

**OWOSSO CITY COUNCIL**

**DECEMBER 17, 2012**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** REVEREND SUSAN KINGSLEY  
TRINITY UNITED METHODIST CHURCH

**PLEDGE OF ALLEGIANCE:** PUBLIC SAFETY DIRECTOR MICHAEL T. COMPEAU

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

**ABSENT:** None.

A moment of silence was observed for the victims and families of the elementary school shooting in Connecticut last Friday.

**APPROVE AGENDA**

Motion by Councilperson Eveleth to approve the agenda as presented with the addition of the following two communications:

- William C. Brown, City Attorney. Opinion on Open Meetings Act.
- Michael T. Compeau, Public Safety Director. Police Report – November 2012.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 3, 2012**

Councilperson Cook indicated he would like to see the comments from City Manager Crawford regarding changes in the personal property tax altered to better reflect his concern despite the fact the City's revenues from PPT are lower in proportion to many other communities.

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of December 3, 2012 with the changes noted.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**PROCLAMATION – MICHAEL COMPEAU**

Mayor Frederick read aloud a Mayoral Proclamation recognizing Public Safety Director Michael Compeau for his years of service to the City upon the occasion of his retirement as follows:

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF  
MICHAEL T. COMPEAU**

- WHEREAS, Michael Compeau began his service to the City of Owosso as the Chief of Police on May 29, 2003; and
- WHEREAS, Mike was promoted to Director of Public Safety in May of 2004; and
- WHEREAS, his leadership in that newly created position has been essential to the success of the Department of Public Safety; and
- WHEREAS, he has overseen the reorganization of the department and has instituted a number of new policies and training programs intended to improve safety, efficiency, and citizen satisfaction; and
- WHEREAS, Mike's pursuit of grant funding has resulted in significant improvements including the hire of more police officers, the installation of an emergency generator for the Public Safety building, new heart monitor/defibrillators for each ambulance, new turn-out gear for paid-on-call firefighters, and funding for emergency services training; and
- WHEREAS, in the course of his career Mike has consistently demonstrated the dedication, resourcefulness and forethought necessary to perform professional and responsible administrative work, leading the department

through difficult circumstances, standing up in the face of criticism, and steadfastly moving to improve the department; and

WHEREAS, in his spare time, he continued to give of himself to the residents of the City through his involvement with the Red Cross and the Curwood Festival; and

WHEREAS, it is the intent of this Office that Mike's Honorable and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Mike for his years of tireless and dedicated service to the Owosso community and further express our sincere wishes to Mike and his family for a long, healthy and happy retirement.

Proclaimed this 17<sup>h</sup> day of December, 2012.

Mr. Compeau addressed those present expressing his thanks for his hire as the City's Police Chief, he went on to thank City Manager Donald Crawford for his support saying he always made time for employees. He indicated that while the job can consume your life it was his pleasure to serve the City. Lastly, he thanked his wife, Cindy, and said he was looking forward to his retirement.

### **PUBLIC HEARINGS**

#### **SPECIAL ASSESSMENT DISTRICT NO. 2012-03 – HAZARDS AND NUISANCES**

Mayor Frederick formally opened the hearing.

The following people commented regarding the proposed Special Assessment Roll:

Hanora Bignall, owner of 912 Chipman Street, indicated she possession of the property in August via tax sale and was told by the State of Michigan that she was not liable for any charges to the property accrued prior to sale. She said she had no plans to pay the bill she received and wanted to know how the situation could be resolved.

Gregory Polen, owner of 328 Prindle Street, indicated he was in a situation similar to that of Ms. Bignall saying he purchased his vacant lot via tax sale. He said he had checked with the courts and found nothing pending on the property and was also told by the State that any existing liens against the property wouldn't survive the tax sale process. He expressed his objection to the proposed special assessment of his property. He went on to say he felt the special assessment process was misapplied in this situation and the obligations should be addressed through the court system. At the conclusion of his comments Mr. Polen gave a written copy of his objections to the Clerk.

Dan Mullin, owner of 502 Jennett Street, indicated he too had purchased his property through tax sale and the charges in question were accrued long before he owned it. He asked the Council to waive the charges associated with his property.

There were no further citizen comments regarding the proposed special assessment roll.

City Attorney William C. Brown addressed the Council saying he was in the process of researching the issue at hand. As a result of this research he advised Council to remove all of the parcels that had been sold via tax deed from the roll as State law indicated charges accrued prior to tax sale were waived as a part of the tax sale process. He noted the removal of the properties from the special assessment roll would not remove any court ordered liens. He advised he would continue to research the issue.

City Manager Crawford noted the Council may have to approve special assessments for hazards and nuisances charges more than once per year to avoid losing money when properties are sold via tax sale.

Motion by Councilperson Eveleth to adopt Special Assessment Resolution No. 2, removing the parcels sold through tax sale, as follows:

#### **RESOLUTION NO. 149-2012**

#### **SPECIAL ASSESSMENT DISTRICT NO. 2012-03 HAZARDS AND NUISANCES**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property:

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>BALANCE</b>
050-391-000-013-00	313 N Oak St	240.00
050-602-007-005-00	1803 W Stewart St	420.00
050-450-000-021-00	804 Center St	440.00
050-196-000-012-00	917 N Gould St	120.00
050-197-000-022-00	808 E North St	120.00
050-220-000-044-00	1420 Young St	240.00
050-391-000-030-00	315 N Oak St	120.00
050-602-014-008-00	1064 Tracy St	480.00
050-010-023-002-00	516 Garfield Ave	240.00
050-420-007-009-00	719 Lingle Ave	120.00
050-113-009-003-00	1314 W Stewart St	240.00
050-602-037-002-00	1600 W South St	320.00
050-580-000-030-00	215 S Dewey St	120.00
050-010-017-034-00	624 Alger Ave	240.00
050-113-006-005-00	1108 Ryan St	140.00
050-113-006-008-00	1415 Young St	120.00
050-010-003-015-00	702 Glenwood Ave	140.00
050-390-004-012-00	1260 Adams St	240.00
050-010-017-032-00	618 Alger Ave	120.00
050-536-000-034-00	1230 N Shiawassee St	160.00
050-660-011-001-00	219 N Cedar St	120.00
050-601-000-037-00	221 W Stewart St	140.00
050-060-006-003-00	810 Pine St	120.00
050-660-019-012-00	120 S Elm St	120.00
050-010-023-004-00	528 Garfield Ave	160.00
050-601-000-001-00	409 Grace St	120.00
050-090-001-003-00	1408 W Main St	120.00
050-602-008-011-00	937 Kenwood Dr	120.00
050-470-007-015-00	211 E Williams St	120.00
050-320-011-003-00	119 Elizabeth St	120.00
050-602-001-004-00	820 S Chipman St	140.00
050-320-000-100-00	115 Stratford Dr	140.00
050-601-000-037-00	221 W Stewart St	140.00
050-601-000-037-00	221 W Stewart St	351.45
050-010-017-034-00	624 Alger Ave	221.91
050-010-023-001-00	990 Corunna Ave	160.53
050-580-000-069-00	824 E Main St	543.05
050-602-037-002-00	1600 W South St	428.88
050-196-000-012-00	917 N Gould St	334.36
050-090-002-016-00	1419 Cleveland Ave	153.22
050-602-003-011-00	830 Wilkinson St	487.38
050-450-000-021-00	804 Center St	143.95
050-602-001-004-00	820 S Chipman St	394.95
050-113-003-007-00	919 Milwaukee St	394.87
050-700-001-013-00	117 S Shiawassee St	7,759.60
050-602-014-008-00	1064 Tracy St	521.62
050-115-002-014-00	1131 S Shiawassee St	79.65

18,035.42

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$18,035.42 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2012-03.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2012-03 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.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilperson Cook, Erfourth, Fox, Eveleth, Bailey, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

**CITIZEN COMMENTS AND QUESTIONS**

Gary Ballenger, 806 S. Saginaw Street, expressed his concern over the City's financial status saying he was worried that retiring DPW workers are not being replaced while Council members received hefty compensation for their work. He asked that Council address the issue.

Eddie Urban, 601 Glenwood Avenue, spoke about a number of items including Mr. Compeau's pending retirement, hearing assistance in the Council Chambers, City Council's wages, video-taping the meetings, and locating a model of the City's 1924 Lafrance pumper truck.

Gregory Polen, owner of property at 328 Prindle Street, noted this was his first time appearing before a governing body and went on to say he was pleased the Council was reasonable about the special assessment roll.

Mayor Frederick thanked Assistant City Manager Adam Zettel for his work on the Emerson Grove grant saying he was excited about the prospect of partnering with the Schools to improve their playgrounds.

Councilperson Bailey thanked Public Safety Director Compeau for his 10 years of service. She said he was thoughtful in his implementation of the law and as the principal of Central School she relied on his input regarding safety considerations.

Councilperson Fox noted Council members are paid \$10 per meeting. He noted that he had had disagreements with Compeau over the years but it was never personal. He went on to say that he would like to see the City revert back to having two separate chiefs for the police and fire departments. He said he felt safety could be improved by the move and there would be no increase in costs if the City hired two retired former chiefs to fill the positions.

Mayor Pro-Tem Popovitch inquired whether the City had put anything in place to allow employees in pivotal positions to mentor someone to fill their position. On a separate note she said she had greatly enjoyed all of the holiday decorations she has seen around town this year.

Councilperson Erfourth thanked Public Safety Director Compeau for his service saying he recognized the job was thankless in many ways, it was easy for others to judge the job that was being done, and that many forgot that there was a person behind the position.

Councilperson Cook echoed Councilperson Erfourth's comments saying he appreciated Mr. Compeau's diligence and dedication over the years. He also commended him for his leadership during the shift toward a true public safety department.

**CITY MANAGER REPORT**

City Manager Crawford noted that he was not sure why anyone would think the City was broke. He went on to say that the City was experiencing a large number of retirements but some positions would be able to be filled internally.

**CONSENT AGENDA**

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

Boards and Commissions Appointments. Consider the following Mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Nicole Hathaway	Parks & Recreation Commission	06-30-2014
John Horvath	Zoning Board of Appeals – Alternate (Filling unexpired term of E. Frasier)	06-30-2013

Grant Agreement Authorization. Authorize resolution approving the execution of a grant agreement with the Michigan Department of Natural Resources for \$3,800 to assist in the restoration and maintenance of Emerson Grove located at Emerson Elementary School as follows:

**RESOLUTION NO. 150-2012**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR  
THE MICHIGAN DNR COMMUNITY FORESTRY GRANT PROGRAM  
EMERSON GROVE PLANTING PLAN**

WHEREAS, the oak grove at Emerson School, also known as Emerson Grove, is an historic site known and cherished throughout the community as a mature and shaded cluster of oaks that brings the feel of a forest to the heart of the community; and

WHEREAS, the Emerson Grove is aging beyond a point where regular maintenance will sustain the oak trees, leading to the demise of such trees and the grove itself; and

WHEREAS, many community members affiliated with the Owosso Public Schools, the City of Owosso, local businesses, and the general public feel that a reinvestment in this asset is necessary to preserve the heritage and improve the quality of life in the community; and

WHEREAS, a project is proposed that will partner the City of Owosso with the Owosso Public Schools in order to plant new oaks and maples on an historic public property in Owosso, to use this project to educate and promote best practice forestry goals and operations within the school operations department and its students, and to use this project to showcase urban forestry to volunteers and the community at large in an effort to build a stronger culture of urban forestry stewardship; and

WHEREAS, the City of Owosso has written and received a grant in the amount of \$3,800 to assist with this endeavor.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to accept the grant and enter into an agreement with the Michigan Department of Natural Resources for the purpose of replanting Emerson Grove.
- SECOND: The Mayor is instructed and authorized to sign the document substantially in the form attached, Agreement between the City of Owosso, Michigan and the Michigan Department of Natural Resources.
- THIRD: The Owosso City Council commits to funding, through in-kind services of its staff and workforce, such elements as outlined in the grant application. Any expenses related to this project shall be paid from the General Fund with reimbursement from the Michigan Department of Natural Resources in the amount of \$3,800, such expenses to be dedicated to the purchase of 32 trees as outlined in the grant.
- FOURTH: The City of Owosso agrees to maintain satisfactory financial accounts, documents and records and make them available to the Department of Natural Resources for auditing at reasonable times.
- FIFTH: The staff of the city shall be able to alter the scope of this project, in conjunction with the OPS and DNR, contingent upon any additional fundraising efforts.

Purchase Authorization. Authorize the purchase of electronic records management software from General Code, further authorize the purchase of necessary hardware components in a total amount not to exceed \$25,000.00, and approve payment to relevant vendors in an amount not to exceed the approved cost as follows:

**RESOLUTION NO. 151-2012**

**RESOLUTION AUTHORIZING THE EXECUTION OF  
A PURCHASE ORDER WITH  
GENERAL CODE, LLC  
FOR ELECTRONIC RECORDS MANAGEMENT SOFTWARE**

WHEREAS, the City of Owosso generates and receives many, many records each year; and

WHEREAS, the City of Owosso has a responsibility to maintain those records for the benefit of the citizens it serves; and

WHEREAS, the City of Owosso wishes to move into the 21<sup>st</sup> century by digitizing its historical documents and providing significantly improved access to and management of those documents through the employment of an electronic records management system; and

WHEREAS, the State of Michigan has placed stringent requirements on electronic records management systems effectively limiting the number of products meetings those standards; and

WHEREAS, the City of Owosso received a quote from General Code, LLC, the official vendor for LaserFiche products in the Michigan area, a product which meets the State's requirements and is recommended by other Michigan municipalities; and

WHEREAS, a new server, a high speed scanner, and at least one new computer will be necessary to implement this program.

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 electronic records management software from General Code, LLC, and to waiving the bidding requirement.
- 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 General Code, LLC in the amount of \$17,086.00.
- THIRD: Staff is authorized to purchase equipment and accessories necessary for implementation of the program in an amount not to exceed \$7,914.00, for a total project price not to exceed \$25,000.00
- FOURTH: The above expenses shall be paid from the General Fund.

Warrant No. 454. Authorize Warrant No. 454 as follows:

Vendor	Description	Fund	Amount
Rehmann Robson	Progress billing in connection with the audit of the June 30, 2012 financial statements	General	\$ 15,000.00
State of Michigan-MDEQ	NPDES Annual Permit Fee – FY 2013	WWTP	\$ 5,500.00
Brown & Stewart PC	Professional Services Nov 13, 2012 – Dec 10, 2012	General	\$ 9,415.53

Check Register - November 2012\*. Affirm check disbursements totaling \$841,848.09 for the month of November 2012.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Erfourth, Cook, Bailey, Fox, Eveleth, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

\*Due to its length, full text of the Check Register is not printed in the minutes. Copies of this document can be found, in its entirety, in the Clerk's Office.

Mayor Pro-Tem Popovitch briefly stepped out of the meeting.

### **ITEMS OF BUSINESS**

#### **2011-2012 AUDIT ACCEPTANCE**

City Manager Crawford relayed the highlights of the audit, saying it was deemed a clean audit. He also presented the Council with a letter from the auditors in fulfillment of SAS No. 114.

Motion by Councilperson Eveleth to approve the following resolution accepting and placing on file the City of Owosso Financial Report with Additional Information for the Fiscal Year Ended June 30, 2012.

#### **RESOLUTION NO. 152-2012**

#### **RESOLUTION ACCEPTING AND PLACING ON FILE THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT WITH ADDITIONAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2012**

WHEREAS, the city of Owosso is required by the laws of the state of Michigan to annually have an independent audit performed in accordance with generally accepted auditing standards, and

WHEREAS, the city of Owosso employed Rehmann Accounting LLC certified public accountants, to audit the financial records of the city of Owosso and such audit has been completed and is presented this date to the city council;

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: The *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2012*, attached hereto and made a part hereof as Exhibit A and the same is hereby accepted and placed on file.

SECOND: A copy of the *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2012* will be maintained on file in the office of the city clerk for public examination, a copy will be placed in the Shiawassee District Library Owosso Branch for public examination, and copies will be sent to those required by law and agreement.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Fox, Eveleth, Bailey, Cook, Erfourth, and Mayor Frederick.

NAYS: None.

Mayor Pro-Tem Popovitch returned to the meeting.

#### **FUNDS TRANSFER TO DDA**

There was significant discussion regarding what led to the current transfer request, the DDA's transition to a more independent organization, and its plan for funding post transition.

Councilperson Cook noted his strong desire for the development of a policy to govern capital improvement projects in the downtown clearly spelling out the responsibilities of the various entities having an interest in the downtown.

It was noted that after the transition to a more autonomous structure the DDA would be requesting a tax anticipation loan to cover operating costs until they were in receipt of the annual TIF levy.

Motion by Councilperson Cook to approve the following resolution authorizing the transfer \$18,234.70 of the remaining funds from the VSCI Grant Bond sale to the DDA for reimbursement for capital improvements made in 2012 for Woodard Place located on Exchange Street.

#### **RESOLUTION NO. 153-2012**

#### **RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM 2009 LTGO BOND ISSUE TO DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, issued a first series of Limited Tax General Obligation Bonds (LTGO) for \$950,000 in June 2009 for the purpose of matching a Vibrant Small Cities Initiative grant for capital improvements in the downtown, and

WHEREAS, at a regular meeting of the Downtown Development Authority (DDA) held on November 7, 2007 the board unanimously approved a resolution pledging tax increment revenues for the full payment of principal and interest on the 2009 LTGO Series I Bonds as they come due, and

WHEREAS, the remaining unspent 2009 LTGO bond proceeds on deposit with the City at this date amount to \$85,937.83, and

WHEREAS, the DDA has submitted a request to the City to be reimbursed for capital improvements made in 2012 for Woodard Place located on Exchange Street in the amount of \$18,234.70.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: The city of Owosso, in reliance on paid invoices submitted and assurances given by the DDA, meet the definition of capital expenditures as defined in Treasury Regulation §1.150-1(b); are public improvements meeting the private activity tests as described in §1.141-12

SECOND: The city of Owosso recognizes the DDA had pledged to pay the principal and interest on the bonds issued by the City and therefore should cooperatively direct public improvements in the downtown.

THIRD: The Finance Director is hereby authorized to transfer the amount of \$18,234.70 to the DDA from the Downtown Capital Projects Fund 494

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Bailey, Fox, Mayor Pro-Tem Popovitch, Councilpersons Cook, Eveleth, and Mayor Frederick.

NAYS: Councilperson Erfourth.

### **COMMUNICATIONS**

William C. Brown, City Attorney. Open Meetings Act opinion regarding holiday parties (added at meeting).

Michael T. Compeau, Public Safety Director. November 2012 Police Report (added at meeting).

Karen Stadler, Historical Commission. Letter of resignation.

Charles P. Rau, Building Official. November 2012 Building Department Report.

Charles P. Rau, Building Official. November 2012 Code Violations Report.

Michael T. Compeau, Public Safety Director. November 2012 Fire Report.

Planning Commission. Minutes of December 10, 2012.

Councilperson Bailey left the meeting at 8:41 p.m.

### **CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilperson Cook said he felt very strongly about developing a policy governing capital improvement projects in the downtown to avoid any confusion over who will pay for such improvements, who will own them and how they will be maintained. Mayor Frederick indicated he will approach the DDA with the request.

Councilperson Erfourth noted that he would like more information from the DDA if they are going to fund themselves in the future through tax anticipation loans from the City.

Councilperson Fox wished everyone a Merry Christmas and a Happy New Year.

Mayor Frederick thanked Public Safety Director Compeau for his service and further thanked him for the personal contributions he has made to the community through his work with organizations like the Red Cross and the Curwood Festival. Lastly he thanked Mr. Compeau's wife for her support as well.

### **NEXT MEETING**

Monday, January 07, 2013

### **BOARDS AND COMMISSIONS OPENINGS**

Historical Commission, term expires 12-31-2014

### **ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:45 p.m.

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

---

Benjamin R. Frederick, Mayor

---

Amy K. Kirkland, City Clerk