

**OWOSSO CITY COUNCIL**

**DECEMBER 19, 2011**

**7:30 P.M.**

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

**OPENING PRAYER:** SHELVA CEBULSKI

**PLEDGE OF ALLEGIANCE:** RONALD G. BAKER  
CITY ENGINEER

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Councilperson Eveleth to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 5, 2011**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of December 5, 2011 as presented.

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

**SPECIAL PRESENTATIONS**

**PROCLAMATION – RONALD BAKER**

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Ronald G. Baker for his years of service to the City upon the occasion of his retirement.

**A PROCLAMATION  
OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF**

**RONALD G. BAKER**

WHEREAS, Ron Baker began his service to the City of Owosso as a Professional Engineer in December of 1979; becoming the Director of Utilities, Engineering & Public Services in September of 2008; and

WHEREAS, under Ron’s leadership, the City has undertaken various programs that have resulted in the continuous overall improvement of the condition of the streets within the City; and

WHEREAS, Ron has held numerous board seats over the years, representing the City as a part of the Zoning Board of Appeals and the Planning Commission; as well as his personal service on the American Public Works Association Board as its secretary/treasurer for over twenty years; and

WHEREAS, over the course of his career Ron has consistently demonstrated dedication, resourcefulness and a sincere desire to help residents with their concerns, going out of his way to resolve issues and accommodate residents. This has been demonstrated most recently in his efforts to record the elevations of individual properties near the flood zone border to assist residents in reducing their insurance costs or removing their property from the flood plain; and his efforts to work with downtown business owners affected by the reconstruction of the Washington Street streetscape; and

WHEREAS, his skill and care have earned him numerous recognitions throughout the years including two Meritorious Service Awards from the American Public Works Association, an Award of Excellence from the Michigan Concrete Paving Association, a Local Award for Excellence in Flood Plain Management from the Association of State Floodplain Managers, commendations from City Council and City Manger Alex Allie for his extraordinary efforts during a snow storm and a flood, and the recognition of his peers at the City of Owosso as the Employee of the Month in June of 2010; and

WHEREAS, in his spare time, he continues to give of himself to the residents of the area through his involvement with the Shiawassee Family YMCA Board, the Owosso Public Schools HOSTS Program, and his participation in Leadership Shiawassee; and

WHEREAS, his career with the city, highlighted by careful forward planning and preparation, will be reflected for years to come.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Ron for his 32 years of dedicated service to the Owosso community. We further express our sincere wishes to Ron and his family for a long, healthy and happy retirement.

Proclaimed this 19<sup>th</sup> day of December, 2011.

### **2011 AUDIT PRESENTATION**

Mike Birchmeier, CPA, representative from Rehmann Accounting, LLC, addressed the City Council with the 2010-2011 Audit Report. While the document presented was simply a draft, the City was given a clean audit report.

Mr. Birchmeier congratulated the City on increasing its general fund level balance a slight amount despite severe budgetary pressures throughout the year, though he cautioned that the wastewater fund ended the year in the red for the third year in a row.

He detailed items/processes they recommend the City change including the segregation of duties in regard to cash receipts and reporting for federal grants.

### **CITIZEN OF THE YEAR AWARD**

Sheriff George Braidwood and representatives from the Chamber of Commerce made a surprise presentation awarding the Citizen of the Year designation to Mayor Benjamin Frederick.

Mayor Frederick thanked everyone for the award and for their support over the years.

### **WAYFINDING SYSTEM PRESENTATION**

David Acton, of the Wayfinding Committee, and Gordon Pennington, of Burning Media Group, presented a potential wayfinding system for the City. The intention is to highlight Owosso's historic nature and have the pieces of the system constructed by local companies. The system would be implemented over time as funding permits and could be adapted by private organizations and neighboring jurisdictions to allow for continuity. The proposed system received rave reviews from those present.

### **PUBLIC HEARINGS**

#### **ORDINANCE AMENDMENT – CHAPTER 28, SPECIAL ASSESSMENTS**

The proposed amendment would allow hazards & nuisances to be specially assessed more than once per year.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 28, Special Assessments, Section 28-10.5, *Special assessment roll—Hazards and nuisances*.

There were no citizen comments

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Fox that the following ordinance be adopted:

#### **ORDINANCE NO. 726**

#### **TO AMEND THE SPECIAL ASSESSMENT PROCESS FOR HAZARDS AND NUISANCES**

AN ORDINANCE to amend Section 28-10.5, *Special assessment roll – Hazards and nuisances*, Chapter 28, Special Assessments, to allow hazards and nuisances to be specially assessed more than once per year.

WHEREAS, the City of Owosso has a Special Assessment process to lien properties for unpaid invoices resulting from the abatement of hazards and nuisances; and

WHEREAS, the process allows properties to be liened only once per year; and

WHEREAS, recent circumstances have brought to light the need for more action to prevent a loss in the ability to collect such costs; and

WHEREAS, it is felt an amendment to the ordinance governing special assessments is essential to resolving this problem.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Owosso, Michigan that, Chapter 28, Special Assessments, Section 28-10.5, *Special assessment roll – Hazards and nuisances*, read as follows:

THE CITY OF OWOSSO ORDAINS:

SECTION 1. Sec. 28-10.5 shall read as follows:

**Sec. 28-10.5 Special assessment roll--Hazards and nuisances.**

Pursuant to the provisions of section 10.7 of the Charter, the assessor shall make a special assessment roll of all lots and parcels of land within the city upon which hazards and nuisances were found to have existed and for which the city incurred costs associated with altering, repairing, tearing down, abating or removing the hazards and nuisances. The assessment roll shall be prepared at least annually and shall list for each lot and parcel the amount of such cost that has remained unpaid for at least thirty (30) days.

Section 2: Effective Date.

This ordinance shall take effect January 8, 2012.

Section 3: 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 Bailey.

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

NAYS: None.

**CITIZEN COMMENTS AND QUESTIONS**

James Morel, 996 Marguerite Drive, inquired why the City takes so long to shut off water on overdue accounts. He went on to say that he had been stuck with a hefty bill left by his tenants and was upset that the City let the bill get so high by waiting so long before shutting the water off.

Eddie Urban, 601 Glenwood Avenue, indicated he is in favor of the proposal to restore an old fire truck as a memorial to fallen Owosso fire fighters. He also indicated he would attempt to get award citations for both men to present at the dedication.

County Commissioner Ronald Elder announced an informal meeting with the County Commission on January 17<sup>th</sup> at 7:00pm at the Ponderosa restaurant on East Main Street.

City Manager Crawford indicated the City was in receipt of complaints from other landlords similar to Mr. Morel's. He said the Council may want to consider raising the deposit required on rental properties as well as changing the due date of the bills to better coincide with federal check distributions, such as Social Security. He went on to say he would look into Mr. Morel's specific situation.

Councilperson Erfourth indicated he had attended the recent idea gathering meeting for the Westown Corridor Improvement Authority. He said that while nothing concrete came from the meeting they intend to continue to meet to try to flesh out new ideas for the Westown area.

Councilperson Cook thanked County Commissioner Elder for taking the time to update the Council on events at the County level.

**CITY MANAGER REPORT**

None at this time.

**CONSENT AGENDA**

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

2012 Income Threshold Poverty Exemptions. Adopt the 2012 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 as follows:

<b>Size of Family Unit</b>	<b>Poverty Guidelines</b>
1	\$ 10,900
2	\$ 14,700
3	\$ 18,500
4	\$ 22,400

Size of Family Unit	Poverty Guidelines
5	\$ 26,200
6	\$ 30,000
7	\$ 33,800
8	\$ 37,600

For each additional person \$ 3,800

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

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

Name	Board/Commission	Term Expires
Thomas Cook	Employees' Retirement System Board of Trustees	11-12-2013
Paul Heimnick	Historical Commission	12-31-2014

Payment Authorization – West Shore Fire, Inc. Approve resolution authorizing payment to West Shore Fire, Inc. for turnout gear in the amount of \$30,870.00, to be reimbursed by grant funding as follows:

**RESOLUTION NO. 190-2011**

**RESOLUTION AUTHORIZING PAYMENT TO WEST SHORE FIRE, INC. FOR FIREFIGHTER TURNOUT GEAR**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, received a FEMA-Assistance to Firefighters Program grant in the amount of \$30,870 ;

WHEREAS, the city council on August 15, 2011 awarded a bid in the amount of \$30,870 to West Shore Fire, Inc. for turnout gear;

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

FIRST: The above expenses shall be paid from the Fire Division line item 101-335-978.000 with reimbursement from the FEMA-Assistance to Firefighters Program.

SECOND: Authorize payment to West Shore Fire, Inc. in the amount of \$30,870.00.

Warrant No. 433. Accept Warrant No. 433 as follows:

Vendor	Description	Fund	Amount
State of Michigan- Michigan Department of Environmental Quality	NPDES Annual Permit Fee	WWTP	\$5,500.00
Rehmann Robson	Progress billing in connection with the audit of the June 30, 2011 financial statements and federal programs	General	\$19,000.00
SunGard Public Sector	Software maintenance and licensing fees for the Police Division computer system January 1, 2011 – December 31, 2012	General	\$ 8,263.76
Netarx	Network Engineering – November 2011	General	\$ 7,616.00
Brown & Stewart, PC	Professional Services November 10, 2011 – December 12, 2011	General	\$ 9,358.12

Check Register – November 2011. Receive and approve the Check Register for November 2011.

Revenue & Expenditure Report – November 2011. Accept the November 2011 Revenue & Expenditure Report.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**RESOLUTION ACCEPTING AND PLACING ON FILE THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT WITH ADDITIONAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

Motion by Councilperson Cook to postpone this item until the January 3, 2012 meeting when the final draft will be available.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilperson Fox, Bailey, Erfourth, Eveleth, Cook, Mayor Pro-Tem Popovitch and Mayor Frederick.

NAYS: None.

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LIBRARY ROOF REPAIRS WITH DETROIT CORNICE & SLATE COMPANY, INC.**

It was noted the City decided to forego the installation of copper gutters to avoid the extra cost. Reconstruction of the roof is the least costly option over the life of the project. It was also noted the library agreed to pay 50% of the cost up to \$54,000.

Motion by Councilperson Erfourth to approve the following agreement with Detroit Cornice & Slate Company, Inc. for the reconstruction of the roof of the Shiawassee District Library building in the amount of \$83,400 for Option B and Alternate #2, with additional unit pricing for wood decking and tile replacement:

**RESOLUTION NO. 191-2011**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LIBRARY ROOF REPAIRS WITH DETROIT CORNICE & SLATE COMPANY, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, owns a building known as the Owosso Public Library and Shiawassee District Library-Owosso; and

WHEREAS, the City of Owosso had plans and specifications prepared and called for bids which were opened on November 28, 2011

WHEREAS, a bid was received from Detroit Cornice & Slate Company, Inc.; and it is hereby determined that Detroit Cornice & Slate Company, Inc. is qualified to perform such work and that it has submitted the lowest responsible and responsive bid;

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 repair the roof of the Owosso Public Library building also known as the Shiawassee District Library-Owosso.

SECOND: That the bid of Detroit Cornice & Slate Company, Inc. be accepted as follows:

Option – B	\$81,000 (tile removal, new underlayment and tile replacement)
Alternate #1	\$ 2,400 (clean and repair high metal roof area)
Unit pricing	\$14.00 per lineal foot for additional wood decking and \$12.00 for tile replacement over amount specified if needed.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the City of Owosso, Michigan and Detroit Cornice & Slate Company, Inc.

THIRD: The above expenses shall be paid from the General Fund (Buildings and Grounds Maintenance), and by the Shiawassee District Library.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

### **FIRE TRUCK RESTORATION PROPOSAL**

Councilperson Fox described his desires for the project saying he hoped the truck could be restored through donations, used in parades to promote Owosso and displayed in a prominent area so passersby could enjoy it.

Mayor Pro-Tem Popovitch indicated she felt it would be prudent if the City were to maintain ownership of the vehicle instead of selling it to the fire fighters.

Motion by Mayor Pro-Tem Popovitch in support of the proposal to restore the City's 1921 Lafrance pumper truck as a memorial for City fire fighters that have lost their lives on the job. And further direct the City Manager to negotiate an agreement with the fire fighters for the restoration of the truck contingent on continued City ownership of the vehicle.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Benjamin Frederick, Employees' Retirement System Board. Letter of resignation.

Gary Palmer, Building Official. November 2011 Building Department Report.

Gary Palmer, Building Official. November 2011 Code Violations Report.

Michael T. Compeau, Public Safety Director. November 2011 Police Department Report.

Michael T. Compeau, Public Safety Director. November 2011 Fire Department Report.

Owosso Zoning Board of Appeals. Minutes of November 15, 2011.

Owosso Parks & Recreation Commission. Minutes of November 28, 2011.

Owosso Main Street/Downtown Development Authority. Minutes of December 7, 2011.

### **CITIZEN COMMENTS AND QUESTIONS**

James Morel, 996 Marguerite Drive, said he felt that any adjustment to the deposit for water should cover at least 110 days of service. He also suggested the City disconnect overdue accounts sooner and track those residents that have had repeated shut off notices.

Eddie Urban, 601 Glenwood Avenue, said he would present a donation for the fire truck memorial on behalf of two organizations he represents.

Councilperson Eveleth wished everyone a Merry Christmas and a Happy New Year.

Councilperson Bailey also wished everyone happy holidays. She also inquired about the reproofing project planned for the amphitheater. It is anticipated to get underway in the spring.

Councilperson Cook congratulated the Mayor on his receipt of the Person of the Year Award.

Mayor Pro-Tem Popovitch thanked Mr. Morel for his comments on his water bill situation saying she appreciated his calm demeanor in discussing the matter.

Councilperson Erfourth noted Mr. Morel could attempt to get a judgment against his former tenant to recover the cost of the water bill.

Councilperson Fox said it was refreshing to have someone suggest some solutions when they come to Council with an issue.

### **NEXT MEETING**

Tuesday, January 3, 2012

### **BOARDS AND COMMISSIONS OPENINGS**

Planning Commission, term expiring June 30, 2012

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 9:071 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk