

OWOSSO CITY COUNCIL

FEBRUARY 1, 2010

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: SHELVA CEBULSKI

PLEDGE OF ALLEGIANCE: MICHAEL ESPICH
CURWOOD FESTIVAL CHAIRMAN

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth, Joni M. Forster, and Gary W. Martenis.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented with the addition of Item of Business 5. Bonner Case Resolution.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 19, 2010

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Regular Meeting of January 19, 2010 as presented.

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

SPECIAL PRESENTATION

ASSESSING PRESENTATION

City Assessor Larry D. Cook provided a presentation on the role and functions of the Assessing Department. He said that we are seeing a decline in values for the first time in remembered history. He went on to detail the assessing process and noted which values he has control over and which values are dictated by law.

He noted that assessing notices are due to go out shortly after February 18th with the Board of Review on March 8th and 9th. He said his door is always open to those with questions.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Dennis Rainwater, 505 Vassar Drive, Durand, introduced himself as a candidate for the 85th District State Congressional Seat.

Joseph DeCaire, Caledonia Charter Township Supervisor, was present to update the Council on progress with the regional public safety discussion. He indicated he gave his Board information on the idea last week. He went on to say the Board voted unanimously to include the City of Corunna on any discussions stemming from the information.

Jeffrey Hetfield, City of Owosso Firefighter, presented Council with copies of two 11 minute educational DVD's on public safety. He said he would be available for discussion if Council so desired.

Councilperson Erfourth indicated he felt the Council had lost traction on a number of issues including public safety reform, Holman Pool, and trash/recycling programs. He went on to say he was concerned that if action was not taken on some pending issues the consequence could be higher taxes and suggested the Council hold extra meetings in order to tackle some of the issues. He also asked City Manager Fivas when he would be resigning.

City Manager Fivas noted he plans on staying until the end of February.

Councilperson Forster pointed out that they would be considering setting public hearings for the 2010 street program which would include some streets that do not have sidewalks. She wanted to know how the rest of the Council felt about adding sidewalks where there are none. She said she felt the City's policy had been ignored in the past.

Councilperson Eveleth indicated he would like to hold a special meeting to discuss the hire of the interim City Manager.

Councilperson Martenis inquired about receiving a list of the rental properties in the City as documented through the rental registration program. He also inquired about the rating system used to rate the condition of the streets in town.

Mayor Frederick echoed Councilperson Erfourth's comments on holding special meetings to keep moving forward on priority items.

City Manager Fivas indicated he would provide the rental registration list to Council. He noted that it was rather lengthy. He went on to say that the final notice for compliance was sent out recently and those rental owners that the City has to pursue will be fined. He also said staff was starting to map the list on the GIS.

City Engineer Baker noted there were three streets in the 2010 Street Program that did not have sidewalks nor were there sidewalks in the rest of that neighborhood. He said putting in sidewalks on the three streets included in the Street Program would cost approximately \$53,000. There was discussion regarding if the goal was to have a walkable community. Councilperson Cook indicated he would like to examine pedestrian flows in the community.

There was discussion regarding how streets are selected for inclusion in the annual Street Program. City Engineer Baker indicated that each fall he evaluates each block of each street using a variation of the PASER Road Rating System rating each block on a scale from 1-10. The system deems any streets rated 1-4 as being in good to very good condition. 96% of the streets in the City fall within this range. He pointed out this does not mean there are no potholes or patches on a street but that it is in good general condition. He said there are plans to crack seal about 6-7 miles of street this year, further raising the number of streets labeled as being in good condition. Streets rated 5-10 would be considered for reconstruction.

CITY MANAGER REPORT

City Manager Fivas indicated he had nothing to report.

CONSENT AGENDA

Councilperson Forster inquired whether approval of the Consent Agenda decided whether sidewalks would be included in the 2010 Street Program. It was noted action would only estimate the scope of the project and set a public hearing.

Motion by Mayor Pro-Tem Popovitch to approve the Consent Agenda as follows:
Set Public Hearing – Grant Closeout. Set a public hearing for February 16, 2010 to receive citizen comment regarding the close-out of the Vibrant Small Cities Initiative grant for the Curwood Castle Park and the Riverwalk Infrastructure Improvement Projects.

Special Assessment District No. 2010-01 Buckley Drive from Irene Street to Ward Street

RESOLUTION NO. 02-2010

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

Buckley Drive from Irene Street to Ward 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. 2010-02 Jerome Street from Gould Street to Oakwood Avenue

RESOLUTION NO. 03-2010

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

Jerome Street from Gould Street to Oakwood Avenue 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. 2010-03 Meadow Drive from Buckley Drive to the south end

RESOLUTION NO. 04-2010

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

Meadow Drive from Buckley Drive to the south end 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. 2010-04 Park Street from Oliver Street to Goodhue Street

RESOLUTION NO. 05-2010

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

Park Street from Oliver Street to Goodhue 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. 2010-05 Ward Street from Buckley Drive to Shady Lane Drive

RESOLUTION NO. 06-2010

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

Ward Street from Buckley Drive to Shady Lane Drive 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.

RESOLUTION NO. 07-2010

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

**Buckley Drive from Irene Street to Ward 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 \$76,500.00 and determines that \$30,954.42 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 \$45,545.58 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 Owosso City Hall Council Chambers on Monday, March 1, 2010 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:

Buckley Drive from Irene Street to Ward 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 Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, March 1, 2010 for the purpose of hearing any person to be affected by the proposed public improvement.

RESOLUTION NO. 08-2010

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

**Jerome Street from Gould Street to Oakwood Avenue
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 \$50,100.00 and determines that \$18,889.38 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 \$31,210.62 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 Owosso City Hall Council Chambers on Monday, March 1, 2010 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:

Jerome Street from Gould Street to Oakwood Avenue

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 Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, March 1, 2010 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2010-03 Meadow Drive from Buckley Drive to the south end

RESOLUTION NO. 09-2010

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

**Meadow Drive from Buckley Drive to the south end
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 \$70,900.00 and determines that \$29,034.18 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 \$41,865.82 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 Owosso City Hall Council Chambers on Monday, March 1, 2010 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:

Meadow Drive from Buckley Drive to the south end

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 Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, March 1, 2010 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2010-04

Park Street from Oliver Street to Goodhue Street

RESOLUTION NO. 10-2010

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

**Park Street from Oliver Street to Goodhue 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 \$16,000.00 and determines that \$7,432.92 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 \$8,567.08 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 Owosso City Hall Council Chambers on Monday, March 1, 2010 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 Oliver Street to Goodhue 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 Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, March 1, 2010 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2010-05 Ward Street from Buckley Drive to Shady Lane Drive

RESOLUTION NO. 11-2010

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

**Ward Street from Buckley Drive to Shady Lane Drive
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 \$31,500.00 and determines that \$11,235.96 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 \$20,264.04 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 Owosso City Hall Council Chambers on Monday, March 1, 2010 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:

Ward Street from Buckley Drive to Shady Lane Drive

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 Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, March 1, 2010 for the purpose of hearing any person to be affected by the proposed public improvement.

Bid Award. Waive bid irregularities and authorize bid award to Shaheen Chevrolet for one Chevrolet Impala police vehicle in the amount of \$19,650.00 based on the Oakland County Cooperative Contract.

Payment Authorization. Authorize Progress Payment No. 8 to Perrin Construction for work performed on Phase III of the Vibrant Small Cities Initiative Grant Project in the amount of \$98,621.94.

Warrant No. 397. Accept Warrant No. 397 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$28,127.00
Huron & Eastern Railway Company Inc	Annual maintenance of active traffic control devices	Major Street	\$5,690.00

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Forster, Eveleth, Mayor Pro-Tem Popovitch,
Councilpersons Cook, Erfourth, Martenis, and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

CURWOOD FESTIVAL START DATE ADJUSTMENT

Due to the Owosso High School Graduation Ceremony on Thursday, June 3, 2010 the Curwood Festival has requested starting one day early to allow the marching band to be present for the opening ceremonies. In addition, to take full advantage of the early start time they plan to host a fundraising event for the Lebowsky Center Rebuild Project.

Curwood Festival Chairman Michael Espich was on hand to talk with Council about the proposed change. He indicated he was attempting to make some changes to the Festival this year to ensure that it is not only a good time for patrons but also for the local merchants. He realized that some businesses are strongly affected by the presence of the carnival and he reached out to them to discuss the proposed early opening day. Most merchants expressed a desire to see parking more heavily regulated so that customers would be able to find parking close to their businesses. He suggested this concern could be addressed through a parking permit system handled by each individual business or through a 30 minute time limit on certain parking areas near the carnival with vigorous enforcement. He said his desire is to see the Festival incorporated with the downtown as it was originally.

Council expressed a desire to hear directly from the merchants on this proposal via Owosso Main Street. Councilperson Cook applauded the efforts of the merchants and the Festival to work together saying he could support any agreement they reach on a mutual basis, but he would like to hear from the Main Street Board first. Mr. Espich apologized, saying he had approached Main Street Director Natalie Burg and thought he had the support of the Board.

Mayor Frederick indicated Council was open to discussing parking regulations during the Festival.

Council asked to revisit the issue pending a recommendation by the Main Street Board.

There was a brief recess at 8:57 p.m.

The session resumed at 9:06 p.m.

ENTERTAINMENT PERMIT REQUEST – HICKORY LOUNGE

The Council thanked Public Safety Director Michael Compeau for his thorough memorandum on the item.

Motion by Councilperson Eveleth to authorize a resolution recommending approval of the request of the Hickory Corp. for a New Entertainment Permit to be held in conjunction with 2009 Class C Licensed Business with Dance Permit located at 311 Corunna Avenue, Owosso, Michigan 48867, Shiawassee County as follows:

RESOLUTION NO. 12-2010

That the request from Hickory Corp. for a New Entertainment Permit to be held in conjunction with a 2009 Class C Licensed Business with Dance Permit, located at 311 Corunna Avenue, 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 Erfourth.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Cook, Martenis, Erfourth, Forster,
Eveleth, and Mayor Frederick.

NAYS: None.

BID AWARD – EXHAUST EXTRACTION SYSTEM

City Manager Fivas noted staff had spent significant time verifying all the details of this bid. He was confident the right decision was reached. He noted that Deputy Fire Chief Michael Bradley and Finance Director Richard Williams were on hand to answer any questions.

Councilperson Forster asked if this was the same vendor as before. It was noted that it was.

Motion by Councilperson Forster to waive bid irregularities and authorize bid award to Air Cleaning Specialists for vehicle exhaust extraction system for the Fire Department apparatus floor in the amount of \$64,979.00.

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilpersons Forster, Cook, Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Martenis, and Mayor Frederick.

NAYS: None.

EXECUTIVE SESSION

It was noted this item was placed on the agenda as an option should the Council choose to examine Interim City Manager candidates this evening.

Motion by Councilperson Cook to postpone a decision on holding executive session until after the City Manager Search Discussion.

Motions supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilperson Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Forster, Cook, Martenis, Eveleth, any Mayor Frederick.

NAYS: None.

BONNER CASE RESOLUTION MEETING

City Manager Fivas gave a brief synopsis of the Bonner case involving charges for the removal of an underground storage tank on Ball Street. He indicated that the City's insurance carrier has followed the case, has defended the City, and would be held responsible for any settlement. The Circuit Court Judge overseeing the proceedings has requested all the parties of authority in the matter, including the City, meet February 10th in an attempt to resolve the issue. He suggested a meeting team comprised of City Attorney William Brown, Finance Director Richard Williams, and 1-3 Council members attend the meeting.

Motion by Mayor Pro-Tem Popovitch to send City Attorney Brown, Finance Director Williams, and 1-3 Council members to the resolution meeting February 10, 2010.

Motion supported by Councilperson Eveleth

Roll Call Vote.

AYES: Councilpersons Martenis, Forster, Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Cook, Erfourth, and Mayor Frederick.

NAYS: None.

COMMUNICATIONS

Ronald G. Baker, City Engineer. Communication from Washington Street public forum.

Richard C. Williams, Finance Director. December 2009 Financial Statements.

Downtown Development Authority. Draft Minutes of Meeting of January 6, 2010.

Owosso Historical Commission. Minutes of Meeting of January 19, 2010.

Mayor Pro-Tem Popovitch indicated she was perplexed by the growing petition of downtown stakeholders protesting certain portions of the proposed Washington Street Streetscape Project. She said that there seem to be a number of discrepancies with signatures and comments on the project. She has heard nothing negative from business owners but the petition purports great disapproval. The petition also lists reasons against the project that appear to be contrary and misleading to the proposed plans. There was discussion regarding the City Staff canvass of the downtown, comments received from that canvass, Staff consultations to allay individual downtown business owner concerns, and learning from the Exchange Street project.

Owosso Main Street Chairman Hankerd indicated he has had very little negative feedback from downtown business owners in all the time they have been discussing the project. He went on to say that the project needed to be done for numerous reasons. He distributed copies of pictures showing the necessity of the project. He said that all downtown business owners should be in possession of plans for the streetscape and he has received almost all positive comments.

Council noted Chairman Hankerd's report was very helpful as were the pictures he presented. It was noted the information he presented should somehow be communicated to the citizens at large.

CITIZEN COMMENTS AND QUESTIONS

Suzanne Carpenter, 120 North Washington Street, defended her petition and the signatures on it. She indicated she felt people were being misled on how long businesses would be closed during the project and they were not informed of potential consequences of closure. She went on to say she felt the businesses downtown would suffer irreparable harm if the project goes forward. Ms. Carpenter reached the 4 minute time limit. She insisted on continuing her comments and was escorted back to her seat by the Sergeant at Arms at the request of the Mayor.

Jeff Reeves, business owner and Main Street member, indicated he has been negatively affected by the Curwood Festival for years and this year was the first time a Curwood representative approached him to discuss issues brought about by the Festival. He said he was very appreciative of the effort and further appreciated Council's request to refer the Curwood Festival start time issue to the Main Street Board. He went on to say that it would be great if the Curwood Festival could be returned to its roots as a means to attract business to the downtown.

Mayor Frederick noted his appreciation for Mr. Reeves willingness to engage in conversation with the Curwood Festival considering the problems of the past.

John Hankerd, Owosso Main Street Chairman, indicated Main Street would be hosting a visioning forum this Thursday. The Board would like to hear what people would like to see downtown in the near and distant future. All are welcome to attend.

Michael Cline, 411 North Chipman Street, indicated he felt the proposed OCP fundraiser using the Curwood tent was changing the focus of the Curwood Festival. He went on to say he wanted to know when the City would force OCP to implement their plans.

Jeff Gulick, 300 Clinton Street, cautioned the Council to think of the unintended consequences of the rigorous parking restrictions for the downtown proposed by the Curwood Board saying they may unintentionally snare Curwood patrons and leave a very bad impression for visitors. He also indicated he felt \$20,000 would not purchase a complete cable broadcast system and that the City would have a difficult time managing a television station because of the time required.

Michael Espich, Curwood Chairman, read aloud the mission statement of the Curwood Festival. He indicated he is working very, very hard to make Curwood everything it should be and that he is passionate about the Festival and serving his community.

Eddie Urban, 601 Glenwood Avenue, asked the City to name a restroom after him.

Brian Berry, 627 North Washington Street, inquired about the City policy requiring limbs and bushes along sidewalks be trimmed to allow a clear path for pedestrians. He encouraged residents to trim trees and shrubs along the sidewalks. He also noted the visioning forum would be held at the OCP Annex on Thursday at 6:30 p.m.

Mayor Frederick congratulated Mr. Urban on his organization of an Order of the Purple Heart group in our area. He also said he did not appreciate the characterization of the Lebowsky Center Rebuild Project saying OCP is fully leveraged and they are working hard toward their goals.

Councilperson Forster indicated she was concerned about having an elected official on the Historic District Study Committee given the Michigan Attorney General and Michigan Main Street strongly discouraging the practice. She indicated she would like to withdraw her support for the recent action approving the appointment of Councilperson Cook to the Committee. She said she would like to see the Committee entirely made up of citizens.

Mayor Frederick pointed out this was a study committee and not a permanent commission to which the opinion does not directly apply. He said he had no intention of appointing a government representative to any permanent commission that would be established but felt it was important to have a government representative in the preliminary advisory stage. He went on to say his appointments to the Committee reflected business owners, citizens, economic stakeholders, and a planner.

There was significant discussion regarding what was meant in the AG's Opinion allowing communities under 25,000 people to have government representation on their commission and whether the City should heed their warning despite the fact we are a community of approximately 15,000. It was asked that members not put up roadblocks when things are done in the spirit of cooperation. There was concern on the part of some members that the State would not accept any recommendations by the Committee because it contained an elected official.

Motion by Councilperson Martenis to remove Councilperson Cook from the Historic District Study Committee.

There was concern about taking a vote on the issue without reviewing the AG Opinion in detail. Mayor Frederick again pointed out the Opinion applies to permanent Historic District Committees not study committees.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Martenis and Forster.

NAYS: Councilperson Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Cook, and Mayor Frederick.

The motion failed for lack of affirmative votes.

Mayor Pro-Tem Popovitch wanted Curwood Chairman Espich to know that the Council did not mean to reject him in its request to have the Main Street Board review their request to open early.

City Manager Fivas noted that the bids for the Lebowsky Center Rebuild Project would be back soon and he hoped to have information for Council in a couple of weeks.

DISCUSSION ITEMS

PRIORITIES DISCUSSION

There was significant discussion regarding scheduling a special meeting to discuss priority and budget items in depth, the development of specific options for the Public Safety Department, whether both the Interim City Manager and the current City Manager need to be involved in the discussion. The budget and how Council priorities affect the budget were of significant concern.

Further Council indicated they wished to spend a significant amount of time at any potential special meeting discussing Public Safety options including regionalization and contracting for services.

The Council expressed a desire to schedule a special meeting on Saturday, February 20th to discuss public safety reform, priorities and budget issues. The hope was to have both City Manager Fivas and the newly appointed Interim City Manager on hand for the meeting. The meeting would potentially be held February 20, 2010 from 10:00 am until 2:00 pm at the Baker Welcome Center.

There was a brief recess from 10:54 pm to 11:00 pm.

CITY MANAGER SEARCH DISCUSSION

Human Resources Director Jessica B. Unangst distributed confidential copies of the resumes received for the Interim City Manager position. There were 13 candidates in total, with one being an internal candidate. She indicated she hoped the Council would take action quickly to determine which candidates they wished to interview as the interview and hiring process could take some time.

Mayor Frederick expressed a desire to hire a candidate with experience in a community similar to Owosso. There was further discussion regarding concern that the final interim selection would not have any time to spend with current City Manager Fivas, allowing time for the final candidate to make the transition should they be currently employed, the procedure for discussing candidates that wished to remain anonymous, and rating candidates to help narrow down the selections for interviews.

Council requested HR Director Unangst conduct a prescreening prior to any special meeting to discuss the candidates. They wished to know where candidates had worked in the past and what skills they had that would apply to the specific situation here in Owosso.

There was further discussion regarding investigating search firms.

Council decided to hold a special meeting Monday, February 8, 2010 at 7:30 pm in the City Hall Council Chambers to discuss potential candidates for interview. They agreed to email ratings for each candidate to HR Director Unangst who will tally the results in time for the special meeting. They further requested HR Director Unangst to bring materials on potential search firms to the February 8th meeting.

City Attorney Brown cautioned Council members against deliberating on candidate among themselves. He suggested members not copy one another on any ratings emailed to HR Director Unangst.

NEXT MEETING

Tuesday, February 16, 2010

BOARDS AND COMMISSIONS OPENINGS

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

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 11:46 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kohagen, City Clerk