

**OWOSSO CITY COUNCIL**

**JUNE 4, 2012**

**7:30 P.M.**

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** DEBRA GRAZIER, MINISTER OF MUSIC  
FIRST CONGREGATIONAL CHURCH
- PLEDGE OF ALLEGIANCE:** COUNCILPERSON LORI F. BAILEY
- 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 with the addition of Consent Item 6. Boards and Commissions Appointments and the removal of Item of Business 3. Potential Sale of City Owned Property.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 21, 2012**

Motion and support to approve the Minutes of May 21, 2012 were offered.

Councilperson Fox asked that his comments during the discussion regarding the appeal of termination of employment by Michael Bradley be detailed to include the titles of the employees he suggested should be laid off as well as the salary difference between those employees and the employees that were actually laid off.

The change was accepted as a friendly amendment.

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of May 21, 2012 as presented.

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

**PROCLAMATIONS/SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**SPECIAL ASSESSMENT DISTRICT NO. 2012-01**

**CHIPMAN STREET FROM MAIN STREET TO LYNN STREET**

The public hearing was conducted regarding Resolution No. 3 for Special Assessment District No. 2012-01 for Chipman Street from Main Street to Lynn Street for street reconstruction.

The following person commented in regard to the proposed special assessment project:

Mark Beattie, 209 South Chipman Street, asked for further details on the proposed project. It was noted the current water service would be abandoned, services would then be tied into the new main, new curb and gutter would be installed, new driveway approaches would be poured and the street surface would be milled and paved.

Councilperson Cook clarified the purpose for tonight's hearing was simply to determine whether or not the project was warranted. Bids for the projects will be requested and citizens will have another opportunity to comment on any assessment they receive at a second public hearing.

Motion by Councilperson Fox to adopt the following resolution:

**RESOLUTION NO. 59-2012**

**CHIPMAN STREET  
FROM MAIN STREET TO LYNN STREET**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Chipman Street from Main Street to Lynn Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$86,054.20 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$34,421.62 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Chipman Street from Main Street to Lynn Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**SPECIAL ASSESSMENT DISTRICT NO. 2012-02**

**GRACE STREET FROM CEDAR STREET TO LYON STREET**

The public hearing was conducted to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2012-02 for Grace Street from Cedar Street to Lyon Street for street reconstruction.

The following people commented in regard to the proposed special assessment project:

Jerry Herrick, 808 Grace Street, objected to the estimated price of the project saying he felt it was ridiculously high. He felt those that signed the petition requesting the repairs would not have done so if they had known the repairs would be so costly. Mayor Frederick noted that the project could be cancelled at a later time should the bids come back too high.

George Thorne, owner of 805-809 Grace Street, inquired what the interest rate would be on unpaid balances. It was noted the interest rate was set at 6%.

There was discussion among Council regarding the front foot rate for this project and why it differed from the Chipman Street project. It was noted by staff that this street had originally been gravel which was simply covered with seal coat to form a hard surface. The higher price was due to the fact this surface would need to be removed entirely and the road base constructed prior to paving.

Motion by Councilperson Cook to adopt the following resolution:

**RESOLUTION NO. 60-2012**

**GRACE STREET  
CEDAR STREET TO LYONS STREET**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Grace Street from Cedar Street to Lyon Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$100,406.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$40,165.30 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Grace Street from Cedar Street to Lyons Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

**SPECIAL ASSESSMENT DISTRICT NO. 2012-03**

**GRAND AVENUE FROM AUBURNDALE AVENUE TO FRANKLIN AVENUE**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2012-03 for Grand Avenue from Auburndale Avenue to Franklin Avenue for street reconstruction.

There were no citizen comments.

Motion by Councilperson Eveleth to adopt the following resolution:

**RESOLUTION NO. 61-2012**

**GRAND AVENUE  
FROM AUBURNDALE AVENUE TO FRANKLIN AVENUE**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Grand Avenue from Auburndale Avenue to Franklin Avenue.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$90,019.16 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.

3. The City Council determines that of said total estimated cost, the sum of \$36,012.29 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Grand Avenue from Auburndale Avenue to Franklin Avenue for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

**SPECIAL ASSESSMENT DISTRICT NO. 2012-04**

**HICKORY STREET FROM EXCHANGE STREET TO OLIVER STREET**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2012-04 for Hickory Street from Exchange Street to Oliver Street for street reconstruction.

The following people commented in regard to the proposed special assessment project:

Don Schneider, Movie Museum Curator, 318 East Oliver Street, detailed the letter he sent to Council regarding the proposed project. He asked that Council consider postponing the work because the Museum would not be able to afford the assessment in addition to the work they planned to do on the building this summer. Lastly he asked that should Council proceed with the project that the driveway approach for the Museum be widened to better accommodate traffic and help with drainage issues near the drive. It was noted his request for adjustments to the drive approach could be easily accommodated.

Dave Chrenka, owner of 401 East Mason Street, inquired whether the interest rate was fixed, how the assessment would be billed, if the assessment could be paid off at any time, and how the cost for the project was determined. It was noted that the interest rate is fixed, the assessment will be billed once each year on September 1<sup>st</sup>, and the assessment can be paid off at any time.

Pete Hornus, 320 East Mason Street, said he was concerned about the scope of the project saying he had hoped the city would repair the storm drain system. He said there would be no use in paving the street now if it would have to be cut later to fix the storm drains. He suggested fixing the storm drain system then waiting 1 or 2 years before paving to assess the results on drainage.

Isaac Ponder, 314 North Hickory Street, said he supports the reconstruction of the street and feels the cost would be worth the benefit as the street is in terrible shape.

Councilperson Cook inquired what kind of cost increases would be incurred if the City decided to break the work up over the course of a couple of years as suggested by Mr. Hornus. It was noted that installing new curb without paving could be done but would be messy and the cost for asphalt could rise as well.

Councilperson Fox suggested the storm drains be televised to determine if they are in need of repair prior to putting the street surface down.

Motion by Mayor Pro-Tem Popovitch to authorize the following resolution.

**RESOLUTION NO. 62-2012**

**HICKORY STREET  
EXCHANGE STREET TO OLIVER STREET**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Hickory Street from Exchange Street to Oliver Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$156,208.86 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$62,479.43 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Hickory Street from Exchange Street to Oliver Street for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

#### **SPECIAL ASSESSMENT DISTRICT NO. 2012-05**

#### **KENWOOD DRIVE FROM FREEMAN STREET TO FREDERICK STREET**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2012-05 for Kenwood Drive from Freeman Street to Frederick Street for street reconstruction.

It was noted that work on the street had originally been requested by the residents.

The following people commented in regard to the proposed special assessment project:

Remi Werner, 1220 Freeman Street, indicated she had helped to circulate the petition that put this project on the list, and while she was thrilled about the idea of getting curb and gutter the estimated price was simply too high for her to afford. She indicated she had spoken to the engineer and was quoted a much lower price originally. She asked that the petition for reconstruction be rescinded.

Paul Sobchik, 1300 Freeman Street, indicated he too had received a verbal quote that was much lower and asked that his support for the petition be rescinded.

Amy Huff, 1212 Freeman Street, said she felt the assessment was unfair to her because her property does not front Kenwood Drive.

Chris Huff, 1212 Freeman Street, asked what value his property derives from the project. He also had questions on deferments.

Kyle Gregoricka, 1221 Frederick Street, said he would prefer the project not be undertaken. He asked what formula the City uses to determine the benefit to a property owner.

Department of Public Works Director Mark Sedlak noted the high estimate for this street was due to the fact the street was seal coated gravel and all of the current street material would need to be removed prior to the installation of curbs, gutters and pavement. He pointed out that once bids for the project were received adjustments to the estimated special assessment amounts would be made if necessary.

There was Council discussion regarding whether to obtain bids and make a determination whether to proceed with the project once they had solid numbers or to cancel the project now. There was also discussion regarding whether the scope of the project could be reduced to lower the cost. It was noted it could not be reduced if the residents desired curb and gutter.

City Manager Crawford noted the pavement on the street was in good shape and the street should be fine the way it is for some years should the Council decide not to proceed with the project.

Motion by Councilperson Fox to authorize the following resolution.

**RESOLUTION NO. 63-2012**

**KENWOOD DRIVE  
FROM FREEMAN STREET TO FREDERICK STREET**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement; and

WHEREAS, the proposed project was originally initiated by petition of the residents of Kenwood Drive; and

WHEREAS, estimates for the project have far exceeded the costs anticipated by the residents at the time the petition was submitted; and

WHEREAS, a laser survey of the street surface has revealed it to be in acceptable shape and capable of handling several more years of use.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council hereby determines it is advisable not to proceed with the proposed project to reconstruct Kenwood Drive from Freeman Street to Frederick Street at this time.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

**SPECIAL ASSESSMENT DISTRICT NO. 2012-06**

**OAK STREET FROM OLIVER STREET TO THE NORTH END**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2012-06 for Oak Street from Oliver Street to the north end for street reconstruction.

There were no citizen comments.

Mayor Pro-Tem Popovitch inquired whether the Schools would be assessed for their property affected by this project. It was noted they would be assessed.

Motion by Councilperson Erfourth to authorize the following resolution.

**RESOLUTION NO. 64-2012**

**OAK STREET  
FROM OLIVER STREET TO THE NORTH END**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Oak Street from Oliver Street to the north end.

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$13,671.35 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$7,899.85 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Oak Street from Oliver Street to the north end for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

**SPECIAL ASSESSMENT DISTRICT NO. 2012-07**

**STATE STREET FROM MAIN STREET TO THE SOUTH END**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for Special Assessment District No. 2012-07 for State Street from Main Street to the south end for street reconstruction.

The following people commented in regard to the proposed special assessment project:

John Church, 208 State Street, said he sees the need for street repair but question the spreading of the assessment equally among residents and commercial properties along the street. He asked that Council take his concerns into consideration.

Troy Haven, 120 State Street, said he just purchased his house and the proposed assessment would be unaffordable for him. He asked that Council consider reducing the scope of the project to reduce the cost. He also asked that Council consider assessing businesses more because of the wear they cause to a street.

There was discussion whether it was appropriate to assess businesses and residents the same rate for work performed. Staff was instructed to look into traffic patterns on the street to determine the benefit to residents and commercial properties.

Motion by Councilperson Bailey to authorize the following resolution.

**RESOLUTION NO. 65-2012**

**STATE STREET  
MAIN STREET TO THE SOUTH END**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: State Street from Main Street to the south end.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$157,775.97 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.

3. The City Council determines that of said total estimated cost, the sum of \$63,101.51 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: State Street from Main Street to the south end for street reconstruction.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

### **CITIZEN COMMENTS AND QUESTIONS**

Eddie Urban, 601 Glenwood Avenue, indicated the local Military Order of the Purple Heart was looking for Purple Heart recipients or their relatives to walk in the Heritage Parade on Saturday. He asked for an update on the fireman's memorial project. Lastly he said he would like to see the City pursue projects similar to the house donation item on the agenda for consideration tonight.

Jack Swick, representative for the Humane Society, asked that Council consider establishing an ordinance requiring cats to be kept indoors in the City in light of the fact the animal shelter has been closed and the City is seeing a large increase in the number of stray cats.

Amy Huff, 1212 Freeman Street, commented that she felt it was unfair that dogs must be on a leash or controlled in some manner but cats are allowed to roam free. She said she thought a common sense ordinance regarding cats could be effective.

Michael Tillotson, 1299 South Shiawasse Street, indicated he likes to walk the trails at Hopkins Lake and was upset to see that the approach to the bridge had been washed out and was now inaccessible to handicapped individuals. He distributed pictures of the problem to Council and asked that it be fixed.

Jeff Peltier, 723 Grand Avenue, said the downtown flowers look great but he has concerns with the amount of plywood he sees on buildings in the downtown. Recognizing that a ban on plywood would be inappropriate he asked Council to take some action to help remedy the situation.

Dave Chrenka, 1997 Ruess Road, said he was upset by the biennial fee for rental registration in light of the idea that his rental property is not inspected every two years. He said he felt he should not have to pay unless his property is inspected. Staff noted that while they project it will take approximately 5 years to inspect all of the rental units in town \$12.50 per year per unit is low in comparison to other communities.

Councilperson Fox gave an update on the fireman's memorial project saying they had approximately \$1,500 in donations so far. The truck will be displayed in the Reeve's parking lot during Curwood.

Councilperson Erfourth announced there is a fund raiser Tuesday night for Mr. Owosso candidate Daniel Vargas to raise money for a splash pad.

Mayor Pro-Tem Popovitch said she had recently spoken with a local business owner that said they were unaware the Farmer's Market would be moving east on Exchange Street in front of their store. She said she would like to see more efforts by staff to reach out and cooperate with downtown business owners on such matters.

Mayor Frederick encouraged everyone to visit the Woodard display at the Art Council.

Councilperson Cook noted the 40<sup>th</sup> anniversary of the Arts Council. He also asked for a status update on the various components of the housing program.



There was discussion regarding measures that could be taken to help control the stray cat population in the City, the development of restrictions governing the use of plywood on downtown businesses, and specially assessing businesses differently than residents.

The Council took a brief recess from 9:15 p.m. to 9:25 p.m.

### **CITY MANAGER REPORT**

City Manager Crawford distributed the project status report and briefly detailed it, saying that due to the late hour and the items that have yet to be discussed he would be brief.

Councilperson Cook inquired about the timing of the next regional parks meeting. It was noted a possible July date was being considered. He also asked about the status of the audio/video project for the Council Chambers as he hoped to be able to broadcast more public meetings in the future. Staff noted the status of the cable channel was a problematic issue. Some time ago Charter informed the City they wanted the City to find an alternate return path to the head end instead of the current Charter line the City has used since the inception of the channel. Since that time the City and Charter have attempted to work out an alternative path but negotiations have broken down. The future of the cable access broadcast channel is unknown at this point.

### **CONSENT AGENDA**

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

Hazardous Material Decontamination Shower Donation. Accept donation of a new, unused hazardous material decontamination shower system and tent valued at \$5,000.00 from Memorial Healthcare as follows:

#### **RESOLUTION NO. 66-2012**

##### **RESOLUTION AUTHORIZING THE ACCEPTANCE OF DECONTAMINATION SHOWER SYSTEM FROM MEMORIAL HEALTHCARE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a fire department that may require the use of a decontamination shower system and,

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

- FIRST: Memorial Healthcare has donated a decontamination shower system to the Owosso Fire Department.
- SECOND: Authorize acceptance of the decontamination shower system with a value of approximately \$5,000.00

Change Order. Approve change order to the bid award to West Shore, Inc. for firefighter turn-out gear increasing the total amount by \$471.00 due to a change in unit prices, \$448.00 of which will be covered by the FEMA-Assistance to Firefighters Program grant. (Resolution detailing this item follows the payment authorization for this item.)

Payment Authorization. Authorize final payment to West Shore, Inc. for firefighter turn-out gear in the amount of \$5,952.00 as follows:

#### **RESOLUTION NO. 67-2012**

##### **RESOLUTION AUTHORIZING CHANGE ORDER AND PAYMENT TO WEST SHORE FIRE, INC. FOR FIREFIGHTER TURN-OUT 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 firefighter turn-out gear;

WHEREAS, a portion of the gear was delivered and paid for in December of 2011; and

WHEREAS, the remainder of the gear was received in May of 2012 and payment is due; and

WHEREAS, the unit cost for the remaining gear increased elevating the total cost for the gear by \$471.00; and

WHEREAS, \$448.00 of this additional expense will be covered by the aforesaid grant.

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

- FIRST: Payment to West Shore Fire, Inc. is hereby authorized in the amount of \$5,952.00.
- SECOND: The above expense shall be paid from the Fire Division line item 101-335-978000 with reimbursement of \$448.00 from the FEMA-Assistance to Firefighters Program.

Bid Award. Waive competitive bidding requirements and award bid to Michigan Taser Distributing, Inc. for the purchase of 5 Tasers in the amount of \$7,338.45, with trade-in credits and grant funding reducing the overall cost to the City to \$4,088.45 as follows:

**RESOLUTION NO. 68-2012**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PURCHASE OF FIVE TASERS FROM MICHIGIAN TASER DISTRIBUTING, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has police department requiring the use of electroshock weapons known as Tasers; and

WHEREAS, it has been determined the Tasers currently in use by the department have reached the end of their useful life; and

WHEREAS, the City of Owosso has received a quote from Michigan Taser Distributing, Inc. which currently holds the State of Michigan contract (Contract # 07B8200242), and it is hereby determined that Michigan Taser Distributing, Inc. is qualified to provide such equipment and that it has submitted a respectable quote; and

WHEREAS, Michigan Taser Distributing, Inc. has offered a \$250 trade-in credit for each of the current tasers with the purchase of a new taser; and

WHEREAS, the City of Owosso has applied for and received a \$2,000.00 grant from the Michigan Municipal Risk Management Authority to be applied toward the purchase of new tasers.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to waive the competitive bid procedure subsequent to the City Ordinance Section 2-345 (3) and purchase five Tasers from Michigan Taser Distributing, Inc. at a cost of \$7,338.45, with a trade-in credit from Michigan Taser Distributing, Inc. in the amount of \$1,500.00 and reimbursement from a Michigan Municipal Risk Management Authority grant in the amount of \$2,000.00.
- 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 Michigan Taser Distributing, Inc. for the purchase of said equipment.
- THIRD: Authorize payment to Michigan Taser Distributing, Inc. in the amount of \$7,338.45, with reimbursement to reduce cost to \$4,088.45.
- FOURTH: The above expenses shall be paid from the Police Division Capital Outlay fund 101-300-978000.

Warrant No. 443. Accept Warrant No. 443 as follows:

Vendor	Description	Fund	Amount
Logicalis Inc.	Network Engineering Support April 2012	General	\$ 5,712.00
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$23,197.00
ERES International, Inc.	Pavement Condition Survey- Payment for Professional Services- for the period of February 1, 2012 – April 30, 2012	Street Improvement Bond Fund	\$ 9,963.70

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

Name	Board/Commission	Term Expires
Stephen Schlaack	Planning Commission To fill the unexpired term of T. Brown	06-30-2013

Matthew Grubb*	Zoning Board of Appeals – Alternate	06-30-2015
Michael Espich*	Parks & Recreation Commission	06-30-2014
Jeff Selbig*	Parks & Recreation Commission	06-30-2014
Jerry Hebekeuser**	Parks & Recreation Commission	12-31-2012

\* indicates reappointment                      \*\* indicates provisional appointment

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**CITY BUDGET ADOPTION** (Postponed from the meeting of May 21, 2012.)

Motion by Councilperson Eveleth to adopt the General Appropriations Resolution approving the 2012-2013 City Budget, including additional funding for the SEDP as approved June 20, 2011, and authorizing the levy of 14.7381 mills as follows:

**RESOLUTION NO. 69-2012**

**GENERAL APPROPRIATIONS RESOLUTION 2012-13**

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter, the City Council has received the proposed budget for the fiscal year beginning July 1, 2012 and held a public hearing on May 21, 2012; and

WHEREAS, it is the intent of the City Council to levy ad valorem and specific property taxes for general operating purposes of the City; for payment of principal and interest on voted indebtedness; and for special voted millage to support public transportation, based on the budget summary for fiscal year 2012-13 attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically, MCL 211.34(d) provide for a compound millage reduction calculation applied to the City Charter maximum authorized operating millage rate of fifteen mills per thousand of taxable value; and

WHEREAS, this millage reduction commonly known as the Headlee rollback results in a maximum operating millage rate of 13.0370 for which the City is authorized to levy; and

WHEREAS, the Garbage Disposal Plants Act, MCL 123.261, allow for the City to levy up to three mills on all taxable property to provide for the collection and disposal of certain solid wastes; and

WHEREAS, it has been determined that a levy of one mill per \$1,000 of taxable value is required to operate a solid waste recycling program; and

WHEREAS, the voters approved, by a majority, in an election held on November 6, 2007, a millage, not to exceed .25 mills per \$1,000 of taxable value to support public transportation; and

WHEREAS, the board of the Shiawassee Area Transportation Authority have requested funding from the City equating to a millage of .2500 mills per thousand of taxable value for which the City is authorized to levy; and

WHEREAS, it has been determined that a millage rate of .4511 mills is required for the annual debt service on unlimited tax general obligations bonds;

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2012 shall be the rate of 14.7381 per 1,000 of taxable value of the 2012 assessment roll as approved by the Board of Review; and

The total levy shall be composed of the constituent rates for purposes and with revenue yields described as follows:

GENERAL OPERATING	13.0370	\$3,190,764
GARBAGE DISPOSAL	1.0000	244,746
DEBT SERVICE	4511	110,405
SATA	<u>.2500</u>	<u>58,865</u>
	14.7381	\$3,604,780

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: Councilperson Erfourth.

**HOUSE DONATION PILOT PROGRAM** (Postponed from the meeting of May 21, 2012.)

Consider accepting the donation of the home located at 1409 West Main Street for repair and sale as part of a pilot program to rehabilitate distressed foreclosed properties.

Housing Program Manager Sarah Warren-Riley gave a brief history of the situation saying banks were beginning to donate properties to municipalities in an effort to remove homes from their books. The advantage is there is no charge to purchase the property. The disadvantage is the homes are typically in need of serious repair or are otherwise not financially viable on the open market. She noted that the home in question had foundation issues and had had an attic fire at some point. The City solicited quotes for rehab of the structure and a sales study to estimate what the rehabilitated property could be sold for. The quotes and study indicated the City could potentially profit \$10,000 from the project, though it was also recognized that unanticipated costs could easily eat up that margin. Ms. Warren-Riley went on to say she was concerned that should the City refuse the donation the house could be acquired by a party that is unable or unwilling to bring it up to the proper standards resulting in another substandard house remaining in the housing stock. She recommended that if Council were to decline the donation the house be demolished.

There was significant Council discussion regarding whether it was prudent to use CDBG funds for such a project, whether it was prudent for the City to undertake the rehabilitation at all, the formation of a non-profit entity to take on such tasks, the development of a policy to guide decisions on future similar donations, deconstructing the house as opposed to rehabilitating it, and the possibility of donating the property to a private organization with stipulations regulating the rehabilitation of the structure.

Motion by Councilperson Fox to deny the donation and direct staff to develop a policy for handling such donations in the future.

Councilperson Erfourth suggested the City accept the donation with a time period of 90 days to explore private investors. The home would be scheduled for demolition after the 90 day period expires if no private investors are interested in the property.

Councilperson Fox's motion died for lack of support.

Motion by Mayor Pro-Tem Popovitch to accept the donation and direct staff to explore options for the property with a time limit of 60 days from the date of acquisition as follows:

**RESOLUTION NO. 70-2012**

**APPROVAL OF HOME DONATION  
1409 WEST MAIN STREET  
WITH CONTINGENCIES**

WHEREAS, the City of Owosso has been approached by a mortgage holder that desires to transfer a distressed vacant home under its ownership to the City; and

WHEREAS, the home is in a dilapidated condition that is considered substandard for a residence; and

WHEREAS, the City of Owosso has a desire to see the home rehabilitated so that it might be sold and once again function as a single family residence; and

WHEREAS, the City of Owosso believes that such a project would have a positive effect on the neighborhood by stabilizing a blighted home and returning it to a habitable residence; and

WHEREAS, the City recognizes the financial challenges presented by such a project, whether public or private; and

WHEREAS, the City desires to set a time limit of 60 days from the date of acquisition to determine a course for the property or the property will be scheduled for demolition to prevent a substandard home from returning to the housing stock.

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

FIRST: the donation of the home at 1409 West Main Street from Wells Fargo Bank be approved and accepted.

SECOND: City staff is directed to explore options for the rehabilitation of the home.

THIRD: a financially viable option for the property be determined within 60 days of acquisition or the home will be scheduled for demolition to prevent a substandard house from returning to the housing stock.

FOURTH: the City Manager and City Clerk are hereby authorized to sign appropriate documents to accept the donation.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: Councilperson Fox.

**POTENTIAL SALE OF CITY OWNED PROPERTY** (This item was removed from the agenda.)

### **WATER/SEWER RATE PROPOSAL**

Due to a miscommunication Council did not receive all of the background information regarding the proposal. In light of this they agreed to discuss the item but would postpone a decision until the June 18<sup>th</sup> meeting to allow time to review the additional information.

Utilities Director Gary M. Burk gave a brief overview of the information given to Council, saying the City was one year behind the proposal he submitted to Council in 2010. He anticipated the need to raise rates this year and the next three years to bring revenues back in line with costs. He said he had made all the cuts he could make to expenditures at this point, but a large portion of the expenses were costs outside his control such as the price of electricity and chemicals. In the recent past the City has drawn from the water/sewer fund balance to complete capital improvement projects but he indicated he was no longer comfortable doing this as the balance had been drawn down to a point where further withdrawals would leave it at a lower level than is prudent.

He went on to say that the new capital improvement charge of \$10 per quarter would allow the City to install the minimum necessary amount of water main each year. The charge would need to increase further to approximately \$16 per quarter to begin to improve the system. Even when taking the increased charges into account the City's water and sewer rates are very competitive, or even lower, than other communities with similar systems.

Council discussed the benefits and disadvantages of increasing rates in a lump sum as opposed to over a period of time, adopting a multiyear proposal, employing a multiplier that would automatically raise rates each year, and selling bulk water to a community in need of water. Finally the Council discussed the status of the Sanitary Sewer Overflow Control Program.

Council directed Mr. Burk to return to the June 18, 2012 meeting with a multiyear proposal and a proposal using a multiplier.

### **COMMUNICATIONS**

Historical Commission. Minutes of May 14, 2012.

Zoning Board of Appeals. Minutes of May 15, 2012.

Downtown Development Authority/Main Street. Minutes of May 16, 2012.

Downtown Historic District Commission. Minutes of May 16, 2012.

### **CITIZEN COMMENTS AND QUESTIONS**

Eddie Urban, 601 Glenwood Avenue, said he thought the City should start a program to spay and neuter stray cats as removing them from the premise entirely would allow vermin to increase. He also said his brother and sister-in-law were visiting from out of town and very much liked the flowers downtown.

Michael Tillotson, 1299 South Shiawasse Street, said he saw multiple signs downtown prohibiting biking on the sidewalk yet still saw a number of people doing just that.

David Green, 604 Ryan Street, said he felt the City should license cats. He also indicated he felt the City needed to strengthen its dangerous dog ordinance.

Mayor Frederick said he was looking forward to seeing the impact our new Community Policing Officer would have.

Mayor Pro-Tem Popovitch thanked staff for exploring the housing pilot program. She went on to congratulate the group of 5<sup>th</sup> grade girls from Bryant Elementary that placed 20<sup>th</sup> in the world at the recent Destination Imagination competition in Nashville, TN.

**NEXT MEETING**

Tuesday, June 5, 2012, 7:00 p.m. – Special Meeting  
Monday, June 18, 2012 – Regular Meeting

**BOARDS AND COMMISSIONS OPENINGS**

Zoning Board of Appeals – Alternate, term expiring June 30, 2013  
Building Board of Appeals, term expiring June 30, 2014

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 10:53 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk