

OWOSSO CITY COUNCIL

JULY 18, 2011

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND SUSAN KINGSLEY
TRINITY UNITED METHODIST CHURCH

PLEDGE OF ALLEGIANCE: LARRY ALPERT
SHIAWASSEE AREA TRANSPORTATION AGENCY
DIRECTOR

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.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 5, 2011

Motion by Councilperson Forster to approve the Minutes of the Regular Meeting of July 5, 2011 as presented, noting the absence of Mayor Pro-Tem Popovitch in the roll call.

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

SPECIAL PRESENTATIONS

SATA FUNDING

SATA Director Larry Alpert presented an update on SATA including information on possible changes to their funding formula.

PUBLIC HEARINGS

SPECIAL ASSESSMENT DISTRICT NO. 2011-10

The public hearing was conducted to receive citizen comment regarding Resolution No. 5 for Special Assessment District No. 2011-10 for the alley bounded by Main Street, Saginaw Street, Exchange Street and Hickory Street for alley improvements.

The following citizen commented in favor of the improvements: Carl Rossman.

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

RESOLUTION NO. 118-2011

**DISTRICT NO. 2011-10
ALLEY BOUNDED BY MAIN, HICKORY, EXCHANGE, AND SAGINAW STREETS
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement: Alley pavement improvements for the alley bounded by Main, Hickory, Exchange and Saginaw Streets and

WHEREAS, there being all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$2,244.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2011-10.

2. Said special assessment roll shall be divided into five (5) equal annual installments, the first of which shall be due and payable on September 1, 2011, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by December 1, 2011.
3. The installments of the special assessment rolls shall bear interest at the rate of % per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2011 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Arnold Dunchock, 909 Marguerite Drive, indicated he had been granted the deed for the property at 328 Prindle Street and was in the process of determining what to do with the property. He went on to say he felt it may not be in the City's best financial interest to demolish the property as any associated charges assessed to the property had little chance of being paid as there were multiple liens in front of the City's.

Tracey Peltier, Co-Master of the Downtown Owosso Farmers Market, indicated the Market will be hosting a free kids day Saturday July 30th. She also indicated the Market is seeking sponsorships.

Mayor Pro-Tem Popovitch indicated she would like some information on the proposed limestone path connecting the parking lot to the trail head at Collamer Park.

Councilperson Erfourth inquired about the activities during the free kids' day at the Market. He also noted he and Councilperson Forster are organizing a potential painting weekend tentatively set for August 12-14. Interested parties should contact either Councilperson.

Councilperson Cook noted the University of Michigan solar car team will be passing through Owosso on Wednesday morning. He also noted the river clean-up is set for August 6th and the Sub-Regional Planning meeting coordinated by the Chamber of Commerce on August 10th.

Councilperson Forster asked for an update on the construction of the BMX track. She also asked if the City had a mechanism to prohibit burning on dry hot days. It was noted the burning ordinance gives discretion to any officer attending to a burning complaint to require a fire to be extinguished based on their feeling the conditions are dangerous.

Councilperson Eveleth asked that the pick up schedule for rubbish collection be adjusted for the area around the Farmers Market saying the trash bins always seem to be full before the market opens. It was noted there is suspected people were dumping trash into the bins in the area instead of paying for rubbish service. It was also suggested the City purchase some of the cardboard trash receptacles used at sporting events and the like.

CITY MANAGER REPORT

City Manager Crawford distributed and reviewed the brush collection report for the last 11 months. Council asked the numbers be further filtered to include strictly the costs for the brush pick up program. There was also discussion regarding limiting the brush pick up program to a select few months to maximize efficiency.

City Manager Crawford also noted the hard work of a group of volunteers that are constructing and marking mountain bike trails in Collamer Park. It is anticipated they will have 3 different trails and signage completed within the next few weeks. Council asked that the project be brought to the attention of the Parks & Recreation Commission for their input as well. It was further noted a path to connect the parking lot to the trail head was being discussed and worked into the plan.

City Engineer Baker addressed the inquiry about the BMX track saying dirt had been placed in the requested locations. A team of volunteers will be working to do the final shaping and molding. The City will make equipment and manpower available to finish the project based on the schedule of the volunteers.

Councilperson Erfourth thanked the DPW for working on remarking cross walks.

Mayor Pro-Tem Popovitch inquired about the deterioration of West King Street near the hospital. City Engineer Baker indicated he would look into the issue.

CONSENT AGENDA

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

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

Name	Board/Commission	Term Expires
Donald Levi	Downtown Loan Committee	06-30-2013
Nicholas Reeser	Downtown Loan Committee	06-30-2013
Benjamin Frederick	Downtown Loan Committee	11-14-2011

Donation Refund. Approve the refund of \$7,929.81 from the Historical Commission fund to Preservation Owosso returning funds donated in 2007 for the reconstruction of the Gould House garage as follows:

RESOLUTION NO. 119-2011

AUTHORIZING A REFUND TO PRESERVATION OWOSSO

WHEREAS, the City of Owosso Historical Commission and Preservation Owosso joined together to hold a 2007 Home Tour fundraiser, agreeing to split the proceeds.

WHEREAS, Preservation Owosso left its share of the proceeds, \$7,929.81 with the City of Owosso Historical Commission to use toward the rebuild of the Gould House garage.

WHEREAS, the garage has not been rebuilt and Preservation Owosso has requested a return of funds previously designated toward this project; and the City of Owosso Historical Commission at its June 17, 2011, meeting has agreed to this refund;

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

The City of Owosso Historical Commission is authorized to refund \$7,929.81 to Preservation Owosso from funds set aside from the 2007 Home Tour.

Payment Authorization. Authorize Progress Payment No. 1 to the Michigan Department of Transportation for the City's share of work completed on the reconstruction of Oliver Street and Stewart Street in the amount of \$26,318.34 as follows:

RESOLUTION NO. 120-2011

**AUTHORIZING PAYMENT TO
THE MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR WORK COMPLETED ON
THE OLIVER ST. AND STEWART STREET RECONSTRUCTION PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received a Michigan Department of Transportation Small Cities Grant; and

WHEREAS, using these funds in concert with monies from Street Special Assessment and the Street Bond Fund, the City has undertaken a project to reconstruct Oliver St. from M-52 to Washington St. and Stewart St. from Chipman St. to Cedar St, replacing deteriorated curbs and pavement to improve the street infrastructure on these two streets and

WHEREAS, a portion of the work on this project has been completed and is now eligible for payment; and

WHEREAS, the Michigan Department of Transportation has requested reimbursement for the City's share of the work completed to date.

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

FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to reimburse the Michigan Department of Transportation for eligible funds spent in the course of reconstructing portions of Oliver St. and Stewart Street.

SECOND: The accounts payable department is authorized to submit payment to the Michigan Department of Transportation in the amount of \$26,318.34 as detailed on the attached Payment Request #1 as authorized by Council on July 18, 2011.

THIRD: The above expenses shall be paid from the Street Bond Fund and Special Assessments

Warrant No. 426. Accept Warrant No. 426 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund Payment April 2011 – June 2011	Water	\$16,180.55
B S & A Software	Third/Final Installment of Software Applications	General Water Sewer	\$20,430.00
Brown & Stewart, PC	Professional Services June 9, 2011 – July 6, 2011	General	\$10,421.80
Netarx, LLC	Network Engineering - June 2011	General	\$ 7,616.00

*Check Register. Receive and approve the Check Register for June 2011.

*Revenue & Expenditure Report. Accept the June 2011 Revenue & Expenditure Report.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

* Full text of the Check Register and the Revenue & Expenditure Report are available in the Clerk's Office.

ITEMS OF BUSINESS

328 PRINDLE DEMOLITION

There was discussion regarding the process the City has gone through in reaching this point. It was noted that while Mr. Dunchock had expressed interest in the property on a number of occasions, as he did during the Citizen Comments and Questions period, he was not present for the court hearing on the matter. Several neighbors were in attendance at the hearing and supported the idea of demolishing the structures on the property.

Motion by Councilperson Eveleth to authorize the demolition of the structures at 328 Prindle Street, approve bid award to Fisher Gravel for the demolition in the amount of \$6,000.00, and establish a lien on the property for the costs incurred as follows:

RESOLUTION NO. 121-2011

RESOLUTION AUTHORIZING DEMOLITION OF THE STRUCTURE AT 328 PRINDLE, A CONTRACT WITH FISHER GRAVEL, AND ESTABLISHMENT OF A LIEN FOR SAID PROPERTY

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a building located at 328 Prindle Street has deteriorated to a condition that it is unusable and has a blighting effect upon the neighborhood and community at large; and

WHEREAS, the International Property Maintenance Code Section 110.2 establishes that should the cost of repairs exceed 100% of the current value of the structure such repairs are presumed unreasonable and the structure is presumed to be a public nuisance which shall be ordered razed without option on the part of the owner to repair; and

WHEREAS, the City has been determined the cost of repairs to the structure would exceed 100% of the current value of the structure and is prepared to proceed with the demolition should it be authorized by Council; and

WHEREAS, the 66th District Court has confirmed the structure is a public nuisance under International Property Maintenance Code Section 110.2 and has authorized the City to proceed with demolition of the structure without further discussion; and

WHEREAS, proposals for the demolition of the structure were sought and received; and

WHEREAS, Fisher Gravel submitted a bid in the amount of \$6,000.00;

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Fisher Gravel to demolish a structure at 328 Prindle Street.
- SECOND: The mayor and city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached, contract for services between the City of Owosso, Michigan and Fisher Gravel at a total cost of \$6,000.00.
- THIRD: The city manager is authorized to execute any required permits to proceed with the demolition.
- FOURTH: The costs of said demolition shall be charged against the premises and the owner thereof in accordance with the provisions of Section 10.7 of the City Charter.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

Mayor Frederick noted the need to revisit the idea of what to do with similar properties.

CITY MANAGER EVALUATION DISCUSSION

There was discussion regarding drafting an evaluation form incorporating the 2010 goals, changes to the draft City Manager job description, and editing the general evaluation form to make it gender neutral and note that questions under each specific heading are there only as suggestions.

Council noted the City Manager's evaluation would also be an opportunity to evaluate their own performance as well.

There was concern with the development of a job description for the position that moves beyond what is noted in the Charter. City Attorney William C. Brown noted a job description could be developed to further define the expectations of the City Manager, so long as those expectations do not conflict with the Charter.

Council asked staff to return to the August 1st meeting with edited copies of the evaluation forms and job description as noted above.

COMMUNICATIONS

Gary Palmer, Building Official. June 2011 Building Department Report.
Gary Palmer, Building Official. June 2011 Code Violations Report.
Michael T. Compeau, Public Safety Director. June 2011 Police Department Report.
Michael T. Compeau, Public Safety Director. June 2011 Fire Department Report.
Owosso Historical Commission. Minutes of the Meeting of June 21, 2011.
Owosso Main Street/Downtown Development Authority. Minutes of Meeting of July 6, 2011.

Mayor Frederick asked if repeat offenders of the burning ordinance were being given more severe fines. It was noted they were.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

There were no Council comments.

NEXT MEETING

Monday, August 1, 2011

BOARDS AND COMMISSIONS OPENINGS

Downtown Development Authority/Owosso Main Street, term expires 06-30-2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:54 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk