

**OWOSSO CITY COUNCIL**

**JANUARY 3, 2011**

**7:30 P.M.**

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** PASTOR JOHN WALWORTH  
MEMORIAL HEALTHCARE CHAPLAIN
- PLEDGE OF ALLEGIANCE:** DMETRI HAYES  
OWOSSO HIGH SCHOOL STUDENT REPRESENTATIVE
- 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 adding Item of Business 4. FSA Plan Agreement and moving Consent Item 2. Heritage Footbridge Plaque Replacement to Item of Business 5.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 20, 2010**

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of December 20, 2010 as presented.

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

**SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**SPECIAL ASSESSMENT DISTRICT NO. 2010-01-HAZARDS AND NUISANCES**

The public hearing was conducted to receive citizen comment regarding Resolution No. 2 for Special Assessment District No. 2010-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

There were no citizen comments.

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

**RESOLUTION NO. 01-2011**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property:

<u>PARCEL NUMBER</u>	<u>TYPE OF NUISANCE</u>	<u>BALANCE</u>
050-010-033-006-00	CLEAR ICE/SNOW	\$ 193.72
050-060-008-002-00	CLEAR ICE/SNOW	\$ 66.14
050-113-001-023-00	CLEAR ICE/SNOW	\$ 76.73
050-420-001-005-00	CLEAR ICE/SNOW	\$ 120.16
050-470-021-012-00	CLEAR ICE/SNOW	\$ 114.08
050-536-000-071-00	CLEAR ICE/SNOW	\$ 92.04
050-542-000-019-00	CLEAR ICE/SNOW	\$ 95.29
050-660-001-005-00	CLEAR ICE/SNOW	\$ 155.86
050-720-000-001-00	CLEAR ICE/SNOW	\$ 89.74
050-010-032-029-00	MOW TALL GRASS/WEEDS	\$ 288.55
050-111-005-008-00	MOW TALL GRASS/WEEDS	\$ 158.83
050-113-005-011-00	MOW TALL GRASS/WEEDS	\$ 163.38
050-113-008-023-00	MOW TALL GRASS/WEEDS	\$ 159.13
050-115-003-012-00	MOW TALL GRASS/WEEDS	\$ 157.17
050-140-000-033-00	MOW TALL GRASS/WEEDS	\$ 231.03
050-340-005-008-00	MOW TALL GRASS/WEEDS	\$ 128.76

050-380-003-001-00	MOW TALL GRASS/WEEDS	\$ 157.17
050-390-004-012-00	MOW TALL GRASS/WEEDS	\$ 316.92
050-391-000-014-00	MOW TALL GRASS/WEEDS	\$ 103.60
050-391-000-015-00	MOW TALL GRASS/WEEDS	\$ 271.43
050-420-005-016-00	MOW TALL GRASS/WEEDS	\$ 163.38
050-490-000-043-00	MOW TALL GRASS/WEEDS	\$ 382.39
050-537-000-040-00	MOW TALL GRASS/WEEDS	\$ 160.88
050-602-004-013-00	MOW TALL GRASS/WEEDS	\$ 157.17
050-602-006-014-00	MOW TALL GRASS/WEEDS	\$ 157.17
050-602-008-012-00	MOW TALL GRASS/WEEDS	\$ 319.79
050-602-008-015-00	MOW TALL GRASS/WEEDS	\$ 403.27
050-602-014-008-00	MOW TALL GRASS/WEEDS	\$ 534.11
050-602-015-009-00	MOW TALL GRASS/WEEDS	\$ 237.37
050-652-011-019-00	MOW TALL GRASS/WEEDS	\$ 157.17
050-660-004-015-00	MOW TALL GRASS/WEEDS	\$ 311.20
050-660-009-005-00	MOW TALL GRASS/WEEDS	\$ 245.15
050-660-019-012-00	MOW TALL GRASS/WEEDS	\$ 140.54
050-670-002-013-00	MOW TALL GRASS/WEEDS	\$ 150.56
050-673-004-021-00	MOW TALL GRASS/WEEDS	\$ 296.59
050-113-011-003-00	PROPERTY CLEAN UP	\$ 392.25
050-114-003-005-00	PROPERTY CLEAN UP	\$ 556.40
050-391-000-027-00	PROPERTY CLEAN UP	\$ 391.49
050-420-003-017-00	PROPERTY CLEAN UP	\$ 379.63
050-480-000-008-00	PROPERTY CLEAN UP	\$ 745.72
050-580-000-030-00	PROPERTY CLEAN UP	\$ 415.40
050-580-000-125-00	PROPERTY CLEAN UP	\$ 677.94
050-602-006-002-00	PROPERTY CLEAN UP	\$ 603.14
050-602-015-009-00	PROPERTY CLEAN UP	\$ 498.80
050-622-003-001-00	PROPERTY CLEAN UP	\$ 285.48
050-622-005-004-00	PROPERTY CLEAN UP	\$ 556.40
050-660-004-002-00	PROPERTY CLEAN UP	\$ 176.25
050-660-009-005-00	PROPERTY CLEAN UP	\$ 467.78
	TOTAL ROLL	<u>\$ 13,103.15</u>

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

**STUDENT REPRESENTATIVE REPORT**

Dmetri Hayes, Owosso High School Senior, gave an update on recent events at the High School. He also noted that the coordinated food drive with Corunna Schools netted over 180,000 lbs. of food for local needy families.

Councilperson Cook congratulated Dmetri on his acceptance to the University of Michigan as well as the Massachusetts Institute of Technology.

**CITIZEN COMMENTS AND QUESTIONS**

Robert Callard, 8388 Winegar Road, Perry, long time farmer's market vendor, expressed his displeasure with the new management of the market and the way it was run this year. He asked for Council to support the group of long time vendors that would like to see the market return to its previous style of management run by the vendors.

Shelva Cebulski, 1243 Marion Street, thanked City staff for filling the potholes on Oliver Street. The farmer's market vendors that were present each noted the number of years they had been participating in the market.

Kathleen Canfield, 1750 Brewer Road, former farmer's market vendor, expressed her support for the original market saying it was community property not that of one particular person.

Richard Bowen, 217 Curwood Castle Drive, rental property owner, commented he felt rental inspections are an intrusion on his tenants and he wanted to know why all residences are not inspected.

Elizabeth Latz, 538 Dean Drive, farmer's market and artisan market vendor, said she was supportive of some of the changes that the new market management made but she felt vendors should have a say and management should not have complete control over the market or own the market.

Elizabeth Schautz, 2232 Bennington Road, Durand, former market master, said the vendors were very unhappy at the current time but a change in the management should fix the problem. She also mentioned that significant money was lost when the group divided into two organizations.

Eddie Urban, 601 Glenwood Avenue, told the story of a vendor that became ill and how the other vendors took care of her wares.

Mayor Pro-Tem Popovitch noted the sledding hill was great fun despite the fact there was little snow left on it.

City Manager Donald D. Crawford detailed the issues of the farmer's market for the council, noting the group had now splintered into two factions. He indicated there have been multiple attempts to mediate the situation to no avail. He went on to say that council's sole responsibility is to issue the traffic control order permitting use of the parking lot where the market is held. He said both market groups have filed for use of the lot and council would be considering the issue at the second meeting in January.

There was discussion regarding holding a goal planning session for the 5<sup>th</sup> Monday meeting on the 31<sup>st</sup>. All were in agreement.

There was a brief discussion regarding the inspection of rental properties including the intent of the rental inspection program.

### **CITY MANAGER REPORT**

City Manager Crawford went over the project status report noting upcoming budget discussions, the status of the flood plain issue and the marijuana ordinance. He also noted crews would be picking up Christmas trees throughout the week and Consumers Energy is still working to resolve the issue with the lights in the City Hall parking lot.

There was a brief discussion regarding what is done with stray animals given the county's budget concerns.

### **CONSENT AGENDA**

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

Boards and Commissions Appointment. Approved the appointment of Terri Brown to the Parks & Recreation Commission to fill the unexpired term of Michael Wojtkowicz ending June 30, 2012.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

### **ITEMS OF BUSINESS**

#### **2011 INCOME THRESHOLD POVERTY EXEMPTIONS**

Motion by Councilperson Martenis to adopt the 2011 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 and further amended by PA 620 of 2002:

2011 Federal Income Standards Poverty Threshold

<b><i>Number of Persons residing in Homestead</i></b>	<b><i>Annual Allowable Income</i></b>
1 person	\$ 10,800
2 persons	14,600
3 persons	18,300
4 persons	22,100
5 persons	25,800
6 persons	29,500
7 persons	33,300
8 persons	37,000
Each additional person, add	3,700

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

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

**2011 STREET PROGRAM PRESENTATION**

Director of Utilities, Engineering and Public Services Ronald G. Baker gave a presentation of the 2011 Street Program which will include the reconstruction of the following streets:

- Bradley Street from Lansing Street to Howell Street
- Cass Street from Shiawassee Street to Ball Street
- Cedar Street from Main Street to Beehler Street
- Clinton Street from Shiawassee Street to Michigan Avenue
- Genesee Street from Shiawassee Street to Michigan Avenue
- Howell Street from Bradley Street to the river
- Oliver Street from Shiawassee Street to Washington Street
- Stewart Street from Chipman Street to Cedar Street

and capping all of the streets in Phase I of the Osburn Lakes Subdivision.

There was discussion regarding various streets that need maintenance, how streets are chosen for the annual street program, how front foot assessment rates are determined, and the possibility of grant funding to improve specific streets.

Council agreed they would like more input in the process used to select streets for the annual street program.

Motion by Councilperson Martenis to approve the above streets for inclusion in the 2011 Street Program.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

**2011 STREET PROGRAM CONSENT AGENDA**

Motion by Councilperson Eveleth to authorize Resolutions Nos. 1 & 2 formalizing the 2011 Street Program to include the capping of the streets in the Osburn Lakes Subdivision and beginning the special assessment process for the following streets:

Special Assessment District No. 2011-01 Bradley Street from Lansing Street to Howell Street

**RESOLUTION NO. 02-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Bradley Street from Lansing Street to Howell Street  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-02 Cass Street from M-52 to Ball Street

**RESOLUTION NO. 03-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Cass Street from M-52 to Ball Street  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-03 Cedar Street from M-21 to Beehler Street

**RESOLUTION NO. 04-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Cedar Street from M-21 to Beehler Street  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-04 Clinton Street from M-52 to Michigan Ave.

**RESOLUTION NO. 05-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Clinton Street from M-52 to Michigan Avenue  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-05 Genesee Street from M-52 to Michigan Ave.

**RESOLUTION NO. 06-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Genesee Street from M-52 to Michigan Avenue  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and

necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-06 Howell Street from Bradley St. to River St..

**RESOLUTION NO. 07-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Howell Street from Bradley St. to River St.  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-07 Oliver Street from M-52 to Washington St.

**RESOLUTION NO. 08-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Oliver Street from M-52 to Washington St.  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-08 Stewart Street from Chipman St. to Cedar St.

**RESOLUTION NO. 09-2011**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Stewart Street from Chipman St. to Cedar St.  
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2011-01 Bradley Street from Lansing Street to Howell Street

**RESOLUTION NO. 10-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Bradley Street from Lansing Street to Howell Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$85,700.00 and determines that \$29,221.88 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$56,478.12 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Bradley Street from Lansing Street to Howell Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2011-02 Cass Street from M-52 to Ball Street

**RESOLUTION NO. 11-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Cass Street from M-52 to Ball Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$116,182.00 and determines that \$46,167.25 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$70,014.75 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Cass Street from M-52 to Ball Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2011-03 Cedar Street from M-21 to Beehler Street

**RESOLUTION NO. 12-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Cedar Street from Shiawassee Street to Beehler Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:



1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$86,580.00 and determines that \$35,943.75 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$50,636.25 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Cedar Street from Shiawassee Street to Beehler Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2011-04      Clinton Street from M-52 to Michigan Avenue

**RESOLUTION NO. 13-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Clinton Street from Shiawassee Street to Michigan Avenue  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.

2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$50,900.00 and determines that \$19,362.50 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$31,537.50 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Clinton Street from Shiawassee Street to Michigan Avenue**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2011-05      Genesee Street from M-52 to Michigan Avenue

**RESOLUTION NO. 14-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Genesee Street from Shiawassee Street to Michigan Avenue  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$43,410.00 and determines that \$19,175.00 thereof shall be paid by special assessment

imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$24,235.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.

4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Genesee Street from Shiawassee Street to Michigan Avenue**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2011-06      Howell Street from Bradley Street to River Sreet

**RESOLUTION NO. 15-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Howell Street from Bradley Street to River Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$40,500.00 and determines that \$11,312.50 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$29,187.50 of the cost thereof shall be paid by the City at large because of benefit to the City at large.

4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Howell Street from Bradley Street to River Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2011-07      Oliver Street from M-52 to Washington Avenue

**RESOLUTION NO. 16-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Oliver Street from Shiawassee Street to Washington Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$196,713.50 and determines that \$32,083.50 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$33,302.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large. The City has received a Small City Grant that will pay \$131,328.00 of the cost.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.

5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Oliver Street from Shiawassee Street to Washington Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.  
Special Assessment District No. 2011-08 Stewart Street from Chipman Street to Cedar St.

**RESOLUTION NO. 17-2011**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Stewart Street from Chipman Street to Cedar Street  
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$235,398.50 and determines that \$32,782.09 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$45,944.41 of the cost thereof shall be paid by the City at large because of benefit to the City at large. The City has received a Small City Grant that will pay \$156,672.00 of the cost.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, February 7, 2011 for the purpose of hearing all persons to be affected by the proposed public improvement.

6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

**Stewart Street from Chipman Street to Cedar Street**

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, February 7, 2011 for the purpose of hearing any person to be affected by the proposed public improvement.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

**FSA PLAN AGREEMENT**

There was discussion regarding postponing the item to allow time to read the document in detail. It was noted the plan went into effect January 1 so prompt action was a necessity.

Motion by Councilperson Eveleth to approve the following resolution adopting and approving the FSA Plan and Agreement.

**RESOLUTION NO. 18-2011**

**FORMALLY ADOPTING THE AMENDED CAFETERIA PLAN  
FOR THE CITY OF OWOSSO**

WHEREAS the city of Owosso, Michigan has provided its employees the opportunity to individually fund a health flexible spending account and a dependent care flexible spending account using pretax dollars for health and dependent care expenses; and

WHEREAS to formalize these options it is necessary to incorporate new Federal health care regulations and to appoint an administrator for the plans.

NOW THEREFORE BE IT RESOLVED, by the city council that:

1. this Amended Cafeteria Plan, including a health flexible spending account and a dependent care flexible spending account be approved and become effective January 1, 2011;
2. the undersigned further certifies that attached hereto as Exhibits A and B are true copies of the City of Owosso Flexible Spending Plan, as amended and restated, and the Business Associate Agreement.
3. the city manager and the human resource director be the authorized agents for the city of Owosso;
4. the mayor and city clerk and are authorized and directed to execute and deliver to the plan administrator one or more counterparts of the plan;

5. the plan administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the plan, and to set up adequate accounting and administrative procedures to provide benefits under the plan.

6. the authorized agents of the city of Owosso shall notify the city employees of the adoption of the cafeteria plan by delivering to each employee a copy of the Summary Plan Description, which form is hereby approved.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: Councilperson Forster.

### **HERITAGE FOOTBRIDGE PLAQUE REPLACEMENT**

Councilperson Forster indicated she had pulled this item from the Consent Agenda because she was concerned that the Parks & Recreation Commission and Owosso Main Street/DDA were not aware of the project.

Motion by Councilperson Forster approve the following resolution granting the Historical Commission permission to oversee the replacement of the plaque commemorating the Heritage Footbridge on the contingent they apprise the Main Street Board and the Parks & Recreation Commission of the project.

### **RESOLUTION NO. 19-2011**

#### **AUTHORIZING THE DESIGN OF A REPLACEMENT PLAQUE FOR THE HERITAGE FOOTBRIDGE**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, was gifted the beautiful Heritage Footbridge in Curwood Castle Park through the efforts of numerous organizations and individuals; and

WHEREAS, the city has determined that the plaque commemorating the construction of the Heritage Footbridge has deteriorated and would benefit from replacement to properly honor those that contributed to the project; and

WHEREAS, the Historical Commission has volunteered to take on this responsibility, utilizing the talents of Jerry Voight at no cost to the City;

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

1. The City of Owosso has heretofore determined that it is advisable to engage the Owosso Historical Commission to oversee the design of a new commemorative plaque for the Heritage Footbridge and the installation of said plaque.
2. The Historical Commission will communicate their intention and progress on the project to the Main Street Board and the Parks & Recreation Commission.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Parks & Recreation Commission. 2010 Report/2011 Action Plan

Parks & Recreation Commission. Minutes of the Meeting of November 22, 2010.

Owosso Historical Commission. Minutes of the Meeting of December 21, 2010.

There was discussion regarding the progress of the Bentley Park playscape. It was noted the budget has been set and the plan should be complete within 60 days.

**CITIZEN COMMENTS AND QUESTIONS**

Jeff Peltier, 723 Grand Avenue, noted the dog park group will be looking to start a community garden in the area of the dog park this coming year. He also said the farmer’s market was great last year and it was unfortunate that a series of misunderstandings seems to have destroyed it.

Elizabeth Latz, 538 Dean Drive, inquired who decides who uses the Armory parking lot and whether anyone has more of a right to the property than anyone else.

Brian Berry, 627 North Washington Street, expressed his pleasure seeing the great level of participation in community events over the holidays. He also asked that the original farmer’s market be allowed to stay.

Eddie Urban, 601 Glenwood Avenue, noted that old Christmas trees make good deer blinds and wildlife habitats.

City Manager Crawford indicated he had examined the incorporation documents filed by the new farmer’s market manager and it appears it was intended to be a non-profit organization not something owned by one particular person. Though he noted it appeared there were some legal issues that needed to be resolved with the matter. He also noted that council’s responsibility was simply to decide whom, if anyone is allowed to use the parking lot.

There was discussion regarding council’s reluctance to decide which group was “better” and thus which should have permission to use the parking lot. A couple of alternative options were mentioned to avoid getting involved in the inner workings of either group.

**NEXT MEETING**

Tuesday, January 18, 2011

**BOARDS AND COMMISSIONS OPENINGS**

Cable Access Advisory Commission, term expires 06-30-2011

**ADJOURNMENT**

Motion by Councilperson Erfourth for adjournment at 9:37 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk