

OWOSSO CITY COUNCIL

OCTOBER 6, 2008

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF
OPENING PRAYER: DONALD FORSTER
PLEDGE OF ALLEGIANCE: COUNCILPERSON JONI M. FORSTER
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 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 SEPTEMBER 15, 2008

Motion by Councilperson Frederick to approve the Minutes of the Regular Meeting of September 15, 2008 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF SEPTEMBER 29, 2008

Motion by Councilperson Simmons to approve the Minutes of the Special Meeting of September 29, 2008 as presented.

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

APPROVAL OF THE MINUTES OF 5th MONDAY MEETING OF SEPTEMBER 29, 2008

Motion by Councilperson Simmons to approve the Minutes of the 5th Monday Meeting of September 29, 2008 as presented.

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

CITIZEN COMMENTS AND QUESTIONS

Justin Horvath, 818 South Washington Street, spoke in favor of approval of the purchase agreement for the property on South Street saying he felt it was a great opportunity for both the City and American Waste Services.

Shelva Cebulski, 1243 Marion Street, asked why a burning complainant's address is listed as both the source of the complaint and the target in the burning citation report. It was noted 911 reports record the complainant's address as the target when the address of the target is unknown.

Judy Ford, State Representative Candidate, indicated she wished to be placed on the agenda but did not receive a response to her request. It was noted her message was not received. She distributed copies of a FOIA request for information on the parking lot project at Washington Street and Main Street.

It was noted the money being spent on the lot is a local match to Federal grant funding received by the City. It was also noted the contractor for the project would not be paid until the City had performed its due diligence to ensure workers were paid the proper wage.

City Manager Fivas indicated people could call him if they would like to have an item placed on the agenda.

William Owen, 1309 Herman Street, expressed his concern with potential increased truck traffic on South Street and possible environmental issues if the property is sold to American Waste. City Manager Fivas noted the Planning Commission would have the opportunity to examine those issues when it discusses the site plans.

There was a brief discussion regarding whether or not the area qualified as wetlands. It was noted the land was suitable for building.

Eddie Urban, 601 Glenwood Avenue, asked if something could be done with the intersection of Shiawassee Street and South Street as visibility is poor. He also indicated he had helpful information for any veteran that was exposed to Agent Orange.

Councilperson Frederick inquired about the process for painting lane markers, indicating he felt South Gould Street needed new lane markings. It was noted a lane marking project would be undertaken as the major summer projects come to close.

Mayor Bruff read aloud a letter from a township resident objecting to the 1225's use of its whistle in the early morning hours. City Manager Fivas indicated he would check into the matter and follow up with Council.

CITY MANAGER REPORT

City Manager Fivas invited everyone to the Public Safety Open House on Saturday from 9:00 am to 1:00 pm. In relation to public safety, he indicated the proposed community watch project near Washington School was starting to take shape. He said the meeting that was held was informative and he hoped to see similar projects in other neighborhoods.

Mr. Fivas detailed the local proposal on the November ballot, indicating an educational effort would begin to inform citizens of the details of the bond proposal. He indicated the proposal was basically a renewal of bond funding that had recently matured. He further indicated the money would be used to supplement funding for our annual street program.

CONSENT AGENDA

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

Bid Award. Authorized bid from State of Michigan Purchasing Contract holder North American Salt Co. for early purchase of 800 tons of salt in the amount of \$34,608.00 and further authorized payment up to the contract amount.

Bid Award. Authorized bid from State of Michigan Purchasing Contract holder Morton International, Inc. for purchase of 1800 tons of back-up salt in the amount of \$87,552.00 and further authorized payment up to the contract amount.

Traffic Control Order No. 1210. Authorized Traffic Control Order No. 1210 for the installation of a stop sign on west bound Chipman Lane at Chipman Street.

Warrant No. 371. Authorized Warrant No. 371 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and Property Insurance	General	\$69,870.00

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

ITEMS OF BUSINESS

RECEIVING BOARD RESOLUTION

Motion by Councilperson Forster to authorize a resolution establishing a receiving board for the November 4, 2008 General Election as follows:

**RESOLUTION NO. 35-2008
A RESOLUTION TO ESTABLISH A RECEIVING BOARD FOR THE NOVEMBER 4, 2008
ELECTION**

WHEREAS, a General Election will be held in the City of Owosso on Tuesday, November 4, 2008; and

WHEREAS, each of the City's 9 precincts, at the close of the polls, prepare the necessary paperwork, seal the ballots in the ballot box, and deliver the materials to the City Clerk's Office; and

WHEREAS, under Michigan law (MCL 168.679a), the legislative body of a City, by resolution, can authorize the Election Commissioners of the City to appoint receiving boards to accept and open the sealed envelopes and containers for review and verification.

NOW, THEREFORE, BE IT RESOLVED that the Election Commissioners for the City of Owosso are hereby authorized to appoint a receiving board to receive all materials from the precincts at the close of the polls on Tuesday, November 4, 2008.

BE IT FURTHER RESOLVED that the receiving board shall be authorized to open the sealed envelopes and ballot boxes to verify: (1) the number of ballots issued equals the number of voters in the poll book and statement of votes; (2) confirm that the ballot box has been properly sealed and that nothing other than ballots are contained within; and (3) verify that all necessary documents have been properly completed by the election inspectors of each precinct.

BE IT FURTHER RESOLVED that the receiving board, with the election inspectors, shall together take the necessary steps to correct any discrepancies, making notation of such correction in the poll book. Upon review and correction the receiving board shall properly reseal the ballot boxes and envelopes if necessary.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

PROPERTY SALE – SOUTH STREET

City Manager Fivas described the requirements of the purchase agreement including inspections and a site plan review by the Planning Commission. He indicated the brush and leaf drop off currently located on the site will continue to function there until next summer, with the City holding a license to enter the premises until December of 2009. He also indicated the price for the property was fair and he was pleased to see a business interested in investing in the community.

There was discussion regarding possible odor issues with the garbage collection service proposed for the location. It was noted the State has regulations in place governing solid waste and its collection. It was further noted the purchase agreement was written to allow the Planning Commission the authority to ensure the proposed business would not be detrimental to the neighborhood.

Motion by Councilperson Simmons to approve the purchase agreement with American Waste Services, LLC for property on South Street described as *Part of the NE ¼ and NW ¼, Section 26, T7N – R2E, City of Owosso, Beginning 203 Feet East and 33 Feet South of NE Corner of NW ¼ 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) in the amount of \$20,000.*

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: Councilpersons Cline and Martenis.

ABSENT: Mayor Pro-Tem Owen.

Motion fails, property sales require 5 affirmative votes.

OWOSSO COMMUNITY PRIDE WEEK

City Manager Fivas indicated he was looking for feedback on the idea of establishing a week long series of events aimed at cleaning and beautifying the city through both independent and organizational efforts. The City's role would involve advertising of the various events planned for the weekend and the hosting of a drop off site for large unwanted items.

The idea received a favorable response from the Council, though there was some concern as to the dates.

Motion by Councilperson Forster to establish Owosso Community Pride Week May 16, 2009 through May 24, 2009 to take up spring clean-up and recycling projects in the community.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

COMMUNICATIONS

Owosso Planning Commission. Minutes of Meeting of September 22, 2008.

Owosso Planning Commission. Minutes of Meeting of September 29, 2008.

Owosso Zoning Board of Appeals. Minutes of Meeting of September 16, 2008.

Westtown Corridor Improvement Authority. Minutes of the Meeting of September 10, 2008.

Councilperson Martenis had questions regarding a comment by a Planning Commissioner indicating a stretch of sidewalk on Hickory Street was dangerous. It was noted the sidewalk was constructed at an elevation to accommodate adjacent driveways and fit within ADA guidelines.

Councilperson Frederick noted his concern with a reference in the September 22nd Planning Commission minutes in regard to the polling of Commission members. Mayor Bruff said the concern was noted and the Chair of that particular board was new.

There was a brief discussion regarding Robert's Rules of Order and whether a motion could be reconsidered after a vote was taken. It was noted only the prevailing party could introduce a motion to reconsider an item.

RECONSIDERATION OF PROPERTY SALE

Motion by Councilperson Martenis to reconsider the sale of the property on South Street when the full Council is present at the next meeting.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: Councilperson Cline.

ABSENT: Mayor Pro-Tem Owen.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, indicated she misses seeing young people attend the Council meetings.

Eddie Urban, 601 Glenwood Avenue, expressed his hope that hunters would be safe now that hunting season is underway. He also expressed his hope that the gravel portion of Lincoln Street would not be paved. Lastly, he volunteered the local Girl Scout troupe to help with the proposed Community Pride Week.

William Owen, 1309 Herman Street, inquired whether the railroad track on Cedar Street could be patched until it is reconstructed. He also inquired where one could drop off an old television.

Michael Tillotson, 1299 South Shiawassee Street, indicated he had traveled to Kansas to see his stepson off to Iraq and would have lots of film for Wednesday's broadcast.

Betty Coon, 1204 Palmer Avenue, thanked Councilperson Cline for considering odor issues that may come up with the potential property sale. She also inquired as to the status of the old AO Smith building and its recent purchase. It was noted the City had no recent contact with the purchaser.

City Manager Fivas indicated his willingness to work with Council and the community in regard to the South Street property sale pointing out the purchase agreement clearly outlined odor regulations would be put in place and enforced.

Councilperson Forster noted that there was no proposal to store garbage on the site.

Councilperson Frederick expressed his disappointment that Council could not move forward on the South Street property sale. He indicated he would like to allow a local business to expand and that the concerns of citizens could be addressed with restrictions on the sale.

Councilperson Cline read aloud a thank-you letter from Vera Thomas in regard to the repair of the alley behind her house.

Councilperson Martenis indicated he would like to see the South Street property used for residential purposes and there were other areas better suited to the proposed business. City Manager Fivas noted the purchaser had toured all the potential City sites for the business and found the South Street property best suited his needs.

There was a brief discussion regarding youth hunting and permits.

City Manager Fivas detailed the process for filling FOIA requests and indicated Ms. Ford's information request would be addressed.

NEXT MEETING

October 20, 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 Cline for adjournment at 8:55 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk