

**OWOSSO CITY COUNCIL**

**APRIL 20, 2009**

**7:30 P.M.**

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

**OPENING PRAYER:** JAMES HARDWICK

**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, and Gary W. Martenis.

**ABSENT:** Councilperson Jason D. Simmons.

**APPROVE AGENDA**

Motion by Councilperson Forster to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 6, 2009**

Motion by Councilperson Frederick to approve the Minutes of the Regular Meeting of April 6, 2009 as presented.

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

Mayor Bruff read aloud the following letter of resignation from Councilperson Jason D. Simmons.

Owosso City Council  
City of Owosso  
301 West Main Street  
Owosso, Michigan 48867

Dear Mayor Bruff, members of the Owosso City Council, and staff and citizens of the City of Owosso:

During the last year-and-a-half, I have had the privilege of serving the City of Owosso and its citizens as a councilman. It is a job that I truly love, and it's a position for which I have tremendous respect. Furthermore, I have cherished your trust, I have always taken great pride in performing my duties, and I have tried to honor every moment that I have served you. However, I now feel unable to continue to perform my duties as councilman to the best of my abilities - and I believe that to continue to serve, under such circumstances, would be unfair to the citizens of Owosso, and to the Owosso City Council.

Over the last six months, I have been too busy to deal with personal issues that should have required all of my attention. The right thing to do, I now realize, is to limit my outside responsibilities and totally focus on the needs of my health and my wonderful family. Therefore, it is with gratitude, regret and a heavy heart that I hereby submit my resignation from the Owosso City Council.

I appreciate the experience of working with so many fine people, and I am grateful for the rewarding term of service I have had with the Owosso City Council. This is a very special time for Owosso, there is much good work being done, and the future looks brighter than ever.

Please accept my most sincere apologies for any distractions I may have caused. My best wishes are with you for all of your future successes. Thank you.

Sincerely and respectfully,  
Jason Simmons

**SPECIAL PRESENTATION**

**PROCLAMATION – FREDRICK DERY**

Mayor Bruff read aloud the following Mayoral Proclamation recognizing Fredrick Dery for his 34 years of service to the City upon the occasion of his retirement.

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

**FREDRICK C. DERY**

**WHEREAS**, Fredrick C. Dery began his service to the City of Owosso in March of 1975 through the Comprehensive Employment and Training Act and progressed to his permanent position as meter reader in October of 1979; and

**WHEREAS**, Fred went about his job without fanfare and accolades, providing dependable and accurate meter reads every month like clockwork; and

**WHEREAS**, Fred has gone above and beyond to provide excellent service to the Citizens of the City of Owosso, reading meters no matter the weather - rain, shine, bitter cold, or scorching heat ; and

**WHEREAS**, Fred has walked up and down every street in the City over 340 times, logging over 52,000 miles in his career; and

**WHEREAS**, it is the intent of this Office that Fred'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 Fred for over 34 years of dedicated service to the Owosso community and further express our sincere wishes to Fred and his family for a long, healthy and happy retirement.

Proclaimed this 20<sup>th</sup> day of April, 2009.

### **SATA PRESENTATION**

Presentation by SATA Director Larry Alpert on the operations of the organization. He detailed the increases in ridership over the last 2 ½ years. He also detailed the services provided by SATA and their affiliate Transportation Solutions.

### **COMMUNITY PRIDE UPDATE**

Community & Economic Development Coordinator Natalie Burg gave an update of Community Pride Week events. Events include a Sesquicentennial Celebration, city-wide garage sale, curbside brush pick up, and trash collection and recycling depot.

Councilperson Martenis recognized Gerald Williams for volunteering as the captain of the Neighborhood Watch program for the Washington School area.

Eddie Urban presented Mayor Bruff with a certificate of appreciation for speaking at the recent Disabled American Vets Zone 2 Convention.

### **PUBLIC HEARINGS**

#### **ORDINANCE AMENDMENT – CABLE TELEVISION**

A public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to Chapter 9, Cable Television, Article III, *Owosso Community Television*, Sections 9-105 through 9-107 of the Code of Ordinances of the City of Owosso, Michigan.

The following addressed the City Council regarding the proposed amendment:

Burton Fox, 216 East Oliver Street, was concerned that if KoK and OCTS did not hold seats on the Cable Commission the cable channel would lose continuity. He also pointed out the two organizations had operated the channel with their own money for over 20 years.

Cable Commissioner Jack Johnson stated he felt the channel can enhance the community and reach out to the outlying townships and communities. He also pointed out that the channel had been run by volunteers for over 25 years.

Cable Commissioner Christopher Hardwick indicated his family (KoK) had covered and broadcast local community events for over 25 years and feels they should have representation on the Cable Commission. He indicated a KoK representative has participated in every cable meeting and had more to contribute. He went on to say he felt the decision at the cable commission level was rushed and hoped for another look at the ordinance before it was acted on.

James Hardwick, 813 North Shiawassee Street, indicated he was a founder of KoK and that the channel belongs not only to the city but the greater area. He went on to note the religious programming provided by KoK is a service to shut-ins. He asked the Council to leave things as they are.

Cable Commissioner James Gutting indicated he felt the current structure was bogged down and going to a citizen at large structure would promote the interests of the entire city. He went on to say that he felt a citizen at large structure would promote wise usage of funding should the

Council dedicate it. He also pointed out that OCTS and KoK would be denied seats completely in that they could seek appointment using local residents.

Eddie Urban, 601 Glenwood Avenue, indicated he would like to be appointed to the Commission. He also said he would like to see all Commission meetings held at City Hall and wanted to know if the churches that provide programming also have to provide funding in order to have their productions shown.

Mayor Bruff read aloud a letter from Cable Commission Chairperson Steven Flayer urging the Council to reconsider the idea of allowing KoK and OCTS to have representation on the Commission.

Mayor Bruff also read aloud an email from Cable Commissioner Michael Tillotson asking for equal access and equal play time for all programs.

Betty Hardwick, 813 North Shiawassee Street, indicated KoK takes donations but does not request money from those submitting programming.

Mayor Pro Tem Owen indicated he felt there was no benefit in the existence of a Cable Commission and wanted to dissolve it completely. He questioned the progress made by the Commission.

There was discussion regarding what the Commission members saw as goals for the future. Commissioner Johnson indicated he hoped the channel could be utilized to advertise the Owosso area including promoting amphitheater events and the train festival. He also hoped to reach out to other communities for cooperation, though he cautioned Council that the window of opportunity may be small because of the rapid pace of technological change within the cable industry.

There was further discussion regarding whether allowing KoK and OCTS to be represented on the Commission would constitute a conflict of interest if they were to gain contracts with the City for broadcasting and studio services.

The Council addressed their hope that the Commission would be able to diversify the programming offered and generally make progress on the channel.

Motion by Mayor Pro Tem Owen to dissolve the Cable Access Advisory Commission.

Motion dies for lack of support.

City Manager Fivas noted the issue was highly complex and had multiple layers. He indicated the issue could be held over for further investigation if the Council so chose. There was a brief discussion regarding the options of closing the public hearing and postponing the vote or leaving the hearing open.

Mayor Bruff noted he did not want to delay a decision any longer than absolutely necessary.

Whereas, the Council, after due and legal notice, has met and all interested parties having been heard, motion by Councilperson Forster that the following ordinance be adopted:

#### **ORDINANCE NO. 706**

AN ORDINANCE TO AMEND CHAPTER 9, CABLE TELEVISION, ARTICLE III, *OWOSSO COMMUNITY TELEVISION*, SECTIONS 9-105 THROUGH 9-107 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN TO ADJUST THE MEMBERSHIP OF THE CABLE COMMISSION.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Sections 9-105 through 9-107 of Chapter 9, Cable Television, Article III, *Owosso Community Television*, is hereby amended to read as follows:

#### **Sec. 9-105. Same--Membership.**

Membership of the commission shall consist of seven (7) citizen at large voting members possessing the qualifications to hold appointed office as stated in Charter Sections 4.2 and 4.3. Whenever possible, members shall be cable subscribers.

The person from the administrative staff of the city who has been designated by the city manager as the OCTV coordinator shall be an ex officio member of the commission but without the right to vote.

#### **Sec. 9-106. Same--Term of members.**

Each at large member of the commission shall be appointed for a term of three (3) years

commencing on July 1 except that the members at the time of this reorganization shall begin their terms immediately with two (2) of said members being appointed for term ending June 30, 2009, two (2) said members being appointed for terms ending June 30, 2010, and three (3) said member being appointed for terms ending June 30, 2011. Terms for current members previously appointed annually will be determined by drawing. Seats originally assigned to members representing local organizations will convert to citizen at large positions upon the expiration of their assigned term.

**Sec. 9-107. Same--Internal administration.**

The commission shall select one of its voting members as chair and shall designate the ex-officio member as secretary. The commission may adopt such rules as it deems necessary for the transaction of its business. Any decision of the commission shall require the concurrence of four (4) members. The commission shall meet as often as necessary with at least one (1) meeting each calendar quarter and all of its meetings shall comply with the open meetings act.

Section 2. This ordinance shall become effective May 10, 2009.

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 Martenis.

Roll Call Vote.

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

NAYS: Mayor Pro Tem Owen and Councilperson Frederick.

**REZONING REQUEST – 1901 WEST SOUTH STREET**

A public hearing was conducted to receive citizen comment regarding request to rezone the parcel(s) commonly known as 1901 West South Street, and described as follows:

ALL THE PART OF THE NE ¼ AND NW ¼, SEC 26, T7N - R2E, IN MI LYING NW'LY OF THE RR R/W & BEING A TRIANGULAR SHAPED PIECE CONTAINING 0.6 A MORE OR LESS

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Owen that the following ordinance be adopted:

**ORDINANCE NO. 707**

AN ORDINANCE TO AMEND SECTION 38-27 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. That Section 38-27 of Chapter 38 of Article II of the Owosso City Code, District Boundaries, is hereby amended by changing the designation of the following lots and parcels of land designated in a zoning map of the City of Owosso, and referred to in said Section and made a part thereof, which said lots and parcels hereby intended to be redesignated are not described in body of said Section as in certain zone districts; said designation being as follows:

APPLICANT: American Waste  
1901 West South Street  
Owosso, MI 48867

PROPERTY ADDRESS: 1901 West South Street

PROPOSED REZONING: FROM C-OS Conservation, Open Space District  
TO I-2 General Industrial District

PROPERTY DESCRIPTION: ALL THE PART OF THE NE ¼ AND NW ¼, SEC 26, T7N - R2E, IN MI LYING NW'LY OF THE RR R/W & BEING A TRIANGULAR SHAPED PIECE CONTAINING 0.6 A MORE OR LESS

SECTION 2. The changes made in the zoning in the lots and parcels of land hereinbefore described are hereby ordered to be redesignated on said map in accordance with this Ordinance.

SECTION 3. This Ordinance shall take effect May 10, 2009.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: Councilperson Cline.

**REZONING REQUEST – 310 NORTH GOULD STREET**

A public hearing was conducted to receive citizen comment regarding request to rezone the parcel(s) commonly known as 310 North Gould Street, and described as follows:

SEC 18 T7N R3E BEG 33' E & N00\*00'00"E 779.70' OF S 1/4 POST SAID SEC TH N00\*00'00"E 142.92', S87\*34'47"E 283.00', N00\*00'00"E 140.00', S87\*34'47"E 568.42', S00\*00'00"W 515.11, S89\*12'00"W 497.74', N00\*00'00"E 280.00', S89\*12'00"W 353' TO POB. CONT 7.384 AC M/L

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Owen that the following ordinance be adopted:

**ORDINANCE NO. 708**

AN ORDINANCE TO AMEND SECTION 38-27 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. That Section 38-27 of Chapter 38 of Article II of the Owosso City Code, District Boundaries, is hereby amended by changing the designation of the following lots and parcels of land designated in a zoning map of the City of Owosso, and referred to in said Section and made a part thereof, which said lots and parcels hereby intended to be redesignated are not described in body of said Section as in certain zone districts; said designation being as follows:

APPLICANT: ProVision  
PROPERTY ADDRESS: 310 North Gould Street  
PROPOSED REZONING: FROM RM-1 Multiple Family Residential District (low rise)  
TO OS-1 Office Service District  
PROPERTY DESCRIPTION: SEC 18 T7N R3E BEG 33' E & N00\*00'00"E 779.70' OF S 1/4 POST SAID SEC TH N00\*00'00"E 142.92', S87\*34'47"E 283.00', N00\*00'00"E 140.00', S87\*34'47"E 568.42', S00\*00'00"W 515.11, S89\*12'00"W 497.74', N00\*00'00"E 280.00', S89\*12'00"W 353' TO POB. CONT 7.384 AC M/L

SECTION 2. The changes made in the zoning in the lots and parcels of land hereinbefore described are hereby ordered to be redesignated on said map in accordance with this Ordinance.

SECTION 3. This Ordinance shall take effect May 10, 2009.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

**REZONING REQUEST – 314 NORTH GOULD STREET**

A public hearing was conducted to receive citizen comment regarding request to rezone the parcel(s) commonly known as 314 North Gould Street, and described as follows:

SEC 18 T7N R3E BEG 33' E & N 0\*00'00" E 922.62' OF S 1/4 POST SAID SEC, TH N00\*00'00"E 140.00', N 89\*12'00"E 283.00', S00\*00'00W 140.00', S89\*12'00"W 283.00' TO POB; CONT .909 AC M/L

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Owen that the following ordinance be adopted:

**ORDINANCE NO. 709**

AN ORDINANCE TO AMEND SECTION 38-27 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. That Section 38-27 of Chapter 38 of Article II of the Owosso City Code, District Boundaries, is hereby amended by changing the designation of the following lots and parcels of land designated in a zoning map of the City of Owosso, and referred to in said Section and made a part thereof, which said lots and parcels hereby intended to be redesignated are not described in body of said Section as in certain zone districts; said designation being as follows:

APPLICANT: ProVision  
PROPERTY ADDRESS: 314 North Gould Street  
PROPOSED REZONING: FROM RM-1 Multiple Family Residential District (low rise)  
TO OS-1 Office Service District  
PROPERTY DESCRIPTION: SEC 18 T7N R3E BEG 33' E & N 0\*00'00" E 922.62' OF S 1/4  
POST SAID SEC, TH N00\* 00'00"E 140.00', N 89\*12'00"E  
283.00', S00\*00'00W 140.00', S89\*12'00"W 283.00' TO POB;  
CONT .909 AC M/L

SECTION 2. The changes made in the zoning in the lots and parcels of land hereinbefore described are hereby ordered to be redesignated on said map in accordance with this Ordinance.

SECTION 3. This Ordinance shall take effect May 10, 2009.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

**CITIZEN COMMENTS AND QUESTIONS**

Jerry Zemcik, 3710 West Mason Road, inquired about moving the Vietnam Veteran's memorial in front of the VFW to Fayette Square with the other monuments honoring soldiers.

Burton Fox, 216 East Oliver Street, indicated last year's improvements at Fayette Square were only one part of a multi phase project. He said he would be interested in moving the monument if the proper permissions were granted. He went on to say the effort to move the monument would be undertaken by volunteers and would not be of cost to the City.

Eddie Urban, 601 Glenwood Avenue, indicated he like the flyers produced for the events during Community Pride Week. He also pointed out a new animal control business in town.

There was discussion regarding the possibility of moving the Vietnam Veteran's monument and how the project could proceed.

**CITY MANAGER REPORT**

City Manager Fivas noted that Council would be considering setting the public hearing for the next meeting to receive comment on the budget and there would be more discussion on the budget at a later time. He went on to thank John Archer, Brent Morgan, Ron Baker and Natalie Burg for all their work on various projects now underway.

Mayor Bruff noted the Council had 30 days to fill the vacancy left by the resignation of Jason Simmons. Council agreed to accept letters of interest until May 4<sup>th</sup> with interviews and selection occurring on May 18th. Letters should be delivered to the Clerk's Office.

**CONSENT AGENDA**

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

Set Public Hearing - 2009-2010 City Budget. Set required Public Hearing pursuant to Chapter 8 of the City Charter for May 4, 2009 to receive citizen comment regarding proposed 2009-2010 City Budget.

District Adjustment. Changed Special Assessment District No. 2009-06 to Special Assessment District No. 2009-03.

Change Order Revision. Authorized Rescission of original Change Order No. 1 to the Sanitary Manhole Rehabilitation – Phase 1A contract with Bretz Excavating and approved Revised Change Order No. 1 adjusting for final unit quantities, adding \$7,760.40 to the original contract.

Contract Payment. Authorized Final Payment to Ron Bretz Excavating, Inc. in the amount of \$16,992.67 for work completed on the Sanitary Sewer Manhole Rehabilitation Project – Phase 1A.

Boards and Commissions Appointments. Approved the appointments of Carolyn Lawrence to the Parks and Recreation Board to fill the unexpired term of Kevin Brown ending 06-30-2010 and Cindy Popovitch to the Planning Commission to fill the unexpired term of Tracy Butcher ending 06-30-2009.

Warrant No. 383. Accepted Warrant No. 383 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services March 10, 2009 – April 12, 2009	General	\$8,529.50

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**AMENDMENT TO STREET LIGHTING CONTRACT**

Motion by Councilperson Forster to adopt the following resolution:

**RESOLUTION NO. 23-2009**

Resolved, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of Owosso, dated April 1, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract approved April 20, 2009, heretofore submitted to and considered by this Council; and

Resolved, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

**AUTHORIZATION FOR CHANGE IN STANDARD STREETLIGHTING CONTRACT**

Consumers Energy Company is hereby authorized as of the 20th day of April, 2009, by the City of Owosso, to make changes, as listed below, in the streetlighting system(s) covered by the existing Standard Streetlighting Contract between the Company and the City of Owosso, dated April 1, 1977.

<u>Number of Luminaries</u>	<u>Nominal Lumen Rating</u>	<u>Light Source</u>	<u>Installation or Removal</u>	<u>Voltage Service</u>	<u>Location</u>
5 (parking lot)	20,000 LM	MV	R	120	200 Block of E. Main St

Except for the changes in the streetlighting system(s) as herein authorized, all provisions of the aforesaid Standard Streetlighting Contract dated April 1, 1977, shall remain in full force and effect.

Motion supported by Mayor Pro Tem Owen.

Roll Call Vote.

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

NAYS: None.

**RECORDS RETENTION SCHEDULE #26 – DEPARTMENT OF HUMAN RESOURCES**

Motion by Councilperson Frederick to authorize the following resolution approving Schedule #26 governing the retention and destruction of records housed by the Human Resources Office.

**RESOLUTION NO. 24-2009  
A RESOLUTION APPROVING AND ESTABLISHING  
A RECORDS RETENTION SCHEDULE FOR THE CLERK'S OFFICE  
OF THE CITY OF OWOSSO, MICHIGAN**

WHEREAS, it would be in the best interest of the City of Owosso, Michigan to have a specialized records management policy for the Department of Human Resources approved by the City Council in accordance with Section 2-79 of the Code of Ordinances of the City of Owosso, Michigan; and

WHEREAS, Michigan Compiled Law 750.491 addresses the disposal of public records under the guidelines of a properly adopted retention schedule;

NOW, THEREFORE, the City Council of the City of Owosso, Michigan, determined, resolves and orders as follows:

1. that the records described in General Schedule #26 are deemed necessary for the continued effective operation of the City of Owosso government, to constitute an adequate and proper recording of its activities and to protect the legal rights of the City of Owosso, its employees, and that of the people; and
2. that the City would benefit from a specialized schedule governing the retention and destruction of election materials and other important documents housed in the Human Resources Department; and
3. that the City of Owosso, Michigan hereby adopts General Schedule #26 governing the records housed by the Department of Human Resources. This schedule having been developed by the Michigan Chapter of the International Public Management Association for Human Resources in cooperation with the State Archives of Michigan and Records Management Services of the Michigan Department of State, as a guide to records retention and disposal where applicable; and
4. that City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

**DRAIN ABANDONMENT**

Mayor Bruff inquired as to whom is responsible for removing the drain once it is formally abandoned. It was noted the property developer will remove it during construction of the proposed facility at the location.

Motion by Councilperson Frederick to authorize the following petition requesting the County Drain Commission formally abandon Sinnott Drain Branch #1 off North Gould Street.

**PETITION TO  
ABANDON AND VACATE A PORTION OF A DRAIN**

To the County Drain Commissioner for the County of Shiawassee.

Your petitioner hereby Petitions to Abandon and Vacate a portion of the drain known and designated as Branch #1 of the Sinnott Drain, located and established in the City of Owosso in the County of Shiawassee and State of Michigan.

Petitioner is a governing body of a public corporation in whose limits a drain or part thereof is located.

Your petitioner shows that said portion of the Drain has ceased to be of public utility and is no longer conducive to the public health, convenience and welfare to properties and residents of the City of Owosso.

The portion of the Drain to be abandoned and vacated is legally described as follows:  
Commencing at a point located at station 5+63 of the main line of the Sinnott County Drain to a point located S87°57'W 217ft to the terminus of Branch #1 of the Sinnott Drain.

Whereas, the City Council, as governing body of the City of Owosso, Shiawassee County, State of Michigan, did on April 20, 2009, authorize the filing of a Petition for the Abandonment or Vacation of a portion of the Drain and further authorized its Mayor and Clerk to execute the aforesaid Petition. A copy of the authorizing resolution being attached hereto.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

#### **JUSTICE ASSISTANCE GRANT**

It was noted funds provided by this potential grant would be used for technology improvement programs in the Public Safety Department.

Motion by Councilperson Cline to approve accepting Justice Assistance Grant funds in the amount of \$39,606.00 if awarded.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilperson Frederick, Martenis, Forster, Cline, and Mayor Bruff.

NAYS: Mayor Pro Tem Owen.

#### **COPS GRANT**

City Manager Fivas noted that while funds for the Justice Assistance Grant had been built into the proposed budget the required funding for the COPS Grant was not. If received, the grant would pay 3 years of salary and benefits for one police officer. The City would be required to keep that officer and pay their wages in the fourth year. The proposed position would of a community policing nature, working with community groups, the Character Counts program at the Schools, and bike and foot patrols.

There was significant discussion regarding how award of the grant would force the City to provide wages in the fourth year for an additional officer no matter the economic conditions. Mayor Pro Tem Owen noted his concern with the national deficit and the level of spending being encouraged by the Federal Government. Councilperson Frederick noted that while he did not like the strings attached to the grant the money would be spent and we should take advantage of the opportunity to put another officer on the force.

Motion by Councilperson Cline to approve the acceptance of funds, if awarded, from the Cops Hiring Recovery Program in the amount of \$193,760.00.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: Mayor Pro Tem Owen.

#### **MAIN STREET PROGRAM RESOLUTION**

Motion by Councilperson Forster to authorize the following resolution of support approving application to the Michigan Main Street Program at the Select Level on behalf of the Owosso Downtown Development Authority.

#### **RESOLUTION NO. 25-2009 SUPPORTING THE SELECT LEVEL MAIN STREET PROGRAM**

WHEREAS, The aim of Michigan Main Street is for Michigan's downtowns to revitalize and grow into thriving traditional centers of commerce for people and business. These healthy and vibrant downtowns are part of a larger strategy to retain and attract young people, professionals and high tech companies to the State of Michigan and,

WHEREAS, The Select Level Main Street Program requires a commitment of 5 years and it is based in historic preservation, the Main Street Program approach was developed to save historic commercial architecture and community fabric, while also aiding in economic development and,

WHEREAS the municipality of the City of Owosso desires to participate in the Select Level Main Street Program administered through a partnership between the Michigan State Historic Preservation Office (SHPO) and Michigan State Housing Development Authority (MSHDA) and,

WHEREAS the Owosso Downtown Development Authority Board of Directors proposes to be the Main Street Board and support the National Trust's Main Street 4-Point Approach of Organization, Promotion, Design and Economic Restructuring,

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF OWOSSO

That the City of Owosso supports the submission of an application and agrees to participate in the Select Level Main Street Program.

Further, the City is committed to the goal of economic revitalization of the designated Main Street Area (MSA) that resides within the Owosso Downtown Development Authority (DDA) District within the context of preservation and rehabilitation of its commercial buildings, recognizing that the Main Street Program is one of many economic and community development tools utilized by the Local and that it is location specific.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

**NEZ CERTIFICATE RESOLUTION – WOODARD LOFTS II**

Motion by Mayor Pro Tem Owen to authorize the following resolution approving applications 49 through 84 for ten-year Neighborhood Enterprise Zone Certificates in Neighborhood Enterprise Zone District #1, Woodard Station Lofts, for submittal to the State of Michigan State Tax Commission.

**RESOLUTION NO. 26-2009  
WOODARD LOFTS II NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATES**

WHEREAS, The City of Owosso established eligibility for submittal of certificate applications on November 20, 2006 when a Neighborhood Enterprise Zone was established for Woodard Station Lofts at 317 Elm Street with said zone named "District #1", and

WHEREAS, On April 13, 2009 the City of Owosso received applications from Woodard Lofts II, LLC for Neighborhood Enterprise Zone Certification on 36 rehabilitation condominium units all located within the following described premises, to wit,

Unit 3, Woodard Station Condominium and Unit 52, Woodard Station Condominium;

Previously described as being,

Part of Block 23,24,25, vacated Howell Street, Elm Street, a portion of vacated Cass Street, along with vacated alley in Block 25 all in A.L. and B.O. Williams Addition to the City of Owosso, as recorded in Liber 29 of Deeds, on Page 499, Shiawassee County Records, City of Owosso, Shiawassee County, Michigan, described as: Beginning at a point on the South line of said Block 23 that is 7.00 feet East of the Southwest corner of Lot 16, Block 23; thence along a line that is 7.00 feet East of and parallel with the West line of Lot 16 in said Block 23 North 00 degrees 00 minutes 00 seconds East 231.07 feet to the North line of said Lot 16, Block 23; thence along the North line of Lot 16 and 17 of said Block 23 North 89 degrees 59 minutes 55 seconds East 158.04 feet to the Centerline of Howell Street; thence along the Centerline of Howell Street North 00 degrees 00 minutes 23 seconds West 32.91 feet; thence along the North line of Block 24 extended North 89 degrees 32 minutes 27 seconds East 177.67 feet; thence parallel with the East line of said Block 24 South 00 degrees 19 minutes 56 seconds East 2.80 feet; thence North 88 degrees 11 minutes 54 seconds East 119.51 feet to the North line of Lot 1 of said Block 24; thence along the North line of said Block 24 North 89 degrees 32 minutes 27 seconds East 7.68 feet to the Northeast corner of Lot 1 of said Block 24; thence along the East line of said Block 24 South

00 degrees 19 minutes 56 seconds East 132.23 feet to the Southeast corner of Lot 2 in said Block 24; thence along the North line of Lots 5,8, and 9 of Block 25 extended South 89 degrees 36 minutes 00 seconds East 273.55 feet to a point being on the Centerline of vacated alley in said Block 25, recorded in Liber 377, Pages 139 and 140, and Liber 391, page 246, Shiawassee County Records; thence along the North Line of Lot 3 of said Block 25 extended South 89 degrees 59 minutes 37 seconds East 142.54 feet to the Northeast corner of Lot 3 in said Block 25; thence South 00 degrees 12 minutes 18 seconds East 131.88 feet to the Southeast corner of Lot 4 in said Block 25; thence along the South line of said Block 25 South 89 degrees 57 minutes 07 seconds West 142.29 feet to a point being on the Centerline of vacated alley in said Block 25, recorded in Liber 377, Pages 139 and 140, and Liber 391, page 246, Shiawassee County Records; thence South 00 degrees 19 minutes 45 seconds East 19.97 feet; thence along a line that is 20.00 feet South of and parallel with the South line of Said Blocks 24 and 25 South 89 degrees 58 minutes 34 seconds West 547.16 feet; thence North 00 degrees 16 minutes 57 seconds East 19.95 feet to the Southwest corner of Lot 5 in said Block 24; thence South 89 degrees 59 minutes 41 seconds West 190.94 feet to the Point of Beginning, and

WHEREAS, the City of Owosso supports the NEZ-authorized reduction of ad valorem taxes to the owners of the units to assist in the justification and development of the brownfield redevelopment and planned unit development project at Woodard Station, and

WHEREAS, the table below presents a comprehensive listing of the individual units by unit number, application number, value of construction and by location, to wit:

Condominium Unit Numbers	LGU Application #'s (respectively)	Estimated Project Cost Per Rehab Unit	Square Feet
317,417,517	49,61,73	\$57,089.35	745
318,418,518	50,62,74	\$74,714.25	975
319,419,519	51,63,75	\$65,901.80	860
320,420,520	52,64,76	\$71,265.90	930
321,421,521	53,65,77	\$77,396.30	1,010
322,422,522	54,66,78	\$69,733.30	910
323,423,523	55,67,79	\$66,668.10	870
324,424,524	56,68,80	\$66,668.10	870
325,425,525	57,69,81	\$68,967.00	900
326,426,526	58,70,82	\$65,901.80	860
327,427,527	59,71,83	\$79,695.20	1,040
328,428,528	60,72,84	\$66,668.10	870
Total:		\$830,669.20	10,840
Grand Total:	36 Units	\$2,492,007.60	32,520

and,

Whereas, the applicant indicates the completion of the rehabilitation of the condominium units before December 31, 2009 and requests a NEZ certificates for a ten-year exemption for each of the units

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Owosso hereby approves the applications 49 through 84 for ten-year Neighborhood Enterprise Zone Certificates in the City's NEZ District #1 for submittal to the State of Michigan State Tax Commission.

Motion supported by Councilperson Frederick.

Roll Call Vote.

AYES: Councilperson Cline, Mayor Pro Tem Owen, Councilpersons Martenis, Forster, Frederick, and Mayor Bruff.  
 NAYS: None.

**COMMUNICATIONS**

- Liquor Control Commission. 15 day notice of liquor license transfer.
- Mobile Medical Response. Letter inviting regional cooperation discussion.
- Richard C. Williams, Finance Director. March 2009 Revenue & Expenditure Report.
- John F. Archer, Building Official. March 2009 Building Department Report.

John F. Archer, Building Official. March 2009 Code Violations Report.  
Michael T. Compeau, Public Safety Director. March 2009 Police Department Report.  
Michael T. Compeau, Public Safety Director. March 2009 Fire Department Report.  
Westown Corridor Improvement Authority. Minutes of Meeting of April 8, 2009

Mayor Pro Tem Owen inquired whether the City would be participating in discussions with MMR regarding cross jurisdictional cooperation. It was indicated the City is looking into the various options.

#### **CITIZEN COMMENTS AND QUESTIONS**

Justin Horvath, 818 South Washington Street, inquired whether Council had dedicated funding to the cable commission at the time the franchise fee was imposed. It was noted no directive was made to establish funding for the cable system.

Eddie Urban, 601 Glenwood Avenue, indicated the VFW Commander would have a significant say in whether the Vietnam Veteran's monument would be moved to Fayette Square.

Councilperson Frederick noted he was not happy with the strings attached to the COPS grant but felt that the money would be spent regardless of the Council's position on the national deficit so it would be prudent to take advantage of the funding.

Mayor Pro Tem Owen noted his fear that continued deficit spending would lower the value of the dollar and drown the next generation of Americans in debt.

#### **NEXT MEETING**

May 4, 2009

#### **BOARDS AND COMMISSIONS OPENINGS**

Zoning Board of Appeals – Alternate, term expires 06-30-2009  
Historical Commission, term expires 12-31-2010

#### **ADJOURNMENT**

Motion by Mayor Pro-Tem Owen for adjournment at 9:55 p.m.

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

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Michael E. Bruff, Mayor

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Amy K. Kohagen, City Clerk