

Minutes
Regular Meeting of the Parks & Recreation Commission
Council Chambers / City Hall
December 8, 2014 – 6 p.m.

- Call to order:** The meeting was called to order at 6:02 p.m. by Chairman Espich.
- Roll Call:** Roll call was taken by Recording Secretary Marty Stinson.
- Members Present:** Chairman Michael Espich; Vice-Chairman Jeff Selbig arrived at 6:05 p.m.; Commissioners Tim Alderman, Shane Nelson and Kristen Woodbury.
- Members Absent:** None.
- Others Present:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Ms. Lorri Matousek and her son Zack Matousek; Daniel Smith.

Approve Agenda for December 8, 2014:

A motion to approve the agenda for the meeting was made by Commissioner Alderman and supported by Commissioner Woodbury.
Ayes: all. Motion carried.

Approve Minutes for November 24, 2014 meeting:

A motion to approve the minutes of November 24, 2014 was made by Commissioner Alderman, and supported by Commissioner Woodbury.
Ayes all. Motion carried.

Public Comments: None

Communications:

1. Staff memorandum
2. November 24, 2014 minutes
3. Park Hours of Operation draft ordinance for Owosso

Business:

1. **Daniel Smith – Restocking Hopkins Lake.**
Mr. Smith was not in attendance when this item came up on the agenda.

Commissioner Selbig arrived at 6:05 p.m.

2. Zack Matousek – Eagle Scout Project.

Mr. Zack Matousek is attempting to work on his Eagle Scout project for Boy Scouts. He distributed his Adams Memorial Park Enrichment plan. This is for a Banana Split playground equipment to be installed at the Adams Park. The equipment will cost \$3,200; \$500 for cement; \$100 for fill dirt; and the rubber mulch will hopefully be donated by a local business. It is ADA compliant and Consumer Product Safety Commission approved. He will have help from some friends with a car wash; business donations; and privation donations. It will need a safety inspection and he will need some tools. Mr. Matousek also had a diagram of the park and where the equipment would be placed near the front of the park so it would be seen from the street. He would like to complete the project next summer.

Commissioner Alderman thought this was a great presentation. Does he have a Plan B if he comes up short? He could do a cheaper playscape. Commissioner Alderman thinks this is ready to go to City Council.

Motion by Commissioner Nelson, supported by Commissioner Alderman to recommend that Zack Matousek take this project to the City Council next Monday to make a presentation to them for their approval to proceed with his Eagle Scout project at the Adams Memorial Park.

Ayes: all. Motion carried.

Ms. Montenegro, Assistant City Manager and Director of Community Development, asked Mr. Matousek to attend the council meeting next Monday.

1. Daniel Smith – Restocking Hopkins Lake

Mr. Daniel Smith was now in attendance. He would like to work on a project to restock the fish at Hopkins Lake. Fishing quality has gone downhill. He would like to work with local businesses to help restock. He brought a list of permitted species. He asked the commission look on the page with biologist notes – it's a different permit for each species. The DNR will check the lake for each species before allowing a permit to be issued. If they don't think a species can survive, they won't issue a permit.

About creating the habitat - he has called the DNR and hasn't gotten a call back yet. There is ice on Hopkins Lake, but it's not thick enough yet to walk on. Commissioner Nelson asked how many fish can we put in lake. The DNR will answer that. The biologist will answer these questions when we get the money. We will need to have feeder fish for the game fish. The fishery can't stock anything until March-April. Need to look for funding now and develop the habitat. The River Rat store suggested using Christmas trees for perch habitat. Commissioner Nelson asked how much money do we need. Mr. Smith replied, \$3,000 - \$5,000. There is additional cost for signage for those who donate. This is all privately funded – not seeking money from city. Mr. Smith didn't see money coming from the state. Commissioner Alderman doesn't see problems with public restocking our lake. Doesn't see a problem with DNR approval.

Ms. Montenegro said to go to council when you are ready to proceed. Come in January to council.

Motion by Commissioner Alderman, supported by Commissioner Selbig that the Parks and Recreation Commission recommend that Mr. Smith move on to the City Council to pursue council permission to continue seeking private funding for restocking Hopkins Lake.

Ayes All. Motion carried.

3. Ordinance Review and Resolution

Ms. Montenegro presented the following suggested ordinances to the commission.

Sec. 21-8. – Park hours.

- (a) All parks of the city shall be open from 5:00 a.m. to 11:00 p.m. daily, unless otherwise posted. Hopkins Lake shall remain open for nighttime fishing.
- (b) It shall be unlawful for any person to enter or use a park other than during park hours.
- (c) Any person violating the provisions of Section 21-8 shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than \$500.00 and costs of

prosecution, by imprisonment for not more than 90 days, or by both fine and costs and imprisonment at the discretion of the court.

Sec. 21-9. – Failure to leave when ordered to do so.

Any person who willfully disobeys an order by a police officer to leave a public park or recreation area shall be guilty of a misdemeanor.

Chapter 21 - PARKS AND RECREATION (CITY OF OWOSSO)

FOOTNOTE(S):

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Cross reference— Litter in parks, § 18-53; streets, sidewalks and other public places, Ch. 29; waterways, Ch. 37. ([Back](#))

State Law reference— Authority to operate recreation and playgrounds, MCL 123.51 et seq., MSA 5.2421 et seq. ([Back](#))

Sec. 21-1. - Rules, regulations generally.

The city manager is hereby empowered to make such rules and regulations subject to the approval of the council, pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, and welfare of the public, and no person shall fail to comply with such rules and regulations.

(Code 1977, § 3.5)

Sec. 21-2. - Possession, consumption of alcoholic liquor.

No person shall bring into or drink in any city park any alcoholic liquor.

(Code 1977, § 3.2)

Cross reference— Alcoholic liquor generally, Ch. 3.

State law reference— Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

Sec. 21-3. - Certain games restricted.

No baseball, football or softball throwing, or other violent or rough exercises or play shall be engaged in, in any public park or other public place, except in areas designated therefor by the city manager.

(Code 1977, § 3.4)

Sec. 21-4. - Motorboats on Hopkins Lake.

No person shall operate a motorboat on Hopkins Lake in the city. "Motorboat" is defined to mean any vessel propelled by any machinery other than an electric trolling motor, whether or not the machinery is the principal source of propulsion.

(Code 1977, § 3.6; Ord. No. 481, § 1, 4-1-91)

Cross reference— Waterways generally, Ch. 37.

Sec. 21-5. - Obstruction of ways.

No person shall obstruct any walk or drive in any public park or playground in the city.

(Code 1977, § 3.1)

Sec. 21-6. - Injury to park property.

No person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces, or other public property within or pertaining to the public parks or playgrounds.

(Code 1977, § 3.1)

Cross reference— Offenses against property generally, § 19-61 et seq.

State law reference— Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

Sec. 21-7. - Reimbursement for damage.

- (a) *Required.* Pursuant to Act No. 280 of the Public Acts of Michigan of 1969 (MCL 318.251 et seq., MSA 13.1064(1) et seq.), as amended, in addition to the penalties provided in this Code for violating its provisions with respect to damage or injury to public property, any person convicted of such damage or injury to public property shall reimburse the city for up to three (3) times the amount of the damage as determined by the court.
- (b) *Judgment.* In every case of conviction for such offenses, the court before whom such conviction is obtained shall enter judgment in favor of the city and against the defendant for liquidated damages as determined under subsection (a). The city, with the assistance of the city attorney, shall collect the award by execution or otherwise. If two (2) or more defendants are convicted, the judgment shall be entered against them jointly. If the defendant is a minor, such judgment shall be entered against his or her parents.
- (c) *Use of proceeds.* Upon collection, the sums shall be credited to the general fund of the city and used for repairs or improvements to parks.

(Code 1977, §§ 3.7—3.9)

Section 21-3 – it was written so people wouldn’t have games in the middle of a picnic area. Ms. Montenegro said it is there as a protective measure and yet it hasn’t been typically used. Commissioner Selbig can’t understand why it’s on the books. Play at your own risk is in the park rules.

Motion by Commissioner Selbig, supported by Commissioner Alderman to ask that City Council strike Section 21-3, ~~Certain games restricted. No baseball, football or softball throwing, or other violent or rough exercises or play shall be engaged in, in any public park or other public place, except in areas designated therefor by the city manager.~~

Yeas all. Motion carried.

4. Residency Requirement for Commission Member(s)

Ms. Montenegro was asked to keep a member of the commission on the commission who now lives outside the city boundaries. Other commissions for the city have had similar requests for some people that live outside city limits. This member was appointed when she still lived in the city, but has since move to the township. It has been recommended that she stay on the board based on her attitude and enthusiasm.

Discussion:

1. Ice rink Update

Chairman Espich apologies because he hasn’t had a chance to take the inventory with the packing slip for the new ice rink. It is now scheduled for Wednesday evening at 6:00 pm at the city garage. He has about eight people to help, but still needs a city DPW worker. Then they will assemble the rink on Saturday from noon to 5. Ms. Montenegro will put on the city Facebook page.

2. Sledding Hill

Chairman Espich has walked steps on the hill and discovered there are two steps that are damaged. Steel iron stakes are bent. This will be conveyed to the DPW for their assistance in correcting the stakes.

3. Bike Rack at Bentley Park Update

Per Chairman Espich, the Daniel Vargas rack is ready, but waiting on signage. He has a problem with the person who was going to do the signage and is working on someone else to help out.

4. Open Meetings Act

Ms. Montenegro mentioned that having a conversation about something is different than having a decision already made. Don't make it a consensus before the meeting.

Public comments. None

Adjournment:

A motion to adjourn the meeting was made by Commissioner Selbig, and was supported by Commissioner Alderman. The meeting adjourned at 6:53 p.m.

Ayes: all. Motion carried.

mms

Susan Montenegro, Secretary