OWOSSO CITY COUNCIL

SEPTEMBER 8, 2009 **7:30 P.M.**

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: SHELVA CEBULSKI

PLEDGE OF ALLEGIANCE: COUNCILPERSON CHRISTOPHER T. EVELETH

PRESENT: Mayor Michael E. Bruff, Councilpersons Michael N. Cline, Christopher T. Eveleth, Joni M. Forster, Benjamin R. Frederick, and Gary W. Martenis.

ABSENT: Mayor Pro-Tem Mark D. Owen.

APPROVE AGENDA

Motion by Councilperson Cline to approve the agenda as presented with the removal of Consent Item 2. Bid Award.

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

City Manager Joseph A. Fivas indicated the Bid Award for police vehicle computers would be discussed at a later date allowing for more time to gather information.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 17, 2009

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of August 17, 2009 as presented.

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

SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Phyllis Daenser771 Hollywood Drive, introduced herself as the president of Polio Network USA. She indicated there have been recent major breakthroughs in polio treatment.

Bozena Bienias, 1432 Mallard Circle, asked for a moment of silence for all those that have given their lives in Iraq and Afghanistan. She also noted the importance of recycling and listed the local businesses providing recycling service.

Eddie Urban, 601 Glenwood Avenue, announced the dedication of a Veterans memorial monument at the I-69 rest stop west of Perry on September 12, 2009. He also listed the types of animals that can be hunted all year long.

Joseph Stehlik, 1011 North Hickory Street, inquired whether the installation of anymore outside wood burning stoves would be allowed within the City limits. He also asked that traffic be monitored on North Hickory Street for speeding.
Shelva Cebulski, 1243 Marion Street, asked that the City not allow another outside wood burner to be installed inside the City limits. She went on to say she didn't want school children to have to deal with smoke during school hours. Lastly, she thanked all those that gave blood during the Battle of the Badges blood drive.

Building Official Archer indicated that outside wood burners are permitted in the City limits but permits for installation are only granted on an individual basis after an inspection. Mr. Stehlik was directed to call the Building Department to start the process for obtaining a permit.

Councilperson Martenis indicated that he hoped that people with concerns about speeding and children playing in an area would contact the city to see about possible signage to get drivers to slow down. He also expressed concern about the remodeled Exchange Street parking lot saying some of the inlaid bricks present a tripping hazard and snow plowing would be difficult. It is anticipated the bricks will settle eliminating the tripping hazard. It was also noted the lot would be plowed by a pick up truck rather than a snow plow truck to accommodate the decorative changes made to the lot.

Councilperson Martenis went on to say he endorses a burning ban within the city limits. He also encouraged those that have problems with a local burn to call the non-emergency dispatch number (743-9111) to report a nuisance fire.

CITY MANAGER REPORT

City Manager Fivas indicated staff is currently working on a plan to utilize the excess soil from the reconstruction of south M-52 next year to construct a sled hill near Holman Pool.
He also gave an update on the budget situation at the State saying the status of state shared revenue is unknown at this point but information will be relayed as soon as it is received.

CONSENT AGENDA

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

Bid Award. Accept the low bid of Mike & Son Asphalt for the 2009 HMA Ultra Thin Overlay project in the amount of $89,875.00.

Payment Authorization. Authorize Progress Payment No. 6 to Perrin Construction for Phase III of the Vibrant Small Cities Initiative Grant Project in the amount of $67,660.32.

Warrant No. 390. Accept Warrant No. 390 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	$28,128.00
Johnson Controls, Inc	Planned Service Agreement August 1, 2009 – January 31, 2010	General, Water & Historical	$10,973.00
Shiawassee Economic Development Partnership	Annual Economic Development Investment	General	$15,713.00

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

ITEMS OF BUSINESS

OWOSSO CEO'S

City Manager Fivas introduced the topic saying this idea was a play off the national organization "CEO's for Cities". The Blue Ribbon Committee had suggested the creation of an organization aimed at assisting the city in continual goal setting and strategic goal development. The proposed group would be comprised of community leaders from the civic, business, academic, and philanthropic sectors dedicated to building and sustaining the next generation of leaders in Owosso.

There was discussion regarding the format for the meetings and how the proposed group would fit into the existing support network of the city. The Council was in support of the concept. It is hoped the first meeting would be held in October.

LIQUOR LICENSE TRANSFER REQUEST – TANGLEWOOD DEVELOPMENT CO.

Motion by Councilperson Cline to authorize the following resolution:

RESOLUTION NO. 44-2009

That the request from Tanglewood Development Co., a Michigan LLC to drop Steve's Place, LLC as co-licensee in 2009 Resort B-Hotel licensed business, with dance-entertainment permit, located at 300 East Main Street, Owosso, MI 48867, Shiawassee County be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

MDOT SIGNATORIES

Motion by Councilperson Eveleth to designate the Mayor and City Clerk as official signatories for the State Trunkline Maintenance Contract with MDOT originally approved June 1, 2009.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

RECORDS RETENTION SCHEDULE #11 – POLICE DIVISION

Motion by Councilperson Forster to authorize the following resolution to approve Schedule #11 governing the retention and destruction of election records and records housed by the Department of Public Safety – Police Division.

RESOLUTION NO. 45-2009
A RESOLUTION APPROVING AND ESTABLISHING
A RECORDS RETENTION SCHEDULE FOR THE POLICE DEPARTMENT
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 Police Division of the Department of Public Safety 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 #11 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 and 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 Police Department; and

3. That the City of Owosso, Michigan hereby adopts General Schedule #11 governing records housed by the City of Owosso Department of Public Safety – Police Division. This schedule having been developed by the Law Enforcement Records Management Association in cooperation with the State Archives of Michigan and Records Management Services Division 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 Cline, Forster, Martenis, Frederick, Eveleth, and Mayor Bruff.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

RECORDS RETENTION SCHEDULE #18 – FIRE DIVISION

Motion by Councilperson Frederick to authorize the following resolution to approve Schedule #18 governing the retention and destruction of election records and records housed by the Department of Public Safety – Fire Division.

RESOLUTION NO. 46-2009
A RESOLUTION APPROVING AND ESTABLISHING
A RECORDS RETENTION SCHEDULE FOR THE FIRE DEPARTMENT
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 Fire Division of the Department of Public Safety 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 #18 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 and 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 Fire Department; and

3. That the City of Owosso, Michigan hereby adopts General Schedule #18 governing records housed by the City of Owosso Department of Public Safety – Fire Division. This schedule having been developed by the Michigan Association of Fire Chiefs in cooperation with the State Archives of Michigan and Records Management Services Division 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 Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

OWOSSO MAIN STREET (DDA) PERMISSION

Motion by Councilperson Eveleth to approve the request from Owosso Main Street (DDA) for use of the Main Street Plaza September 18, 2009 from 6:00 a.m. to 10:00 p.m. and authorize Traffic Control Order No. 1223 formalizing the action.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

HUMANE SOCIETY PERMISSION

A Humane Society representative was on hand to ask Council to waive the insurance requirement for cost reasons, saying the Humane Society sincerely needed all the money raised by the proposed event and had tried to secure a private location were a separate insurance policy would not be required but were unable to find one.

There was a brief discussion regarding the precedent set by waiving the insurance requirement. It was noted Council felt the cause was noble but felt if the requirement were to be waived in this instance it would establish a standard by which all other applicants could request and receive an insurance waiver in the future. Councilperson Cline and resident Joseph Stehlik offered to pay $100 each toward the cost of the insurance.

Motion by Councilperson Frederick to approve the request from the Shiawassee Humane Society for use of a portion of the Comstock lot on September 19, 2009 from noon until 7:00 p.m. and authorize Traffic Control Order No. 1224 formalizing the action.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

GRANT APPLICATION – COMMUNITY FORESTRY GRANT PROGRAM

Council agreed to address the approval of a grant submittal to Community Forestry Grant Program at the September 21, 2009 meeting.

SPECIAL ASSESSMENT ROLL ADJUSTMENT

City Manager Fivas introduced the topic indicating Council had agreed in August to adjust the interest rate charged on special assessment installment payments. At that time the City Attorney and Staff agreed to research the process of amending the interest rate charged on special assessment rolls already approved. City Attorney William C. Brown indicated he felt the final public hearing in the special assessment process should be reconducted for each district the Council wished to amend. In this vein, City Manager Fivas asked Council which districts they would like to amend. It was also noted that if the Council were to make the amendment retroactive each district would have to be manually recalculated and refunds issued to citizens.

There was significant discussion regarding retroactivity and attempting to be fair to all citizens. City Attorney Brown indicated he had serious concerns with changing the interest rate on districts that had already accrued interest. Some members felt the change should only be made to those districts that had not accrued interest and others felt it should be applied to all current special assessment balances.

Motion by Councilperson Cline to start the public hearing process to amend the interest rate for Special Assessment Districts 2009-01 through 2009-05 (the alley east of Division, Ball Street, King Street, Park Street, and Water Street).

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

DRUG ENFORCEMENT OPTIONS

City Manager Fivas introduced the topic indicating the City is actively engaged in discussions with the Police Unions to try to find a solution that will accommodate everyone's needs by providing an additional officer to the MAGNET program and saving the City money. Though the talks have not resulted in an agreement at this time, it was indicated the City will continue negotiations.

If the City and the Unions are unable to come to an agreement on the original proposal the following four options could be pursued:

Option #1 – An officer could be assigned to MAGNET, the original position would not be back filled. This would decrease the police budget by approximately $17,000 but would also decrease the number of patrol officers and cause an increase in overtime.

Option #2 – An officer could be assigned to MAGNET, the original position would be filled. This would increase the police budget by approximately $17,000.

Option #3 – The City would no longer participate in MAGNET. This would decrease the police budget by $17,000.

Option #4 – The City could continue its $1/per citizen contribution to MAGNET. This would be budget neutral as this has already been included in the 2009-10 budget.

There was significant discussion regarding whether any of the options presented addressed the city's drug problem at its root, whether other communities receiving service from MAGNET contribute to its operations, how much authority the City has in MAGNET operations, and devoting a part time officer to MAGNET. The Council inquired as to the ideal solution to the problems experienced in the City. Public Safety Director Compeau noted that while he felt the current organization of MAGNET left something to be desired it would be impossible for the City to support its own drug enforcement team. He also encouraged Council to make a timely decision on the matter as he feared the window for using grant funding would soon close.

Councilperson Forster briefly left the room.

Motion by Councilperson Eveleth to table the issue to allow city staff more time to develop an optimal recommendation.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Forster and Mayor Pro-Tem Owen.

The Council took a brief recess at 9:16 p.m. The Council session resumed at 9:23 p.m.

COMMUNICATIONS

Richard C. Williams, Finance Director. July 2009 Revenue and Expenditure Reports.
Owosso Main Street (DDA). Minutes of Meeting of August 5, 2009.
Owosso Planning Commission. Minutes of Meeting of August 24, 2009.

CITIZEN COMMENTS AND QUESTIONS

Burton Fox, 216 East Oliver Street, indicated he felt the City should charge a special assessment interest rate at .5% above the rate at which the City borrows money for the project. It was noted the City charges an interest rate of 1% plus the bond rate when borrowing for projects. The City currently utilizes a pay as you go plan and uses the 6% interest rate in lieu of the 1% plus the bond rate.

Thomas Cook, 1201 North Washington Street, inquired about getting wireless internet service in the Council Chambers to allow audience members to access the agenda packet on-line during meetings.

Eddie Urban, 601 Glenwood Avenue, commented again regarding the Veteran's memorial dedication.

ADJOURNMENT

Motion by Councilperson Martenis for adjournment at 9:34 p.m.

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

_____
Michael E. Bruff, Mayor

_____
Amy K. Kohagen, City Clerk