

OWOSSO CITY COUNCIL

SEPTEMBER 15, 2008

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: REVEREND DUANE HARRIS
FIRST UNITED METHODIST CHURCH

PLEDGE OF ALLEGIANCE: GEORGE BRAIDWOOD

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

ABSENT: Mayor Pro-Tem Mark D. Owen.

APPROVE AGENDA

Motion by Councilperson Cline to approve the agenda as presented with an amendment to Consent Item #1 as follows: payment amount should be \$148,453.81, \$5,000.00 will be held as a retainer to be paid in October 2008 if contract is satisfactorily completed.

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

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

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

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

Mayor Bruff detailed the procedures for addressing the City Council explaining comments regarding Items of Business should be given during the first Citizen Comments and Questions period.

PROCLAMATION – HoboFest 2008

Mayor Bruff presented Greg Udolph, Chief Maintenance Officer for the Steam Railroading Institute, the following proclamation celebrating the 2008 HoboFest:

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

THE 2008 OWOSSO HOBO FEST

WHEREAS, we are gathered to recognize the commencement of the 1st Annual Owosso Hobo Fest, hosted by the Steam Railroading Institute; and

WHEREAS, we celebrate the railroads and the hobo lifestyle for their contributions to the fabric of our country; and

WHEREAS, we celebrate the Steam Railroading Institute for lending its facilities and expertise in hosting this fun and educational event; and

WHEREAS, it is with great pride that the Office of the Mayor of the City of Owosso be honored with addressing this first ever event.

NOW, THEREFORE, BE IT PROCLAIMED that the 1st Annual Owosso Hobo Fest, September 20th & 21st, 2008 be and hereby is recognized, and all residents and visitors are warmly welcomed to share with their friends and family this special community event.

Proclaimed this 20th Day of September, 2008.

PUBLIC HEARINGS

ALLEY CLOSURE – 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.)

A public hearing was held to receive citizen comment regarding request to close the 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.)

Staff reported in a written report to City Council that the Planning Commission had recommended the alley stay open.

The following person addressed the City Council in regard to the alley closure:

Sally Bishop, 1028 Pearce Street, inquired why the alley was proposed for closure. It was noted a resident on Pearce street made the request.

Councilperson Martenis indicated he had spoken with the petitioner. He relayed the petitioner felt no one used the alley and did not see why the City still owned the property. He indicated he also spoke with other neighbors and all but one expressed no preference. One objected because she uses the alley to access her back yard.

Motion by Councilperson Cline to allow the alley to remain open.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

PUBLIC HEARING - ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding proposed ordinance amendment to 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.

City Manager Fivas explained the ordinance amendment was intended to provide the flexibility to go to quarterly billing at some point in the future. He listed the benefits of quarterly billing as: a significant reduction in the costs of administration and postage along with reduced traffic at City Hall. He also expressed his hope that new technologies will be implemented in the future to allow citizens to pay on-line or automatically. It was noted commercial and industrial accounts will still remain monthly and citizens could pay on a monthly basis if they wished.

The following persons addressed the Council regarding the proposed amendment:

Burton Fox, 216 East Oliver Street, inquired if quarterly billing would result in an increase in the water and sewer rate. It was noted rates would remain the same.

Shelva Cebulski, 1243 Marion Street, inquired when the change over to quarterly billing was planned. City Manager Fivas noted the decision was up to the City Council but he would look to consider the idea in the spring of 2009. She also inquired whether there would be a fee for paying on-line. Councilperson Frederick expressed his desire to see the City absorb the cost.

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

ORDINANCE NO. 702

AN ORDINANCE TO ALLOW QUARTERLY UTILITY BILLING:

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 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 October 5, 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 Simmons.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

CITIZEN COMMENTS AND QUESTIONS

William Owen, 1309 Herman Street, indicated he had noticed the new drain along South Street was partially plugged. He also noticed drainage problems along Chestnut Street. It was noted the County Drain Office is responsible for maintenance of both drains.

Gary Holzhausen, County Drain Commissioner, introduced himself as a candidate up for re-election in November and described the accomplishments of the Drain Office. He indicated the drain along South Street had been checked and cleaned numerous times for debris. He further indicated someone would inspect it again after flood waters subside.

The following people expressed support for the proposed homeless assistance center at 224 North Ball Street:

- Duane Harris, Pastor – First United Methodist Church
- Debbie Gorte, 903 Walnut Street
- Retta Parsons, Executive Director – United Way
- James Eaton, Pastor – First Congregational Church

The following people expressed opposition to the proposed homeless assistance center at 224 North Ball Street:

- Roger Snyder, owner of commercial complex at Main and Washington
- Marcia Bird, 1787 Henderson Road
- Adele Horton, local business owner

Many expressed the feeling such a center is sorely needed in the community but were concerned about the proposed location.

Eddie Urban, 601 Glenwood, commented on money raised for disabled American Veterans and the lack of a portrait of the Mayor. He inquired whether anyone had any extra coupons for digital television boxes as his had expired and he inquired whether the Steam Railroad Institute would consider giving an entrance admission discount to City of Owosso residents.

George Braidwood, 5050 Ryan Drive, introduced himself as a candidate for sheriff and described his background in law enforcement.

The 30 minute time limit was reached. Council voted to extend the Citizen Comment period by 30 minutes.

The following people expressed support for the proposed homeless assistance center at 224 North Ball Street:

- Heather Barta, Pastor – Christ Episcopal Church
- Jack Wing, 5351 West Mason Road
- David Woodby, Pastor – Redeemer Lutheran Church
- Linda Schonberg, 6572 Smith Road, Henderson
- Russell Merrill, Pastor – St Paul Episcopal Church, Corunna
- Brenda Bennett, 614 ½ North Hickory Street
- David Woodby, 1111 North Washington Street,
- David Aseltine, potential director of the homeless assistance center
- Deborah Cline, 608 North Saginaw Street

The following people expressed opposition to the proposed homeless assistance center at 224 North Ball Street:

- Randy Smith, local business owner
- Joseph Mellentine, local business owner

The meeting recessed from 9:09 pm to 9:17 pm.

Councilperson Martenis commended City Manager Fivas for seeing that the alley off Lafayette Street was fixed. He also commented about raccoons living in the storm sewer and inquired where storm water goes.

Utilities Director Burk indicated storm water is filtered for debris through the grates in the street and pumped into the river.

Mayor Bruff inquired as to why two new drains along King Street near the hospital were not working and asked that someone look at them. He also noted that 4 people had written in to express their hope that the water billing process would remain monthly. He offered to contact those listed and let them know they could continue to make monthly payments if they so wished.

CITY MANAGER REPORT

City Manager Fivas relayed that due to the heavy rain this past weekend a large tree along the riverbank fell on the Curwood Castle Park bridge. He indicated there was only minor damage to the bridge and the City would partner with the Schools to clean up the tree when the water goes down. Mr. Fivas went on to commend the DDA and the Friends and Neighbors organization for putting on last weekends car show. He also reminded those in attendance of the Art Walk this coming weekend. He went on to note the City has started an employee of the month and recognized Frances Kukulis as the Employee of the Month for July and the DPW team of Tim Hill, Dan Roedur, Dan Humphries, and Charlie Kincaid as the Employees of the Month for August. He also commended staff for their work with Clark Engineering in brining 15-20 new jobs to the City.

Lastly, he noted the Clerk's office is looking for election workers for the November Presidential Election.

Mayor Bruff noted Owosso Motor Products is celebrating its 80th anniversary this coming weekend.

CONSENT AGENDA

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

Contract Payment. Authorized Payment to Ron Bretz Excavating, Inc. in the amount of \$148,453.81 for work completed on the Sanitary Sewer Manhole Rehabilitation Project.

Contract Payment. Authorized Payment No. 6 to Orchard Hiltz and McCliment for construction engineering services on the Sanitary Sewer Manhole Rehabilitation Project covering the 4-week period ending August 23, 2008 in the amount of \$20,422.00.

Change Order. Authorized balancing Change Order No. 1 to Novak Construction Co. in the amount of \$6,645.21.

Contract Payment. Authorized Progress Payment No. 3 to Novak Construction in the amount of \$115,080.41 for work completed on the 2008 Street Program.

Purchase Authorization. Authorized purchase of a dump truck through the State purchasing contract with International Truck and Engine Corp. in the amount of \$65,502.00.

Boards and Commissions Appointment. Approved the Mayoral appointment of Jessica Thompson to the Blue Ribbon Committee as the Owosso Public Schools representative.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

ITEMS OF BUSINESS

SSO PROJECT UPDATE

Utilities Director Gary M. Burk provided an update on the Sanitary Sewer Overflow Control project. He detailed the history of the sewer system stating it was designed and constructed many years ago before sewage was diverted from the river. There has been much effort over the years to separate storm water from sewer water to prevent overflows into the river, though large amounts of rain can still overwhelm the system pretty quickly. The City discharges into the river an average of once every 2-3 years. We have entered into an agreement with the Michigan Department of Environmental Quality to reduce the number of overflows within an agreed timeframe. We are now completing the manhole rehabilitation portion of the first phase (600 manholes). This project is wrapping up ahead of schedule and within budget. There is hope that a water rate increase could be avoided by using monies from the State Revolving Fund. The next phase has been modified from that originally planned by deciding against a water retention plan, eliminating the need to replace a main interceptor. The work next year will be more public in nature, while the third year will be more private, with the entire project wrapping up as late as 2017.

There was some discussion regarding how smoke testing works.

UTILITY DEPOSIT POLICY DISCUSSION

There was discussion regarding defining "good payment history" and leniency in the one year probationary period. There was an inquiry as to what constitutes a late payment, it was noted payments are due on the date printed on the bill.

City Attorney William Brown asked Council if the wording of the policy captured the desired intent. It was noted no person should treat the due date on the bill as a suggestions, it is the due date.

Motion by Councilperson Forster to approve the amendment to the Water/Sewer Service Deposit Schedule as follows:

RESOLUTION NO. 34-2008

**CITY OF OWOSSO
Water/Sewer Service Deposit Schedule**

The Owosso City Council establishes the following schedule of deposits for water and/or sewer service accounts where a tenant is solely responsible for payment of water and/or sewer service charges and for other cases as provided in Section 34-251, Collection, of the Owosso City Code. Such schedule shall not be retroactive, but shall apply to all cases requiring a deposit on or after September 15, 2008.

1. "Affidavit" Tenant Accounts: In cases where the city is properly notified in accordance with Act No. 94 of the Public Acts of Michigan of 1933, as amended, that a tenant is responsible for water or sewer service charges, no such service shall be commenced or continued to such premises until there has been deposited with the city an amount as follows:
 - a. \$75.00 - in the case of a single residential unit.
 - b. An amount equal to three months charges as estimated by the public services director based on the water meter size and estimated consumption for other than single unit residential services but no less than \$75.00.
2. "Nonaffidavit" Tenant Accounts: In other cases where the account is billed to a tenant without the notification in accordance with Act No. 94 (ie. when the property may still be lienied for unpaid charges), a \$75.00 deposit will be required prior to initiation of service.
3. Deposit following service shutoff for nonpayment: Where the water service to any premise is turned off to enforce the payment of water or sewer service charges, the water service shall not be recommenced until an amount as in 1. above has been deposited with the City.
4. Deposits for out-of-town customers: For any new customer outside the corporate limits of the City of Owosso, water service shall not be commenced or continued until an amount as in 1. above has been deposited with the City.
5. Other: In any other case where, in the discretion of the public services director, the collection of charges for water or sewer service may be difficult or uncertain, the director may require a similar deposit.

Such deposits may be applied against any delinquent water or sewer service charges and the application thereof shall not affect the right of the public services department to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied.

No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he or she shall discontinue receiving water and sewer service. In the case of deposits under 4 or 5 above, the deposit may be refunded whenever a customer has promptly paid all water and sewer service charges for at least two full years and has otherwise established satisfactory credit in the municipality. In the case of deposits under 3 above, the deposit may be refunded whenever a customer has promptly paid all water and sewer service charges for at least one full year and has otherwise established satisfactory credit in the municipality.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: Councilperson Cline.

ABSENT: Mayor Pro-Tem Owen.

SPECIAL USE PERMIT

The Mayor asked that a representative of the Center, Building Official John Archer, and Planning Commissioner Burton Fox make themselves available for questions.

There was discussion regarding whether the center was responsible for regulating who could congregate on their property, specifically sex offenders and others with criminal backgrounds.

Building Official Archer indicated he had been in contact twice with the State and they indicated the center is not responsible for monitoring the criminal status of its clients if they are not specifically targeting those with criminal backgrounds.

There was considerable discussion regarding the following: the center's tax exempt status (it has none at this point), the possibility of increased police patrols in the area, the most appropriate zoning designations for such a facility (B3 & Central Business District), the list of groups organized to establish a center, the opinion of the Planning Commission (they passed it by a 4-3 vote), the feeling the Planning Commission could have used more time in researching the proposal, alternative locations for the center, the inclusion of a probationary period if the permit is approved, whether services were being duplicated by the center, why the center's proposed location is not in a church, why this is the best location for the center, the statutory requirements to grant a special use permit, the sustainability of funding for the center, and staffing at the center.

City Attorney Brown cautioned the Council to leave financial matters out of the discussion.

Motion by Councilperson Martenis to approve the special use permit.

Motion dies for lack of support.

Motion by Councilperson Cline to deny the special use permit.

Motion dies for lack of support.

There was discussion regarding referring the issue back to the Planning Commission for further discussion. There was an emphasis on reaching a decision on the issue as soon as possible.

Councilperson Cline expressed his displeasure that a decision was not reached tonight.

Motion by Councilperson Frederick to refer the request back to the Planning Commission to allow them to do their due diligence and reach a recommendation in time for the October 6th Council meeting.

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: Councilperson Cline.

ABSENT: Mayor Pro-Tem Owen.

5TH MONDAY MEETING - AGENDA

It was agreed the agenda for 5th Monday meeting September 29, 2008 would address City Website development, including integrating new interactive technologies. City Manager Fivas also noted a special meeting may be called immediately preceding the scheduled meeting to address VSCI Grant issues that would allow construction to begin.

COMMUNICATIONS

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

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

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

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

Owosso Planning Commission. Minutes of meeting of August 25, 2008.

Owosso Historical Commission. Minutes of meeting of August 19, 2008.

Shiawassee Area Transportation Agency. Minutes of meeting of May 13, 2008.

Shiawassee Area Transportation Agency. Minutes of meeting of June 10, 2008.

Shiawassee Area Transportation Agency. Minutes of meeting of July 8, 2008.

Shiawassee District Library. September – December 2008 Newsletter.

Councilperson Martenis inquired why traffic offenses were down dramatically from the same time last year. It was noted stationary patrol may have some effect on that statistic. He also inquired why fraud offenses were up dramatically, Public Safety Director Michael T. Compeau explained many of the offenses were internet related crimes that are reported to the police then handed over to the FBI for investigation.

Councilperson Frederick noted a dramatic increase in the number of burning citations for the year.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, announced the next blood drive and asked for a copy of the burning citation report. She also said she felt the Council did the right thing by holding off on a decision on the homeless assistance center.

Roger Snyder, 418 East Oliver Street, indicated he is not trying to be a bad guy he just believes the center does not belong in the proposed location. He said he had three possible alternative locations in mind.

Burton Fox, 216 East Oliver Street, stated he wants the City to stop a delivery truck from consistently stopping on Washington Street to deliver to a shop on Main Street indicating he felt it was a safety hazard.

David Woodby, 1111 North Washington Street, indicated he felt the Lord would guide the homeless assistance center to the right location and we should work together to see this project come to fruition.

Eddie Urban, 601 Glenwood Avenue, indicated the scanning technology used by some schools to prevent potentially dangerous people from entering schools could be used in a place like the homeless assistance center. He also expressed his hope the center would proceed even if this particular location would not work.

David Aseltine, 456 Fairwood Drive, Pickney, thanked the Council for their diligence in examining the special use permit.

City Manager Fivas stated he felt there was good dialogue on the special use permit and expressed his hope the center will find a good location and come to fruition.

ADJOURNMENT

Motion by Councilperson Frederick for adjournment at 11:13 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk