Municipal League Convention business meeting on October 2, 2008.

Roll Call Vote.

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

NAYS: None.

### **CAR SHOW PERMISSION**

There was an inquiry as to whether insurance for the event would need to be obtained. It was noted the DDA is an extension of the City and thus falls under the City policy.

Motion by Councilperson Forster to approve the application of the DDA for use of the 100 and 200 blocks of North Washington Street and Exchange Street from Water Street to Park Street from 6:00am to 5:30pm on September 14, 2008 for a car show and authorize Traffic Control No. 1209 formalizing such.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Downtown Development Authority. Minutes of Meeting of August 6, 2008.

Westown Corridor Improvement Authority. Minutes of Meeting of August 13, 2008.

### **CITIZEN COMMENTS AND QUESTIONS**

Shelva Cebulski, 1243 Marion Street, thanked everyone that participated in the last blood drive. She indicated the next blood drive would be held at the Knights of Columbus hall on September 17<sup>th</sup> from noon to 5:45 p.m.

Michael Tillotson, 1299 South Shiawasse Street, thanked the Council members that participated in the bridge walk on Labor Day. He also inquired whether the trail to Corunna was wheelchair accessible. It was noted that some spots are rough but it could be wheelchair accessible.

George Hebert, 411 Curwood Drive, indicated he felt too much weight was being given to referendums, that our form of government is a republic and the Council should act for the good of the citizens not necessarily to accommodate their wants.

Eddie Urban, 601 Glenwood Avenue, said he felt the barricades in the parking lot behind the senior center were causing confusion. He also reminded those present that moped traffic is on the rise and drivers need to be on the look out for them.

Councilperson Frederick inquired whether citizens would be able to choose paperless utility billing option in the future. It was indicated the idea was being explored.

Mayor Bruff indicated he had received an email expressing concern that phone calls to Council members were being picked up by a machine rather than a person. He explained that almost all Council members have full time jobs that make it impossible to answer every phone call as it comes in. He hoped citizens would continue to contact Council members but would be patient if they have to leave a message. He also noted that he hoped people would continue to come to Council meetings to express their opinions on burning and he reminded Council they have the power to change an ordinance at any time.

Councilperson Martenis commented on his excitement over the development of a neighborhood watch program in the Washington School area. He also indicated the Historical Commission is interested in suggestions as to who to include in the Walk of History display.

Mayor Bruff noted that school is now in session and drivers need to watch for children. Councilperson Cline noted the Mayor is 10 months into his term and his portrait is still not on the wall.

### **NEXT MEETING**

September 15, 2008

### **BOARDS AND COMMISSIONS OPENINGS**

Planning Commission – term expires 06-30-2011  
Building Board of Appeals – term expires 06-30-2011  
ZBA – Alternate

**ADJOURNMENT**

Motion by Councilperson Frederick for adjournment at 8:54 p.m.

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

---

Michael E. Bruff, Mayor

---

Amy K. Kohagen, City Clerk