

**OWOSSO CITY COUNCIL**

**SEPTEMBER 6, 2011**

**7:30 P.M.**

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

**OPENING PRAYER:** BURTON FOX

**PLEDGE OF ALLEGIANCE:** STEVEN FLAYER  
SHIAWASSEE DISTRICT LIBRARY 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 Forster to approve the agenda as presented, moving Consent Items 6. Set Public Hearing – Ordinance Amendment and 13. Bid Award to Items of Business 3 & 4.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 15, 2011**

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of August 15, 2011 as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 29, 2011**

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Regular Meeting of August 29, 2011 as presented.

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

**SPECIAL PRESENTATIONS**

**MAYORAL RECOGNITION**

Mayor Frederick recognized Great Dane canine hero Zoey for her efforts in alerting the Wright family to the fire in their basement and allowing them to escape to safety on July 22nd. Owosso Firefighters Todd Follen and Jake Dye were on hand for the honor.

**YOUTH BASEBALL DONATION**

Owosso Youth Baseball representatives Jerry Hebekeuser, Dennis Carol, and Brian Drake presented the City with a \$15,000 donation from the Owosso Youth Baseball League for the construction of a concession stand at Kiwanis Field.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Shandell Gager, 1207 Broadway Avenue, announced a meeting to explore the formation of a neighborhood watch group in the Washington Campus area. The meeting will be held Thursday, September 8<sup>th</sup> at 8:00 p.m. in the Washington Campus gym.

Shelah Hockman, 705 Campbell Drive, spoke of her efforts urging the Governor to ban the burning of trash, saying the right to clean air tops the right to burn.

Lisa Stechsulte, 725 River Street, spoke of her efforts to see burning banned in the City. She went on to say she felt the City was violating State Health Code 901 and asked the Council to think of the children suffering from the effects of burning.

Bozena Bienias, 1432 Mallard Circle, made a short PowerPoint presentation detailing the dangerous contents of smoke.

Mayor Frederick noted what an honor it was to be a part of the 8<sup>th</sup> annual Labor Day bridge walk here in Shiawassee County. He also noted the September 11<sup>th</sup> Unity and Remembrance Picnic scheduled for September 11<sup>th</sup> from 12:30 to 2:00 at Fayette Square.

Councilperson Cook inquired about the ramifications of State Health Code 901. City Attorney Brown explained it was his opinion that the Code was the jurisdiction of the DEQ and local officers would lack the high level of technical knowledge needed to properly enforce the code.

Councilperson Martenis detailed the events of his upcoming 50th high school class reunion highlighting some of the more noteworthy events and people.

Mayor Pro-Tem Popovitch asked for an update on the crossing guard pay rate issue. It was noted the issue was resolved to the satisfaction of the crossing guards and all had reported for work today.

Councilperson Forster inquired about the status of the BMX track. She also inquired about the installation of sidewalks in the Osburn Lakes subdivision, painting the buildings at Collamer Park, replacing broken/missing parking barriers in the parks, the hold up with the dismantling of Holman Pool and whether the City was disposing of the remnants properly.

There was discussion regarding how the remnants of the pool should be disposed of and if the pool site could be turned into a skate park.

Councilperson Cook asked when construction would start on the Kiwanis Field concession stand. It was noted construction is expected to begin in the next few weeks.

### **CITY MANAGER REPORT**

City Manager Crawford detailed a few of the items on the project status report. He also announced there will be a household hazardous waste collection on Saturday, September 17<sup>th</sup> from 8:00 a.m. until they reach capacity.

There was discussion regarding lengthening the season for the Artisan Market, whether grant opportunities still exist for street lighting change-over, and brush pick up this month. Mayor Pro-Tem Popovitch inquired whether crews could check catch basins along their route as they pick up brush each month.

### **CONSENT AGENDA**

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

Set Public Hearing – Personal Property Tax Exemption. Set public hearing for September 19, 2011 to receive public comment on a New Personal Property Exemption for Machine Tool & Gear, Incorporated, Division of Newcor Machined Products Group, for property at 401 South Chestnut Street as follows:

#### **RESOLUTION NO. 135-2011**

#### **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, applications for Industrial Facilities Tax Exemption for Personal Property and Tax Abatement per the City of Owosso Tax Abatement Policy of June 7, 2010, were received August 15, 2011 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 applicant's property is part of an Industrial Development District established April 18, 1977 and amended October 9, 1978 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

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

FIRST: the Owosso City Council sets a public hearing for September 19, 2011 on or about 7:30 p.m. in the council chambers for the purpose of 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.

Set Public Hearing – Personal Property Exemption. Set public hearing for September 19, 2011 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 401 South Chestnut Street, Owosso as follows:

#### **RESOLUTION NO. 136-2011**

#### **SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR TRANSFER OF INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE NUMBER 2005-353 FROM CITY OF CORUNNA TO CITY OF OWOSSO MACHINE TOOL & GEAR, INC., DIVISION OF NEWCOR MACHINED PRODUCTS GROUP 401 S. CHESTNUT STREET**

WHEREAS, application for Tax Abatement per the City of Owosso Tax Abatement Policy of June 7, 2010, was received August 15, 2011 and an application for Transfer of Industrial Facilities Tax Exemption Certificate Number 2005-353, City of Corunna, was received August 26, 2011 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 applicant's property is part of an Industrial Development District established April 18, 1977 and amended October 9, 1978 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

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 September 19, 2011 on or about 7:30 p.m. in the council chambers for the purpose of 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.

Set Public Hearing – Personal Property Exemption. Set public hearing for September 19, 2011 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 401 South Chestnut Street, Owosso as follows:

#### **RESOLUTION NO. 137-2011**

#### **SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR**

**TRANSFER OF INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE  
NUMBER 2008-274 FROM CITY OF CORUNNA TO CITY OF OWOSSO  
MACHINE TOOL & GEAR, INC., DIVISION OF NEWCOR MACHINED PRODUCTS GROUP  
401 S. CHESTNUT STREET**

WHEREAS, application for Tax Abatement per the City of Owosso Tax Abatement Policy of June 7, 2010, was received August 15, 2011 and an application for Transfer of Industrial Facilities Tax Exemption Certificate Number 2008-274, City of Corunna, was received August 26, 2011 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 applicant's property is part of an Industrial Development District established April 18, 1977 and amended October 9, 1978 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

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 September 19, 2011 on or about 7:30 p.m. in the council chambers for the purpose of 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.

Set Public Hearing – Personal Property Exemption. Set public hearing for September 19, 2011 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 401 South Chestnut Street, Owosso as follows:

**RESOLUTION NO. 138-2011**

**SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR  
TRANSFER OF INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE  
NUMBER 2009-271 FROM CITY OF CORUNNA TO CITY OF OWOSSO  
MACHINE TOOL & GEAR, INC., DIVISION OF NEWCOR MACHINED PRODUCTS GROUP  
401 S. CHESTNUT STREET**

WHEREAS, application for Tax Abatement per the City of Owosso Tax Abatement Policy of June 7, 2010, was received August 15, 2011 and an application for Transfer of Industrial Facilities Tax Exemption Certificate Number 2009-271, City of Corunna, was received August 26, 2011 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 applicant's property is part of an Industrial Development District established April 18, 1977 and amended October 9, 1978 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

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 September 19, 2011 on or about 7:30 p.m. in the council chambers for the purpose of 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.

Set Public Hearing – Personal Property Exemption. Set public hearing for September 19, 2011 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 401 South Chestnut Street, Owosso as follows:

#### **RESOLUTION NO. 139-2011**

#### **SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR TRANSFER OF INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE NUMBER 2010-379 FROM CITY OF CORUNNA TO CITY OF OWOSSO MACHINE TOOL & GEAR, INC., DIVISION OF NEWCOR MACHINED PRODUCTS GROUP 401 S. CHESTNUT STREET**

WHEREAS, application for Tax Abatement per the City of Owosso Tax Abatement Policy of June 7, 2010, was received August 15, 2011 and an application for Transfer of Industrial Facilities Tax Exemption Certificate Number 2010-379, City of Corunna, was received August 26, 2011 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 applicant's property is part of an Industrial Development District established April 18, 1977 and amended October 9, 1978 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

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 September 19, 2011 on or about 7:30 p.m. in the council chambers for the purpose of 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.

Traffic Control Order No. 1172 Amendment. Approve amendment to Traffic Control Order No. 1172 for Parking lot #6 (northwest corner of Park & Exchange Streets) changing the signs to read "No Parking from 10:00 p.m. to 3:00 a.m." to allow downtown employees who arrive to work before 6:00 a.m. a place to park.

Traffic Control Order No. 1258. Approve Traffic Control Order No. 1258 authorizing the installation of "No Parking, Stopping, or Standing" signs on both sides of Monroe Street from Division Street to Woodlawn Avenue and denoting the change from a local street to a major street.

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

Name	Board/Commission	Term Expires
Terri Brown	Planning Commission	06-30-2013
James Eaton	Downtown Historic District Commission	06-30-2013

Youth Baseball Donation. Formally accept a \$15,000 gift for the construction of a concession stand at Kiwanis Field from the Owosso Youth Baseball League as follows:

**RESOLUTION NO. 140-2011**

**ACCEPTING A GIFT OF \$15,000 FROM THE OWOSSO YOUTH BASEBALL LEAGUE TO BE USED FOR CONSTRUCTION OF A CONCESSION STAND AT KIWANIS FIELD AND EXPRESSING PUBLIC GRATITUDE FOR THE GENEROUS GIFT**

WHEREAS, a plan has been prepared for renovations and additions to facilities located within the Kiwanis Field Ballpark; and

WHEREAS, a part of the plan is to construct concession stands for the enjoyment of fans and players; and

WHEREAS, the Owosso Youth Baseball League has decided to assist in the project by making a \$15,000 contribution toward the cost of the concession stand proposed for park;

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

FIRST: the city accepts the \$15,000 gift from the Owosso Youth Baseball League to be used for the benefit of the construction of a concession stand at Kiwanis Field.

SECOND: the gift is to be deposited in an account for Kiwanis Field improvements.

THIRD: the mayor and city council, on behalf of the residents of Owosso, hereby express their gratitude to the Owosso Youth Baseball League for the generous gift and concern for the residents, especially children and youth.

Purchase Affirmation. Affirm the purchase of vacant property located on Gould Street southeast of the bridge in the amount of \$2,900 to be used as a buffer area adjacent to the water treatment plant as follows:

**RESOLUTION NO. 141-2011**

**AFFIRMING THE PURCHASE OF PROPERTY AT THE STATE OF MICHIGAN TAX AUCTION**

WHEREAS, the City of Owosso has amassed a series of properties surrounding the water treatment plant to serve as a buffer; and

WHEREAS, the City of Owosso had been made aware that a vacant parcel, described as

RANGE 07N SECTION 19 ALL THAT PT SEC 19 T7N R3E BOUNDED ON W BY E R/W GOULD ST ON N BY SHIA RIVER ONE BY LN 32' E & PAR TO W LN BLK 36 GEO T ABREY'S WOODLAWN PARK ADD FROM S LN LOT21 TO N LN LOT 7 SD BLK & A LN 50' W & PAR TO W LN SD BLK FROM N LN LOT 7 TO N LN LOT 1 BOUNDED ON S BY N LN LOT 7 EXT FR A PT 32<sup>1</sup> E OF W LN SD BLK TO PT 50' W OF W LN SD BLK & ALSO N LN LOT 1 SD BLK EXT FR A PT 50' W OF W LN SD BLK TO E R/W LN GOULD ST

adjoining the plant had become available via tax sale; and

WHEREAS, the Owosso City Council expressed an interest in obtaining the property and authorized funds for the purchase of the property during a closed session held June 20, 2011; and

WHEREAS, City staff was able to obtain the property at auction for a sum within the threshold set by Council.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to purchase vacant property adjoining the water treatment plant.
- SECOND: The city of Owosso affirms the purchase of the property in the amount of \$2,900 from the State of Michigan as part of a tax auction.
- THIRD: The above expenses shall be paid from the Water Fund.

Bid Award. Waive competitive bidding requirements and approve the purchase of 7 speed measurement radar units from MPH Industries, Inc. in the amount of \$6,335.00 as follows:

**RESOLUTION NO. 142-2011**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
SPEED MEASUREMENT RADAR UNITS WITH MPH INDUSTRIES INC.  
316 EAST 9<sup>th</sup> STREET OWENSBORO, KY 42303**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has police department requiring the use of speed measurement radar units; and

WHEREAS, the State of Michigan has contracted with MPH Industries, Inc. for the purchase of such units and it is in the best interest of the city of Owosso to waive the competitive bid process in this case and avail itself of the State secured contract.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase seven speed measurement radar units for \$6,335.00.
- 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 MPH Industries Inc. up to the amount of \$6,335.00.
- THIRD: The above expenses shall be paid from the Police Division Capital Outlay fund  
101-300-978.000.

Change Order. Approve Change Order No. 2 to the purchase order with Sumbera Excavating for additional barricading costs associated with the 2010 Curb and Gutter Program in the amount of \$873.00 and authorize payment of this amount as follows:

**RESOLUTION NO. 143-2011**

**AUTHORIZING CHANGE ORDER NO. 2 TO  
SUMBERA EXCAVATING  
FOR WORK RELATED TO  
THE 2010 CURB AND GUTTER PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Sumbera Excavating for the 2010 Curb and Gutter Program; and

WHEREAS, the work on this project has been completed and Change Order No.2 involving additional barricading costs has been remitted; and

WHEREAS, Sumbera Excavating incurred additional barricading expenses and requests the City reimburse them for the additional barricading costs in the amount of \$873.00.

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 pay Sumbera Excavating for the additional barricading costs as shown in Change Order No. 2.

SECOND: The accounts payable department is authorized to submit payment to Sumbera Excavating in the amount of \$873.00 for change order no. 2.

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

Change Order. Approve Change Order to the purchase order with Seifert Concrete & Masonry for additional sidewalk replacement associated with the 2011 Sidewalk Replacement Program in the amount of \$3,324.92 (see item below for resolution).

Payment Authorization. Authorize payment to Seifert Concrete & Masonry for work completed on the 2011 Sidewalk Replacement Program in the amount of \$25,584.92 as follows:

**RESOLUTION NO. 144-2011**

**AUTHORIZING PAYMENT TO  
SEIFERT CONCRETE & MASONRY  
FOR WORK RELATED TO  
THE 2011 SIDEWALK REPLACEMENT PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Seifert Concrete & Masonry for replacing raised and substandard sidewalks,

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

WHEREAS, SEIFERT CONCRETE and the City have agreed on the final quantities for this work and have submitted a final pay estimate and Change Order No. 1.

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 Seifert Concrete & Masonry for the work completed as part of the 2011 Sidewalk Replacement Project.

SECOND: The accounts payable department is authorized to submit payment to Seifert Concrete & Masonry in the amount of \$25,584.92 which includes change order no. 1 in the amount of \$3,324.92 as detailed on the attached Final Periodic Cost Estimate and Change Order No. 1.

THIRD: The above expenses shall be paid from the Local Street Fund, and the Major Street Fund.

Warrant No. 428. Accept Warrant No. 428 as presented.

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Bodman, PLC	Professional Services August 2011	General	\$16,197.10
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance 2 <sup>nd</sup> installment – revised amount	General	\$26,986.00

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**MML DELEGATE**

The Mayor extended an open invitation to any Council member that wished to represent the City to cast vote of municipality at the Michigan Municipal League annual business meeting on October 5, 2011.

**RESOLUTION AMENDMENT – RESOLUTION NO. 130-2011**

Motion by Councilperson Cook to approved the following amendment to Resolution No. 130-2011, approving a 6 year Obsolete Property Rehabilitation Exemption Certificate for Wesener, LLC for the property located at 104-108 North Washington Street, to note there is no opportunity to extend the exemption beyond 6 years.



**RESOLUTION NO. 130-2011,  
AS AMENDED SEPTEMBER 6, 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 no further extensions of this certificate will be allowed**; 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 Erfourth.

Roll Call Vote.

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

NAYS: None.

## **SET PUBLIC HEARING – ORDINANCE AMENDMENT**

There was discussion regarding how citizens can gain access to the maps, who will be notified by the City of the changes in the flood map, and elevation studies that will be conducted to determine if individual properties may be removed from the flood plain.

City Manager Crawford noted the proposed ordinance will be reviewed by the State in the next few weeks to ensure it contains the necessary language.

Motion by Councilperson Eveleth to Set a public hearing for September 19, 2011 to receive public comment on the proposed amendment to Chapter 14, Flood Protection, of the Code of Ordinances of the City of Owosso, Michigan as follows:

### **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 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 are 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.
- 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.

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 twenty days after its passage.

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.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

**BID AWARD – LIBRARY ROOF**

City Manager Crawford noted he had intended this item as an item for discussion, not a part of the Consent Agenda. He went on to give a brief history of the library building saying the City owns the building and is responsible for maintenance of the building. The roof has had a leak for some time and several attempts have been made to mitigate the problem. The roof was last rehabilitated in 1967 and the time has come for another rehabilitation project. The library has indicated they would be willing to contribute approximately \$55,000 toward the project. Due to the expected cost of the project Mr. Crawford indicated Council may have to consider spending some fund balance to cover the cost. Work is currently underway for the development of an RFP for the project.

There was discussion regarding putting together an overall improvement/maintenance plan for all City buildings and facilities and the potential establishment of a fund dedicated to building maintenance. City Manager Crawford indicated he would come back to Council with ideas.

**EXECUTIVE SESSION**

Motion by Councilperson Eveleth to authorize holding Executive Session at the conclusion of regular business to discuss the City Manager's evaluation and an opinion of the City Attorney.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

- Terri Brown, Parks & Recreation Commission. Letter of Resignation.
- Owosso Historical Commission. Minutes of the Meeting of August 16, 2011.
- Owosso Parks & Recreation Commission. Minutes of the Meeting of August 22, 2011.
- Owosso Planning Commission. Minutes of the Meeting of August 22, 2011.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, owner of Serene Bean, 118 South Washington Street, announced the opening of his coffee shop & bistro. His plans are to put all profits generated by the business back into the community.

Burton Fox, 216 East Oliver Street, said he was disturbed to learn about young people out at night breaking into cars and businesses. He said the curfew for young people should be enforced and the City should consider punishing the parents of violators.

Michael Cline, 621 Wright Avenue, indicated he had a FOIA request for information regarding 5 City employees.

Eddie Urban, 601 Glenwood Avenue, thanked the Council for their work and noted that they should remember that disagreements sometimes lead to the best decisions. Mayor Frederick noted the board/commission vacancies and indicated any interested party should contact him.

The Council took a brief recess at 9:11 p.m.

**RECESSED TO EXECUTIVE SESSION AT 9:20 PM**

**RETURNED FROM EXECUTIVE SESSION AT 10:39PM**

**APPROVAL OF THE MINUTES OF THE JUNE 20, 2011 EXECUTIVE SESSION**

Motion by Councilperson Eveleth to approve the June 20, 2011 Executive Session Minutes as presented.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

**NEXT MEETING**

September 19, 2011

**BOARDS AND COMMISSIONS OPENINGS**

Downtown Development Authority/Owosso Main Street, term expires 06-30-2013  
Historical Commission, term expires 12-31-2011  
Parks & Recreation Commission, term expires 06-30-2012

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 10:41 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk