

OWOSSO CITY COUNCIL

OCOTBER 5, 2009

7:30 P.M.

PRESIDING OFFICER: MAYOR PRO-TEM MARK D. OWEN

OPENING PRAYER: SHELVA CEBULSKI

PLEDGE OF ALLEGIANCE: MAYOR MICHAEL E. BRUFF

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

ABSENT: None.

Mayor Bruff announced that Mayor Pro-Tem Owen would be chairing tonight's meeting in honor of his years of service to the City.

APPROVE AGENDA

Motion by Councilperson Forster to approve the agenda as presented with the removal of Consent Items 4. Change Order and 5. Payment Authorization, moving Consent Item 3. Purchase Authorization to Item of Business #6, and the addition of Items of Business 7. Mutual Aid Agreement and 8. Lafayette Square Usage.

Motion supported by Mayor Bruff and concurred in by unanimous vote.

City Manager Joseph A. Fivas noted that an extra agenda packet was available for the public to view during the meeting.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 21, 2009

Motion by Councilperson Frederick to approve the Minutes of the Regular Meeting of September 21, 2009 as presented.

Motion supported by Mayor Bruff and concurred in by unanimous vote.

SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

PUBLIC HEARING - ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding the proposed repeal Chapter 25, Secondhand Goods, Article II, Garage Sales, Section 25-26 of the Code of Ordinances of the City of Owosso, Michigan.

Shelva Cebulski, 1243 Marion Street, asked that people remember to take their signs down after their sale is over.

Whereas, the City Council, after due and legal notice, has met and having heard all interested persons, motion by Councilperson Cline the following Ordinance be repealed:

ORDINANCE NO. 713

AN ORDINANCE TO REPEAL Chapter 25, Secondhand Goods, Article II, Garage Sales, Section 25-26 of the Code of Ordinances of the City of Owosso, Michigan to remove the sunset date provision.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Chapter 25, Secondhand Goods, Article II, Garage Sales, is hereby repealed.

Section 2. This ordinance shall become effective October 25, 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 Forster.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2008-06

The Public Hearing was conducted to receive citizen comment regarding authorization of a resolution authorizing a reduction in the interest rate on installment payments for Special Assessment District No. 2008-06, the alley south of Main Street from Dewey Street to Oakwood Avenue for reconstruction.

Beverly Coon, 5923 Rolfe Rd, Lansing, wrote to express her disapproval of the assessment.

The following preamble and resolution were offered by Mayor Bruff and supported by Councilperson Eveleth:

RESOLUTION NO. 53-2009

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: the alley south of Main Street from Dewey Street to Oakwood Avenue for reconstruction, and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$4,815.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2008-06, as originally approved December 1, 2008.
2. Said special assessment roll shall be divided into two (2) equal annual installments, the first of which shall be due and payable on September 1, 2009, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2009.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2009 and shall be paid annually on each installment due date.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2009-01

The Public Hearing was conducted to receive citizen comment regarding authorization of a resolution authorizing a reduction in the interest rate on installment payments for Special Assessment District No. 2009-01 for the alley east of Division Street from Auburndale Avenue to Franklin Avenue for storm drain installation.

There were no citizen comments.

The following preamble and resolution were offered by Councilperson Forster and supported by Mayor Bruff:

RESOLUTION NO. 54-2009

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: 2009-01 for the alley east of Division Street from Auburndale Avenue to Franklin Avenue for storm drain installation, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of 3,500.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-01, as originally approved March 16, 2009.
2. Said special assessment roll shall be divided into two (2) equal annual installments, the first of which shall be due and payable on September 1, 2009, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2009.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2009 and shall be paid annually on each installment due date.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2009-02

The Public Hearing was conducted to receive citizen comment regarding authorization of a resolution authorizing a reduction in the interest rate on installment payments for Special Assessment District No. 2009-02, for Ball Street from Jennett Street to Galusha Street for street reconstruction.

There were no citizen comments.

The following preamble and resolution were offered by Mayor Bruff and supported by Councilperson Forster:

RESOLUTION NO. 55-2009

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Ball Street from Jennett Street to Galusha Street for street reconstruction, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$18,419.64 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-02, as originally approved May 18, 2009.
2. Said special assessment roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on September 1, 2009, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2009.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2009 and shall be paid annually on each installment due date.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2009-03

The Public Hearing was conducted to receive citizen comment regarding authorization of a resolution authorizing a reduction in the interest rate on installment payments for Special Assessment District No. 2009-03 for Water Street from Galusha Street to North Street for street reconstruction.

There were no citizen comments.

The following preamble and resolution were offered by Councilperson Martenis and supported by Councilperson Forster:

RESOLUTION NO. 56-2009

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Water Street from Galusha Street to North Street for street reconstruction, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$42,739.62 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-03, as originally approved May 18, 2009.
2. Said special assessment roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on September 1, 2009, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2009.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2009 and shall be paid annually on each installment due date.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2009-04

The Public Hearing was conducted to receive citizen comment regarding authorization of a resolution authorizing a reduction in the interest rate on installment payments for Special Assessment District No. 2009-04 for King Street from Dewey Street to Gould Street for street reconstruction.

There were no citizen comments.

The following preamble and resolution were offered by Councilperson Eveleth and supported by Mayor Bruff:

RESOLUTION NO. 57-2009

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: King Street from Dewey Street to Gould Street Ball Street for street reconstruction, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$27,463.32 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-04, as originally approved August 3, 2009.
2. Said special assessment roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on September 1, 2009, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2009.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2009 and shall be paid annually on each installment due date.

SPECIAL ASSESSMENT DISTRICT NO. 2009-05

The Public Hearing was conducted to receive citizen comment regarding authorization of a resolution authorizing a reduction in the interest rate on installment payments for Special Assessment District No. 2009-05 for Park Street from Main Street to Mason Street for street reconstruction.

There were no citizen comments.

The following preamble and resolution were offered by Councilperson Martenis and supported by Mayor Bruff:

RESOLUTION NO. 58-2009

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Park Street from Mason Street to Main Street for street reconstruction, and

WHEREAS, there being no one to be heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$12,708.75 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-05, as originally approved August 3, 2009.
2. Said special assessment roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on September 1, 2009, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2009.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2009 and shall be paid annually on each installment due date.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

John "Dutch" Bouwman, 1211 Devonshire Court, thanked the Council for listening to his concerns regarding outdoor wood-fired boilers and encouraged Council to continue to press ahead and call for the removal of all existing OWBs in the city.

Neil White, 1214 Devonshire Court, indicated he has been continually harassed by his neighbors and the City regarding his OWB. He felt he had been singled out and the City had nothing to back up its claims of complaints. He further indicated he had hired an attorney to examine the matter.

Michael Tillotson, 1299 South Shiawasse Street, indicated he had recently been to Kansas to visit his step son upon his return from Iraq. He said he was thrilled with the level of patriotism shown at the return ceremony. He went on to thank the City for attending to the trails surrounding Hopkins Lake, saying he asked nicely and the requested maintenance was done.

Bozena Bienias, 1432 Mallard Circle, encouraged the City to produce a periodic newsletter for its citizens.

Robert Siddock indicated he has had trouble with a new neighbor saying he has had to call the police 4 times in the last two months. He went on to say he felt far too many people were living in the home and his concerns went unaddressed by the City.

Rita Bouwman, 1211 Devonshire Court, said she was present tonight to represent her neighbors. She thanked Council for listening to her concerns regarding OWBs. She asked Council to consider limiting the operation of OWBs to 7 months per year as done in some other communities.

Shelva Cebulski, 1243 Marion Street, asked that people be respectful to the Council and others present at the meeting. She went on to say she objects to OWBs and asked people to strictly follow the ordinance governing open burning by burning only on Tuesdays and Thursdays.

Eddie Urban, 601 Glenwood Avenue, said he couldn't wait until cameras were installed in the Council Chambers so Council meetings would be able to be taped each and every time. He also mentioned he had called 911 a number of times throughout the week, once for a perceived gas leak, once to report harassing phone calls he had received, and once because his smoke detector went off because of a fire in the neighborhood.

Burton Fox, 216 East Oliver Street, indicated he was circulating a petition to remove the Director of Public Safety position and that he understood the City Manager had plans to reorganize the department saying he would not have been forced to circulate the petition if the City had only made the adjustments when he first requested them. He also asked City Manager Fivas to explain the \$200,000 figure he quoted in a recent newspaper article.

Councilperson Cline noted to the Bouwmans that the Council would be setting a public hearing for an ordinance amendment regarding the prohibition of the installation of OWBs in the future. He also spoke to Mr. Siddock saying he was familiar with the family he was having trouble with. He noted that he had witnessed their negative effect on the neighborhood when they lived on Goodhue Street and encouraged the City to investigate the situation again. City Manager Fivas indicated City staff will attempt to address the problem.

Councilperson Frederick noted he was happy that Council could offer some relief on the interest rates charged to special assessment districts established in 2009. He also indicated he will keep trying to find a way to reduce the interest rate being charged on all special assessment balances.

City Manager Fivas noted he thought the newsletter suggestion was rather timely considering he had just made the decision to develop a newsletter and had assigned an employee to the task. He went on to address Mr. Fox's question on the \$200,000 figure reported in the newspaper saying he was taking into consideration the fact that should the citizens vote on the matter and decide not to remove the position he would be forced to keep the position for two years at cost of approximately \$200,000.

Mayor Pro-Tem Owen attempted to clarify the situation by noting any decision reached by a vote of the people cannot be overturned for two years and could possibly prevent the City Manager from making changes that could potentially save the City money.

Councilperson Martenis inquired when proposed changes to the Public Safety Department could be anticipated. City Manager Fivas noted changes would be potentially be presented at the October 19th or November 2nd meeting.

CITY MANAGER REPORT

City Manager Fivas indicated the State had passed a 30-day temporary budget and nothing had really changed with the proposed budget. The City is still looking at a possible \$250,000 reduction in shared revenue though the MML is lobbying hard to try to reduce the size of the cut.

He went on to note the Neighborhood Watch coordination meeting that will be held at City Hall on October 22nd at 7:00 p.m. The City has received a grant to assist in the formation of such groups. The purpose of the meeting is to gauge interest in forming Neighborhood Watch groups throughout the City. Lastly he mentioned that the Lebosky Center rebuild project was still moving forward with the help of a consultant. The City is now waiting to see whether MSHDA will restructure the City's contract to allow OCP to receive grant funds toward the project.

Councilperson Frederick expressed his hope that Neighborhood Watch groups would be a community driven effort and not something established by the City. City Manager Fivas expressed the same hope.

CONSENT AGENDA

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

First Reading and Set Public Hearing - Ordinance Amendment

The First Reading on the proposed ordinance amendment was held.

A public hearing was scheduled for October 19, 2009 to receive citizen comment regarding the proposed ordinance to add Chapter 13, Fire Prevention and Protection, Article II, *Fire Prevention Code*, Section 13-8 to the Code of Ordinances of the City of Owosso, Michigan as follows:

AN ORDINANCE TO ADD Chapter 13, Fire Prevention and Protection, Article II, *Fire Prevention Code*, Section 13-8 to the Code of Ordinances of the City of Owosso, Michigan to prohibit the future installation of outdoor wood-fired boilers within the city limits.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Section 13-8, Outdoor Wood-fired Boilers, Chapter 13, Fire Prevention and Protection, Article II, *Fire Prevention Code*, be hereby added, to read as follows:

Sec. 13-8. Outdoor wood-fired boilers.

After October 20, 2009, no person or business shall install a new outdoor wood-fired boiler within the City.

Easement Acceptance. Approve easement to Consumers Energy for the replacement and maintenance of electrical service to the Palmer Well Field.

Boards and Commissions Appointments. Approve the following Mayoral appointments:

Name	Board/Commission	Term Expires
Alaina Krauss	Owosso Main Street (DDA) to fill the unexpired term of Krista Strong	06-30-2012
Shaffer Fox	Cable Access Advisory Commission	06-30-2012

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

CHANGE TO STREET LIGHTING CONTRACT

Motion by Councilperson Frederick to approve the following change to the Street Light Contract with Consumers Energy by removing 1 street light on the east side of the 100 block of North Park Street and 1 street light on Michigan Avenue south of the railroad tracks and authorize the Mayor and City Clerk to execute appropriate documents.

RESOLUTION NO. 59-2009

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 October 5, 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 5th day of October, 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>
1	20000	MV	Removal	120	100 block of N. Park St
1	20000	MV	Removal	120	Michigan Ave, south of RR

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 Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

RESCIND BID AWARD

Motion by Councilperson Frederick to rescind the prior bid award to Air Technology Solutions, originally approved July 6, 2009, for a vehicle exhaust extraction system for the Fire Department apparatus floor in the amount of \$59,900.00 to allow for Department of Homeland Security review.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

HARVEST WALK PERMISSION

Motion by Councilperson Eveleth to grant the request from Owosso Main Street/DDA for use of the alley between 104 and 110 West Exchange Street on Friday, October 23, 2009 from 6:00 a.m. to 10:00 p.m. to allow the Owosso Main Street to set up a hospitality tent for the Harvest Walk and authorize Traffic Control Order No. 1226 formalizing the action.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

REGIONAL WATER AGREEMENT UPDATE

City Manager Fivas updated the Council on the status of the regional water agreements. He reminded the Council that significant progress had been made in the spring of this year just prior to a ruling by the Court of Appeals which stalled the process. Since that time the Supreme Court has handed down a decision on the case and talks have again begun to try to come to an agreement for water service with Owosso Charter Township. He went on to say that he was excited to be back at the negotiating table and that members of the City delegation felt positive about the talks. It is hoped an agreement could be reached soon.

MAGNET OPTIONS

City Manager Fivas updated the Council on talks with the Unions to provide a full time officer to MAGNET saying the Unions have not agreed to the City's proposals and the plan at this point was to continue to contribute financially as we have in the past.

Public Safety Director Compeau indicated he had been asked how the city could exert more control over MAGNET operations or form our own team, saying either option would be an in-depth expensive effort for the City to consider. He went on to say that he did not like combining forces with Gratiot County but the State Police had organized the unit in that fashion to provide maximum coverage to both areas that would not be possible with independent operations at the time the organization was formed. MAGNET has found itself with available grant funding to assist in the development of more independent teams for Shiawassee and Gratiot Counties. He then noted the options as follows:

Option #1: An officer could be assigned to the MAGNET unit and not back fill this position. This would decrease the police budget by \$17,000.00, but would decrease the number of patrol officers providing our core services and cause an increase in overtime.

Option #2: An officer could be assigned to MAGNET; a new officer could be hired to back fill that position. This would increase the police budget by \$17,000.00.

Option #3: The city could decide to no longer participate in MAGNET. This would be a \$17,000.00 savings to the city.

Option #4: The city could decide to continue to contribute \$1 per citizen to the MAGNET Unit. This would be budget neutral since this has been budgeted for the 2009-10 fiscal year.

There was significant discussion regarding not providing funding to MAGNET as an incentive to get them to change the alliance with Gratiot and Shiawassee Counties, the fact that Genesee County does not want to drain its resources by cooperating and working with Shiawassee County, keeping a good relationship with the State Police Department, what the City did for drug enforcement prior the existence of MAGNET, hiring a part time officer to serve on the MAGNET team, the possibility the cost of hiring the part time officer could be covered entirely by MAGNET grant money, the possibility of receiving a grievance from one of the Unions, concern with spending stimulus money, possibly moving a current officer to the MAGNET position (it was noted this would increase costs through overtime needed to fill vacation/sick days), and whether the MAGNET Board would agree to a part time officer.

Motion by Councilperson Frederick to maintain current MAGNET funding and begin the search for a part time police officer for the MAGNET position.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: Mayor Pro-Tem Owen.

There was a brief recess at 9:00 pm.

Returned to session at 9:06 pm.

PURCHASE AUTHORIZATION - PLANTERS

Councilperson Forster expressed concern that the Main Street Design Committee had not reviewed the proposal. It was noted that Main Street Director Natalie Burg had reviewed the proposal and approved the purchase.

Motion by Councilperson Forster to refer the purchase of twelve precast concrete planters from Wausau Tile Co. for use in the downtown to the Main Street Design Committee for review prior to Council action.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

MUTUAL AID AGREEMENT - POLICE

It was noted the police department has functioned under an unformal mutual aid agreement for many years. This agreement will formalize the current practice employed by numerous local jurisdictions.

Motion by Councilperson Martenis to approve the mutual aid agreement with surrounding jurisdictions governing police services as follows:

MUTUAL LAW ENFORCEMENT AID AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2009, by and between the COUNTY OF SHIAWASSEE acting on behalf of the SHIAWASSEE COUNTY SHERIFF DEPARTMENT, VILLAGE OF BANCROFT acting on behalf of the BANCROFT POLICE DEPARTMENT, VILLAGE OF BYRON acting on behalf of the BYRON POLICE DEPARTMENT, CITY OF CORUNNA acting on behalf of the CORUNNA POLICE DEPARTMENT, CITY OF DURAND acting on behalf of the DURAND POLICE DEPARTMENT, CITY OF LAINGSBURG acting on behalf of the LAINGSBURG POLICE DEPARTMENT, VILLAGE OF LENNON acting on behalf of the LENNON POLICE DEPARTMENT, VILLAGE OF MORRICE acting on behalf of the MORRICE POLICE DEPARTMENT, VILLAGE OF NEW LOTHROP acting on behalf of the NEW LOTHROP POLICE DEPARTMENT, CITY OF OWOSSO acting on behalf of the OWOSSO POLICE DEPARTMENT, CITY OF PERRY acting on behalf of the PERRY POLICE DEPARTMENT, VILLAGE OF VERNON acting on behalf of the VERNON POLICE DEPARTMENT,

WITNESSETH:

WHEREAS, two or more governmental entities may, pursuant to the provisions of 1967 PA 236, being MCL 123.811, enter into an Agreement to provide mutual police assistance and services to one another; and

WHEREAS, certain situations may exist in the nature of public nuisances, public disturbances, or in cooperative law enforcement activities where mutual aid may be necessary or appropriate; and

WHEREAS, each governmental entity, by their respective governing bodies, is willing to provide mutual police aid and assistance to the others, subject to the powers, duties, responsibilities and legal liabilities established by this Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained. IT IS HEREBY AGREED as follows:

1. DEFINITIONS.

- A. "Governmental Unit" or "Governmental Units" shall individually and collectively mean Shiawassee County and the cities, villages, who are parties to this Agreement.
- B. "Police Officer" shall mean the Sheriff and/or Sheriff Deputies of Shiawassee County, and the peace officers of cities, villages, who are parties to this Agreement.
- C. "Commanding Officer" shall mean the highest ranking police officer in the governmental unit having an emergency who is on duty and/or his/her designee, who has responsibility for directing his/her department at the time of an emergency.
- D. "Emergency" shall mean a combination of circumstances requiring immediate action which requires more man-power or equipment than that available to the requesting governmental unit at the time of the emergency.
- E. "Requesting Governmental Unit" shall mean the governmental unit in which an emergency exists and who requests aid pursuant to this Agreement.
- F. "Responding Governmental Unit" shall mean the governmental unit which sends personnel and/or equipment to a requesting governmental unit pursuant to this Agreement.

2. DETERMINATION AND DECLARATION OF EMERGENCY. The Commanding Officer shall be responsible for determining and declaring that an emergency exists in his/her governmental unit.

3. REQUEST FOR ASSISTANCE. Upon determining and declaring that an emergency exists, the Commanding Officer of the requesting governmental unit shall make a request for aid to the Commanding Officer of the responding governmental unit.

4. RESPONSE TO REQUEST. The Commanding Officer of the responding governmental unit shall make available to the Commanding Officer of the requesting governmental unit such personnel and equipment as is available to meet the needs of the emergency. The Commanding Officer of the responding governmental unit may decline the request for aid if personnel or equipment is not available at the time of the request. None of the parties to this Agreement shall

be liable for a failure to respond to a request for assistance for any reason.

5. **DIRECTION AT SCENE OF EMERGENCY.** The person in charge of operations at the scene of an emergency shall be the Commanding Officer of the requesting governmental unit. All personnel and equipment of a responding governmental unit shall be under the control and direction of the Commanding Officer of the requesting governmental unit upon arriving at the scene of the emergency.

6. **WITHDRAWAL OF PERSONNEL AND EQUIPMENT.** The personnel and equipment of a responding governmental unit may be withdrawn at any time in the discretion of the Commanding Officer of a responding governmental unit. The responding governmental unit shall not have any obligation to keep its personnel or equipment in the requesting governmental unit for a longer period of time than is deemed necessary by the Commanding Officer of the responding governmental unit.

A responding governmental unit shall not be liable to a requesting governmental unit for leaving the scene of an emergency in order to answer a call for service in the responding governmental unit.

7. **INDEMNITY.**

- A. The requesting governmental unit shall indemnify and hold each responding governmental unit harmless from all claims, demands, costs or damages (including attorney fees) for bodily injury, including death, or property damage to any person or legal entity arising out of the acts or omissions of personnel of the responding governmental unit which are specifically directed or ordered by the Commanding Officer of the requesting party.
- B. Each responding governmental unit shall indemnify and hold the requesting governmental unit harmless from all claims, demands, costs or damages (including attorney fees) for bodily injury, including death, or property damage to any person or legal entity arising out of the acts or omissions of personnel of the responding governmental unit which are not specifically directed or ordered by the Commanding Officer of the requesting governmental unit.

8. **INDEMNITY IN JOINT TRAINING PROGRAMS.** Each governmental unit entering this Agreement shall indemnify and hold all other participating governmental units harmless from all claims, demands, costs or damages (including attorney fees) for bodily injury, including death, or property damage to any person or legal entity arising out of the acts or omissions of personnel of that governmental unit during joint training programs for emergency operations.

9. **EMPLOYEE BENEFITS.** Each governmental unit in this Agreement shall continue to provide the same salaries, workers' compensation, retirement and other fringe benefits to its employees responding to a mutual aid request as those employees would receive while on duty in their own governmental unit.

10. **COSTS OF EQUIPMENT AND SUPPLIES.** Costs of equipment and supplies used while giving assistance will be borne by the governmental unit owning the equipment and supplies.

11. **FEDERAL OR STATE REIMBURSEMENT FOR EMERGENCY WORKS FUNDS.** The requesting governmental unit in an emergency, when making application for federal or state funds for reimbursement of the cost of the emergency operations, shall apply for such funds for responding governmental units. Each governmental unit will maintain appropriate records to support such applications.

12. **NONDISCRIMINATION.** The governmental units who are parties to this Agreement, as required by law, shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, handicap, height, weight, marital status, political affiliations or beliefs. Breach of this section shall be regarded as a material breach of this Agreement.

13. **AMENDMENTS.** Modifications, amendments or waivers of any provision of this Agreement may be made only by the written mutual consent of the parties hereto.

14. **DISREGARDING TITLES.** The titles of the sections set forth in this Agreement are inserted for the convenience of reference only and shall be disregarded when construing or interpreting any of the provisions of this Agreement.

15. **COMPLETENESS OF THE AGREEMENT.** This Agreement contains all the terms and conditions agreed upon by the governmental units who are parties hereto, and no

other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind either of the parties hereto.

16. **INVALID PROVISIONS.** If any provision of this Agreement is held to be invalid, it shall be considered to be deleted and the remainder of this Agreement shall not be affected thereby. Where the deletion of the invalid provision would result in the illegality and/or unenforceability of this Agreement, this Agreement shall be considered to have terminated as of the date in which the provision was declared invalid.

17. **AGREEMENT TERM.** This Agreement shall commence on the date it is fully signed by the authorized representatives of all the governmental units who are parties thereto. The date of commencement is stated on page 1 in the introductory paragraph. It is expressly understood and agreed that this Agreement shall remain in effect until terminated by any of the governmental units upon thirty (30) days prior written notice to all the other governmental units. The effect of such termination shall be the removal of the terminating governmental unit as party to this Agreement effective on the effective date of termination. This Agreement, however, shall remain in full force and effect between the nonterminating governmental units, until each governmental unit in turn provides the other remaining parties to this Agreement with a notice of termination as authorized in this section.

18. **CERTIFICATION OF AUTHORITY TO SIGN AGREEMENT.** The persons signing this Agreement on behalf of the governmental units who are parties hereto certify by their signatures that they are duly authorized to sign this Agreement on behalf of said parties and that this Agreement has been authorized by said parties.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: None.

LAFAYETTE SQUARE USAGE

The local 9/12 commission is attempting to plan a gathering on November 7, 2009 in Fayette Square to honor local veterans. There was significant discussion regarding whether or not the group needed to seek formal permission to use the park through the Rules and Regulations for the Issuance of Certain Traffic Control Orders. Some suggested it was a City park and thus open for anyone to use. City Attorney William C. Brown recommended the group submit a formal application for staff review. A representative of the 9/12 commission requested a waiver of the insurance requirement for financial reasons. She went on to say the organization had plans to peaceably assemble and she was disturbed by being required to go through the process to seek permission. It was again requested the organization file an application for review, noting that numerous other organizations had applied and were required to go through the process. There was some concern on the part of Council that the requirements may need to be refined to prevent them from being cumbersome.

COMMUNICATIONS

Owosso Historical Commission. Minutes of Meeting of September 15, 2009.

Westown Corridor Improvement Authority. Minutes of Meeting of September 9, 2009.

Parks and Recreation Commission. Minutes of Meeting of August 24, 2009.

Cable Access Advisory Commission. Minutes of Meeting of September 14, 2009.

CITIZEN COMMENTS AND QUESTIONS

Neil White, 1214 Devonshire Court, challenged the study referenced by the toxicologist saying he could produce a study that could prove whatever he wanted. He went on about the parties he felt had harassed him over the years. He indicated he would appreciate seeing any complaints against him in writing when approaching his property to address said complaint.

Mayor Bruff thanked Mayor Pro-Tem Owen for chairing the meeting and congratulated him on 8 great years of service to the City.

Mayor Pro-Tem Owen thanked Mayor Bruff for the opportunity to chair the meeting.

NEXT MEETING

October 19, 2009

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expires 06-30-2012
Historical Commission, term expires 12-31-2010

ADJOURNMENT

Motion by Mayor Bruff for adjournment at 9:25 p.m.

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

Mark D. Owen, Mayor Pro-Tem

Amy K. Kohagen, City Clerk