

**OWOSSO CITY COUNCIL**

**AUGUST 15, 2011**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK  
**OPENING PRAYER:** SHELVA CEBULSKI  
**PLEDGE OF ALLEGIANCE:** PHILIP HATHAWAY  
**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 Martenis and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 1, 2011**

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Regular Meeting of August 1, 2011 as presented.

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

**SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**ALLEY CLOSURE – SOUTH OF GRACE BETWEEN PEARCE AND CEDAR STREETS**

A public hearing was conducted to receive citizen comment regarding request to close Public alley south of the south line of Grace Street, east of Lots 1-8 and west of Lots 83-90, Grand View Addition, City of Owosso, Shiawassee County, Michigan.

Sally Bishop, 1028 Pearce Street, indicated she had initiated the petition and supported the closing of the alley. She had questions regarding how the property would be split, notification of the closure, the placement of burning barrels, and whether or the not the City would be surveying the property. It was noted the City would not be surveying the property and such services would have to be undertaken by individual property owners. Council also asked that all the adjoining property owners be notified of the closure.

Motion by Councilperson Cook to approve the closure of the remaining portion of the alley as follows:

**RESOLUTION NO. 129-2011**

**ALLEY ABANDONMENT  
SOUTH OF GRACE STREET  
BETWEEN CEDAR STREET AND PEARCE STREET**

WHEREAS, the City of Owosso received a petition, Alley Closing – 2011-02, to abandon an alley located south of Grace Street, between South Cedar Street and Pearce Street; and

WHEREAS, city staff has found no issues with the petition and has recommended approval of the alley abandonment; and

WHEREAS, the planning commission held a public hearing on July 25, 2011 and subsequently recommended abandonment of the alley; and

WHEREAS, the City Council of the City of Owosso, Michigan, in accordance with city ordinance Section 29-154, has met at the time and place named in a resolution passed by said City Council at a meeting thereof held on August 1, 2011 and in accordance to notice thereof published by the City Clerk in The Owosso Argus Press, for the purpose of hearing and considering objections to the proposed vacation and discontinuance of the following portions of public alley in said City, and all objections of such proposed action having been heard and duly considered in a public meeting held on August 15, 2011;

NOW THEREFORE BE IT RESOLVED that for the benefit of the public health and welfare and safety of persons and property within the City of Owosso, County of Shiawassee, State of Michigan, be and the same is hereby vacated, discontinued and abolished, said portions of said alley being more particularly described as follows, to wit:

ALL THAT PART OF ALLEY IN GRAND VIEW ADDITION TO THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, RECORDED JUNE 8, 1910 IN LIBER OF PLATS ON PAGE 59 DESCRIBED AS LYING SOUTH OF THE SOUTH LINE OF GRACE STREET, AND EAST OF LOTS 01-08 AND WEST OF LOTS 83-90.

BE IT FURTHER RESOLVED THAT it is hereby determined that it is necessary for the health, welfare, comfort and safety of the people of the City of Owosso to discontinue the above portions of existing alley as platted.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to provide the Shiawassee County Register of Deeds, the Treasurer of the State of Michigan, and the Owosso City Engineer and City Assessor with a certified copy of this resolution within thirty (30) days of its adoption.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

**OBsolete PROPERTY REHABILITATION EXEMPTION CERTIFICATE – WESENER, LLC**

A Public Hearing was conducted to receive citizen comments regarding application from Wesener, LLC for an Obsolete Property Rehabilitation Exemption Certificate for their property at 104-108 North Washington Street.

Philip Hathaway, Town Plans, LLC, spoke on behalf of the applicant indicating the importance of this exemption to the overall project and the reason behind asking for a lesser abatement than they are eligible for.

Motion by Councilperson Erfourth to approve the following resolution authorizing an Obsolete Property Rehabilitation Exemption for the property owned by Wesener, LLC at 104-108 North Washington Street for a period of 6 years:

**RESOLUTION NO. 130-2011**

**A RESOLUTION TO APPROVE  
THE APPLICATION FOR AN  
OBsolete PROPERTY REHABILITATION EXEMPTION CERTIFICATE  
FROM DAVE ACTON OF WESENER, LLC  
FOR PROPERTY LOCATED AT  
104–108 N. WASHINGTON STREET**

WHEREAS, the City of Owosso is a Qualified Local Government Unit within the State of Michigan and is empowered to provide tax exemptions for increased value of rehabilitated facilities within the City; and

WHEREAS, after public notice and a public hearing on March 1, 2004, the City Council of the City of Owosso approved an Obsolete Property Rehabilitation District at 104-108 N. Washington Street in Owosso, Michigan at said meeting, as provided by section 4(2) of Public Act 146 of 2000. Said property more particularly described as:

*S 2/3 OF LOT 5 & N 1/3 OF LOT 6 (EX E 22' OF LOT 6) BLK 21 ORIGINAL PLAT*

WHEREAS, the City Clerk received a complete application and required documentation on July 27, 2011 from Dave Acton, authorized agent for Wesener, LLC, owner of the property, for an Obsolete Property Rehabilitation Exemption Certificate requesting a 6 year abatement; and

WHEREAS, notice of a public hearing concerning the application for an exemption certificate was provided to the Assessor of the City and the legislative body of each taxing unit that levies ad valorem property taxes in the City; and

WHEREAS, the City finds that the property meets the definition of an obsolete property as defined in section 2(h) of Public Act 146 of 2000 and the application for the exemption certificate is complete; and

WHEREAS, the City finds that the property relates to a rehabilitation program that when completed constitutes a “rehabilitated facility” within the meaning of P.A. 146 of 2000, and said

property is located within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of PA 146 of 2000; and

WHEREAS, it has been found that the rehabilitation of the obsolete property is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase commercial activity, retain and create employment, and revitalize the downtown; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under PA 198 of 1974 does not exceed 5% of the total taxable value of the unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the rehabilitation work described in the application had not commenced prior to the establishment of the District.

NOW, THEREFORE, BE IT RESOLVED that, based on the findings above made at public hearing, the City Council of the City of Owosso authorizes the application for an Obsolete Property Rehabilitation Exemption Certificate at 104-108 N. Washington Street for a period of 6 years as requested by the applicant; and

ALSO, BE IT RESOLVED that the rehabilitation shall be completed within eighteen (18) months from the date of approval of said application, and

FURTHERMORE, BE IT RESOLVED that the application and resolution are authorized for submittal to the State Tax Commission for final review and authorization.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

#### **CITIZEN COMMENTS AND QUESTIONS**

Gary Ballenger, 806 South Saginaw Street, indicated he feels the City should purchase a second street sweeper as one cannot keep all of the streets clean. He also asked that the storm drains in his area be checked as the street floods when it rains hard.

Shelva Cebulski, 1243 Marion Street, indicated she doesn't feel the City needs another street sweeper but rather needs better enforcement of the ordinance that prohibits citizens from sweeping grass clippings into the street. She also announced the Battle of the Badges blood drive to be held August 24<sup>th</sup> from noon to 5:45 p.m. at the Knights of Columbus hall.

Councilperson Erfourth thanked everyone that participated in the painting event last weekend. Despite the rain they were able to accomplish a lot.

Councilperson Martenis indicated he had received calls about debris in the street in the past and the problem had been noted. He also encouraged citizens to help with the problem of dirty streets by ensuring their lawn clippings are kept out of the street.

Councilperson Cook inquired what was being done around the City in regard to erosion control, noting some specific areas that have seen significant erosion recently. It was noted there are requirements in place for erosion control though many of the projects are not subject to the requirements because they are too small.

Mayor Pro-Tem Popovitch announced a fund raiser at the hospital on August 26<sup>th</sup> to raise money for free cancer screenings.

#### **CITY MANAGER REPORT**

Assistant City Manager Adam H. Zettel handed the floor over to Finance Director Richard C. Williams to provide detail on the 2011 Citizen's Guide to City of Owosso Financial Health Report as well as the Dashboard Report, both required by the State as part of the new revenue sharing program. Mr. Williams noted that the City is in good shape financially but services have been reduced to keep in line with declining revenues. He also noted that his chief point of concern was the aging infrastructure of the City, while it is in decent shape currently significant investment will be needed in the future to ensure the City is able to continue to provide a quality infrastructure.

There was discussion regarding using the reports during the budget planning process, obtaining actual figures in place of the graph representations, and following the State's requirements in the assembly of the reports.

Mayor Frederick indicated he was proud of the fiscal prudence the City has shown over the years.

Copies of both reports are on file in the Clerk's Office.

**CONSENT AGENDA**

Motion by Mayor Pro-Tem Popovitch to approve the Consent Agenda as follows:

Gilbert Street Block Party Permission. Approve the application of the Gilbert Street block party group for closure of Gilbert Street from Oliver Street to Queen Street from 1:00 p.m. to 6:00 p.m. on August 28, 2011 for a block party, waive the insurance requirement and authorize Traffic Control Order No. 1257 formalizing the action.

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

Name	Board/Commission	Term Expires
Burton Fox	Zoning Board of Appeals To fill the unexpired term of C. Brummel	06-30-2012
Guy Salander	Downtown Loan Committee To fill the unexpired term of N. Reeser	06-30-2013

Bid Award. Waive bid irregularities and authorize bid from West Shore Fire, inc. for 15 sets of fire fighter turnout gear for paid on-call fire fighters in the amount of \$30,870.00 as follows:

**RESOLUTION NO. 131-2011**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
FIREFIGHTER TURN OUT GEAR  
WITH  
WEST SHORE FIRE, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety department requiring firefighter turn out gear; and

WHEREAS, West Shore Fire, Inc. submitted the lowest bid meeting the specifics of the bid in the amount of \$30,870.00;

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to enter into a contract with West Shore Fire, Inc. for the purchase of firefighter turnout gear.
- 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 West Shore Fire, Inc. in the amount of \$30,870.00.
- THIRD: The above expenses shall be paid from the Fire Division line item 101-335-978.000.

Change Order. Approve change to the purchase order with One-Way Asphalt Paving & Excavating for additional street patches in the amount of \$35,000 and authorize payment up to this additional amount as follows:

**RESOLUTION NO. 132-2011**

**AUTHORIZING A CHANGE ORDER  
TO THE CONTRACT WITH  
ONE-WAY ASPHALT  
FOR THE 2011 STREET PATCH PROGRAM**

WHEREAS, the City Council approved a contract with One-Way Asphalt on April 18, 2011 for the 2011 Street Patch Program; and

WHEREAS, additional street patching is necessary to patch water service trenches in streets being reconstructed this year.

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

- FIRST: The City of Owosso amends the contract with One Way Asphalt to add additional street patch work to their contract.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Amendment to the Contract for Services Between the City of Owosso and One Way Asphalt increasing the total amount by \$35,000.
- THIRD: The above expenses shall be paid from the Water Fund budget.

Payment Authorization. Authorize Progress Payment No. 1 to The Glaeser-Dawes Corporation for work completed on the water main replacement project through August 5, 2011 in the amount of \$110,226.37 as follows:

**RESOLUTION NO. 133-2011**  
**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, a portion of this work has been completed and is now eligible for payment; and

WHEREAS, the City project manager recommends Pay Estimate 2011-1 in the amount of \$110,226.37 for work completed through August 5, 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 \$110,226.37 as detailed on the attached Payment Estimate 2011-1 as authorized by Council on August 15, 2011.
- THIRD: The above expenses shall be paid from the Water Fund.

Payment Authorization. Authorize Progress Payment No. 2 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 \$43,845.60 as follows:

**RESOLUTION NO. 134-2011**  
**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 \$43,845.69 as detailed on the attached Payment Request #2 as authorized by Council on August 15, 2011.

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

Warrant No. 427. Accept Warrant No. 427 as follows:

Vendor	Description	Fund	Amount
Bodman PLC	Professional Services-July 2011	General	\$ 8,104.50
Zoll Medical Corporation	Defibrillators	General	\$58,446.20
Brown & Stewart, PC	Professional Services-July 7, 2011 – August 2, 2011	General	\$ 9,986.18
B S & A Software	Annual Service/Support Fees	General Water Sewer	\$10,790.00
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$21,986.00
Johnson Controls	Planned Service Agreement- August 1, 2011 – January 31, 2012	General Historical	\$11,302.00

Check Register. Receive and approve the Check Register for July 2011.

Revenue & Expenditure Report. Accept the July 2011 Revenue & Expenditure Report.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

## **ITEMS OF BUSINESS**

### **LAND SALE POLICY**

There was discussion whether or not to institute a policy at all as there was no way to anticipate every situation and a policy may prove to be cumbersome and ineffective for some land transactions. Specifically, Council was concerned that the policy was capable of addressing only the greater financial good of the City and had no way of quantifying intangibles like community development goals and neighborhood desires.

It was agreed a list of City-owned properties would be developed with like properties grouped together. The Planning Commission would then develop a framework for disposing of certain types of properties as a part of the Master Planning process.

### **COMMUNICATIONS**

Jamie Brummel, Historical Commission Member. Letter of resignation.  
Christopher Brummel, Planning Commission & ZBA Member. Letter of resignation.  
Gary Palmer, Building Official. July 2011 Building Department Report.  
Gary Palmer, Building Official. July 2011 Code Violations Report.  
Michael T. Compeau, Public Safety Director. July 2011 Police Department Report.  
Michael T. Compeau, Public Safety Director. June 2011 Fire Department Report.  
Owosso Historical Commission. Minutes of the Meeting of July 19, 2011.  
Parks & Recreation Commission. Minutes of the Meeting of July 25, 2011.  
Owosso Main Street/Downtown Development Authority. Minutes of Meeting of August 3, 2011.  
Owosso Planning Commission. Minutes of the Meeting of August 8, 2011.

### **CITIZEN COMMENTS AND QUESTIONS**

Shelva Cebulski, 1243 Marion Street, asked if the newspapers would consider putting an article in the paper reminding citizens of the rules for mowing and plowing, specifically the prohibition on placing lawn debris or snow in the street.

Burton Fox, 216 East Oliver Street, asked if City Council candidates could receive the same information that is available to City Council members so they can keep up with relevant topics

and reduce the learning curve if elected. It was noted that the entire Council packet can be found on the City's website. And any items that are presented at the meeting can be obtained as well.

Mayor Frederick suggested the 5<sup>th</sup> Monday meeting be held at the Baker College Welcome Center in order to comfortably accommodate everyone for the website presentation that is planned.

Councilperson Erfourth thanked the DPW for their hard work on the painting event last weekend. Assistant City Manager Zettel pointed out that while the financial reports presented earlier paint a positive picture of the City's financial status it is essential to remember the City has lost significant revenue over the past few years and cuts to services were needed to keep the City within its means.

Councilperson Cook noted that these reports were an opportunity to provide concrete factual information to the public about the financial condition of the City.

#### **NEXT MEETING**

Monday, August 29, 2011 – 5<sup>th</sup> Monday Meeting

Tuesday, September 6, 2011 – Regular Meeting

#### **BOARDS AND COMMISSIONS OPENINGS**

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

Planning Commission, term expires 06-30-2013

Historical Commission, term expires 12-31-2011

#### **ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:59 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk