

**OWOSSO CITY COUNCIL**

**DECEMBER 15, 2008**

**7:00 P.M.**

- PRESIDING OFFICER:** MAYOR MICHAEL E. BRUFF
- OPENING PRAYER:** SHELVA CEBULSKI
- PLEDGE OF ALLEGIANCE:** COUNCILPERSON BENJAMIN R. FREDERICK
- PRESENT:** Mayor Michael E. Bruff, Councilpersons Michael N. Cline, Joni M. Forster, Benjamin R. Frederick, and Jason D. Simmons.
- ABSENT:** Mayor Pro-Tem Mark D. Owen and Councilperson Gary W. Martenis.

**APPROVE AGENDA**

Motion by Councilperson Forster to approve the agenda as presented.

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

**ANNUAL AUDIT PRESENTATION**

Daniel Helisek and Shaun Krick, representatives from Plante & Moran, LLP, addressed the City Council with the 2007-2008 Audit Report. The City was given a clean, unqualified audit report.

Mr. Helisek congratulated the City on maintaining its fund level balance by being proactive and keeping the budget balanced, though he cautioned the Council that more difficult times are anticipated in the near future. He further cautioned the Council in regard to future State shared revenues, indicating that while it is hoped they will be maintained at the current level there is still uncertainty at the State level.

He went on to encourage the City to develop a 3-5 year plan when considering spending. Lastly he informed the Council the water and sewer enterprise funds were being depleted because water and sewer rates were too low to cover the current cost of operations.

Motion by Councilperson Cline to accept the 2008 Annual Audit as presented.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

**NAYS:** None.

**ABSENT:** Mayor Pro-Tem Owen and Councilperson Martenis.

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF DECEMBER 1, 2008**

Motion by Councilperson Simmons to approve the Minutes of the Regular Meeting of December 1, 2008 as presented.

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

**SPECIAL PRESENTATION**

**PROCLAMATION - NANCY GILBERT**

Mayor Bruff presented the following proclamation to Nancy Gilbert recognizing her for her years of service to the City upon the occasion of her retirement:

**A Proclamation of the Mayor's Office of the City of Owosso, Michigan  
Recognizing the Distinguished Public Service of**

**Nancy L. Gilbert**

**WHEREAS**, Nancy L. Gilbert began her service to the City of Owosso as a temporary clerical worker in 1996 and was promoted to full-time information clerk and cashier in 1999; and

**WHEREAS**, Nancy has shown the utmost dedication to her job, reporting to her station, ready to work day after day, year after year. At one point, insisting on working despite the fact she had broken both ankles! and

**WHEREAS**, Nancy has consistently gone the extra mile to provide excellent service to the citizens of the City of Owosso, going so far as to drive one resident home in a snow storm; and

**WHEREAS**, Nancy has exhibited her positive yet forthright and direct nature in her years at the information desk, sharing all her knowledge and experience with citizens in need of assistance while reminding them water is not free! and

**WHEREAS**, The skateboarders of Owosso will breathe a sigh of relief upon her retirement - only to discover she will be coming back part time due to her boundless energy! and

**WHEREAS**, it is the intent of this Office that Nancy's Dedicated and Distinguished Public Service be recognized.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Michael E. Bruff, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Nancy for her 12 years of dedicated service to the Owosso community and further express our sincere wishes to Nancy and her family for a long, healthy and happy retirement.

Proclaimed this 19th day of December, 2008

**CERTIFICATE OF RECOGNITION – WINDOW DECORATING CONTEST**

Mayor Bruff presented the following Certificate of Recognition to Sunnyside Florist for winning the Holiday Window Decorating Contest. As winners of the contest they will receive free sidewalk shoveling for the remainder of the season courtesy of the City Department of Public Works.

**A CERTIFICATE OF RECOGNITION  
FROM THE MAYOR'S OFFICE  
OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING**

**SUNNYSIDE FLORIST, INC.**

The Mayor, on behalf of the City Council and all local residents, expresses Congratulations! And extends Warmest Holiday Wishes to you upon your First Place Award-Winning Holiday Window Decoration!

Your hard work and dedication to Downtown Owosso is evident in your window display and the all-over care and beauty of your business.

You are a valued member of our community!

It is the intent of this Office that this Special Effort not go unrecognized, and it is with great honor that I, Michael E. Bruff, Mayor of the City of Owosso, offer to you:

**CONGRATULATIONS AND HAPPY HOLIDAYS!**

**PUBLIC HEARINGS**

**SPECIAL ASSESSMENT DISTRICT NO. 2008-01– HAZARDS AND NUISANCES**

The public hearing was conducted to receive citizen comment regarding Resolution No. 2 for Special Assessment District No. 2008-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

The following persons addressed the Council in regard to the Special Assessment:

Shelva Cebulski, 1243 Marion Street, inquired about a list of nuisances. It was noted nuisances related to the special assessment are typically the clearing of ice and snow, lawn mowing, vehicle towing, demolition, securing of fire scenes and abandoned structures, trimming of vegetation on private property and property clean-up.

Dennis Pierce, owner of 530 North Ball Street, explained the events that lead up to his being billed for the removal of trash on his property, indicating he had tried to resolve the issue quickly. It was noted the property would be kept on the special assessment roll and may be removed pending further investigation of the situation.

Randy Carlton, owner of 1008 South Chipman Street, previously submitted written communication protesting the assessment. It was noted the issue would be investigated further prior to a lien being placed on the property.

Fred Balcom, owner of 715 Clinton Street, previously submitted written communication protesting the assessment. It was noted the issue would be investigated further prior to a lien being placed on the property.

Motion by Councilperson Cline to adopt Resolution No. 2 with further investigation of the invoices related to 530 North Ball Street, 1008 South Chipman Street, and 715 Clinton Street as follows:

**RESOLUTION NO. 43-2008**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property described as follows:

Parcel Number	Address	Amount
050-651-006-010-00	307 Genesee Street	\$ 211.72
050-470-007-005-00	421 N Saginaw Street	\$ 235.06
050-010-016-020-00	616 Glenwood Street	\$ 9,944.00
050-390-004-012-00	1260 Adams Street	\$ 127.38
050-640-033-013-00	530 N Ball Street	\$ 190.92
050-651-000-013-00	415 Genesee Street	\$ 343.77
050-660-011-009-00	212 N Lansing Street	\$ 402.86
050-622-004-005-00	825 Clyde Street	\$ 233.00
050-580-000-053-00	308 Oakwood Avenue	\$ 847.13
050-602-006-011-00	828 Nafus Street	\$ 323.34
050-660-023-004-00	715 Clinton Street	\$ 214.83
050-580-000-053-00	308 Oakwood Avenue	\$ 101.46
050-710-001-012-00	915 Corunna Avenue	\$ 280.18
050-660-001-005-00	623 N Shiawassee Street	\$ 159.55
050-536-000-052-00	1235 N Shiawassee Street	\$ 210.01
050-602-029-015-00	1312 S Chipman Street	\$ 96.47
050-602-008-002-00	1008 S Chipman Street	\$ 88.33
050-542-000-020-00	625-627 Corunna Avenue	\$ 113.63
050-011-020-001-00	902 Corunna Avenue	\$ 92.41
050-090-001-004-00	1416 W Main Street	\$ 118.53
050-112-000-013-00	615 E Main Street	\$ 92.41
050-660-012-019-00	202 N Cedar Street	\$ 238.69
050-113-015-007-00	1405 W Main Street	\$ 92.41
050-580-000-027-00	203 S Dewey Street	\$ 161.10
050-380-001-013-00	308 N Dimmick	\$ 389.03
050-660-012-019-00	202 N Cedar Street	\$ 414.01
050-602-036-002-00	1401 Carr Street	\$ 170.93
050-610-003-002-00	727 N Park Street	\$ 204.74
050-220-000-062-00	1607 Young Street	\$ 170.93
050-113-003-007-00	919 Milwaukee Street	\$ 333.71
050-500-002-003-00	1109 Palmer Street	\$ 144.47
050-113-009-001-00	1310 W Stewart Street	\$ 180.80
050-673-005-007-00	701 Fletcher	\$ 180.70
050-010-016-020-00	616 Glenwood	\$ 115.38
050-652-003-002-00	319 E Stewart Street	\$ 536.12
050-602-008-002-00	1008 S Chipman Street	\$ 180.70
050-420-005-009-00	755 Division Street	\$ 215.59
050-250-035-003-00	640 Adams Street	\$ 143.66
050-390-004-012-00	1260 Adams Street	\$ 293.70
050-660-010-008-00	314 N Lansing Street	\$ 127.99
050-180-002-007-00	418 E Comstock Street	\$ 188.15
050-621-001-002-00	209 S State Street	\$ 105.57
050-651-007-001-00	309 Green Street	\$ 105.57
050-260-000-001-00	406 E Oliver Street	\$ 137.62
050-115-003-015-00	924 S Ball Street	\$ 115.07
050-580-000-053-00	308 Oakwood Avenue	\$ 158.33
Total Roll		\$19,531.96

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the unpaid costs incurred in

the altering, repairing, tearing down, abating or removing of hazards and nuisances of said properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$19,531.96 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2008-01.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2008-01 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Martenis.

### **CITIZEN COMMENTS AND QUESTIONS**

Audrey Hannah, Owosso Middle School Council and Builders Club president, detailed recent events students coordinated or participated in and listed upcoming events.

Shelva Cebulski, 1243 Marion Street, said she thought it was wonderful that young people are working so hard to improve the community.

City Manager Fivas asked Ms. Hannah to discuss participation in the city wide clean-up with various school organizations.

Mayor Bruff invited all students to come to Council meetings to voice their opinions on what they believe the City needs.

Daniel Stewart, County Commissioner District 1, reported on the latest issues addressed by the County Commission. He also noted the recent accreditation achieved by the Health Department and the progress of the food bill waiving inspection fees for charitable organizations.

### **CITY MANAGER REPORT**

City Manager Fivas distributed the Blue Ribbon Committee report. He encouraged Council to review the materials and come to the January 5<sup>th</sup> discussion/meeting with any questions they may have. He also noted the success of the Owosso Cares Food Drive and the continuation of leaf pick up.

Mayor Bruff also noted the success of the Owosso Cares Food Drive and indicated there is anticipation it will be an annual event.

### **CONSENT AGENDA**

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

Membership Dues. Approve annual memberships for the City Manager to the following educational organizations: MPERLA and MLGMA.

Boards and Commissions Appointments. Approve the following Mayoral appointments:

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Amber Fuller*	Board of Review	12-31-2013
Michael Rice (to fill the unexpired term of D. Lazar)	Downtown Development Authority	06-30-2010
Susan Treen (to fill the unexpired term of D. Peterson)	Downtown Development Authority	06-30-2009
Sandra Harvey (to fill the unexpired term of M. Dvorak)	Zoning Board of Appeals	06-30-2009
Jason Simmons	Zoning Board of Appeals	11-09-2009
John C.M. Davis	Zoning Board of Appeals - Alt	06-30-2010
Gary Miller, Jr (to fill the unexpired term of B. Fitch)	Building Board of Appeals	06-30-2011
Piper Brewer*	Historical Commission	12-31-2011

Scott Newman*	Historical Commission	12-31-2011
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\* Indicates reappointments.

Warrant No. 376. Accepted Warrant No. 376 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services November 11, 2008 – December 8, 2008	General	\$7,446.92
Michigan Municipal Risk Management Authority	Building and Property Insurance	General	\$69,869.00
State of Michigan – Michigan Department of Environmental Quality	NPDES Annual Permit Fee	WWTP	\$5,500.00
SunGard Public Sector, Inc.	Software maintenance/licensing fees for Police Division computer system January 1, 2009-December 31, 2009	General	\$7,703.76

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Martenis.

#### **ITEMS OF BUSINESS**

##### **2009 SCHEDULE OF MEETINGS CORRECTION**

Motion by Councilperson Frederick to approve the following corrections to the 2009 Schedule of Meetings: City Council – April 6, 2009; Planning Commission – July 27, 2009; Zoning Board of Appeals & Historical Commission – May 19, 2009.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Martenis.

##### **LIQUOR LICENSE RENEWALS AND REVOCATIONS**

The Council discussed a resolution establishing a procedure governing the renewal and revocation of On-Premises Liquor Licenses. It was indicated the procedure was being reviewed by the City Attorney and would be addressed once again at the January 5, 2009 meeting.

##### **SANITARY SEWER OVERFLOW CONTROL PROGRAM UPDATE**

Utilities Director Gary M. Burk presented information regarding progress of the Sanitary Sewer Overflow Control Program. He indicated approximately 600 manholes were rehabilitated during the year and the project was coming in under budget so far. He indicated rate hikes were not necessary at the current time but the future costs of the project may entail a raise in rates.

He went on to explain there was some modification of the project plan for the coming year because the City was able to forego the construction of retention ponds and an interceptor. He anticipated coming back to Council in January 2009 with a scope of services proposal. The plan for year three would include a concentration on private homeowner separations. He said he anticipated this phase to be rather expensive and indicated financing alternatives were being explored, though a pay as you go plan would be optimal.

There were questions regarding the success of the work performed in 2008. Utilities Director Burk indicated there was no hard data at this point but flow monitoring will be conducted in 2009.

Lastly, Utilities Director Burk noted a PBS documentary called Liquid Assets, indicating it was a very informative piece on water and sewer infrastructure and how it affects the day to day lives of the citizens that use it.

**CHANGE ORDER\***

\*Rescinded 04-20-2009

Utilities Director Burk indicated the company involved in the manhole rehabilitations had requested an additional \$11,000 over the contract amount. He noted a majority of the extra cost came in increased asphalt expense, but he noted the increase should have been included in the original bid. He said the company had worked well with the City but felt Council should settle the account with a \$758.80 increase to close out that phase of the project.

Motion by Councilperson Simmons to approve Change Order #1 to the contract with Bretz Excavating increasing the amount by \$758.80 to reflect the final quantity measurements as constructed.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen and Councilperson Martenis.

**COMMUNICATIONS**

- Joseph A. Fivas, City Manager. Annual Liquor License Inspection Report.
- John F. Archer, Building Official. Lien Process.
- John F. Archer, Building Official. November 2008 Building Department Report.
- John F. Archer, Building Official. November 2008 Code Violations Report.
- Michael T. Compeau, Public Safety Director. November 2008 Police Department Report.
- Michael T. Compeau, Public Safety Director. November 2008 Fire Department Report.
- Downtown Development Authority. Minutes of Meeting of November 5, 2008.
- Owosso Historical Commission. Minutes of Meeting of November 18, 2008.
- Shiawassee Area Transportation Agency. Minutes of Meeting of August 12, 2008.
- Shiawassee Area Transportation Agency. Minutes of Meeting of September 9, 2008.
- Shiawassee Area Transportation Agency. Minutes of Meeting of October 14, 2008.

**CITIZEN COMMENTS AND QUESTIONS**

Shelva Cebulski, 1243 Marion Street, thanked Council for all their work during the year and wished everyone Happy Holidays.

Councilperson Cline noted he had voted no on raising rates during the latest SATA meeting. He also noted his desire to see a rental housing authority put in place and asked the issue be placed on the January 5, 2009 agenda.

Councilperson Frederick indicated he appreciated the City's efforts to prepare for any possible stimulus package put forth by the Federal government. He also indicated he would like to see south M-52 repaired if at all possible.

Mayor Bruff noted Councilperson Martenis's recent knee surgery as the reason for his absence tonight.

**NEXT MEETING**

January 5, 2009

**BOARDS AND COMMISSIONS OPENINGS**

Zoning Board of Appeals – Alternate, term expires 06-30-2009

**ADJOURNMENT**

Motion by Councilperson Simmons for adjournment at 8:47 p.m.

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

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Michael E. Bruff, Mayor

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Amy K. Kohagen, City Clerk