

**OWOSSO CITY COUNCIL**

**JULY 6, 2009**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR MICHAEL E. BRUFF  
**OPENING PRAYER:** BURTON FOX  
**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:** None.

**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 JUNE 15, 2009**

Motion by Councilperson Frederick to approve the Minutes of the Regular Meeting of June 15, 2009 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF JUNE 15, 2009**

Motion by Councilperson Frederick to approve the Minutes of the Special Meeting of June 15, 2009 as presented.

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

**SPECIAL PRESENTATION**

**BLUE RIBBON COMMITTEE REPORT PROGRESS UPDATE**

City Manager Joseph Fivas presented an update on progress made on the Blue Ribbon Committee Report objectives. He indicated that six months after the report was presented the City is working and making progress on a majority of the objectives set forth by the Committee.

There was discussion regarding improving the marketing of the City, improving the City's website, developing a scoring system to gauge progress on the objectives, developing recreational opportunities for residents, working with other organizations within the City to maximize efforts and cost savings, and using current resources to attract new business.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Mayor Bruff noted that the citizen comment period was the time for citizens to express their concerns or complements to people that could potentially address their issues.

Sheila Hockman, 705 Campbell Drive, asked that all burning be banned in the City, except that from cooking apparatuses. She requested the City Council propose an ordinance amendment to reflect this. She indicated burning is a large health threat and encouraged all citizens to express their feelings about burning to Council members.

Bozena Bienias, 1432 Mallard Circle, spoke of her desire to see all the computers at the District Library filtered to prevent access to certain websites. She also spoke of a recent project to power wash houses in an effort to improve the visual appeal of the city. She noted those that had volunteered to work or donate equipment to the cause. She also noted there was a sign up sheet for both volunteers and those that were interested in having their homes washed.

Judy Ford, 649 Adams Street, handed out pamphlets on HR 676 advocating a single payer universal health care system. She indicated she felt there would be significant savings for the City if such a resolution were to pass and encouraged the Council's support for the measure.

Bill Spencer, employee of Covenant Eyes, handed out copies of the Library Privacy Act noting they had made a proposal to the District Library to provide internet filters and service free of

charge. He went on to challenge the Council and citizens to advise the Library Board that all the computers at the library need to be filtered.

There was a brief recess at 9:02 p.m., the meeting continued at 9:10 p.m.

Mayor Bruff thanked the School staff for allowing the City to use their facilities and for putting together the accommodations for the evening.

Burton Fox, 216 East Oliver Street, indicated he felt it was important for the City to develop activities that are fun for families. He went on to say he wanted to do more than replace Holman Pool, he wants to develop a regional aquatic center that would offer a number of activities including an indoor pool, indoor track, skate park, and picnic area.

Roger Snyder, 211 North Washington Street, noted that the city has come a long way in the last couple of years. He went on to inquire about establishing volleyball courts at Hopkins Lake. It was noted there were volleyball courts in Collamer Park already.

Shelva Cebulski, 1243 Marion Street, noted she really enjoys Nixle and encouraged others to sign up for the service. She also noted that she hopes to see an aquatic center developed for the local kids. Lastly, she thanked Public Safety Director Compeau for giving her reports on burning citations.

Mayor Bruff noted that the Nixle service is free to the City and its citizens.

Betty Coon, 1204 Palmer Avenue, indicated she supports the right to burn within the City limits. She also indicated she prefers Council meetings be held at City Hall and that she would like to see all the computers at the library filtered.

Mayor Bruff announced the next City Council meeting would be held July 20, 2009 at Bryant School, 925 Hampton Avenue.

James Bartlett, 1410 Cherrylawn, noted an article he had read in a newspaper indicating the City spends \$80,000 per year on advertising. He inquired why more advertising was not done on the internet for little to no cost. It was noted the amount listed must have been an error as the City does not spend \$80,000 annually on advertising costs. It was also noted that State law requires the City to publish official notices in a newspaper of general circulation.

Councilperson Frederick noted his enjoyment visiting his old elementary school. He also thanked those that came to the meeting indicating the City was seeing an up tick in citizen involvement.

City Attorney Brown and City Manager Fivas detailed the process for amending an ordinance in response to Ms. Hockman's question.

Councilperson Forster noted that downtown Owosso has its own Facebook page.

### **CITY MANAGER REPORT**

City Manager Fivas thanked the schools for their assistance in putting tonight's meeting together. He noted that the City continues to meet with Train Festival organizers in anticipation of the event. He also noted the annual city softball game would be held Friday, July 17, 2009 and he invited all to attend.

### **CONSENT AGENDA**

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

Special Assessment District No. 2009-04                      King Street from Dewey Street to Gould Street

### **RESOLUTION NO. 34-2009**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

#### **King Street from Dewey Street to Gould Street Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2009-05 Park Street from Mason Street to Main Street

**RESOLUTION NO. 35-2009**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Park Street from Mason Street to Main Street  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2009-04 King Street from Dewey Street to Gould Street

**RESOLUTION NO. 36-2009**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**King Street from Dewey Street to Gould Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$141,636.00 and determines that \$27,463.35 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$14,172.65 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Bryant Elementary School Gymnasium, 925 Hampton Avenue on Monday, July 20, 2009 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**King Street from Dewey Street to Gould Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Bryant Elementary School Gymnasium, 925 Hampton Avenue, Owosso, Michigan at 7:30 o'clock p.m. on Monday, July 20, 2009 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2009-05 Park Street from Mason Street to Main Street

**RESOLUTION NO. 37-2009**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Park Street from Mason Street to Main Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$139,623.00 and determines that \$12,708.75 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$26,914.25 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Bryant Elementary School Gymnasium, 925 Hampton Avenue on Monday, July 20, 2009 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Park Street from Mason Street to Main Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Bryant Elementary School Gymnasium, 925 Hampton Avenue, Owosso, Michigan at 7:30 o'clock p.m. on Monday, July 20, 2009 for the purpose of hearing any person to be affected by the proposed public improvement.

Bid Award. Authorize bid award to Owosso Dry Cleaner for dry cleaning of the Police/Fire Division uniforms for the 3-year period from July 1, 2009 through June 30, 2012.

Bid Award. Authorize bid award to Constine, Inc. for gravel for the 2-year period from July 1, 2009 through June 30, 2011.

Bid Award. Waive bid irregularities and authorize bid award to Air Technology Solutions for vehicle exhaust extraction system for the Fire Department apparatus floor in the amount of \$59,900.00.

Payment Authorization. Authorize Progress Payment No. 2 to Perrin Construction for Phase III of the Vibrant Small Cities Initiative Grant Project in the amount of \$60,177.33.

Payment Authorization. Authorize Payment No. 2 to the Michigan Department of Transportation for the City portion of the Elevated Walkway Project in the amount of \$85,721.25.

Sole Source Purchase. Waive competitive bidding and approve sole source purchase of 10 gooseneck light fixtures from The Dynamic Group in the amount of \$44,770.00 and authorize payment up to the approved amount.

Boards and Commissions Appointment. Approved the following Mayoral appointments:

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Wilfred Farrell	City Employees' Retirement System Board of Trustees	06-30-2013
Jeff Reeves	Downtown Development Authority	06-30-2013
Edward Van Strate	Building Board of Appeals	06-30-2012

## **ITEMS OF BUSINESS**

### **5K CANINE WALK PERMISSION**

Motion by Mayor Pro-Tem Owen to approve the application of Lisa Freeman on behalf of the Humane Society for use of a portion of Palmer Avenue from 7:30am to 10:00am on August 29, 2009 for the 5K-9 Walk for Dogs & Owners.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

### **MAIN STREET PLAZA USAGE PERMISSION**

City Attorney William C. Brown reminded Council the Rules for the Issuance of Certain Traffic Control Orders requires requests be made 60-120 prior to the event, insurance for the event, and rules for appeal should anyone be denied participation.

Motion by Mayor Pro-Tem Owen to waive the 60 day notice, waive the insurance requirement, require the development of an appeals process and approve the request from the DDA for use of the Main Street Plaza during the Train Festival July 23 – July 26, 2009 and authorized Traffic Control Order No. 1221 formalizing the action.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

### **MAINTENANCE SUPERINTENDENT DESIGNATION**

Motion by Mayor Pro-Tem Owen to designate Ronald Baker, Director of Public Services, as the Maintenance Superintendent as it relates to the maintenance of State trunkline highways within the City.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

### **AQUATIC RECREATION PLANNING**

City Manager Fivas indicated he was looking for City Council's permission to explore the development of a center for aquatic recreation saying he would like to speak with consultants to determine feasible options and costs. There was discussion regarding approaching other communities to develop a regional aquatic center.

Motion by Councilperson Forster to express support for the idea of the development of an aquatic center and permit the City Manager to explore options with professional consultants to determine options and potential costs.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Richard C. Williams, Finance Director. May 2009 Revenue and Expenditure Reports.

Owosso Historical Commission. Minutes of Meeting of June 16, 2009.

Westown Corridor Improvement Authority. Minutes of Meeting of May 21, 2009.

Westown Corridor Improvement Authority. Minutes of Meeting of June 10, 2009.

### **CITIZEN COMMENTS AND QUESTIONS**

Michael Tillotson, 1299 South Shiawassee Street, asked why 8 miles of M57 was being reconstructed while M52 was not. He also indicated he felt universal government health care would be too expensive.

William Spencer, employee of Covenant Eyes, inquired whether they would need any further permission to hold Marmot Day. He also noted that he appreciates the efforts the Police Department makes to ensure the security of the business he works for.

Councilperson Cline noted that he saw advertising for the Train Festival as far south as Columbus, Ohio. He also asked whether the former AO Smith parking lot would receive any attention prior to the festival. It was noted there were plans to attend to the lot before the event.

Mayor Bruff asked residents to notify the City of properties that are unkempt saying it was impossible for City staff to note all of the locations without help.

### **NEXT MEETING**

July 20, 2009 – Bryant Elementary School

### **BOARDS AND COMMISSIONS OPENINGS**

Zoning Board of Appeals – Alternate, term expires 06-30-2012

Historical Commission, term expires 12-31-2010

Cable Access Advisory Commission, term expires 06-30-2012

**ADJOURNMENT**

Motion by Councilperson Cline for adjournment at 9:59 p.m.

Motion supported by Mayor Pro-Tem Owen and concurred in by unanimous vote.

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Michael E. Bruff, Mayor

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Amy K. Kohagen, City Clerk