

OWOSSO CITY COUNCIL

FEBRUARY 2, 2009

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: PASTOR KENNETH HERBRUCK
OWOSSO ASSEMBLY OF GOD

PLEDGE OF ALLEGIANCE: PAIGE LELAND, CITY COUNCIL STUDENT LIAISON

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Frederick to remove Item of Business 5, Rental Inspection Program, from the agenda.

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

Motion by Councilperson Martenis to approve the agenda as amended.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 20, 2009

Motion by Councilperson Simmons to approve the Minutes of the Regular Meeting of January 20, 2009 as presented.

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

The Mayor asked all those present to review the rules for addressing City Council.

PROCLAMATION

PROCLAMATION - R. DOUGLAS TREZISE

Mayor Bruff read aloud the following proclamation recognizing former Owosso Mayor R. Douglas Trezise, upon his passing, for his contributions to the community.

**A PROCLAMATION OF THE MAYOR'S OFFICE
OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING**

R. DOUGLAS TREZISE

**FOR HIS EXEMPLARY SERVICE
TO THE OWOSSO COMMUNITY AND THE STATE OF MICHIGAN**

WHEREAS, R. Douglas Trezise had an exceptional sense of civic duty serving the Owosso community through his participation on many, many Boards and Commissions including the Owosso Jaycees, the Owosso Rotary Club, the Shiawassee County Chapter of the American Red Cross, the Owosso Charter

Commission, the Board of Deacons of First Congregational Church, the Board of First Federal Savings and Loan, the Owosso City Council, the Owosso Board of Review, the State Employees Retirement System Board, and the Shiawassee County Board of Supervisors; and

WHEREAS, Mr. Trezise consistently displayed his profound leadership skills, serving as Chairman or President for many of the civic organizations to which he belonged, including rising to the position of Mayor of the City of Owosso; and

WHEREAS, Mr. Trezise continued his public service being elected twice to the State House of Representatives then further serving the Citizens of the State of Michigan through his work as the Deputy State Treasurer for 15 years; and

WHEREAS, it is fitting and proper that Mr. Trezise be recognized for his Dedicated and Distinguished Public Service to the Citizens of the City of Owosso and of the entire State of Michigan on the occasion of his passing;

NOW, THEREFORE, BE IT PROCLAIMED that I, Michael E. Bruff, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize R. Douglas Trezise for his exemplary service to the Citizens of Owosso and the State of Michigan and thank his family for sharing this gentle soul with the Community and further express our sincere condolences on his passing.
Proclaimed this 2nd day of February, 2009.

SPECIAL PRESENTATION

HUMAN RESOURCES DEPARTMENT PRESENTATION

Human Resources Director Jessica Unangst introduced the staff of the Human Resources Department and detailed the accomplishments of the department over the last 10 months. Department goals for 2009 include revising personnel policies, establishing a performance evaluation process, creating a monthly employee newsletter, re-evaluating the City Hall work schedule, and looking into time clocks for employees.

PUBLIC HEARING - ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding the proposed ordinance amendment to Chapter 27, *Soil Erosion and Sedimentation Control*, Sections 27-1 through 27-40 of the Code of Ordinances of the City of Owosso, Michigan.

There were no citizen comments.

Whereas, the City Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Forster the following Ordinance be adopted:

ORDINANCE NO. 703

AN ORDINANCE TO AMEND CHAPTER 27, *SOIL EROSION AND SEDIMENTATION CONTROL*, SECTIONS 27-1 THROUGH 27-40 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN TO BRING IT INTO COMPLIANCE WITH UPDATES IN STATE LAW.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Sections 27-1 through 27-40 of Chapter 27, *Soil Erosion and Sedimentation Control*, is hereby amended to read as follows:

Sec. 27-1. Purpose.

The purpose of this chapter is to prevent soil erosion and off-site sedimentation from earth

changes within the city by requiring proper provisions of water disposal and the protection of soil surfaces during and after construction.

Sec. 27-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accelerated soil erosion means the increased loss of the land surface that occurs as a result of human activities.

Certification of completion means a signed written statement by the city engineer that specific earthwork has been inspected and found to comply with all soil erosion and sedimentation control plans and specifications.

City Engineer means the engineer of the city of Owosso or his/her representative.

Earth change means a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

Erosion means the process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

Excavation or *cut* means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

Flood plain means that area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.

Grading means any stripping, excavating, filling, stockpiling or any combination thereof, and shall include the land in its excavated or filled condition.

Soil erosion and sedimentation control permit means a permit issued to authorize work to be performed under this chapter.

Permanent soil erosion and sedimentation control measure means those control measures which are installed or constructed to control soil erosion and/or sedimentation and which are maintained after project completion.

Permittee means a person to whom has been issued a permit under the provisions of this chapter.

Stripping means any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

Temporary soil erosion and sedimentation control measures means interim control measures which are installed or constructed for the control of soil erosion and sedimentation and which are not maintained after project completion.

Sec. 27-3. Compliance with chapter required for site plan plat approval.

No site plan, plot plan or plat shall be approved under chapter 38 unless the site plan, plot plan or plat shall include soil erosion and sediment control measures consistent with the requirements of this chapter and related land development regulations.

Sec. 27-4. Compliance with chapter required for occupancy.

No certificate of occupancy for any building will be issued under chapter 8 unless the applicant for such certificate shall have obtained a certification of completion indicating compliance with all grading plans and specifications and completion of all permanent soil erosion control measures.

Sec. 27-5. Responsibility of permittee.

During grading operations the permittee shall be responsible for:

- (1) The prevention of damage to any public utility or services within the limits of grading and along any routes of travel of the equipment;
- (2) The prevention of damage to adjacent property. No person shall deposit sediment on adjacent property or grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result;
- (3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and this chapter;
- (4) The prompt removal of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction.

Sec. 27-6. General requirements.

(a) Any earth changes shall be conducted in such a manner which will effectively reduce accelerated soil erosion and resulting off-site sedimentation.

(b) All persons engaged in earth changes shall design, implement and maintain acceptable soil erosion and sedimentation control measures, in conformance with this chapter and Part 91.

(c) All earth changes shall be designed, constructed and completed in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time.

(d) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.

(e) Any temporary or permanent soil erosion and sedimentation control measures constructed for the conveyance of water around, through or from the earth change area shall be designed to limit the water flow to a nonerosive velocity.

(f) A person shall install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and shall maintain the measures on a daily basis. A person shall remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. A person shall stabilize the area with permanent soil erosion control measures under approved standards and specifications as prescribed by Rule 323.1710.

(g) A person shall complete Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area within five (5) calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

Sec. 27-7. Maintenance requirements.

Persons carrying out soil erosion and sediment control measures under this chapter, and all subsequent owners of property shall maintain all permanent soil erosion and sedimentation control measures.

Sec. 27-8. Minimum design standards for erosion and sediment control.

All soil erosion and sedimentation control plans and specifications including extensions of previously approved plans shall include provisions for erosion and sediment control in accordance with, but not limited to, the standards contained in the "Standards and Specifications for Erosion Control" published by the county soil conservation district. Copies of such standards shall be available for inspection in the office of the city engineer.

Sec. 27-9. Variances.

Where it is alleged that there is error or misinterpretation in any order, requirements, decisions, grant or refusal made by the city engineer, the board of zoning appeals shall have the power to hear specific applications and may amend or change such order, requirements, decisions, grant or refusal so that it is in harmony with the general purpose and intent of the requirements as long as those actions comply with Part 91. The procedural requirements for appeals under sections 38-503 and 38-504 shall be applicable to appeals under this chapter.

Sec. 27-10. Inspection.

(a) The requirements of this chapter shall be enforced by the city engineer or his/her representative. The city engineer shall inspect the work and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency, approved by the city engineer, unless the engineer determines that such inspection requirements may be waived due to the non-hazardous nature of the grading.

(b) Upon satisfactory execution of all approved grading plans and other requirements, the city engineer shall issue a certification of completion. If the city engineer finds any existing conditions not as stated in any application, soil erosion and sedimentation control permit or approved plan, he or she may refuse to approve further work until approval of a revised soil erosion and sedimentation control plan which will conform to the existing conditions.

Sec. 27-11. Enforcement.

(a) Notwithstanding the existence or pursuit of any other remedy, the city may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this chapter.

(b) The city engineer, or his/her duly authorized agents may enter at all reasonable times in, or upon any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this chapter, Part 91, or the rules promulgated pursuant to Part 91.

Secs. 27-12--27-30. Reserved.

ARTICLE II.

PERMIT

Sec. 27-31. Required.

Except as exempted by sections of this chapter, Part 91, or the Rules no person shall do any

grading, stripping, excavating or filling nor undertake any earth change unless he or she has a valid soil erosion and sedimentation control permit issued by the city engineer.

Sec. 27-32. Application--Generally.

A separate application shall be required for each soil erosion and sedimentation control permit. Plans, specifications and timing schedules shall be submitted with each application for a soil erosion and sedimentation control permit. The plans shall be prepared or approved and signed by a professional engineer or by an architect. The city engineer may waive the preparation or approval and signature by the professional engineer or architect when the work entails little hazard to the adjacent property and does not include the construction of a fill upon which a structure may be erected.

Sec. 27-33. Same--Data required.

The plans and specifications accompanying the grading permit application shall contain the following data:

- (1) A vicinity sketch at the scale of one (1) inch equals two hundred (200) feet indicating the site location as well as the adjacent properties within five hundred (500) feet of the site boundaries;
- (2) A boundary line survey of the site on which the work is to be performed;
- (3) A plan of the site at a scale of one (1) inch equals one hundred (100) feet showing:
 - a. Name, address and telephone number of the owner, developer and petitioner;
 - b. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures;
 - c. A certified statement of the quantity of excavation and fill involved;
 - d. Existing topography at a maximum of five (5) foot contour intervals;
 - e. Proposed topography at a maximum of five (5) foot contour intervals;
 - f. Location of any structure or natural feature on the site;
 - g. Location of any structure or natural feature on the land adjacent to the site and within fifty (50) feet of the site boundary line;
 - h. Location of any proposed additional structures or development on the site;
 - i. Elevations, dimensions, location, extent and the slope of all proposed grading (including building and driveway grades);
 - j. The estimated total cost of the required temporary and permanent soil erosion control measures;
 - k. Plans of all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices, or other temporary or permanent soil erosion control measures to be constructed in connection with, or as a part of, the proposed work together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains;

- I. Other information or data as may be required by the city engineer such as a soil investigation report which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and rock on the site.

Sec. 27-34. Fees.

At the time of filing an application for a soil erosion and sedimentation control permit, a nonrefundable filing fee as prescribed by resolution of the council shall be paid to the city treasurer.

Sec. 27-35. Bond requirement.

(a) A soil erosion and sedimentation control permit shall not be issued unless the permittee shall first post with the city engineer a bond executed by the owner and a corporate surety with authority to do business in this state as a surety only for projects with soil erosion and sedimentation control costs of more than \$1000.

(b) The bond shall be in a form approved by the city attorney, payable to the city, and in the amount of the estimated total cost of all temporary or permanent soil erosion control measures. The total cost shall be estimated by the city engineer. The bond shall include penalty provisions for failure to complete the work on schedule as specified on the soil erosion and sedimentation control permit. In lieu of a surety bond, the applicant may file with the city a cash bond or an instrument of credit approved by the city attorney in the amount equal to that which would be required for the surety bond.

(c) Every bond and instrument of credit shall include and every cash deposit shall be made on the conditions that the permittee shall comply with all of the provisions of this chapter and all of the terms and conditions of the grading permit, and shall complete all of the work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is specified, within one hundred eighty (180) days after the date of the issuance of the grading permit.

Sec. 27-36. Extension of time.

If the permittee is unable to complete the work within the specified time, he or she may, at least ten (10) days prior to the expiration of the permit, present in writing to the city engineer and building inspector a request for an extension of time setting forth the reasons for the requested extension. If an extension is warranted, the city engineer may grant additional time for the completion of the work, but no such extension shall release the owner or the surety on the bond or the person furnishing the instrument of credit or cash bond. If the permittee does not request an extension and the original permit expires prior to the site being stabilized, he or she must apply for a new permit.

Sec. 27-37. Failure to complete work.

In the event of failure to complete the work or failure to comply with all the requirements, conditions, and terms of the permit issued under the provisions of this article, the city engineer may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition and he or she may authorize completion of all necessary temporary or permanent soil erosion control measures. The permittee and the surety executing the bond or person issuing the instrument of credit or making the cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be insured or expended by the city in causing any and all such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

Sec. 27-38. Denial of permit.

Grading permits shall not be issued where:

- (1) The proposed work would cause hazards to the public safety and welfare; or
- (2) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property; or
- (3) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property; or
- (4) The land area for which the grading is proposed may lie within the floodplain of any stream or watercourse (not specifically designated and delineated by the city as an area subject to flood hazard), unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his or her opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

Sec. 27-39. Modifications of approved plans.

All modifications of the approved soil erosion and sedimentation control plans must be submitted and approved by the city engineer. All necessary substantiating reports shall be submitted with any proposal to modify the approved grading plan. No grading work in connection with any proposed modification shall be permitted without the approval of the city engineer.

Sec. 27-40. Exceptions.

- (a) No permits shall be required by the provisions of this article for the following:
 - (1) Grading or an excavation below finished grade for basements, footings retaining walls, or other structures or plots zoned R-1, R-2, RM-1 and RM-2 of less than twenty thousand (20,000) square feet and more than five hundred (500) feet from any lake, stream or drainage course;
- (b) Although no permits are required under subsection (a), the operations and constructions exempted from obtaining permits must comply with the rules and regulations concerning grading and erosion specified in this chapter.

Section 2. This ordinance shall become effective February 22, 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 Martenis.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Paige Leland, Owosso Middle School 8th grade Student Council Vice President, distributed the student newsletter and detailed student efforts to help those in need including the upcoming talent show to raise money for RAVE.

Kevin Brown, 217 Curwood Castle Drive, asked Council to place a 5-year millage for Holman Pool on the May 2009 ballot, saying 5 years would provide the time necessary to plan for something more permanent.

Brian Berry, 627 North Washington Street, indicated he had found a grant from the Kellogg Foundation that, if awarded, could be used to help fund a skate park as presented by student Justin Eppler in November of 2007.

Eddie Urban, 601 Glenwood Avenue, indicated he enjoyed the presentation on the Human Resources department.

Tim Law, owner of the Rainbow Bar, thanked City Manager Fivas for taking the time to answer all his questions regarding the recently adopted rules governing the renewal and revocation of liquor licenses.

Shelva Cebulski, 1243 Marion Street, agreed with Kevin Brown's suggested 5-year pool millage, saying it was important to teach children to swim.

Councilperson Martenis thanked Mr. Tillotson for taping Council meetings, he also thanked The Independent for its coverage of City issues. Lastly, he asked that those with questions or concerns about the City approach City staff or Council members for answers, indicating those that do not ask are only complaining. He also expressed his hope that people would get involved in the various events and projects planned around the city.

City Manager Fivas thanked Mr. Law for coming in to talk to him, saying he is a vital part of the revitalization of the Westtown area.

Mayor Bruff asked that citizens treat Council members with respect, reminding them Council is made up of a group of seven people where no one person is to blame for any particular failure or success. He went on to say he felt personal attacks were unfair, and people should be able to agree to disagree.

CITY MANAGER REPORT

City Manager Fivas distributed a copy of the proposed Owosso Township water agreement. He said the document was the culmination of 4 years of work and would be considered for adoption by both the Council and the Owosso Township Board of Trustees in the coming month.

He went on to note the U.S. House of Representatives had recently passed a stimulus package bill. While the details of the package still remain up in the air the City is working diligently to try to ensure we receive some of the federal monies being made available.

Work is progressing on the design for the Exchange Street parking lot and streetscape, with hope the project will be finished by the Curwood Festival.

Lastly, he noted that bids for the loop trail are complete, a committee has been formed for Pride Week, he is working with other local officials regarding the Fisher Landfill, and the fire truck is now only going out for Priority 1 calls.

CONSENT AGENDA

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

Special Assessment Resolution Rescission. Rescinded Resolutions No. 01-2009, 02-2009, and 03-2009 regarding Special Assessment District 2009-01 so the assessment roll could be amended.

Special Assessment District No. 2009-01

the alley east of Division Street from Auburndale Avenue to Franklin Avenue

RESOLUTION NO. 06-2009

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

**The alley east of Division Street from Auburndale Avenue to Franklin Avenue
Storm Drain Construction**

NOW, THEREFORE, BE IT RESOLVED THAT:

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

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

Special Assessment District No. 2009-01

the alley east of Division Street from Auburndale Avenue and Franklin Avenue

RESOLUTION NO. 07-2009

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

**The alley east of Division Street from Auburndale Avenue and Franklin Avenue
Storm Drain Construction**

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 \$6,500.00 and determines that \$3,500.00 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 \$3,000.00 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 2, 2009 for the purpose of hearing all persons to be affected by the proposed public improvement.

6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

the alley east of Division Street from Auburndale Avenue and Franklin Avenue

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Storm Drain Construction.**

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 2, 2009 for the purpose of hearing any person to be affected by the proposed public improvement.

Payment Authorization. Authorized payment to RWI Manufacturing for construction of the Main Street Plaza arch in the amount of \$7,506.42.

Warrant No. 379. Authorized Warrant No. 379 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$25,823.00
Orchard, Hiltz & McCliment, Inc.	Engineering Services	Sewer	\$6,324.50

Motion supported by Councilperson Simmons.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

CITY MANAGER EVALUATION

There was a brief discussion regarding establishing a regular practice for evaluation of the City Manager's performance.

The Council agreed on the format as presented. The areas of evaluation are as follows:

- Job Skills and Knowledge
- Responsibility
- Customer Service
- Problem Solving
- Initiative
- Management Skills
- Leadership Qualities
- Budgetary Controls

Motion by Mayor Pro-Tem Owen to approved the format for the annual City Manager evaluation and schedule the evaluation for the meeting of February 17, 2009.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

LICENSE AGREEMENT - INVISALINK

Motion by Mayor Pro-Tem Owen to authorize a 21-day posting for site license agreement with Invisalink Wireless Enterprises, LLC to locate internet wireless equipment on the City's West Side Water Tower.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: None.

CONTRACT AMENDMENT – ORCHARD HILTZ & MCCLIMENT

Motion by Councilperson Simmons to authorize an amendment to the engineering services agreement with Orchard Hiltz & McCliment for services on the City Sanitary Sewer Overflow Control Program in 2009 on a cost basis, with a not to exceed budget amount of \$88,000.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

RENTAL REGISTRATION PROGRAM

There was a lengthy discussion regarding the conversation at the Planning Commission level. Mayor Bruff noted there was a good discussion during the Commission meeting. He also noted the compromise

in fees that was reached so a registration process could be established. He indicated he felt the fees may need adjustment in the future but thought the critical issue was establishing the program.

There was concern whether the program would be sustainable under the fee structure suggested by the Planning Commission. There was also concern about how to handle tenants that file unjustified complaints. There was question whether a biennial collection of fees could sustain the program. There was also question about registration/inspection programs in other communities.

The Council requested more information on the cost of operating the program. In addition, Council requested staff research the most appropriate way to incorporate penalties into the program, whether it be by ordinance or resolution.

The Council took a brief recess at 9:17 p.m. The session resumed at 9:25 p.m.

HOLMAN POOL FUNDING

After a thorough professional examination of the pool, a review of past operating costs, and other considerations, City Manager Fivas suggested the following options for Holman Pool in the coming year:

- a. Place a two year millage renewal on the May ballot
- b. Place a one year millage renewal on the May ballot
- c. Close the pool and focus on a long term, community based aquatic center
- d. Use general funds

There was a lengthy discussion regarding the cost of putting the question on the ballot, the development of a regional aquatic center, funding a pool that is at the end of its useful life, putting two questions on the ballot to determine whether the public wants to keep Holman Pool or raise money for a new pool, funding pool operations through donations, the possibility of a petition drive to place the issue on the ballot, and timing and cost issues in relation to placing the question before the voters.

Council agreed that options b and d would not be practical and instructed staff to assemble the following information for the February 17th meeting: usage figures for the pool, further information on a two year millage request, and closing the pool to focus on a long term solution.

EXECUTIVE SESSION

Motion by Mayor Pro-Tem Owen to authorize holding executive session at the conclusion of regular business for collective bargaining purposes.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Owosso Planning Commission. Minutes of Meeting of January 26, 2009.

Owosso Historical Commission. Minutes of Meeting of January 20, 2009.

Owosso Cable Access Advisory Commission. Minutes of Meeting of January 12, 2009

Westown Corridor Improvement Authority. Minutes of Meeting of December 10, 2008.

Westown Corridor Improvement Authority. Minutes of Meeting of January 14, 2009.

CITIZEN COMMENTS AND QUESTIONS

Betty Coon, 1204 Palmer Avenue, asked the Council not to request money from citizens to operate the pool.

Eddie Urban, 601 Glenwood Avenue, suggested people donate their used vehicles to the City to help fund the operation of Holman Pool. He also noted Charter Cable is laying people off and filing for bankruptcy.

Jeff Tebo of Invisalink Wireless let Council know he is available to answer any questions they may have regarding the installation of equipment on the west side water tower.

Shelva Cebulski, 1243 Marion Street, remarked that everyone handled themselves well at the last meeting when one audience member was escorted out, though she noted she thought his poor behavior had continued too long before he was asked to leave.

City Manager Fivas noted he had spoken with two individuals that had said the pool was an inexpensive alternative for those that could not afford to go on vacation.

Mayor Bruff indicated that in the future he will act faster to remove people that are misbehaving during the meeting.

NEXT MEETING

Tuesday, February 17, 2009

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expires 06-30-2009
Cable Access Advisory Commission – term expires 06-30-2009

RECESSED TO EXECUTIVE SESSION AT 10:04 PM

RETURNED FROM EXECUTIVE SESSION AT 11:20 PM

APPROVAL OF EXECUTIVE SESSION MINUTES OF NOVEMBER 3, 2008

Motion by Mayor Pro-Tem Owen to approve the Executive Session Minutes of the meeting of November 3, 2008.

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

POLICE OFFICERS LABOR COUNCIL CONTRACT AGREEMENT*

Motion by Mayor Pro-Tem Owen to accept the labor agreement with the Police Officers Labor Council, Owosso Division covering the time period of July 1, 2008 through June 30, 2011.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

*Full text of the agreement can be found on file in the Clerk's Office.

ADJOURNMENT

Motion by Councilperson Cline for adjournment at 11:24 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk