

OWOSSO CITY COUNCIL

DECEMBER 16, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR CHRIS HIGGINS
FIRST CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE: CITY OF OWOSSO FIRE FIGHTERS
B SHIFT

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, John V. Greenway, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda moving Consent item 4. 2014 Parks Rules and Regulations to Item of Business 6.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 2, 2013

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of December 2, 2013 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

PROCLAMATION – RONALD PEARSALL

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Fire Department Captain Ron Pearsall for his years of service to the City on the occasion of his retirement:

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

Ronald L. Pearsall

WHEREAS, Ron began his service to the City of Owosso as a reserve firefighter in February of 1988, and after being hired full time later that year began his progression through the ranks serving as a Lieutenant for 12 years and rising in 2011 to the rank of Captain; and

WHEREAS, Ron is a confident, knowledgeable, and prepared firefighter and EMT whose understated demeanor provides a sense of calm to the chaotic scenes of emergencies and fires; and

WHEREAS, Ron has displayed leadership and dedication to the City; taking on the challenge of leading a fire crew, coordinating the Owosso Fire Department Reserves, completing numerous courses to further his knowledge as a fire fighter and EMT, and serving the department as their representative on the Retirement Board of Trustees for the last 2 ½ years; and

WHEREAS, Ron was recognized for his exemplary service to the firefighting community a number of times throughout his career; including a Citation for Meritorious Service in 2010 for his work on the residential rental inspection program, as well as the 2011 Director's Commendation for his overall contributions to the Fire Department; and

WHEREAS, never one to rest, Ron is looking forward not to an easy chair, but to working full time on his small farm in Corunna; and

WHEREAS, it is the intent of this Office that Ron's Dedicated 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 and staff of the City of Owosso, hereby recognize and thank Ron for 25 years of dedicated service to the Owosso community and further express our sincere wishes to Ron and his family for a long, healthy and happy retirement.

Proclaimed this 16th day of December, 2013.

Ron thanked the City, saying it was a good place to work and he had worked with lots of nice people over the years.

PROCLAMATION - ADAM ZETTEL

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Assistant City Manager and Community Development Director Adam Zettel for his years of service to the City on the occasion of his hire as the City Manager for the City of Swartz Creek:

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

Adam H. Zettel

WHEREAS, Adam Zettel began his service to the City of Owosso as Community Development Director and Assistant City Manager in September of 2010; and

WHEREAS, under his leadership the Planning Commission tackled the immense project of creating a Master Plan, which involved surveying citizens, conducting feedback groups, coordinating studies to gather information, analyzing the information, organizing it, inserting pertinent zoning law, and developing a comprehensive written plan for Owosso's future which would be the first such plan in over 50 years; and

WHEREAS, Adam's skill in grant writing has helped the City garner many thousands of dollars in grant funding that have been used to improve downtown facades and make extensive renovations to Bentley Park. He is presently working to secure significant grant funding that would allow the rehabilitation of the Armory area; and

WHEREAS, Adam's extensive knowledge of zoning laws, regulations and community development resources has helped many prospective and current property owners navigate the complex worlds of business and property ownership, allowing them to rest assured they have indeed reached the "highest and best use" in their investments; and

WHEREAS, Adam's enthusiasm for his job has been contagious and his work ethic is well known. The energy that he has brought has ignited a fire for improvement in all the areas that he has touched in his drive to identify and ameliorate problems within the City. The Main Street DDA, Westown, the Planning Commission, the Zoning Board of Appeals, and the Parks & Recreation Commission have all benefited from his experience; and

WHEREAS, his four years of service to the City will be felt for decades to come; and

WHEREAS, it is the intent of this Office that Adam'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 and staff of the City of Owosso, hereby recognize and thank Adam Zettel for his dedicated service to the Owosso community and further express our sincere best wishes to Adam and his family upon his hire as the City Manager for the City of Swartz Creek.

Proclaimed this 16^h day of December, 2013.

Adam said it was fantastic to work for the city and he will miss it. He said he had many great experiences and he was confident good things will continue to happen in the community.

Mayor Frederick said he was extremely excited when the City hired Adam and he did not disappoint, balancing a regular staff position with added managerial duties with aplomb.

PUBLIC HEARINGS

SPECIAL ASSESSMENT DISTRICT NO. 2013-04 – HAZARDS AND NUISANCES

A public hearing was conducted to receive citizen comment regarding Special Assessment District No. 2013-04, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

There were no citizen comments.

City Manager Crawford asked that two properties that were demolished be removed from the list: 219 Cedar Street and 804 Center Street. He said staff would come back to Council to address these properties in the future.

Motion by Councilperson Fox to adopt Special Assessment Resolution No. 2 as follows:

RESOLUTION NO. 146-2013

**SPECIAL ASSESSMENT DISTRICT NO. 2013-04
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:

PARCEL NUMBER	ADDRESS	BALANCE
050-113-006-005-00	1108 RYAN	\$70.00
050-113-008-031-00	1229 MILWAUKEE	\$417.98
050-536-000-034-00	1230 N SHIAWASSEE	\$678.61
050-547-000-006-00	1230 S SHIAWASSEE	\$245.00
050-537-000-040-00	1232 W MAIN	\$65.00
050-390-004-012-00	1260 ADAMS	\$581.17
050-140-000-034-00	1398 N HICKORY	\$75.00
050-113-016-008-00	1415 YOUNG	\$65.00
050-220-000-044-00	1420 YOUNG	\$65.00
050-602-007-005-00	1803 W STEWART	\$330.00
050-601-000-037-00	221 W STEWART	\$400.89
050-580-000-053-00	308 OAKWOOD	\$115.00
050-601-000-064-00	319 W RIDGE	\$244.63
050-651-006-007-00	320 CASS	\$145.76
050-601-000-001-00	409 GRACE	\$130.00
050-391-000-027-00	413 LAVEROCK	\$115.00
050-680-004-004-00	421 HURON	\$452.40
050-673-004-021-00	508 RYAN	\$65.00
050-180-004-014-00	511 JEROME	\$65.00
050-010-023-002-00	516 GARFIELD	\$617.18
050-120-001-005-00	518 RIVER	\$210.00
050-510-000-024-00	616 CAMPBELL	\$195.00
050-420-003-005-00	621 GRAND	\$437.18
050-580-000-137-00	706 JEROME	\$115.00
050-191-000-021-00	706 WILTSHIRE	\$539.63
050-580-000-138-00	708 JEROME	\$190.00
050-610-002-003-00	715 N SAGINAW	\$195.00
050-420-007-009-00	719 LINGLE	\$65.00
050-010-004-001-00	740 LINCOLN	\$150.00
050-580-000-082-00	819 E COMSTOCK	\$677.05
050-602-001-004-00	820 S CHIPMAN	\$356.60
050-602-004-013-00	826 HAMMONT	\$130.00
050-602-003-011-00	830 WILKINSON	\$446.59
050-010-004-003-00	837 GLENWOOD	\$140.00
050-010-003-023-00	902 GLENWOOD	\$115.00
050-010-004-002-00	903 GLENWOOD	\$65.00
050-536-000-004-00	914 N WATER	\$70.00
050-602-012-008-00	921 NAFUS	\$65.00
050-580-000-140-00	930 JEROME	\$415.17
050-602-008-011-00	937 KENWOOD	\$65.00
		<u>\$9,585.84</u>

and

WHEREAS, there being no one to be heard 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 \$9,585.84 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2013-04.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2013-04 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 Mayor Pro-Tem Eveleth.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Bailey, Teich, Bailey, Greenway, Fox, and Mayor Frederick.

NAYS: None.

ORDINANCE AMENDMENT – CHAPTER 32, TAXATION

The proposed amendment would reduce the payment in lieu of taxes for the proposed Lincoln House senior housing project from 10% to 4%.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 32, Taxation, Section 32-40, *Establishment of annual service charge for Lincoln House*.

The following person commented regarding the proposed amendment:

Mike Cline, 621 Wright Avenue, said he had done some research on the proposed project and reported that the developers had been turned down for a grant on the project by U.S, Representative Dave Camp's office. He suggested the Council table action on the item to allow time to find out what Representative Camp's office didn't like about the project.

There were no further citizen comments.

Justin Horvath, President of the SEDP, indicated Mr. Cline was referring to a tax credit not a grant. He went on to say that part of the financing for the proposed project relied on a federal tax credit that expired after the proposal was assembled and without it the project had become financially infeasible. Representative Camp is the head of the Ways and Means Committee and as such would have direct bearing on which tax credits are extended each year. Mr. Horvath encouraged anyone that supports the project to contact Rep. Camp's office and declare so. He asked that Council show their support by authorizing the proposed reduction in the PILOT. He reminded Council that the parcel is currently tax exempt so a 6% reduction in the PILOT would still represent an increase from what is currently being received.

Greg Mustric, Woda Group representative, noted that the change in the tax credit had created a large gap in the financing of the project and without this piece it was likely the project would not be financially viable. He estimated the gap at approximately \$700,000 and said the firm was looking at multiple alternatives to try to shore up the financing. He noted that at this point the firm plans to take on more debt to keep the project moving forward.

In response to a Council question he indicated he felt the project would score better in the competition for tax credits if the Council were to approve the proposed reduction in the PILOT.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

ORDINANCE NO. 748

AN ORDINANCE TO AMEND CHAPTER 32 TAXATION OF THE CODE OF ORDINANCES TO REDUCE THE PAYMENT IN LIEU OF TAXES FOR THE LINCOLN HOUSE PROJECT

WHEREAS, the Woda Group, also known as the Lincoln House LDHA Limited Partnership, has proposed a 28 unit low income housing development that is to be targeted toward seniors; and

WHEREAS, the project is located at 120 Michigan Avenue, parcel number 050-700-001-008-00, at the corner of Michigan Avenue and Clinton Streets, partially within the former Lincoln School; and

WHEREAS, the City of Owosso 2012 Master Plan explicitly indicates that this property and structure would be ideally reused as senior housing; and

WHEREAS, the City of Owosso City Council has approved the rezoning of this parcel to PUD and subsequently approved the final site plan for the development; and

WHEREAS, the rents for the housing will be controlled for the purpose of creating affordable low income housing for seniors, thereby reducing property revenues; and

WHEREAS, the reuse of this vacant structure and the housing of senior citizens near the downtown has a recognized public purpose; and

WHEREAS, all zoning and site plan approvals required by ordinance have been approved by the city council; and

WHEREAS, a substantial change in the federal tax credit policy has made this project infeasible under the current payment in lieu of taxes ordinance.

NOW THEREFORE, THE CITY OF OWOSSO ORDAINS that Chapter 32, Taxation, Article III, Service Charge in Lieu of Taxes for Certain Housing Developments, Sections 43, of the City of Owosso city code be added as follows:

SECTION 1. AMENDMENT. That existing Section 32-40, should be amended as follows:

Sec 32-40. Establishment of annual service charge for Lincoln House.

Housing Developments for elderly persons of low income or persons of low income and the property on which they shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City, acknowledging that the Sponsor and the Authority, in the case of a Sponsor receiving a Federally aided Mortgage, have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Developments for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, will accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the difference between the Annual Shelter Rent actually collected and utilities.

SECTION 2. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 3. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective January 5, 2014.

SECTION 5. AVAILABILITY. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilperson Bandkau, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Fox, Teich, and Mayor Frederick.

NAYS: Councilperson Greenway.

CITIZEN COMMENTS AND QUESTIONS

Steven Flayer, Shiawassee District Library Director, said he wanted to go on record thanking City staff for their rapid response to the Library's recent boiler breakdown. He said that without their assistance the Library would have been unable to operate due to a lack of heat. A temporary furnace was installed, bids let, and a new boiler purchased and installed. He reported the new boiler is up and running and the installation company is helping them track down related heating issues in the system.

Councilperson Bailey said she had received a couple of phone calls in the last couple of weeks from constituents that had concerns with burning. She reminded everyone that burning garbage is prohibited. She inquired about the process for handling burning complaints. It was noted that all calls are addressed, though emergency calls would be prioritized.

Councilperson Fox said that as someone that is familiar with steam boiler systems he felt the company responsible for maintenance on the Library boiler should be held responsible for the boiler's failure. He went on to express his concerns with the parking situation on Howell Street saying he had received a call from a constituent that had been ticketed while attending church. He said he had visited the site and felt that the signing should be adjusted to provide clearer instruction on where people can and cannot park.

CITY MANAGER REPORT

City Manager Crawford wished everyone happy holidays.

CONSENT AGENDA

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

Set Public Hearing – Personal Property Exemption. Set public hearing for Monday, January 6, 2014 to receive public comments on the application for a New Personal Property Exemption for Machine Tool & Gear, Inc., 401 South Chestnut Street as follows:

RESOLUTION NO. 147-2013

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE MACHINE TOOL & GEAR, INC., DIVISION OF NEWCOR MACHINED PRODUCTS GROUP 401 S. CHESTNUT STREET

WHEREAS, application for Industrial Facilities Tax Exemption for New Personal Property was received November 22, 2013 from Machine Tool & Gear Incorporated, Division of Newcor Machined Products Group, for property at 401 S. Shiawassee Street described as:

COMMENCING AT INTERSECTION OF EAST LINE CHESTNUT ST & SOUTHERLY RIGHT OF WAY LINE OF GRAND TRUNK RAILROAD; TH S 80*38'50" E 1317.01' TH S 02* 2'25" W 858.19' TH N 80*38'50" W 598.20' TH N 07*18'07" E 424.29' TH N 80*38'50" W 751.92' TH N 01*14'05" E 431.51' TO POB PART OF NE 1/4 SEC 23 T7N R2E 18.83 A M/L; and

WHEREAS, the applicants property is part of an Industrial Development District established April 18, 1977 and requested to be amended May 16, 2011 and described as:

COMMENCING AT INTERSECTION OF EAST LINE CHESTNUT ST & SOUTHERLY RIGHT OF WAY LINE OF GRAND TRUNK RAILROAD; TH S 80*38'50" E 1317.01' TH S 02* 2'25" W 858.19' TH N 80*38'50" W 598.20' TH N 07*18'07" E 424.29' TH N 80*38'50" W 751.92' TH N 01*14'05" E 431.51' TO POB PART OF NE 1/4 SEC 23 T7N R2E 18.83 A M/L; and

WHEREAS, the Industrial Facilities Tax Exemption certificate, being part of Act 198 of 1974, is available to the city of Owosso; and

WHEREAS, city of Owosso is qualified local governmental unit and permits the city of Owosso to grant an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, it was determined by city staff that the Industrial Facilities Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification was sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010 and Public Act 198 of 1974; and

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

FIRST: the Owosso City Council sets public hearing for January 6, 2013 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law.

2014 Schedule of Meetings. Adopt the 2014 Boards and Commissions Meeting Schedule as follows:

**CITY OF OWOSSO
SCHEDULE OF REGULAR MEETINGS
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2014**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2014. The Board, dates, time and place of said regular meetings shall be as follows:

CITY COUNCIL					
The 1 st and 3 rd Monday of each month, except as noted – 7:30 p.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 06	MAR 03	MAY 05	JUL 07	SEP 02*	NOV 03
JAN 21*	MAR 17	MAY 19	JUL 21	SEP 15	NOV 17
FEB 03	MAR 31	JUN 02	AUG 04	SEP 29	DEC 01
FEB 18*	APR 07	JUN 16	AUG 18	OCT 06	DEC 15
	APR 21			OCT 20	
DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET			DOWNTOWN HISTORIC DISTRICT COMMISSION		
The 1 st Wednesday of each month, except as noted – 7:30 a.m., local prevailing time			The 3 rd Wednesday of each month - 6:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 02*	MAY 07	SEP 03	JAN 15	MAY 21	SEP 17
FEB 05	JUN 04	OCT 01	FEB 19	JUN 18	OCT 15
MAR 05	JUL 02	NOV 05	MAR 19	JUL 16	NOV 19
APR 02	AUG 06	DEC 03	APR 16	AUG 20	DEC 17
EMPLOYEES RETIREMENT SYSTEM BOARD			OWOSSO HISTORICAL COMMISSION		
The 3 rd Thursday of even months, except as noted - 7:15 a.m., local prevailing time			The 2 nd Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Gould House, 100 West Oliver Street		
FEB 20	JUN 19	OCT 16	JAN 13	MAY 12	SEP 08
APR 17	AUG 21	DEC 18	FEB 10	JUN 09	OCT 14*
			MAR 10	JUL 14	NOV 10
			APR 14	AUG 11	DEC 08
PARKS & RECREATION COMMISSION			PLANNING COMMISSION		
The 4 th Monday of each month, except as noted – 6:00 p.m., local prevailing time			The 4 th Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 27	MAY 27*	SEP 22	JAN 27	MAY 27*	SEP 22
FEB 24	JUN 23	OCT 27	FEB 24	JUN 23	OCT 27
MAR 24	JUL 28	NOV 24	MAR 24	JUL 28	NOV 24
APR 28	AUG 25	DEC 08*	APR 28	AUG 25	DEC 08*
ZONING BOARD OF APPEALS			* = Rescheduled due to legal holiday on regular meeting date		
The 3 rd Tuesday of each month, except as noted – 9:30 a.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 21	MAY 20	SEP 16			
FEB 18	JUN 17	OCT 21			
MAR 18	JUL 15	NOV 18			
APR 15	AUG 19	DEC 16			

The City of Owosso will provide necessary auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 (989) 725-0500.

2014 Income Threshold Poverty Exemptions. Adopt the 2014 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 as follows:
2014 Federal Income Standards Poverty Threshold

Number of persons residing in homestead	Annual allowable income
1 person	11,490
2 persons	15,510
3 persons	19,530
4 persons	23,550
5 persons	27,570
6 persons	31,590

Number of persons residing in homestead (cont.)	Annual allowable income
7 persons	35,610
8 persons	39,630
Each additional person, add	4,020

Income of students under the age of 18 years, **shall not** be included as income.

2014 Parks Rules and Regulations. (Moved to Items of Business.)

Bid Award – Road Salt. Authorize bid award to Morton Salt, Inc. for 1,700 tons of Salt at \$45.90 per ton and approve payment up to the contract amount as follows:

RESOLUTION NO. 148-2013

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
FOR THE 2013 SALT PURCHASE BID
WITH MORTON SALT, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Department of Public Services has a duty to keep its streets safe during the winter months;

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt to the icy pavements;

WHEREAS, the City of Owosso received the low bid of \$45.90 per ton from Morton Salt, Inc. for the 2013 Salt Purchase Bid.

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 purchase approximately 1,700 tons of salt from Morton Salt, Inc. at a cost of \$45.90 per ton.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Morton Salt, Inc. up to the amount of \$77,503.00.
- THIRD: The above expenses shall be paid from the Major and Local Street Snow and Ice Control Funds – 202-478-728000 and 203-478-728000.

Warrant No. 475. Authorize Warrant No. 475 as follows:

Vendor	Description	Fund	Amount
Rehmann Robson	Progress billing #1 for audit of FY 12/13	General	\$15,000.00
State of Michigan-MDEQ	NPDES annual permit fee – FY 13/14	WWTP	\$ 5,500.00
Logicalis, Inc	Network engineering support- November 2013	General	\$ 6,664.00
Brown & Stewart PC	Professional services November 12, 2013 – December 9, 2013	General	\$ 8,990.72

*Check Register–November 2013. Affirm check disbursements totaling \$1,292,786.69 for the month of November 2013.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

AYES: Councilpersons Greenway, Bailey, Teich, Mayor Pro-Tem Eveleth, Councilpersons Fox, Bandkau, and Mayor Frederick.

NAYS: None.

*Due to its length full text of the Check Register is not printed in the minutes. A copy of this document is on file in the Clerk’s Office.

ITEMS OF BUSINESS

2013 AUDIT ACCEPTANCE

City Manager Crawford said he was happy to report the City had been issued a clean audit.

Motion by Mayor Pro-Tem Eveleth to authorize the following resolution accepting and placing on file the City of Owosso Financial Report with Additional Information for the Fiscal Year Ended June 30, 2013.

RESOLUTION NO. 149-2013

**RESOLUTION ACCEPTING AND PLACING ON FILE
THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT
WITH ADDITIONAL INFORMATION
FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

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, 2013**, 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, 2013* 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 Bailey.

Roll Call Vote.

AYES: Councilpersons Fox, Bandkau, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Teich, Greenway, and Mayor Frederick.

NAYS: None.

*Due to its length full text of the Financial Report with Additional Information for the Fiscal Year Ended June 30, 2013 is not included in the minutes. Complete copies of this document is available in the Clerk's Office.

TITLE VI NON-DISCRIMINATION PLAN ACCEPTANCE

City Manager Crawford said that all municipalities that accept federal transportation monies must now adopt a non-discrimination plan. The intent of the plan is primarily to make sure that non-english speaking citizens are not discriminated against in transportation projects.

Motion by Mayor Pro-Tem Eveleth to authorize adoption of the Title VI Non-Discrimination Plan to ensure equal access and opportunity to all persons with respect to transportation services, facilities, activities, and programs as follows:

RESOLUTION NO. 150-2013

ADOPTING A CITY OF OWOSSO TITLE VI NON-DISCRIMINATION PLAN

WHEREAS, as a recipient of both federal and state assistance, the city of Owosso must provide access to individuals with limited ability to speak, write or understand the English language, must not restrict an individual from any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under its programs or projects, and may not subject individuals to criteria or methods of administration which cause an adverse impact because of their race, color or national origin; and

WHEREAS, as the sub-recipient of federal transportation funds, the city of Owosso must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons with respect to transportation services, facilities, activities, and programs without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location; and

WHEREAS, the city of Owosso has developed a Title VI Non-Discrimination Plan to assure that its federal and state-funded services, programs and activities are offered, conducted and administered fairly.

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

- FIRST: The city of Owosso Title VI Non-Discrimination Plan* is adopted and shall be implemented as outlined.
- SECOND: The city of Owosso will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance.
- THIRD: The city manager will be designated Title VI Coordinator and will be responsible for initiating and monitoring Title VI activities and other required matters.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilperson Bailey, Mayor Pro-Tem Eveleth, Councilpersons Fox, Bandkau, Teich, Greenway, and Mayor Frederick.

NAYS: None.

*Due to its length full text of the Title VI Non-Discrimination Plan is not included in the minutes. A copy of this document is on file in the Clerk's Office.

TAX-FORECLOSED PROPERTY CONSIDERATION

City Manager Crawford explained that since the time the agenda packet was delivered to Council staff had had further discussions regarding the parcels at the Woodland Trails development. It was his opinion that should the City accept the parcels from the development the City would legally be considered the developer and as such would be held responsible for certain things that could cost the City significant money. He said that staff recommended the rejection of the parcels in Woodland Trails and the acceptance of the remaining 3 orphaned parcels.

Motion by Mayor Pro-Tem Eveleth objecting to the transfer of the listed tax-foreclosed properties that did not sell at the State tax sale in September 2013 as follows:

RESOLUTION NO. 151-2013

OBJECTING TO THE TRANSFER OF UNSOLD TAX REVERTED PROPERTIES FROM THE STATE OF MICHIGAN TO THE CITY OF OWOSSO

WHEREAS, the city received from the state of Michigan's Foreclosure Services Section a list of parcels of property in the city of Owosso foreclosed for unpaid property taxes pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78m(6) the title to the listed parcels will be automatically transferred to the city of Owosso on December 30, 2013, unless the city of Owosso objects to the transfer of all or any parcel before the transfer is made; and

WHEREAS, the city council has determined that the city has no interest in acquiring these parcels because the costs of obtaining, maintaining and incurring liabilities will exceed any benefit that will be obtained; and

WHEREAS, the city of Owosso does not wish the state of Michigan to transfer title to the city of Owosso for these parcels.

NOW, THEREFORE, BE IT RESOLVED the city council of the city of Owosso hereby objects to the transfer of title to the city of Owosso the following tax foreclosed parcels:

CITY OF OWOSSO	050-750-000-025	UNIT 25, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-042	UNIT 42, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-041	UNIT 41, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-033	UNIT 33, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-032	UNIT 32, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-031	UNIT 31, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-030	UNIT 30, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-023	UNIT 23, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-024	UNIT 24, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-018	UNIT 18, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-007	UNIT 7, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-006	UNIT 6, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-005	UNIT 5, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-004	UNIT 4, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-003	UNIT 3, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-002	UNIT 2, WOODLAND TRAILS CONDOMINIUM
CITY OF OWOSSO	050-750-000-001	UNIT 1, WOODLAND TRAILS CONDOMINIUM

BE IT FURTHER RESOLVED, that the city manager notify the state of Michigan that the city of Owosso objects to these transfers under MCL 211.78m(6), and requests that the state transfer these parcels to its Michigan Land Bank Fast Track Authority created under section 15 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.765.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Teich, Greenway, Fox, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Bandkau, and Mayor Frederick.

NAYS: None.

Councilperson Fox requested that addresses for the parcels in question be listed on similar items in the future.

Councilperson Bandkau inquired how the orphaned parcels would be accessed if they were landlocked. It was noted the City has no plans to keep the parcels but would approach adjacent land owners to see if they would be interested in purchasing the property.

Motion by Mayor Pro-Tem Eveleth to approve the acceptance of the listed tax-foreclosed properties that did not sell at the State tax sale in September 2013 as follows:

RESOLUTION NO. 152-2013

RESOLUTION ACCEPTING THE TRANSFER OF ALL UNSOLD TAX REVERTED PROPERTIES FROM THE STATE OF MICHIGAN TO THE CITY OF OWOSSO

WHEREAS, the city of Owosso received from the state of Michigan a list of parcels of property in the city of Owosso foreclosed for unpaid property taxes pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78m(6) the title to the listed parcels will be automatically transferred to the city of Owosso on December 30, 2013, unless the city objects to the transfer of all or any parcel before the transfer is made;

NOW, THEREFORE, BE IT RESOLVED the city of Owosso does not object to the transfer of title to the city of the following tax foreclosed parcels:

- | | |
|--------------------|--|
| 050-651-003-020-00 | W 9' OF E 39' OF LOT 1 ALSO E 9' OF W 39' OF N 24' OF LOT 2 BLK 3 A L WILLIAMS ADDN |
| 050-113-008-037-00 | PT OF LOT 6 BLK 8 CITY ASSESSORS PLAT 3, BEG ON THE N LN OF LOT 6, 63.20 FT E FROM NW COR, TH CONT E ALG SAID N LN 80.26 FT, S 8.10 FT, TH W 79.66 FT, N 3.36 FT TO POB. |
| 050-220-000-087-00 | N 10' LOT 69 FOREST PARK ADD |

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilperson Fox, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Bandkau, Greenway, Teich, and Mayor Frederick.

NAYS: None.

ANIMAL CONTROL ORDINANCE

Mayor Frederick gave an update on the issue saying the County Commission had considered a proposal to capture as not yet collected license fees that would be dedicated to housing stray animals from jurisdictions like the City. He said the Commission had requested further work on the proposal to flesh out the logistics prior to considering any action on the item. He went on to say that the City now has access to the County license database and can look up any licenses found on stray pets. The County Commission is expected to make a decision during next month's meeting. He thanked Commissioners Bartz and Horvath (both in attendance) for their efforts to resolve the matter.

Councilperson Fox said he felt there had been some miscommunication between the County and the City saying he had spoken with the Commission Chair and he had reported that the Commission had not considered any animal issues. Councilperson Fox went on to suggest the City pass the ordinance as proposed to put the County on notice that the City is serious about the issue. He said the ordinance could be rescinded if action was taken by the County in the future.

Motion by Councilperson Fox to approve the animal control ordinance as proposed in October.

Councilperson Greenway said he felt the City should continue to try to work with the County. He said he was not in favor of the proposed ordinance as the City does not have the logistics in place to implement the ordinance.

Mayor Frederick said he felt that part of moving forward in good faith is about letting go of what has happened in the past. He said he was confident the City's two County Commissioners will bargain on behalf of Owosso citizens and that he couldn't ask the Commission to adopt the proposed policy the first time they see it. He said he felt the County was taking the issue seriously by virtue of the fact that the County had tapped so many agencies to explore the logistics of the issue.

Councilperson Fox inquired about how long the City will wait as waiting for a consensus in the past hasn't produced results. There was discussion regarding allowing the County to work through their process with Commissioner Bartz speaking up and saying that the issue was much more complex than simply passing an ordinance. He said he felt confident the Commission could come to a resolution if given the time. He noted that given the complexity of the issue it could take a few months to reach a resolution. Councilperson Fox expressed his continued frustration with the timing. Other Council members spoke up in favor of allowing the County time to reach a compromise.

Councilperson Fox's motion dies for lack of support.

Mayor Frederick asked that the rules of procedure be suspended to allow the consideration of Item of Business 6. 2014 Parks Rules and Regulations prior to addressing the Executive Session item.

2014 PARKS RULES AND REGULATIONS (Moved from Consent Agenda.)

Councilperson Bandkau expressed concern that the proposed rules may not be in compliance with a new state law governing the carrying of knives. He said he was concerned the proposed rules may have constitutional issues.

Assistant City Manager Zettel noted that some rules, including the rule referenced by Councilperson Bandkau, were included in the Parks Rules as a reference to existing City ordinances, though he could not speak to their constitutionality. He noted that such a question was far more complex than simply changing the Rules and would have to be examined further.

Motion by Mayor Pro-Tem Eveleth to approve proposed revisions to the Parks Rules and Regulations for 2014 as follows:

RESOLUTION NO. 153-2013

**A RESOLUTION TO APPROVE
THE 2014 CITY OF OWOSSO PARK RULES AND REGULATIONS**

WHEREAS, the City of Owosso maintains parks and recreation facilities within the city and within Owosso Township; and

WHEREAS, City of Owosso ordinances apply throughout all parks located in the city and city park rules, as adopted per ordinance Section 21-1, apply to all city parks in all jurisdictions; and

WHEREAS, the Owosso Parks and Recreation Commission has reviewed the current edition of park rules and recommended changes to accommodate the public needs and uses.

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 approve the 2014 edition of the Owosso Parks Rules and Regulations.

SECOND: The city council hereby directs staff to print and publish these rules in accordance with local ordinance.

**CITY OF OWOSSO
PARK RULES AND REGULATIONS
2014**

AUTHORITY. These rules are promulgated pursuant to the provisions of Section 21-1 of the Code of Ordinances of the City of Owosso, Michigan.

APPLICABILITY. These rules apply to City of Owosso parks, play fields, and other public grounds, hereafter called parks.

CLOSING HOURS. Parks shall be closed to public use between dusk and dawn, except as follows: 1) Bentley Park, Grove Holman Park (for sledding only), Bennett Field and Rudy DeMuth Fields shall be closed from 11:00 p.m. to dawn, and 2) Hopkins Lake Park shall be open between dusk and dawn for fishing in Hopkins Lake.

SWIMMING PROHIBITED. Swimming is prohibited except in designated areas.

FIRES. Fires are restricted to barbecue grills and then only for preparing food.

PROPER DISPOSAL OF REFUSE. Refuse generated during park activities shall be properly disposed of in containers provided for that purpose. Disposal of household refuse in park refuse containers is prohibited.

VEHICLE REGULATIONS. 1) Motorcycles, mopeds, snowmobiles, all-terrain vehicles, and the like are prohibited from all park areas except for roadways designated for public travel in accordance with state and local laws, 2) The speed limit in all parks shall be ten miles per hour, 3) Parking shall be restricted to areas designated for that purpose, 4) and no person shall operate a motorboat on Hopkins Lake in the city. "Motorboat" is any vessel propelled by any machinery other than an electric motor, whether or not the machinery is the principal source of propulsion.

PAVILION RESERVATION. Picnic pavilions shall be available on a first-come, first-served basis on the day of use except as follows: Advanced reservations will be taken for each calendar year for the pavilion in Bentley Park and Harmon Patridge (Green Meadows) Park. Reservations will be taken beginning January 1.

ALCOHOL USE. Alcoholic beverages shall be prohibited in all parks.

SMOKING. Smoking is strongly discouraged in the city parks. Smoking is prohibited in areas of concentrated use, such as bleacher seats, dugouts, play equipment, and pavilions, if posted.

DOGS. Except as described in the Dog Park section below, dogs shall be leashed and kept under reasonable control at all times.

FIREARMS AND WEAPONS. It shall be unlawful for any person to carry on his or her person or in the passenger compartment of any motor vehicle any dangerous weapon, including but not limited to, segments of chain, hunting knives, jackknives having one (1) or more blades which exceed three (3) inches in length, club, metal pipe, or any other dangerous weapon, unless carried in the normal course of a business or profession, excluding firearms. It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, bow and arrow, sling shot or wrist rocket within the city unless part of an exposition, tournament or range under adult supervision after issuance of a permit by the police department.

USE BY ORGANIZATIONS. Shiawassee County-based organizations shall be permitted the exclusive control of designated areas of city parks, including control during hours the parks are closed to the public, subject to the following conditions:

- 1) Approved by the city manager or his/her designee;
- 2) Areas used shall be those not regularly frequented by the public or the areas occupied shall be open to the public; although a fee may be charged for such access;
- 3) The organizations' use of the park area shall not violate any local or state law nor unreasonably interfere with the use and enjoyment of adjacent park areas by others;
- 4) The organizations shall hold the City harmless from liability for incidents arising out of the organizations' use of the park area and shall provide evidence of insurance coverage;
- 5) The City reserves the right to direct where organizations' structures are installed and activities conducted to minimize damage to park property and facilities and to limit interference with the use of adjacent areas of the park.

SCHEDULING AND USE OF ATHLETIC FIELDS.

- 1) Priority in the use of ball fields, soccer fields and similar athletic facilities in City parks shall be given to organizations scheduling regular games or matches. When the city manager determines that coordination of organizations' use of such facilities is necessary to avoid scheduling conflicts, he or she shall provide for the development of schedules for such facilities. The city manager shall have the authority to designate organizations to provide for scheduling and oversight of use of athletic fields. Such organizations shall schedule use of the fields in a way that accommodates use by all interested organizations to the greatest extent feasible and to provide for compliance by these rules and regulations by all organizations using the athletic facilities.
- 2) The city manager shall have the authority to restrict use of athletic fields to avoid excessive wear and tear on facilities.
- 3) The city manager may authorize organizations to sell concessions at athletic fields and to use City facilities designated for that purpose. Preference in selling concessions may be given to organizations designated to provide scheduling and oversight of the use of athletic fields. Organizations selling concessions at athletic fields shall be responsible for the cleaning of restroom facilities at such fields.

- 4) Organizations providing for the scheduling and oversight of athletic fields may be permitted to provide for the installation of signs recognizing program sponsors. Such signs shall not advertise specific products or services but shall be limited to the names and logos of sponsors and brief descriptions of the nature of the sponsor's business. All sponsor signs shall be constructed of material that will withstand customary weather conditions and shall be maintained by the organizations installing them. Signs shall be installed on existing fences so that the message content of the signs is visible from within the athletic fields only. Signs shall be installed only during the usual seasons during which organizations schedule games and matches on the fields.
- 5) Organizations using athletic fields for scheduled games, matches and practices shall be responsible for removing litter from the areas used for their activities. In addition, organizations shall be responsible for removing and storing any equipment used in their activities. Installation of bleachers or similar facilities must be authorized by the city manager or his/her designee.
- 6) The city will provide utilities (except for telephone service), refuse disposal and the maintenance of athletic fields in coordination with the needs and schedules of organizations using the fields. Organizations using athletic fields that undertake specific activities uniquely required for their particular use of the fields such as the installation of bases or nets, the painting of lines on fields, etc. require prior approval.

DOG PARK REGULATIONS. Within the designated dog park area in Collamer Park, dogs are permitted under the following regulations. Elsewhere in the city, the city code applies.

- 1) All dogs must be leashed in the dog exercise area parking lot.
- 2) Any person bringing a dog or dogs to the dog exercise area must have one leash per dog.
- 3) There shall be no more than three dogs per person allowed in the dog exercise area. Any person bringing a dog or dogs to the dog exercise area must have at least one dog feces waste bag per dog in his or her possession and must remove any feces deposited by the dog(s) in their care.
- 4) Persons under sixteen years of age visiting the dog exercise area must be accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 5) No persons under sixteen years of age are allowed in the dog agility area unless accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 6) Each dog shall always be under visual and voice control of the owner or other responsible person at least 16 years of age.
- 7) All dogs must have current vaccinations and licenses and shall wear a collar with tags as proof thereof.
- 8) Aggressive dogs, as defined below, are not permitted in or around the dog exercise area, including but not limited to, the parking lot. Owners or other responsible persons will be held legally responsible for any injury caused by a dog that they bring in or around the dog exercise area.
 - An aggressive dog means:
 - a. A dog that bites a person. However, a dog shall not be considered aggressive if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person after being provoked by that person.
 - b. A dog that injures or kills another domestic animal without provocation while at the dog exercise area.
- 9) Female dogs in heat are not permitted in or around the dog exercise area including, but not limited to, the parking lot.
- 10) Dog owners or other responsible persons shall provide dogs with drinking water while visiting the dog exercise area when weather conditions require.
- 11) Dog owners or other responsible persons shall not keep dogs enclosed in a vehicle during hot weather which may cause injury to the dog.
- 12) Any person having knowledge of a dog having bitten, scratched, or injured a person or other animal within the dog exercise area, including but not limited to the parking lot, shall report the incident to the police department.

COMMUNITY GARDENS. Community gardens, as designated on public lands, whether leased or available to the public, shall operate with the following regulations.

- 1) Garden uses must complete the community garden individual waiver as provided by the city.
- 2) Work on plots must begin within 10 days after the garden has been tilled, if applicable.
- 3) No synthetic fertilizers, herbicides, pesticides or insecticides are to be used.
- 4) Work on gardens may only occur between dawn and dusk.
- 5) No mechanized equipment may be used before 9:00 A.M.
- 6) Gardens must be kept free from weeds, rotten produce, and plant debris.
- 7) Stakes, plastics, and garbage must be disposed of in a timely manner.
- 8) Shared paths between garden plots must be maintained without digging into the main paths; such paths must be kept free of toxic materials and rocks.
- 9) Children must be supervised.
- 10) Headphones must be used to listen to the radio or other portable sound equipment.

- 11) All crops must be legal, non-toxic, and non-hazardous.
- 12) Other plots and gardens are not to be damaged or harvested by other users.
- 13) Sales of produce and other products at the garden or in the park is strictly prohibited.
- 14) No tires are allowed at the garden site.
- 15) No pets are allowed at the garden site.

SKATE PARK RULES. This is a use-at-your-own risk facility. This facility is non-supervised. Skating, blading and biking are high risk/hazardous activities. By participating you accept that risk and agree to not hold the City of Owosso or its employees responsible for any injuries incurred as a result of use.

- 1) The use of motorized equipment or other wheeled vehicles is not permitted.
- 2) The use of proper protective equipment, including helmets and knee, elbow and wrist pads is strongly recommended.
- 3) Use of the facility is prohibited when wet, rainwater is present or park maintenance is being performed.
- 4) Graffiti and tagging are strictly prohibited and may result in the removal of offenders from the park and police action.
- 5) Additional obstacles and/or materials are not allowed at this facility, such as (but not limited to) homemade ramps, boxes, picnic tables, etc.
- 6) Spectators are not permitted on the ramps.
- 7) Glass containers are prohibited.

SPLASH PARK RULES. The City of Owosso intends to provide seasonal access to a splash park, to be used at-your-own risk. "Splash Park" is defined as the area upon the concrete pad or access sidewalks.

- 1) All persons using the splash park do so at their own risk.
- 2) Children under 12 years of age must be accompanied by an adult (18 years or older), and must be supervised by that adult at all times.
- 3) Running, undue roughness, horseplay, and other undue disturbances are strictly prohibited.
- 4) Splash Park is designed for recreation purposes and not for bathing. Soaps, detergents, shampoos, and other chemicals or cleansers are prohibited.
- 5) Climbing or playing on components is not permitted.
- 6) The City of Owosso is not responsible for lost or stolen articles.
- 7) Infants must wear swim diapers or rubber pants without diapers. Cutoffs and street shoes are prohibited.
- 8) Wheeled vehicles, except strollers, walkers and wheelchairs, are not permitted in the splash park area.
- 9) No animals, except for service animals, are permitted in the splash park area.
- 10) Radios and other acoustical devices are only permitted when used in conjunction with personal headsets.
- 11) Pool toys and floats are prohibited.
- 12) No glass containers of any kind are permitted. No drinks, gum, or food of any kind are permitted.
- 13) The use of profane language will not be tolerated.
- 14) Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the splash park.

INJURY TO PARK PROPERTY. No person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces, or other public property within or pertaining to the public parks or playgrounds. Any person convicted of damage or injury to public property shall reimburse the city for up to three (3) times the amount of the damage as determined by the court.

VENDING. Vending is permitted on a limited basis after application to the city manager and under the administrative rules set by the city. Applications are available at city hall.

PUBLIC NOTICE. The public shall be deemed to have been properly notified of the provisions of these rules and regulations upon their publication in a newspaper of general circulation in the city at least annually before April 1. Signs may be posted to insure substantial compliance with the provisions of these rules and regulations.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Greenway, Mayor Pro-Tem Eveleth, Councilpersons Fox, Teich, Bandkau, and Mayor Frederick.

NAYS: None.

EXECUTIVE SESSION

Motion by Mayor Pro-Tem Eveleth to authorize a 5 minute recess and the holding of executive session at the conclusion of regular business to consider the purchase or lease of real property.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, Greenway, Fox, Mayor Pro-Tem Eveleth, Councilperson Bandkau, and Mayor Frederick.

NAYS: None.

ADJOURNED TO EXECUTIVE SESSION AT 8:52 P.M.

RETURNED FROM EXECUTIVE SESSION AT 9:21 P.M.

COMMUNICATIONS

- Richard C. Williams, Finance Director. November 2013 Revenue & Expenditure Report.
- Charles P. Rau, Building Official. November 2013 Building Department Report.
- Charles P. Rau, Building Official. November 2013 Code Violations Report.
- Kevin D. Lenkart, Public Safety Director. November 2013 Police Report.
- Kevin D. Lenkart, Public Safety Director. November 2013 Fire Report.
- Downtown Development Authority/Main Street. Minutes of December 4, 2013.
- Parks & Recreation Commission. Minutes of November 25, 2013.
- Planning Commission. Minutes of November 25, 2013.

CITIZEN COMMENTS AND QUESTIONS

None.

MARCH 18, 2013 EXECUTIVE SESSION MINUTES

Motion by Mayor Pro-Tem Eveleth to approve the minutes of executive session of March 18, 2013 as presented.

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

NEXT MEETING

Monday, January 06, 2014

BOARDS AND COMMISSIONS OPENINGS

Planning Commission, term expires 06-30-2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:23 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk