ADJOURNMENT

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes 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 or at (989) 725-0500. The City of Owosso Website address is www.ci.owosso.mi.us.

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

Name	Board/Commission	Term Expires
Lance Omer	Downtown Development Authority/Main Street	06-30-2013

4. Change Order. Approve change to the purchase order with Perrin Construction Co. for additional miscellaneous curb replacement in the amount of $1,047.70.

5. Payment Authorization. Authorize Payment to Perrin Construction Co. for work completed on the 2011 Miscellaneous Curb Replacement Program in the amount of $11,907.70.

6. Repair Authorization. Authorize the overhaul of the in-line sludge grinder at the Waste Water Treatment Plant utilizing the Cutter Cartridge Exchange Program from JWC Environmental at a cost not to exceed $8,190.00.

7. Payment Authorization. Authorize payment to Airport Lighting, LLC for the installation of an emergency generator at the Public Safety Building in the amount of $36,900.00 (with reimbursement from a grant from Shiawassee Emergency Management and Homeland Security).

8. Purchase Authorization. Waive bid irregularities and authorize the purchase of salt for the 2011-2012 winter salt supply through the State of Michigan Road Salt Contract with Morton Salt for 1,800 tons of salt at $54.39 per ton and approve payment up to that amount.

9. Bid Award. Waive bid irregularities and authorize bid award to Shaheen Chevrolet, Inc. for one Chevrolet Impala police vehicle in the amount of $20,982.00 based on the State of Michigan Cooperative Contract.

ITEMS OF BUSINESS

1. City Manager Goals. Discuss setting goals for the City Manager for the 2011-2012 fiscal year.

COMMUNICATIONS

1. Michael T. Compeau, Public Safety Director. Emergency Services Activities outside the City.
2. Michael T. Compeau, Public Safety Director. Prescription Drug Give-Back Day.
3. Owosso Main Street/Downtown Development Authority. Minutes of Meeting of September 7, 2011.
4. Owosso Historical Commission. Minutes of the Meeting of September 20, 2011.
5. Owosso Parks & Recreation Commission. Minutes of the Meeting of September 26, 2011.

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, October 17, 2011

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, term expires 12-31-2011

Burton Fox, 216 East Oliver Street, relayed comments from a Prindle Street resident that was pleased to see an eyesore on his street torn down.

Shelva Cebulski, 1243 Marion Street, said she had heard good things about the recent Bridge Walk and Art Walk and thanked the City for their continued cooperation with the City of Corunna.

Leroy Wing, president of the Owosso High School Class of 1961, mentioned that the two people that had bicycled from Texas to attend the class reunion were very impressed with the downtown.

Mayor Frederick pointed out the DNRE had conducted an investigation into the placement of the pool remnants on land near Hopkins Lake and had made a determination it was lawfully done and there was no violation by the City.

Councilperson Eveleth reported on recent discussions at the SATA board meeting saying the board had tabled discussions on a new funding model to allow time for external situations to work themselves out. He went on to note it would be revisited before the City's SATA millage expires next year.

Councilperson Erfourth asked if the area near Hopkins Lake was legally declared a wetland saying it was an important distinction to make before the item is reported in the media. He also noted he felt it would be misleading to think the wells at Hopkins Lake are the sole source of water for the City saying there are numerous other wells around the City. Lastly he noted his continued desire to see an alternate use developed for the pool as an alternative to tearing it out.

Mayor Frederick inquired about a recent dog attack on a local woman and her pet. In light of the attack he asked for more stringent enforcement of the leash law.

NEXT MEETING

October 3, 2011

BOARDS AND COMMISSIONS OPENINGS

Downtown Development Authority/Owosso Main Street, term expires 06-30-2013
Historical Commission, term expires 12-31-2011

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 8:47 p.m.

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

_____
Benjamin R. Frederick, Mayor

_____
Amy K. Kirkland, City Clerk

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT PROGRAM

The Council was to consider participation in the Sustainable Communities Regional Planning Grant Program with the Genesee County Metropolitan Planning Commission, but in light of the fact the County Board of Commissioners chose not to participate the planned discussion was rendered moot as the participation of both the County and the City were required to move forward with the grant project.

It was noted the project had merit though it would have been difficult for the City to justify the cost given so little detail was given on the process and result.

OWOSSOPALOOZA PERMISSION

Councilperson Erfourth asked to abstain as his wife is the applicant of record.

Motion by Councilperson Eveleth to approve the application of Baker College of Owosso for use of Main Street Plaza, Town Square Park and three parking spaces in the 100 block of South Washington Street from 2:00 p.m. to 8:00 p.m. Thursday, October 6, 2011 for their annual Owossopalooza event, waive the insurance requirement and authorize Traffic Control Order No. 1259 formalizing the action.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

ABSTAIN: Councilperson Erfourth.

COMMUNICATIONS

Richard C. Williams, Finance Director. Cash Position Report – 4th Quarter 2011
Gary Palmer, Building Official. August 2011 Building Department Report.
Gary Palmer, Building Official. August 2011 Code Violations Report.
Michael T. Compeau, Public Safety Director. August 2011 Police Department Report.

Mayor Pro-Tem Popovitch inquired how the process works for code enforcement asking when a case is officially closed. There was a brief discussion regarding the format of the current code enforcement report and how code enforcement is approached.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, said he felt the City was dumping the pool remnants in a wetland environment that could potentially disturb nearby wells.

Brown & Stewart, PC	Professional Services-August 3, 2011 – September 7, 2011	General	$10,472.80

*Check Register. Received and approved the Check Register for August 2011.

*Revenue & Expenditure Report. Accepted the August 2011 Revenue & Expenditure Report.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

* Full text of these items is available in the Clerk's Office.

ITEMS OF BUSINESS

AUDIT BID AWARD

Motion by Councilperson Eveleth to authorize the following resolution approving the bid of Rehmann Accounting, LLC to perform the 2010-2011 audit in the amount of $23,290, with a four year extension option totaling an additional $99,200.

RESOLUTION NO. 152-2011

RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF ENGAGEMENT WITH REHMANN ACCOUNTING, LLC, CERTIFIED PUBLIC ACCOUNTANTS, FOR AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2011

WHEREAS, the city of Owosso, Michigan is required by the state of Michigan to have an independent audit performed annually according to generally accepted auditing standards; and

WHEREAS, obtaining a certified public accountant to prepare the audit of the financial statements is necessary and it is hereby determined that Rehmann Accounting, LLC, certified public accountants, is qualified to provide such services; and

WHEREAS, the firm has offered the option of securing its services for an additional four years should the City be satisfied with its performance in the first year and find the anticipated costs acceptable.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN:

FIRST: that the city of Owosso has heretofore determined that engaging Rehmann Accounting, LLC, certified public accountants, is advisable and necessary, to conduct and prepare an audit the basic financial statements and one Federal single audit for the city of Owosso, Michigan;

SECOND: that the letter of engagement between the city of Owosso and Rehmann Accounting, LLC, attached as Exhibit A for a cost not to exceed $23,290 in the first year is hereby approved; and

THIRD: that the city manager of the city of Owosso is hereby instructed and authorized to sign the document attached as Exhibit A for the city of Owosso.

When expenditures are contemplated for a specific purpose for which both restricted and unrestricted amounts are identified, it shall be the policy to consider restricted amounts to be reduced first. When incurring an expenditure for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

Implementation and Review:

Upon adoption of these amendments, the City Council authorizes the Finance Director to establish and standards and procedures necessary for its implementation.

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

Name	Board/Commission	Term Expires
Michael Espich	Parks & Recreation Commission	06-30-2012
General Grant	Brownfield Redevelopment Authority	Expiration of School Board Term

Payment Authorization. Authorize Progress Payment No. 2 to The Glaeser-Dawes Corporation for work completed on the water main replacement project through September 9, 2011 in the amount of $96,007.58 as follows:

RESOLUTION NO. 151-2011

AUTHORIZING PAYMENT TO
GLAESER DAWES CORPORATION
FOR WORK COMPLETED ON THE
2011 WATER MAIN REPLACEMENT PROJECT

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into a unit price contract with Glaeser Dawes Corporation for the 2011 Water Main Replacement Project, and

WHEREAS, the work is substantially complete and is now eligible for payment; and

WHEREAS, the City project manager recommends Pay Estimate 2011-2 in the amount of $96,007.58 for work completed through September 9, 2011, and said unit quantities and amount agreed to by Glaeser Dawes Corporation.

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 pay Glaeser Dawes Corporation for work completed on the 2011 Water Main Replacement Project.

SECOND: The accounts payable department is authorized to submit payment to the Glaeser Dawes Corporation the amount of $96,007.58 as detailed on the attached Payment Estimate 2011-2 as authorized by Council on September 19, 2011.

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

Warrant No. 428. Accept Warrant No. 428 as follows:

Vendor	Description	Fund	Amount
Netarx	Network Engineering-August 2011	General	$ 8,568.00

Classification		Definition	Examples
Nonspendable		Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact	• Inventories • Prepaid Items • Long-term receivables • Permanent endowments
Restricted		Fund balance should be reported as restricted when constraints placed on the use of resources are either a. Externally imposed by creditors, grantors, contributors, laws or regulations of other governments; or b. Imposed by law through constitutional provisions or enabling legislation	• Restricted by state statute • Unspent bond proceeds • Grants earned but not yet spent • Debt convenants • Taxes dedicated to a specific purpose • Revenue restricted by enabling legislation
Unrestricted	**Committed**	Used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision making authority	• Amounts City Council sets aside by resolution
	Assigned	Amounts that are constrained by the government's intent to be used for specific purposes but are neither restricted nor committed	• City Council delegates the authority to assign fund balance to Finance Director
	Unassigned	This is the residual classification for the General Fund. Other governmental funds would report deficit fund balances as unassigned	

Fund Type Definitions:

General Fund – is used to account for all financial resources not accounted for in another fund.

Special Revenue Funds – are created to account for the proceeds from specific revenue sources that are legally restricted or committed for specific purposes other than debt service or capital projects funds. Examples are the Major and Local Street Funds to account for the expenditure of gas and weight taxes and the Housing Fund for the expenditure of grants. The specific revenue source should be expected to continue to comprise a substantial portion of the inflows reported in that fund.

Debt Service Funds – are used to account for all financial resources restricted, committed, or assigned to expenditure for principal and interest.

Capital Project Funds – are used to account for all financial resources restricted, committed, or assigned to expenditure for the acquisition or construction of capital assets.

Prioritization of Fund Balance Use:

It is estimated the City Hall lawn will be restored in approximately 3 weeks time. City Manager Crawford has been able to secure an extraordinarily low estimate for the purchase and delivery of sod for the property. The new grass will be slow growing and drought resistant.

Mr. Zettel went on to briefly detail the fund balance policy amendment saying the proposed changes were routine in nature and were designed to keep the policy in line with changes in accounting standards. He also noted the significant savings that are anticipated with the hire of a new audit firm.

CONSENT AGENDA

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

Fund Balance Policy Amendment. Approve amendments to the Fund Balance Policy as follows:

RESOLUTION NO. 150-2011

RESOLUTION AUTHORIZING AMENDMENTS TO THE FUND BALANCE POLICY ADOPTED ON OCTOBER 21, 1996, AS AMENDED JUNE 20, 2005

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted Statement 54, a new accounting principle for governmental fund balance reporting and fund type definitions effective for fiscal years 2011; and

WHEREAS, the Michigan Committee on Governmental Accounting and Auditing (MCGAA) has adopted Statement 15, providing guidance on the application of GASB Statement 54 for local units in Michigan; and

WHEREAS, the city of Owosso elects to implement GASB Statement 54 and MCGAA Statement 15 requirements, and to apply such requirements to financial statements beginning in fiscal year 2011;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN:

FIRST: that the Fund Balance Policy amendments attached as Exhibit A are hereby adopted and applied to financial statements for the fiscal year ending June 30, 2011; and

SECOND: that the City Council hereby affirms the previously adopted Fund Balance Policy not in contravention of the new accounting principle as committed; and

THIRD: that the City Council delegates authority to the Finance Director to assign fund balance not already committed by the Fund Balance Policy

FUND BALANCE POLICY

Purpose – The following policy amendments are designed to specify the size and composition of the City's fund balance and to identify requirements for classifying fund balance in accordance with Governmental Accounting Standards (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* and Michigan Committee on Governmental Accounting and Auditing Statement No. 15. All other aspects of the Fund Balance Policy adopted on October 21, 1996 as amended June 20, 2005 not in contravention are hereby ratified and confirmed.

Classifications:

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, announced a blood drive will be held Wednesday, September 21st from 12:00 to 5:45 p.m. at the Knights of Columbus hall.

County Commissioner Ronald Elder was on hand to detail recent discussions at the County level. He indicated he is again attempting to change the meeting time for the County Commission to a time that is more conducive to citizen participation. When asked, he also noted the Commission had turned down participation in the Sustainable Communities Grant, the City's participation in which is up for discussion tonight.

Tom Manke, business owner at 118 South Washington Street, thanked the City for putting on a great Art Walk event over the weekend. He encouraged Council to take a look at making Owosso known for such events.

Leroy Wing, president of the Owosso High School Class of 1961, spoke of the events of the class's 50th reunion over the weekend, saying all involved were impressed with the downtown and very much appreciated the tour and key to the City.

Burton Fox, 216 East Oliver Street, clarified his comments from the last Council meeting saying he supports our police department and the work they do. He also noted his enjoyment of the Art Walk. He said he would like to see more events like that on that weekends.

Councilperson Martenis echoed Mr. Wing's comments saying he sincerely appreciated Council's support for the improvements in the downtown. He went on to thank former City Manager Joe Fivas, the DDA and Lorraine Weckwert for all of their efforts.

Mayor Frederick expressed his pleasure with the Art Walk saying it was a great success. He also noted that sometimes we lose track of what we have accomplished because we are so focused on the next project. He encouraged people to enjoy the improvements that have already been accomplished.

Councilperson Cook inquired about the potential repeal of the personal property tax, an update on the library roof, disposal of the old pool materials and the timeline for the City Hall lawn.

CITY MANAGER REPORT

Assistant City Manager Zettel noted the City relies less on personal property tax than some other communities but we would stand to lose approximately $250,000 should the law be repealed and the revenue not replaced. It was noted the Governor hopes any proposed legislation will be revenue neutral.

He went on to answer the rest of Councilperson Cook's questions. The City has a proposal for development of an RFP for the library roof in the amount of $10,000. There is an effort to negotiate a better deal for this work, staff hopes to have more information at the October 3rd meeting.

The DNRE has been out to inspect the remains of the pool where they are stored behind Hopkins Lake. Their only concern was whether any lead based paint was present. Testing indicated there was not.

e. Assisting in the delineation of flood hazard areas, providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, and cooperating with other officials, agencies, and persons for floodplain management.

f. Advising FEMA of any changes in community boundaries, including appropriate maps.

g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations, to which structures have been flood proofed.

Sec. 14-3. Flood Insurance Rate Maps.

The city of Owosso assures the Federal Insurance Administrator that it intends to review, on an ongoing basis, all amended and revised Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.

Sec. 14-4. Flood Insurance Studies.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Flood Insurance Study - City of Owosso, Michigan, Shiawassee County," dated January 16, 2003 with accompanying "Flood Insurance Rate Map" dated January 16, 2003 and "Hydrologic & Hydraulic Analysis of Owosso Drain" dated March, 2011, are hereby adopted by reference and declared to be a part of this Ordinance for the purposes of administration of the *Michigan Construction Code*, and declared to be a part of Section 1612.3 of the *Michigan Building Code*, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of *the Michigan Residential Code*, and also adopts the Base Flood Elevation that the Federal Emergency Management Agency has declared for the Shiawassee River, which is indicated on said Flood Insurance Rate Maps. Where applicable the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled “Shiawassee County, Michigan (All Jurisdictions)” and dated 9/29/11 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26155C; 0139C, 0143C, 0145C, 0227C, 0231C, and 0232C dated 9/19/11 are adopted by reference.

Section 2. Repeal Clause.

Chapter 14, Flood Protection, of the *Code of Ordinances of the City of Owosso* is hereby repealed and replaced by this ordinance and all other ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Effective Date.

This ordinance shall take effect October 9, 2011.

Section 5. Inspection.

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.

erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph a.1) of this definition.

Flood insurance rate map (FIRM) means the official map, which the Federal Emergency Management Agency (FEMA) has delineated both the risk premium zones applicable to the community and the Special Flood Hazards Areas designated as Zone A, AE, AH, AO, AR, A99, V or VE.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, such as a floodplain ordinance, and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

Sec. 14-2. Enforcement.

The City of Owosso directs its designated enforcing agent for the construction code act, the Code Enforcement Official, to administer, apply, and enforce the floodplain management regulations as contained in the *Michigan Building Code*, including Appendix G, and to be consistent with those regulations by:

a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.

b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources and Environment under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:

   (1) Floodplain management regulation portions and referenced codes and standards of the current *Michigan Residential Code*.

   (2) Floodplain management regulation portions and referenced codes and standards of the current *Michigan Building Code*.

   (3) Appendix G of the current *Michigan Building Code*.

d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

ORDINANCE AMENDMENT – CHAPTER 14, FLOOD PROTECTION

A public hearing was conducted to receive public comment on the proposed amendment to Chapter 14, Flood Protection, of the Code of Ordinances of the City of Owosso, Michigan.

There were no citizen comments.

Motion by Councilperson Eveleth to authorize the following ordinance amendment:

ORDINANCE NO. 723

AN ORDINANCE ADOPTING A NEW CHAPTER 14, FLOOD PROTECTION, AND AGREEING TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED AND REPEALING IN ITS ENTIRETY THE CURRENT CHAPTER 14, FLOOD PROTECTION

WHEREAS, the City of Owosso currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions, which also apply for the purposes of this ordinance, and

WHEREAS, the *Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended*, along with its authorization of the state construction code composed of the *Michigan Residential Code* and the *Michigan Building Code* and its appendices, specifically Appendix G, contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3; and

WHEREAS, the city of Owosso has accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the *Michigan Residential Code* and the *Michigan Building Code*, to all construction within its community boundaries appearing as Chapter 8, Buildings and Building Regulations of the *Code of Ordinances of the City of Owosso, Michigan*;

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Owosso, Michigan to maintain eligibility and continued participation in the NFIP adopts the following to be designated Chapter 14, Flood Protection:

THE CITY OF OWOSSO ORDAINS: that Chapter 14, Flood Protection, be amended as follows:

Section1: Secs. 14-1 through 14-4 will read as follows:

Sec. 14-1. Definitions.

Flood or *Flooding* means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of

WHEREAS, Machine Tool & Gear, Incorporated has filed an application for an Industrial Facilities Exemption Certificate with respect to transfer personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on September 19, 2011, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, transfer of and/or construction for the personal property had not begun earlier than six (6) months before August 15, 2011, the date application received for the Industrial Facilities Exemption Certificate; and

WHEREAS, transfer of the personal property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that granting the Transfer of Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Machine Tool & Gear, Incorporated for Transfer of Industrial Facilities Exemption Certificate 2010-379 from City of Corunna, with respect to Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

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

be and the same is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate 2010-379 when transferred, shall be and remain in force until December 30, 2022, a remaining period of 11 years of original 12 years.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Machine Tool & Gear, Incorporated for Transfer of Industrial Facilities Exemption Certificate 2009-271 from City of Corunna, with respect to Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

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

be and the same is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate 2008-274 when transferred, shall be and remain in force until December 30, 2021, a remaining period of 10 years of original 12 years.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

PERSONAL PROPERTY EXEMPTION – MACHINE TOOL & GEAR, INC., TRANSFER #4

A public hearing was conducted to receive public comments on the transfer of Personal Property Exemption 2010-379 for Machine Tool & Gear, Incorporated, Division of Newcor Machined Products Group, from the City of Corunna to their property at 401South Chestnut Street, Owosso.

There were no citizen comments.

Motion by Councilperson Martenis to authorize the following resolution approving the transfer of Personal Property Exemption 2010-379.

RESOLUTION NO. 149-2011

APPROVING TRANSFER OF CERTIFICATE 2010-379
MACHINE TOOL & GEAR, INCORPORATED
A DIVISION OF NEWCOR MACHINED PRODUCTS GROUP
401 S. CHESTNUT STREET FROM CITY OF CORUNNA

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 18, 1977, this City Council, by resolution established an Industrial Development District, commonly called the Owosso Industrial Site No. 1, and on October 9, 1978, this City Council, by resolution amended said Industrial Development District property occupied by 401 S. Chestnut; and

Roll Call Vote.

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

NAYS: None.

PERSONAL PROPERTY EXEMPTION – MACHINE TOOL & GEAR, INC., TRANSFER #3

A public hearing was conducted to receive public comments on the transfer of Personal Property Exemption 2009-271 for Machine Tool & Gear, Incorporated, Division of Newcor Machined Products Group, from the City of Corunna to their property at 401South Chestnut Street, Owosso.

There were no citizen comments.

Motion by Councilperson Cook to authorize the following resolution approving the transfer of Personal Property Exemption 2009-271.

RESOLUTION NO. 148-2011

APPROVING TRANSFER OF CERTIFICATE 2009-271
MACHINE TOOL & GEAR, INCORPORATED
A DIVISION OF NEWCOR MACHINED PRODUCTS GROUP
401 S. CHESTNUT STREET FROM CITY OF CORUNNA

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 18, 1977, this City Council, by resolution established an Industrial Development District, commonly called the Owosso Industrial Site No. 1, and on October 9, 1978, this City Council, by resolution amended said Industrial Development District property occupied by 401 S. Chestnut; and

WHEREAS, Machine Tool & Gear, Incorporated has filed an application for an Industrial Facilities Exemption Certificate with respect to transfer personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on September 19, 2011, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, transfer of and/or construction for the personal property had not begun earlier than six (6) months before August 15, 2011, the date application received for the Industrial Facilities Exemption Certificate; and

WHEREAS, transfer of the personal property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that granting the Transfer of Industrial Facilities Exemption Certificate considered together with the aggregate amount

401 S. CHESTNUT STREET FROM CITY OF CORUNNA

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 18, 1977, this City Council, by resolution established an Industrial Development District, commonly called the Owosso Industrial Site No. 1, and on October 9, 1978, this City Council, by resolution amended said Industrial Development District property occupied by 401 S. Chestnut; and

WHEREAS, Machine Tool & Gear, Incorporated has filed an application for an Industrial Facilities Exemption Certificate with respect to transfer personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on September 19, 2011, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, transfer of and/or construction for the personal property had not begun earlier than six (6) months before August 15, 2011, the date application received for the Industrial Facilities Exemption Certificate; and

WHEREAS, transfer of the personal property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO THAT:

FIRST: The City Council finds and determines that granting the Transfer of Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Machine Tool & Gear, Incorporated for Transfer of Industrial Facilities Exemption Certificate 2008-274 from City of Corunna, with respect to Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

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

be and the same is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate 2008-274 when transferred, shall be and remain in force until December 30, 2020, a remaining period of 9 years of original 12 years.

Motion supported by Councilperson Erfourth.

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that granting the Transfer of Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Machine Tool & Gear, Incorporated for Transfer of Industrial Facilities Exemption Certificate 2005-353 from City of Corunna, with respect to Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

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

be and the same is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate 2005-353 when transferred, shall be and remain in force until December 30, 2017, a remaining period of 6 years of original 12 years.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

PERSONAL PROPERTY EXEMPTION – MACHINE TOOL & GEAR, INC., TRANSFER #2

A public hearing was conducted to receive public comments on the transfer of Personal Property Exemption 2008-274 for Machine Tool & Gear, Incorporated, Division of Newcor Machined Products Group, from the City of Corunna to their property at 401South Chestnut Street, Owosso.

There were no citizen comments.

Motion by Mayor Pro-Tem Popovitch o authorize the following resolution approving the transfer of Personal Property Exemption 2008-274.

RESOLUTION NO. 147-2011

APPROVING TRANSFER OF CERTIFICATE 2008-274
MACHINE TOOL & GEAR, INCORPORATED
A DIVISION OF NEWCOR MACHINED PRODUCTS GROUP

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

PERSONAL PROPERTY EXEMPTION – MACHINE TOOL & GEAR, INC., TRANSFER #1

A public hearing was conducted to receive public comments on the transfer of Personal Property Exemption 2005-353 for Machine Tool & Gear, Incorporated, Division of Newcor Machined Products Group, from the City of Corunna to their property at 401South Chestnut Street, Owosso.

The following person addressed the Council regarding the proposed property tax abatement transfer:

John Aldrich, General Manager, indicated the company had worked with both the City of Corunna and the City of Owosso on the transfer of their 4 existing tax abatements. He went on to say the City of Corunna has agreed to forego back taxes after the transfer.

Motion by Councilperson Erfourth to authorize the following resolution approving the transfer of Personal Property Exemption 2005-353.

RESOLUTION NO. 146-2011

APPROVING THE TRANSFER OF CERTIFICATE 2005-353
MACHINE TOOL & GEAR, INCORPORATED
A DIVISION OF NEWCOR MACHINED PRODUCTS GROUP
401 S. CHESTNUT STREET FROM CITY OF CORUNNA

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 18, 1977, this City Council, by resolution established an Industrial Development District, commonly called the Owosso Industrial Site No. 1, and on October 9, 1978, this City Council, by resolution amended said Industrial Development District property occupied by 401 S. Chestnut; and

WHEREAS, Machine Tool & Gear, Incorporated has filed an application for an Industrial Facilities Exemption Certificate with respect to transfer personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on September 19, 2011, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, transfer of and/or construction for the personal property had not begun earlier than six (6) months before August 15, 2011, the date application received for the Industrial Facilities Exemption Certificate; and

WHEREAS, transfer of the personal property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

APPROVING AN IFE APPLICATION
MACHINE TOOL & GEAR, INCORPORATED
A DIVISION OF NEWCOR MACHINED PRODUCTS GROUP
401 S. CHESTNUT STREET

.

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 18, 1977, this City Council, by resolution established an Industrial Development District, commonly called the Owosso Industrial Site No. 1, and on October 9, 1978, this City Council, by resolution amended said Industrial Development District property occupied by 401 S. Chestnut; and

WHEREAS, Machine Tool & Gear, Incorporated has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on September 19, 2011, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, acquisition of and/or construction for the new personal property had not begun earlier than six (6) months before August 15, 2011, the date application received for the Industrial Facilities Exemption Certificate; and

WHEREAS, acquisition of the new personal property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO THAT:

FIRST: The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Machine Tool & Gear, Incorporated for an Industrial Facilities Exemption Certificate, with respect to a New Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

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

be and the same is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of 12 years.

OWOSSO CITY COUNCIL

SEPTEMBER 19, 2011 **7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: SHELVA CEBULSKI

PLEDGE OF ALLEGIANCE: LEROY WING
CLASS PRESIDENT, OWOSSO HIGH SCHOOL CLASS OF 1961

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented, moving Consent Item 3. Owossopalooza Permission to Item of Business 3.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 6, 2011

Motion by Councilperson Forster to approve the Minutes of the Regular Meeting of September 6, 2011 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

PERSONAL PROPERTY TAX EXEMPTION – MACHINE TOLL & GEAR, INC.

A public hearing was conducted to receive public comment on a New Personal Property Exemption for Machine Tool & Gear, Incorporated, Division of Newcor Machined Products Group, for property at 401South Chestnut Street.

The following people commented in regard to the proposed tax exemption:

John Aldrich, General Manager, indicated the importance of the abatement to their expansion project saying it would help them double their manufacturing capabilities.

Justin Horvath, SEDP President/CEO, said Machine Tool & Gear is a great organization that has expanded its business on two other occasions so far this year.

Motion by Councilperson Eveleth to authorize the following resolution approving a new 12 year personal property tax exemption for Machine Tool & Gear, Inc.

RESOLUTION NO. 145-2011