OWOSSO CITY COUNCIL

MAY 17, 2010 **7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: SHELVA CEBULSKI

PLEDGE OF ALLEGIANCE: COUNCILPERSON GARY W. MARTENIS

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 Mayor Pro-Tem Popovitch to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 3, 2010

Motion by Councilperson Forster to approve the Minutes of the Regular Meeting of May 3, 2010 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 10, 2010

Motion by Councilperson Eveleth to approve the Minutes of the Special Meeting of May 10, 2010 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 12, 2010

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Special Meeting of May 12, 2010 as presented.

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

PUBLIC HEARINGS

2010-2011 CITY BUDGET

A Public Hearing was conducted pursuant to Chapter 8 of the City Charter to receive citizen comment regarding proposed 2010-2011 City Budget.

Interim City Manager Crawford noted that he had presented a balanced budget and that the Council had held two work sessions to examine the budget.

There were no citizen comments.

<u>OBSOLETE PROPERTY REHABILITATION DISTRICT</u> – 210 SOUTH WATER STREET

A public hearing was conducted to receive citizen comment regarding the establishment of an Obsolete Property Rehabilitation District at 210 South Water Street.

Interim City Manager Crawford noted the memo from the City Assessor and indicated Council's objective this evening is to determine whether or not the property is obsolete as defined by the law.

The following people addressed the Council regarding the proposed district:

David Baldwin, owner of Trust Thermal 210 South Water Street, acknowledged that the Board of Review had reduced the taxes but he said the property was appraised at an even yet lower amount. He was looking for tax abatements to help him renovate the property for use by his company.

Justin Horvath, Shiawassee Economic Development Partnership Director, indicated the Assessor had based his findings on information provided in the application, since the submission of the application additional items have been discovered and it was his feeling the property met the standards for being declared obsolete.

Roberto Larrivey indicated he was previously the listing agent for the property in question and he could attest that the property was functionally obsolete.

There was further discussion regarding plans for renovating the exterior and the impact on taxes.

Motion by Councilperson Eveleth to authorize the following resolution approving the establishment of an obsolete property rehabilitation district at 210 South Water Street.

RESOLUTION NO. 40-2010

RESOLUTION TO APPROVE ESTABLISHING AN OBSOLETE PROPERTY REHABILITATION DISTRICT FOR THE PROPERTY COMMONLY KNOWN AS 210 S. WATER (TRUST THERMAL)

WHEREAS, request was received April 21, 2010, dated April 19, 2010, from Trust Thermal to establish an obsolete rehabilitation district described as:

> COMM AT A PT N 42*09'00" W 56.17' FROM THE INT OF W LN WASHINGTON ST W/SW'LY LN WATER ST RES NO 3 ORIGINAL PLAT TH S 47*56' W 57.72' TH S 00*17'12" W 150. 14' TH N 55*37' W 283.22' TH N 47*51'E 225' TH S 42*09'E 164.71' TO POB .94 A MOL ALSO LAND LYING SW'LY OF ABOVE DESC TO RIVER .16 A MOL; and

WHEREAS, the Obsolete Rehabilitation Act, Act 146 of 2000 is available to the city of Owosso; and

WHEREAS, the act permits the city of Owosso to establish an obsolete property rehabilitation district; and

WHEREAS, a public hearing was held for the purpose of hearing comments from those within the proposed district, and any other resident or taxpayer, of the city of Owosso; and

WHEREAS, the city clerk has given notification as required by law and this act, and

WHEREAS, the city council has determined that the qualifications of the act are satisfied; and

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that on this date, May 17, 2010, in accordance with the Obsolete Rehabilitation Act, Act 146 of 2000 does hereby approve this district.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2010-01

BUCKLEY DRIVE FROM IRENE STREET TO WARD STREET

The Public Hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2010-01, for Buckley Drive from Irene Street to Ward Street for street reconstruction.

The following written comment was recognized for the record:

The letter of protest from Lois Trefz, 1008 Buckley Drive.

There were no further public comment.

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

RESOLUTION NO. 41-2010

DISTRICT NO. 2010-01
BUCKLEY DRIVE FROM IRENE TO WARD
SPECIAL ASSESSMENT RESOLUTION NO. 5

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: Buckley Drive from Irene Street to Ward Street for street reconstruction, and

WHEREAS, there being no one to be heard/all interested parties were 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 $30,954.42 is hereby confirmed and shall be known as Special Assessment Roll No. 2010-01.

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, 2010, 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, 2010.
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, 2010 and shall be paid annually on each installment due date.

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2010-02

JEROME AVENUE FROM GOULD STREET TO OAKWOOD AVENUE

The Public Hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2010-02, for Jerome Avenue from Gould Street to Oakwood Avenue for street reconstruction.

There were no citizen comments.

It was noted that there was a discussion with the Schools and they indicated very few buses use a short section of Jerome Avenue and they are empty at the time so wear and tear should not be a concern.

The following preamble and resolution were offered by Mayor Pro-Tem Popovitch and supported by Councilperson Erfourth:

RESOLUTION NO. 42-2010

DISTRICT NO. 2010-02
JEROME AVENUE FROM GOULD TO OAKWOOD
SPECIAL ASSESSMENT RESOLUTION NO. 5

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: Jerome Avenue from Gould Street to Oakwood Avenue for street reconstruction, and

WHEREAS, there being no one to be heard/all interested parties were 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 $18,889.38 is hereby confirmed and shall be known as Special Assessment Roll No. 2010-02.

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, 2010, 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, 2010.

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, 2010 and shall be paid annually on each installment due date.

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2010-03

MEADOW DRIVE FROM BUCKLEY DRIVE TO THE SOUTH END

The Public Hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2010-03, for Meadow Drive from Buckley Drive to the south end 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. 43-2010

DISTRICT NO. 2010-03
MEADOW DRIVE FROM BUCKLEY TO SOUTH END
SPECIAL ASSESSMENT RESOLUTION NO. 5

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: Meadow Drive from Buckley Drive to the south end for street reconstruction, and

WHEREAS, there being no one to be heard/all interested parties were 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 $29,034.18 is hereby confirmed and shall be known as Special Assessment Roll No. 2010-03.

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, 2010, 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, 2010.

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, 2010 and shall be paid annually on each installment due date.

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2010-04

PARK STREET FROM OLIVER STREET TO GOODHUE STREET

The Public Hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2010-04, for Park Street from Oliver Street to Goodhue Street for street reconstruction.

There were no citizen comments.

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

RESOLUTION NO. 44-2010

DISTRICT NO. 2010-04
PARK STREET FROM OLIVER TO GOODHUE
SPECIAL ASSESSMENT RESOLUTION NO. 5

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 Oliver Street to Goodhue Street for street reconstruction, and

WHEREAS, there being no one to be heard/all interested parties were 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 $7,432.92 is hereby confirmed and shall be known as Special Assessment Roll No. 2010-04.

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, 2010, 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, 2010.

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, 2010 and shall be paid annually on each installment due date.

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2010-05

WARD STREET FROM BUCKLEY DRIVE TO SHADY LANE DRIVE

The Public Hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2010-05, for Ward Street from Buckley Drive to Shady Lane Drive for street reconstruction.

There were no citizen comments.

The following preamble and resolution were offered by Mayor Pro-Tem Popovitch and supported by Councilperson Erfourth:

RESOLUTION NO. 45-2010

DISTRICT NO. 2010-05
WARD STREET FROM BUCKLEY TO SHADY LANE
SPECIAL ASSESSMENT RESOLUTION NO. 5

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: Ward Street from Buckley Drive to Shady Lane Drive for street reconstruction, and

WHEREAS, there being no one to be heard/all interested parties were 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 $11,235.96 is hereby confirmed and shall be known as Special Assessment Roll No. 2010-05.

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, 2010, 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, 2010.

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, 2010 and shall be paid annually on each installment due date.

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Conducted a public hearing to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2010-05 for Ward Street from Buckley Drive to Shady Lane Drive for street reconstruction. There were no citizen comments. The Council moved to authorize the resolution approving the special assessment roll for District No. 2010-05.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, noted the blood drive at the Knight's of Columbus Hall on Wednesday. She also said she would like to see the road repaired near the railroad tracks on Chipman Street.

Abigail Cook, Junior Council Liaison, noted that this was the seniors' last week and they were all excited to graduate. She went on to note recent school events such as prom and those upcoming, such as the honors convocation.

Joan Dennison, 150 North Baldwin Road, said she does not like the idea of reducing M52 to 3 lanes saying it will be an issue for truckers.

Michael Cline, 621 Wright Avenue, commented on his issues with the police department including his difficulty in obtaining complaint reports.

Justin Horvath, Shiawassee Economic Development Partnership Director, indicated he liked the proposed tax abatement policy but was hoping for a few changes. He went on to list those changes and asked Council to consider them.

Michael Tillotson, 1299 South Shiawassee Street, told Council of his recent trip to Kansas.

Tammy Van Sumeren of Family Video said she was excited to hear the Council would be considering the rezoning proposal for the corner of Main and Dewey Streets initiated by her company.

Carole Powell, 3010 South Morrice Road, indicated she owned one of the homes that would be rezoned and she supported the project.

James Powell, 3010 South Morrice Road, said he supports the proposed rezoning and feels it would be good for the corner.

Michael Bruff, former City Mayor, said he was happy to see the Family Video proposal was not a dead issue. It was his hope that a new business there would spur the establishment of other businesses in the area.

Roberto Larrivey, Team Larrivey Properties, LLC, indicated he was the listing agent for the property in question. He said he had assembled the parcels and was very careful in his planning of the site so that it would offer the maximum benefit to the new owner and the community.

Robert Ochodnicky, 106 North Dewey Street, indicated he owns one of the homes in question and he was supportive of the project.

Thomas Taylor, Hardee's owner, indicated he had gone through the same process when he put up his store and that he was supportive of the project.

Elwin Smith, 916 Division Street, inquired whether the proposed BMX track at the Grand Avenue Park was a done deal. It was indicated the track is only in the planning stages and opportunities would be offered for citizen comment along the way.

Mayor Frederick noted his pleasure in participating in the ground breaking ceremony for the Lebowsky Center rebuild.

Councilperson Eveleth noted that he was days away from his 1st anniversary on the Council and that he had enjoyed the job. He also noted that he was in support of the proposed rezoning at the corner of Main and Dewey Streets.

Mayor Pro-Tem Popovitch, Council representative to the Planning Commission, indicated the denial of the proposed rezoning at the corner of Main and Dewey Streets was not reached lightly and that while the zoning map that is in place is outdated it is the law that is in effect and they had to abide by that. She noted she felt the decision was worth reconsidering but that it needed to be recognized that the Planning Commission carefully considered the proposal and came to the conclusion it should be denied.

Councilperson Forster inquired as to the procedure for receiving copies of a complaint. It was noted that complaints are public information and could be requested at the Police Department. It was further noted that Mr. Cline was asking for the results of an internal investigation that is on-going and is not public information.

Councilperson Cook inquired as to the process for approving parks proposals such as the BMX track. Interim City Manager Crawford noted that he was not sure there is a formal procedure but any proposal would have to be closely examined by the Parks & Recreation Commission and possibly the Planning Commission if necessary. Recommendations would then be given to Council for consideration.

PROCLAMATION - SATA

Mayor Frederick presented the following proclamation of the Mayor's Office recognizing the Shiawassee Area Transportation Agency for 10 years of service to the community to SATA Director Larry Alpert.

A RESOLUTION OF APPRECIATION
FROM THE MAYOR AND CITY COUNCIL OF THE CITY OF OWOSSO, MICHIGAN
TO THE SHIAWASSEE AREA TRANSPORTATION AGENCY

WHEREAS, the Shiawassee Area Transportation Authority, otherwise known as SATA, is a community fixture of great value that has served the people of Owosso for over 10 years; and

WHEREAS, SATA provides essential services to the entire area through low cost transportation; and

WHEREAS, having started business in January of 2000 by the communities of Owosso, Corunna, Perry, Durand, the Shiawassee Regional Education Service District, and Caledonia Charter Township SATA has continually grown and expanded their services to the area through hard work, dedication, and resourcefulness; and

WHEREAS, thanks to SATA's efforts more and more people in the area have access to reliable transportation, allowing people without their own vehicles to go to work, school, church, and appointments; and

WHEREAS, as our economy continues to struggle SATA provides an evermore essential tool to help our citizens fully participate in and contribute to their communities and to improve their quality of life;

NOW THEREFORE, BE IT RESOLVED, that I, Benjamin R. Frederick, Mayor of the City of Owosso, along with the City Council of the City of Owosso recognize the Shiawassee Area Transportation Agency for its dedicated service to the entire mid-county area.

FURTHERMORE, BE IT RESOLVED, that the Shiawassee Area Transportation Agency is conferred the Council's and Community's sincerest gratitude and commendation for this exemplary service to the community for the last 10 years.

Resolved this 17th Day of May, 2010.

There was a brief recess from 8:56 p.m. until 9:04 p.m.

CITY MANAGER REPORT

Interim City Manager Donald D. Crawford noted the City had an 81% response rate for the Census, as compared to a 72% response rate nation wide.

CONSENT AGENDA

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

Conduct First Reading and Set Public Hearing-Rezoning Request

The First Reading on the proposed Ordinance Amendment was held.

A Public Hearing was scheduled for June 7, 2010 to receive citizen comment regarding the proposed amendment to Section 38-27, Chapter 38, Article II, District Boundaries , of the Code of the City of Owosso, as follows:

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

THE CITY OF OWOSSO ORDAINS:

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

APPLICANT: Steven & Stephanie Grady

PROPERTY ADDRESS: 713 West Oliver Street

PROPOSED REZONING:	FROM	R-1	Single Family Residential District
	TO	R-2	Two Family Residential District

PROPERTY DESCRIPTION: PART OF LOT 3, BLK 4, A. L. & B. O. WILLIAMS ADD, DESC AS BEG AT THE NE COR OF SAID LOT 3, TH N78*54'15"W ALONG N LN OF LOT 3, 141.71 FT, TH S11*07'05"W, 77.32 FT, S13*22'20"E, 20.15 FT, S09*27'43"W, 26.24 FT, SO1*06'46"W, 296.30 FT TO TRAVERSE LN ALONG NELY SHORELINE OF SHIA RIVER, TH S57*35'44"E ALONG SAID SHORELINE, 188.60 FT TO E LN OF LOT 3, TH N00*01'11"E ALONG E LNE OF LOT 3, 491.40 FT TO POB. INCLUDING ALL LAND LYING BETWEEN MENTIONED TRAVERSE LINE AND RIVER LOT

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

SECTION 3. This Ordinance shall take effect twenty (20) days after passage.

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APPLICANTS:

Tammy VanSumeren and Robert Ochodnicky	106 North Dewey Street
Tammy VanSumeren and James & Carole Powell	114 North Dewey Street
Tammy VanSumeren and Douglas & Janna Hudson-Birchmeier	615 East Main Street
Tammy VanSumeren and Billie Jean & Gary Roth	617 East Main Street

PROPERTY REZONING:

106 North Dewey Street	FROM:	B-1 Local Business District & RM-1 Multiple Family Residential District
	TO:	B-1 Local Business District
114 North Dewey Street	FROM:	R-1 Single Family Residential District
	TO:	B-1 Local Business District

615 East Main Street	FROM:	RM-1 Multiple Family Residential District
	TO:	B-1 Local Business District
617 East Main Street	FROM:	RM-1 Multiple Family Residential District
	TO:	B-1 Local Business District

PROPERTY DESCRIPTIONS:

106 North Dewey Street	LOT 6 (EX E 66') CITY ASSESSORS PLAT 2
114 North Dewey Street	LOT 5 (EX E 132') CITY ASSESSORS PLAT 2
615 East Main Street	W 50' OF LOT 8 CITY ASSESSORS PLAT 2
617 East Main Street	THE E 82' OF THE W 132' OF LOT 8 CITY ASSESSORS PLAT 2

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

SECTION 3. This Ordinance shall take effect twenty (20) days after passage.

Bid Award. Authorized resolution awarding the bid for 6" Class 52 Ductile Iron Water Main to Michigan Pipe and Valve-Flint, Inc. with a unit price of $12.44 per foot and further authorized payment in an amount not to exceed $10,000 as follows:

RESOLUTION NO. 46-2010

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR 6" DUCTILE IRON WATER MAIN WITH MICHIGAN PIPE AND VALVE-FLINT, INC.

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that the water main beneath Jerome Avenue is in need of replacement; and

WHEREAS, the City of Owosso will be reconstructing Jerome Avenue this year and it is advisable to replace 700' of water main prior to reconstruction; and

WHEREAS, the City of Owosso received a bid from Michigan Pipe and Valve-Flint, Inc., a firm that will supply and deliver the 6" Class 52 Ductile Iron Water Main that is needed for the project; and

WHEREAS, the City will keep any pipe over 700' for repairs or replacements in other areas;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to purchase 6" Class 52 Ductile Iron Water Main from Michigan Pipe and Valve-Flint, Inc., waiving any bidding irregularities.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Purchase between the City of Owosso, Michigan and Michigan Pipe and Valve-Flint, Inc. up to the amount of $10,000.00

THIRD: The above expense shall be paid from the Water Fund.

Professional Services Agreement. Authorized the following resolution approving a professional services agreement with Wigen, Tincknell, Meyer & Associates, Inc. for construction related services for the façade improvement project at 114 W. Exchange Street in the amount of $8,845.00.

RESOLUTION NO. 47-2010

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH WIGEN, TINCKNELL, MEYERS & ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES RELATED TO THE FAÇADE PROJECT AT 114 WEST EXCHANGE STREET

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that improving the facades of local buildings is vital to the health of the downtown; and

WHEREAS, the City of Owosso received a Vibrant Small Cities Initiative Grant in 2007, a portion of which may be used for façade improvements in the downtown; and

WHEREAS, Sobak's Home Medical, Inc. located at 114 West Exchange Street has indicated an interest in reconstructing the façade of their building; and

WHEREAS, Wigen, Tincknell, Meyers & Associates, Inc. constructed preliminary drawings of the façade improvement proposed for Sobak's Home Medical, Inc;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Wigen, Tincknell, Meyers & Associates, Inc. to perform construction related services for the façade improvement project at 114 West Exchange Street.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Professional Services between the City of Owosso, Michigan and Wigen, Tincknell, Meyers & Associates, Inc. up to the amount of $8,845.00.

THIRD: The above expenses shall be paid from the Owosso Main Street Bond Fund.

Payment Authorization. Authorized the following resolution approving Progress Payment No. 1 to the Owosso Community Players for the Lebowsky Center Façade Project in the amount of $11,775.09, to be repaid by a VSCI Grant drawdown.

RESOLUTION NO. 48-2010

AUTHORIZING PAYMENT TO THE OWOSSO COMMUNITY PLAYERS FOR WORK COMPLETED ON THE LEBOWSKY CENTER FAÇADE PROJECT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received from the State of Michigan a Vibrant Small Cities Initiative Grant; and

WHEREAS, façade improvements are eligible for funding under the terms of the grant; and

WHEREAS, the Owosso Community Players have undertaken a project to rebuild the Lebowsky Center

theater, of which façade improvements are a part; and

WHEREAS, a portion of the work has been completed and is now eligible for reimbursement through the grant; and

WHEREAS, project manager Bazzani Building Company has applied to the City for reimbursement

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to reimburse the Owosso Community Players for eligible funds spent in the course of reconstructing the façade of the theater via the Vibrant Small Cities Initiative Grant.

SECOND: The accounts payable department is authorized to submit payment to the Owosso Community Players in the amount of $34,497.00 as detailed on the attached Payment Requests 1 & 2, less the amount authorized by Council on May 3, 2010 and previously submitted to OCP by the City.

Gift Receipt. Authorized the following resolution accepting a $10,000 donation from Jerry Voight for signage on the Sam & Opal Voight Loop Trail.

RESOLUTION NO. 49-2010

RESOLUTION ACCEPTING A GIFT FROM JERRY VOIGHT FOR SIGNAGE FOR THE SAM AND OPAL VOIGHT LOOP TRAIL

WHEREAS, signs have been proposed for the Sam and Opal Voight Loop Trail,

WHEREAS, Jerry Voight has reviewed the plans and has made a gift in the amount of $10,000 to pay for the materials necessary to construct the signs.

NOW THEREFORE BE IF RESOLVED :

1. That the City Council on behalf of the citizens of Owosso acknowledges the gift and expresses appreciation to Jerry Voight for his generosity.

2. That the City of Owosso accepts the gift and applies the amount to the construction of the signs.

3. That the City Clerk officially send a copy of this resolution to Jerry Voight

Warrant No. 403. Accepted Warrant No. 403 as presented.

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services April 13, 2010 – May 10, 2010	General	$9,446.32
Netarx, LLC	Network Engineering Support April 2010	General	$5,712.00
BS & A Software	Equalizer Internet Services May 1, 2010 – May 1, 2011	General	$5,500.00

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

SET PUBLIC HEARING – OBSOLETE PROPERTY REHABILITATION EXEMPTION

It was asked that notices be sent to all the taxing jurisdictions prior to the hearing. It was further noted that comments would be taken into consideration but the Council had the final authority on the matter.

Motion by Councilperson Eveleth to set a public hearing for June 7, 2010 to receive citizen comment on the application for an Obsolete Property Rehabilitation Exemption Application from Trust Thermal for the property located at 210 South Water Street.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

TAX ABATEMENT POLICY

There was significant discussion regarding fees, the categories for abatements, and whether emphasis should be given to existing businesses or new businesses. It was noted that the policy does not contain provisions for reporting or revocation at this time.

The Council reviewed the policy line by line and suggested changes. City staff will incorporate the amendments as well as the reporting and revocation provisions and bring the document back to Council for approval.

PROPERTY SALE DISCUSSION – MCMILLAN AVENUE, SOUTHEAST INDUSTRIAL PARK

Discussed request from Mark A. Hanna, on behalf of Comet Investments, LLC, for the sale of 1.73 acres of City property located behind the facility at 1500 McMillan Avenue. The Council directed Interim City Manager Crawford to negotiate with the prospective buyers and report back to Council.

COMMUNICATIONS

Gary Palmer, Building Official. April 2010 Building Department Report.
Gary Palmer, Building Official. April 2010 Code Violations Report.
Michael T. Compeau, Public Safety Director. April 2010 Police Department Report.
Michael T. Compeau, Public Safety Director. April 2010 Fire Department Report.
Downtown Development Authority. Draft minutes of Meeting of April 7, 2010.
Owosso Planning Commission. Draft minutes of Meeting of April 26, 2010.

Councilperson Martenis questioned the low level of drug arrests in the month of April. It was noted that a large number of drug arrests are made by the MAGNET organization and thus would not be noted on the City Police Department's report.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, inquired about patching the intersection of Gould Street and East Oliver Street.

Burton Fox, Planning Commission Chairperson, noted that the Commission spent a significant amount of time carefully examining the proposed rezoning of the lots on Main and Dewey Streets saying the Commission cannot rezone a parcel for a particular business. He offered to go over the proposal with Council should they wish to do so.

Thomas Manke, 2912 West M-21, indicated that Westown had their first artwalk and it was a success. He also pointed out that due to the high traffic counts along M-21 Westown would be a great place for any new business.

Michael Cline, 621 Wright Avenue, commented on receiving information on internal investigations. He went on to say that he was promised a report in exchange for certain actions on his part. It was noted the investigation in question is currently on-going and no report has been generated.

Eddie Urban, 601 Glenwood Avenue, told the Council about a basketball fundraiser held at Corunna High School, saying it was a very enjoyable event.

Justin Horvath, SEDP Director, thanked the Council for the opportunity to comment on the tax abatement policy. He said he thought it was a fine policy and would encourage other jurisdictions in the County to adopt something similar.

Mayor Frederick commended City Engineer Baker and Owosso Main Street for their forethought in suggesting bike racks at entrances to the downtown area.

Councilperson Erfourth noted that he would like to explore the idea of developing a methamphetamine clean-up ordinance. He also inquired about the status of the 2nd mortgage on the Lebowsky Center. Lastly, he noted the large pothole on Oak Street near Emerson School.

Councilperson Cook indicated he would like an update on progress with the masterplan and the filling of the Community Development Director position at the next meeting.

Councilperson Forster indicated she would like a permanent 4-way stop installed at the corner of South Washington Street and Stewart Street. Councilperson Martenis seconded the idea.

NEXT MEETING

June 7, 2010

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, term expiring 12-31-2011
Building Board of Appeals, term expiring 06-30-2013

ADJOURNMENT

Motion by Councilperson Eveleth or adjournment at 10:30 p.m.

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

_____
Benjamin R. Frederick, Mayor

_____
Amy K. Kohagen, City Clerk