

**OWOSSO CITY COUNCIL**

**DECEMBER 3, 2012**

**7:30 P.M.**

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

**OPENING PRAYER:** PASTOR RAY STRAWSER  
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN

**PLEDGE OF ALLEGIANCE:** CUB SCOUT PACK 89, WEBELOS DEN

**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 Fox to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 19, 2012**

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of November 19, 2012 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

County Commissioner Daniel Stewart gave an update on recent discussions and decisions at the County Commission level.

Mayor Frederick encouraged the Commission to consider setting its meetings for the new session at a time after 5:00 pm so more constituents could participate.

Tom Manke, business owner at 118 S. Washington Street, said he had done his part to help catch the perpetrators of the terrible Thanksgiving Day accident by posting information to his Facebook page. He went on to say that he had recently discovered the County no longer operates a juvenile detention center after he reported kids damaging downtown planters. He encouraged the Council to question the County Commission regarding the decision to close the facility. He also mentioned that he felt the downtown looked great with its holiday decorations.

Mayor Frederick invited everyone to a community based Christmas caroling event to be held Saturday, December 22<sup>nd</sup> from 6 to 8 pm. Interested parties should report to the old Oliver's restaurant at the stated time.

Councilperson Fox suggested police confiscate the bikes of young people discovered damaging City property.

Councilperson Bailey reported she had received calls from residents after American Waste Services had stopped taking recycling.

Mayor Pro-Tem Popovitch noted that the parents of young people can be held responsible for damage caused to City property by their minor children.

Councilperson Cook gave a brief update on the state legislature's discussion of the repeal of the personal property tax. He noted the current proposal would replace all of the funds generated by the PPT but would remove the Council's ability to issue tax abatements as an incentive to locate in the City.

Mayor Pro-Tem Popovitch said recycling continues to be a concern for her and she would like to hear another update on the City's consideration of the issue.

Public Safety Director Compeau noted that the police do confiscate the bikes and skateboards of individuals found damaging City property. He also highlighted the stepped up enforcement and

education efforts that have taken place over the last 12 months, saying they had a positive impact on the issue. He also noted that offenders could be ticketed for offenses with the parents of those under the age of 16 being responsible for the fines. Lastly he pointed out that children would not be sent to a juvenile detention center for the actions Mr. Manke described even if the County had such a facility.

City Manager Crawford distributed information on the most recent personal property tax discussions at the state level, saying he was concerned with some of the strange items that had been tacked on to the legislation and was further concerned with the potential loss of PPT money though it represented a smaller portion of the City's overall budget as compared to other municipalities. He relayed there was talk about slowing the process down to allow for more thoughtful legislation.

He went on to address Councilperson Bailey's concerns on recycling saying American Waste had been collecting and storing recycling items without the proper permissions and as such was issued a cease and desist order resulting in the removal of that service from the business. He noted the City could take on such collection but the recycling market is quite volatile and residents would probably need to pay for the provision of the service.

### **CITY MANAGER REPORT**

Per Council request an update on various housing programs was given as a part of the City Manager Report. Details were given on the following programs:

- Rental housing registration and inspection program
- Property maintenance and community oriented public safety program
- Vacant property registration program, including abandoned properties

Lastly City Manager Crawford provided the Council with the latest Project Status Report.

### **CONSENT AGENDA**

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

Special Assessment District No. 2012-03 – Hazards and Nuisances. Authorize Resolution No. 1 setting a public hearing for Monday, December 17, 2012 to receive citizen comment regarding Special Assessment District No. 2012-03, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances as follows:

#### **RESOLUTION NO. 144-2012**

#### **SPECIAL ASSESSMENT DISTRICT NO. 2012-03 HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, December 17, 2012 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

The notice of said hearing to be published and mailed shall be in substantially the following form:

#### **NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL – HAZARDS AND NUISANCES CITY OF OWOSSO COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>BALANCE</b>
050-391-000-013-00	313 N Oak St	240.00
050-602-007-005-00	1803 W Stewart St	420.00
050-450-000-021-00	804 Center St	440.00
050-115-003-012-00	328 Prindle St	160.00
050-196-000-012-00	917 N Gould St	120.00
050-197-000-022-00	808 E North St	120.00
050-220-000-044-00	1420 Young St	240.00
050-391-000-030-00	315 N Oak St	120.00
050-602-014-008-00	1064 Tracy St	480.00
050-114-006-009-00	1021 S Lyon St	140.00
050-010-023-002-00	516 Garfield Ave	240.00
050-420-007-009-00	719 Lingle Ave	120.00
050-113-009-003-00	1314 W Stewart St	240.00
050-010-033-010-00	710 Frazer Ave	140.00
050-060-001-004-00	502 Jennett St	120.00
050-602-037-002-00	1600 W South St	320.00
050-580-000-030-00	215 S Dewey St	120.00
050-010-017-034-00	624 Alger Ave	240.00
050-240-002-022-00	650 N Saginaw St	120.00
050-180-003-014-00	529 Grover St	120.00
050-113-006-005-00	1108 Ryan St	140.00
050-113-006-008-00	1415 Young St	120.00
050-010-003-015-00	702 Glenwood Ave	140.00
050-197-000-022-00	808 E North St	120.00
050-390-004-012-00	1260 Adams St	240.00
050-170-003-008-00	420 Curwood St	140.00
050-010-017-032-00	618 Alger Ave	120.00
050-690-006-002-00	912 N Chipman St	120.00
050-536-000-034-00	1230 N Shiawassee St	160.00
050-660-011-001-00	219 N Cedar St	120.00
050-601-000-037-00	221 W Stewart St	140.00
050-060-006-003-00	810 Pine St	120.00
050-660-019-012-00	120 S Elm St	120.00
050-010-023-004-00	528 Garfield Ave	160.00
050-601-000-001-00	409 Grace St	120.00
050-090-001-003-00	1408 W Main St	120.00
050-602-008-011-00	937 Kenwood Dr	120.00
050-470-007-015-00	211 E Williams St	120.00
050-320-011-003-00	119 Elizabeth St	120.00
050-602-001-004-00	820 S Chipman St	140.00
050-320-000-100-00	115 Stratford Dr	140.00
050-601-000-037-00	221 W Stewart St	140.00
050-240-002-022-00	650 N Saginaw St	169.60
050-601-000-037-00	221 W Stewart St	351.45
050-010-017-034-00	624 Alger Ave	221.91
050-010-023-001-00	990 Corunna Ave	160.53
050-580-000-069-00	824 E Main St	543.05
050-602-037-002-00	1600 W South St	428.88
050-196-000-012-00	917 N Gould St	334.36
050-090-002-016-00	1419 Cleveland Ave	153.22
050-602-003-011-00	830 Wilkinson St	487.38
050-450-000-021-00	804 Center St	143.95
050-602-001-004-00	820 S Chipman St	394.95
050-113-003-007-00	919 Milwaukee St	394.87
050-700-001-013-00	117 S Shiawassee St	7,759.60
050-115-003-012-00	328 Prindle St	10,576.50
050-602-014-008-00	1064 Tracy St	521.62
050-115-002-014-00	1131 S Shiawassee St	79.65

29,961.52

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been 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 above described property.

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

The said Special Assessment Roll-Hazards and Nuisances is on file for public examination with the City Clerk and any objections to said Special Assessment Roll-Hazards and Nuisances must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment Roll-Hazards and Nuisances.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, December 17, 2012 for the purpose of reviewing said Special Assessment Roll-Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

Conduct First Reading and Set Public Hearing - Rezoning Request. Conduct first reading and set a public hearing for January 7, 2012 to receive citizen comment regarding request to rezone the parcel commonly known as the former Lincoln School, 120 Michigan Avenue, from RM-2, Multiple-Family Residential District - High Rise, to PUD, Planned Unit Development as follows:

**RESOLUTION NO. 145-2012**

**AN ORDINANCE AMENDING CHAPTER 38 ZONING  
OF THE CODE OF ORDINANCES  
TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY  
AND AMEND THE ZONING MAP**

WHEREAS, an owner of interest in 120 Michigan Avenue, parcel number 050-700-001-008-00, petitioned to rezone the parcel from Multiple Family Residential (RM-2) to Planned Unit Development (PUD) for the purpose of constructing a building addition and using the site for senior housing; and

WHEREAS, the petition includes a development program, supplemental regulations, and a set of conceptual renderings that are officially made a part of the zoning amendment as required by ordinance; and

WHEREAS, the planning commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the planning commission finds that the proposed ordinance meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 120 Michigan Avenue to PUD; and

WHEREAS, the city council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-395; and

WHEREAS, a public hearing by the city council is required before any such ordinance amendment can be approved.

NOW THEREFORE BE IT RESOLVED THAT a proposed amendment to Chapter 38, Zoning, of the Code of the City of Owosso be considered as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27 Zoning Districts and Map reflect the following change to be noted on the official map and filed with the city clerk:

Indicate a zoning classification of PUD, Planned Unit Development for 120 Michigan Avenue, parcel 050-700-001-008-00.

Section 2. A public hearing to receive citizen comment regarding the proposed rezoning will be held Monday, January 7, 2013 in the city council chambers within city hall, 301 West Main Street, Owosso, MI 48867 to hear all persons interested in the proposed amendment to the official zoning map of the City of Owosso.

Section 3. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

Section 4. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Section 5. This amendment shall become effective 20 days after passage.

2013 Schedule of Meetings. Adopt the 2013 Boards and Commissions Meeting Schedule as follows:

**CITY OF OWOSSO  
SCHEDULE OF REGULAR MEETINGS  
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2013**

**NOTICE IS HEREBY GIVEN**, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2013. The Board, dates, time and place of said regular meetings shall be as follows:

<b>CITY COUNCIL</b>					
The 1 <sup>st</sup> and 3 <sup>rd</sup> Monday of each month, except as noted – 7:30 p.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 07	MAR 04	MAY 06	JUL 01	SEP 03*	NOV 04
JAN 22*	MAR 18	MAY 20	JUL 15	SEP 16	NOV 18
FEB 04	APR 01	JUN 03	<b>JUL 29</b>	OCT 07	DEC 02
FEB 19*	APR 15	JUN 17	AUG 05	OCT 21	DEC 16
	<b>APR 29</b>		AUG 19		
<b>DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET</b>			<b>DOWNTOWN HISTORIC DISTRICT COMMISSION</b>		
The 1 <sup>st</sup> Wednesday of each month, except as noted – 7:30 a.m., local prevailing time			The 3 <sup>rd</sup> Wednesday of each month - 6:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 02	MAY 01	SEP 04	JAN 16	MAY 15	SEP 18
FEB 06	JUN 05	OCT 02	FEB 20	JUN 19	OCT 16
MAR 06	JUL 03	NOV 06	MAR 20	JUL 17	NOV 20
APR 03	AUG 07	DEC 04	APR 17	AUG 21	DEC 18
<b>EMPLOYEES RETIREMENT SYSTEM BOARD</b>			<b>OWOSSO HISTORICAL COMMISSION</b>		
The 3 <sup>rd</sup> Thursday of even months, except as noted - 7:15 a.m., local prevailing time			The 2 <sup>nd</sup> Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Gould House, 100 West Oliver Street		
FEB 21	JUN 20	OCT 17	JAN 14	MAY 13	SEP 09
APR 18	AUG 15	DEC 19	FEB 11	JUN 10	OCT 15*
			MAR 11	JUL 08	NOV 12*
			APR 08	AUG 12	DEC 09
<b>PARKS &amp; RECREATION COMMISSION</b>			<b>PLANNING COMMISSION</b>		
The 4 <sup>th</sup> Monday of each month, except as noted – 6:00 p.m., local prevailing time			The 4 <sup>th</sup> Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 28	MAY 28*	SEP 23	JAN 28	MAY 28*	SEP 23
FEB 25	JUN 24	OCT 28	FEB 25	JUN 24	OCT 28
MAR 25	JUL 22	NOV 25	MAR 25	JUL 22	NOV 25
APR 22	AUG 26	DEC 09*	APR 22	AUG 26	DEC 09*
<b>ZONING BOARD OF APPEALS</b>			* = Rescheduled due to legal holiday on regular meeting date		
The 3 <sup>rd</sup> Tuesday of each month, except as noted – 9:30 a.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 15	MAY 21	SEP 17			
FEB 19	JUN 18	OCT 15			
MAR 19	JUL 16	NOV 19			
APR 16	AUG 20	DEC 17			

Bid Award – Fire Truck Maintenance. Waive competitive bidding requirements and authorize bid award to Front Line Services, Inc. for annual maintenance service of the City's three fire engines in the amount of \$4,504.00 as follows:

**RESOLUTION NO. 146-2012**

**RESOLUTION AUTHORIZING A CONTRACT WITH  
FRONT LINE SERVICES, INC. FOR ANNUAL MAINTENANCE SERVICES  
FOR CITY FIRE TRUCKS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety department with multiple fire engines, each of which require annual maintenance; and

WHEREAS, bids were solicited for the performance of annual maintenance service on said vehicles; and

WHEREAS, the City of Owosso recognizes firms providing such services tend to service certain territories which do not overlap, resulting in the low number of proposals received; and

WHEREAS, the City of Owosso received a single bid from Front Line Services, Inc.; and it is hereby determined that Front Line Services, Inc. is qualified to provide such service and that it has submitted a 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 theretofore determined that it is advisable, necessary and in the public interest to enter into a maintenance agreement for the city's fire trucks with Front Line Services, Inc.
- 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 Front Line Services, Inc. in the amount of \$4504.00
- THIRD: Authorize payment to Front Line Services, Inc. in the amount of \$4504.00.

Bid Award – Library Building Plaster & Cornice Repair. Waive competitive bidding requirements, authorize bid award to JCP Plaster & Drywall for repair of damaged plaster and cornices in the Shiawassee District Library Building in the amount of \$11,800, and further authorize payment up to the bid amount as follows:

**RESOLUTION NO. 147-2012**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE REPAIR OF THE OWOSSO PUBLIC LIBRARY BUILDING DAMAGED INTERIOR PLASTER**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that roof leakage at the Owosso Public Library Building caused damage to ceiling and wall plaster along with cornice work and that repair is advisable, necessary and in the public interest; and

WHEREAS, it is difficult to find individuals or firms with plastering skills and abilities and proposals were sought through a noncompetitive process and a proposal was received from JCP Plaster & Drywall; and it is hereby determined that JCP Plaster & Drywall is qualified to provide such services and that it has submitted a responsible proposal;

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 employ JCP Plaster & Drywall for repair of plaster and cornices in the Owosso Public Library Building.
- SECOND: The city of Owosso recognizes the difficulty in finding individuals or firms skilled in restoring the plaster and cornices and therefore waives the bidding requirement in awarding a contract and authorizes proceeding with the quotation from JCP Plaster & Drywall.
- THIRD: 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 JCP Plaster & Drywall in the amount of \$11,880.
- FOURTH: The above expenses shall be paid from the general fund building and grounds maintenance fund.

Warrant No. 453. Authorize Warrant No. 453 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and Property Insurance-Final Installment - July 1, 2012 – June 30, 2013	General	\$62,506.00
		<b>Total</b>	<b>\$62,506.00</b>

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**PARKS RULES AND REGULATIONS-PROPOSED REVISIONS**

Assistant City Manager Adam Zettel noted the City has new park facilities necessitating changes to the rules. He said the Parks & Recreation Commission had carefully considered all of the proposed rules over the course of the last couple of months.

Motion by Councilperson Eveleth to approve the proposed revisions to the Parks Rules and Regulations as follows:

**CITY OF OWOSSO**  
**PARK RULES AND REGULATIONS**

**AUTHORITY.** These rules are promulgated pursuant to the provisions of Section 21-1 of the Code of Ordinances of the City of Owosso, Michigan.

**APPLICABILITY.** These rules apply to City of Owosso parks, play fields, and other public grounds, hereafter called parks.

**CLOSING HOURS.** Parks shall be closed to public use between dusk and dawn, except as follows: 1) Bentley Park, Grove Holman Park (for sledding only), Bennett Field and Rudy DeMuth Fields shall be closed from 11:00 p.m. to dawn, and 2) Hopkins Lake Park shall be open between dusk and dawn for fishing in Hopkins Lake.

**SWIMMING PROHIBITED.** Swimming is prohibited except in designated areas.

**FIRES.** Fires are restricted to barbecue grills and then only for preparing food.

**PROPER DISPOSAL OF REFUSE.** Refuse generated during park activities shall be properly disposed of in containers provided for that purpose. Disposal of household refuse in park refuse containers is prohibited.

**VEHICLE REGULATIONS.** 1) Motorcycles, mopeds, snowmobiles, all-terrain vehicles, and the like are prohibited from all park areas except for roadways designated for public travel, 2) The speed limit in all parks shall be ten miles per hour, 3) Parking shall be restricted to areas designated for that purpose, 4) and No person shall operate a motorboat on Hopkins Lake in the city. "Motorboat" is any vessel propelled by any machinery other than an electric motor, whether or not the machinery is the principal source of propulsion.

**PAVILION RESERVATION.** Picnic pavilions shall be available on a first-come, first-served basis on the day of use except as follows: Advanced reservations will be taken for each calendar year for the pavilion in Bentley Park and Harmon Patridge (Green Meadows) Park. Reservations will be taken beginning January 1.

**ALCOHOL USE.** Alcoholic beverages shall be prohibited in all parks.

**TOBACCO USE.** The use of tobacco is strongly discouraged in the city parks, especially smoked forms of tobacco used in close proximity to areas of concentrated use, such as bleacher seats, dugouts, play equipment, and pavilions.

**DOGS.** Except as described in the Dog Park section below, dogs shall be leashed and kept under reasonable control at all times.

**FIREARMS AND WEAPONS.** It shall be unlawful for any person to carry on his or her person or in the passenger compartment of any motor vehicle any dangerous weapon, including but not limited to, segments of chain, hunting knives, jackknives having one (1) or more blades which exceed three (3) inches in length, club, metal pipe, or any other dangerous weapon, unless carried in the normal course of a business or profession, excluding firearms. It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, bow and arrow, sling shot or wrist rocket within the city unless part of an exposition, tournament or range under adult supervision after issuance of a permit by the police department.

**USE BY ORGANIZATIONS.** Shiawassee County-based organizations shall be permitted the exclusive control of designated areas of city parks, including control during hours the parks are closed to the public, subject to the following conditions:

- 1) Approved by the city manager or his/her designee;
- 2) Areas used shall be those not regularly frequented by the public or the areas occupied shall be open to the public; although a fee may be charged for such access;
- 3) The organizations' use of the park area shall not violate any local or state law nor unreasonably interfere with the use and enjoyment of adjacent park areas by others;
- 4) The organizations shall hold the City harmless from liability for incidents arising out of the organizations' use of the park area and shall provide evidence of insurance coverage;
- 5) The City reserves the right to direct where organizations' structures are installed and activities conducted to minimize damage to park property and facilities and to limit interference with the use of adjacent areas of the park.

**SCHEDULING AND USE OF ATHLETIC FIELDS.**

- 1) Priority in the use of ball fields, soccer fields and similar athletic facilities in City parks shall be given to organizations scheduling regular games or matches. When the city manager determines that coordination of organizations' use of such facilities is necessary to avoid scheduling conflicts, he or she shall provide for the development of schedules for such facilities. The city manager shall have the authority to designate organizations to provide for scheduling and oversight of use of athletic fields. Such organizations shall schedule use of the fields in a way that accommodates use by all interested organizations to the greatest extent feasible and to provide for compliance by these rules and regulations by all organizations using the athletic facilities.
- 2) The city manager shall have the authority to restrict use of athletic fields to avoid excessive wear and tear on facilities.
- 3) The city manager may authorize organizations to sell concessions at athletic fields and to use City facilities designated for that purpose. Preference in selling concessions may be given to organizations designated to provide scheduling and oversight of the use of athletic fields. Organizations selling concessions at athletic fields shall be responsible for the cleaning of restroom facilities at such fields.
- 4) Organizations providing for the scheduling and oversight of athletic fields may be permitted to provide for the installation of signs recognizing program sponsors. Such signs shall not advertise specific products or services but shall be limited to the names and logos of sponsors and brief descriptions of the nature of the sponsor's business. All sponsor signs shall be constructed of material that will withstand customary weather conditions and shall be maintained by the organizations installing them. Signs shall be installed on existing fences so that the message content of the signs is visible from within the athletic fields only. Signs shall be installed only during the usual seasons during which organizations schedule games and matches on the fields.
- 5) Organizations using athletic fields for scheduled games, matches and practices shall be responsible for removing litter from the areas used for their activities. In addition, organizations shall be responsible for removing and storing any equipment used in their activities. Installation of bleachers or similar facilities must be authorized by the city manager or his/her designee.
- 6) The city will provide utilities (except for telephone service), refuse disposal and the maintenance of athletic fields in coordination with the needs and schedules of organizations using the fields. Organizations using athletic fields that undertake specific activities uniquely required for their particular use of the fields such as the installation of bases or nets, the painting of lines on fields, etc. require prior approval.

**DOG PARK REGULATIONS.** Within the designated dog park area in Collamer Park, dogs are permitted under the following regulations. Elsewhere in the city, the city code applies.

- 1) All dogs must be leashed in the dog exercise area parking lot.
- 2) Any person bringing a dog or dogs to the dog exercise area must have one leash per dog.
- 3) There shall be no more than three dogs per person allowed in the dog exercise area. Any person bringing a dog or dogs to the dog exercise area must have at least one dog feces waste bag per dog in his or her possession and must remove any feces deposited by the dog(s) in their care.
- 4) Persons under sixteen years of age visiting the dog exercise area must be accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 5) No persons under sixteen years of age are allowed in the dog agility area unless accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 6) Each dog shall always be under visual and voice control of the owner or other responsible person at least 16 years of age.
- 7) All dogs must have current vaccinations and licenses and shall wear a collar with tags as proof thereof.
- 8) Aggressive dogs, as defined below, are not permitted in or around the dog exercise area,

including but not limited to, the parking lot. Owners or other responsible persons will be held legally responsible for any injury caused by a dog that they bring in or around the dog exercise area.

An aggressive dog means:

- a. A dog that bites a person. However, a dog shall not be considered aggressive if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person after being provoked by that person.
  - b. A dog that injures or kills another domestic animal without provocation while at the dog exercise area.
- 9) Female dogs in heat are not permitted in or around the dog exercise area including, but not limited to, the parking lot.
  - 10) Dog owners or other responsible persons shall provide dogs with drinking water while visiting the dog exercise area when weather conditions require.
  - 11) Dog owners or other responsible persons shall not keep dogs enclosed in a vehicle during hot weather which may cause injury to the dog.
  - 12) Any person having knowledge of a dog having bitten, scratched, or injured a person or other animal within the dog exercise area, including but not limited to the parking lot, shall report the incident to the police department.

**COMMUNITY GARDENS.** Community gardens, as designated on public lands, whether leased or available to the public, shall operate with the following regulations.

- 1) Garden uses must complete the community garden individual waiver as provided by the city.
- 2) Work on plots must begin within 10 days after the garden has been tilled, if applicable.
- 3) No synthetic fertilizers, herbicides, pesticides or insecticides are to be used.
- 4) Work on gardens may only occur between dawn and dusk.
- 5) No mechanized equipment may be used before 9:00 A.M.
- 6) Gardens must be kept free from weeds, rotten produce, and plant debris.
- 7) Stakes, plastics, and garbage must be disposed of in a timely manner.
- 8) Shared paths between garden plots must be maintained without digging into the main paths; such paths must be kept free of toxic materials and rocks.
- 9) Children must be supervised.
- 10) Headphones must be used to listen to the radio or other portable sound equipment.
- 11) All crops must be legal, non-toxic, and non-hazardous.
- 12) Other plots and gardens are not to be damaged or harvested by other users.
- 13) Sales of produce and other products at the garden or in the park is strictly prohibited.
- 14) No tires are allowed at the garden site.
- 15) No pets are allowed at the garden site.

**SKATE PARK RULES.** This is a use-at-your-own risk facility. This facility is non-supervised. Skating, blading and biking are high risk/hazardous activities. By participating you accept that risk and agree to not hold the City of Owosso or its employees responsible for any injuries incurred as a result of use.

- 1) The use of motorized equipment or other wheeled vehicles is not permitted.
- 2) The use of proper protective equipment, including helmets and knee, elbow and wrist pads is strongly recommended.
- 3) Use of the facility is prohibited when wet, rainwater is present or park maintenance is being performed.
- 4) Graffiti and tagging are strictly prohibited and may result in the removal of offenders from the park and police action.
- 5) Additional obstacles and/or materials are not allowed at this facility, such as (but not limited to) homemade ramps, boxes, picnic tables, etc.
- 6) Spectators are not permitted on the ramps.
- 7) Glass containers are prohibited.

**SPLASH PARK RULES.** The City of Owosso intends to provide seasonal access to a splash park, to be used at-your-own risk. "Splash Park" is defined as the area upon the concrete pad or access sidewalks.

- 1) All persons using the splash park do so at their own risk.
- 2) Children under 12 years of age must be accompanied by an adult (18 years or older), and must be supervised by that adult at all times.
- 3) Running, undue roughness, horseplay, and other undue disturbances are strictly prohibited.
- 4) Splash Park is designed for recreation purposes and not for bathing. Soaps, detergents, shampoos, and other chemicals or cleansers are prohibited.
- 5) Climbing or playing on components is not permitted.
- 6) The City of Owosso is not responsible for lost or stolen articles.
- 7) Infants must wear swim diapers or rubber pants without diapers. Cutoffs and street shoes are prohibited.
- 8) Wheeled vehicles, except strollers, walkers and wheelchairs, are not permitted in the splash park area.
- 9) No animals, except for service animals, are permitted in the splash park area.

- 10) Radios and other acoustical devices are only permitted when used in conjunction with personal headsets.
- 11) Pool toys and floats are prohibited.
- 12) No glass containers of any kind are permitted. No drinks, gum, or food of any kind are permitted.
- 13) The use of profane language will not be tolerated.
- 14) Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the splash park.

**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. Any person convicted of 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.

**VENDING.** Vending is permitted on a limited basis after application to the city manager and under the administrative rules set by the city. Applications are available at city hall.

**PUBLIC NOTICE.** The public shall be deemed to have been properly notified of the provisions of these rules and regulations upon their publication in a newspaper of general circulation in the city at least annually before April 1. Signs may be posted to insure substantial compliance with the provisions of these rules and regulations.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

**BONDING RESOLUTION – ISSUANCE OF 2008 STREET BONDS**

City Manager Crawford noted the bonds were originally approved by voters in 2008. The proposed sale marked the second and final installment of the bond series. Proceeds will be used to fund street improvements in the coming year.

Motion by Councilperson Eveleth to approve the following resolution authorizing the issuance and sale of the second series of General Obligation Unlimited Tax Bonds for capital improvements in an amount not to exceed \$990,000.

**RESOLUTION NO. 148-2012**

**CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, STATE OF MICHIGAN  
RESOLUTION AUTHORIZING ISSUANCE AND SALE OF  
UNLIMITED TAX GENERAL OBLIGATION BONDS**

A RESOLUTION TO:

- Issue up to \$990,000 of Bonds as the second series approved by the voters in 2008 for street improvements;
- Delegate Sale of Bonds to Finance Director without further approval of City Council;
- Authorize other matters necessary to prepare for sale and delivery of Bonds.

**PREAMBLE**

WHEREAS, the qualified electors of the City of Owosso, County of Shiawassee, Michigan (the "City") at the general election held on November 4, 2008, did by more than the required majority of those voting approve the following proposal:

**CITY OF OWOSSO  
BOND PROPOSAL FOR STREET IMPROVEMENTS**

Shall the City of Owosso, Shiawassee County, Michigan, borrow the principal sum of not to exceed One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000) and issue its general obligation unlimited tax bonds therefor in one or more series, payable in not to exceed twenty-five (25) years from the date of issue of each series, for the purpose of paying the costs to the City of acquiring and constructing local and major street improvements throughout the City consisting of paving, repaving,

reconstructing and improving streets and sidewalks, including necessary rights-of-way, proper drainage facilities and all necessary appurtenances and attachments thereto for the use of the City? The estimated millage to be levied in 2010 is .2996 mills (\$.2996 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is .3104 mills (\$.3104 per \$1,000 of taxable value).

AND WHEREAS, the City issued the 2010 Unlimited Tax General Obligation Bonds dated September 29, 2010 as the first series of the unlimited tax general obligation bonds described in the proposal in the principal amount of \$960,000; and

WHEREAS, in pursuance of the authority granted by Act 279, Public Acts of Michigan, 1909, as amended, the City Charter, and the approving vote of the electors of the City, it is the determination of the City Council that at this time the second and final series of the unlimited tax general obligation bonds described in the proposal shall be issued in the principal amount of not-to-exceed Nine Hundred Ninety Thousand Dollars (\$990,000) (the "Bonds") in order to pay costs of Street Improvements as described in the proposal (the "Street Improvements"); and

WHEREAS, under the provisions of the Revised Municipal Finance Act, Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") the City Council can authorize, within limitations which shall be contained in the authorization resolution, an officer to sell and deliver and receive payment for obligations, approve interest rates, prices, discounts, maturities, principal amounts, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters and procedures necessary to complete the transactions authorized; and

WHEREAS, the City Council wishes to authorize the Finance Director to select a date for sale of the Bonds, to prepare the Bonds for sale, and to sell and deliver and receive payment for the Bonds without the necessity of the City Council taking further action prior to sale and delivery of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Bonds are authorized to be issued for the purpose of paying costs of acquiring and constructing Street Improvements, including the costs incidental to the issuance, sale and delivery of the Bonds and, at the discretion of the Finance Director, capitalized interest in an amount sufficient to pay the interest due on the Bonds for a period of time to be determined by the Finance Director not exceeding the maximum period permitted by law. The Finance Director is hereby authorized to determine the aggregate principal sum of the Bonds to be issued, provided that the principal amount issued shall not exceed Nine Hundred Ninety Thousand Dollars (\$990,000).

The Bonds shall be designated as the 2012 UNLIMITED TAX GENERAL OBLIGATION BONDS, provided that if the Bonds are sold or delivered after December 31, 2012 then the Finance Director may change the series designation of the Bonds to reflect the year in which the Bonds will be delivered. The Bonds shall consist of bonds in fully-registered form of the denomination of \$5,000, or integral multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered as determined by the Transfer Agent (as hereinafter defined). The Bonds shall bear interest at the rates determined upon sale of the Bonds but in any event not to exceed 5.00% per annum. The Bonds shall bear interest, mature serially or as term bonds, and be payable at the times and in the manner as shall be determined by the Finance Director at the time of sale of the Bonds, provided that the date of the first maturity shall not be earlier than 2013 and the date of the final maturity shall not be later than twenty-five (25) years from the date of delivery of the Bonds. The Bonds shall be dated as of the date of delivery thereof or such other date as shall be determined by the Finance Director at the time of sale of the Bonds.

The Bonds shall be subject to optional or mandatory redemption prior to maturity at the times and prices and in the manner as may be determined by the Finance Director at the time of sale of the Bonds.

At the option of the purchaser of the Bonds, the Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and the Finance Director is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

Interest on the Bonds shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer

Agent. The principal of the Bonds shall be payable upon presentation and surrender of such Bonds to the Transfer Agent. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The principal of the Bonds shall be payable at the designated office of a bank or trust company to be designated by the Finance Director as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds, provided, however, in consultation with the initial purchaser of the Bonds the Finance Director may appoint the City Treasurer as Transfer Agent. The Finance Director is hereby authorized to execute the necessary agreements with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time, provided written notice of such replacement is given to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

If in the future the City calls bonds for redemption prior to maturity then official notice of redemption shall be given by the Transfer Agent on behalf of the City unless receipt of notice is waived by any registered owner of Bonds to be redeemed. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

2. The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent unless the purchaser thereof does not require the Bonds to be authenticated. If the Bonds are not authenticated, then at least one signature on the Bonds shall be a manual signature. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Finance Director.

3. The Finance Director or Treasurer is authorized and directed to create a separate fund to be designated as the 2012 (or 2013) UNLIMITED TAX GENERAL OBLIGATION BOND DEBT RETIREMENT FUND (the "Debt Retirement Fund"). The City hereby pledges its unlimited tax full faith and credit for the prompt payment of the Bonds. All proceeds from taxes levied for the Debt Retirement Fund shall be credited to the Debt Retirement Fund as collected. Commencing with the year 2013 there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund. The moneys deposited in the Debt Retirement Fund shall be specifically earmarked and used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be credited in the Debt Retirement Fund. The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law.

The City may provide for the payment of principal of any of the Bonds issued as term bonds through the purchase of municipal securities in the open market at a price not greater than that payable on the next redemption date in order to satisfy all or part of the next succeeding scheduled mandatory redemption.

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or

mandatory redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

4. The Finance Director or Treasurer is authorized and directed to open a separate depository account designated as the 2012 (or 2013) UNLIMITED TAX GENERAL OBLIGATION BOND CONSTRUCTION FUND (the "Construction Fund") with a bank or trust company (the "Depository Bank"). The Finance Director or Treasurer shall deposit the proceeds of the Bonds into the Construction Fund, less (a) any accrued interest and premium and any capitalized interest which shall be deposited into the Debt Retirement Fund, and (b) costs of issuance of the Bonds, including but not limited to fees payable to the Municipal Advisory Council of Michigan, transfer agent fees, bond counsel fees, publication of the Notice of Sale, State Treasury filing fees, and any other costs necessary to accomplish sale and delivery of the Bonds which may be wired by the purchaser of the bonds or the Depository Bank directly to the provider of services as authorized by the Finance Director. The moneys in the Construction Fund shall be used solely to pay the costs of the Street Improvements and to pay costs of issuance of the Bonds.

5. The Bonds shall be in substantially the following form with such revisions, additions and deletions as may be advisable or necessary to comply with the final terms of the Bonds established upon sale thereof:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF SHIAWASSEE  
CITY OF OWOSSO

2012 UNLIMITED TAX GENERAL OBLIGATION BOND

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
----------------------	-------------------------	-----------------------------------	--------------

Registered Owner:  
Principal Amount:

The CITY OF OWOSSO, County of Shiawassee, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on November 1, 2013 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of [Transfer Agent], or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$990,000, issued for the purpose of paying costs of acquiring and constructing local and major street improvements throughout the City as the second and final series of bonds issued in pursuance of a vote of the qualified electors of the City voting thereon at the general election duly called and held on November 4, 2008.

For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged. This bond is payable out of the City's Debt Retirement Fund for this issue, and in order to make such payment, the City is required each year to levy taxes on all taxable property within the boundaries of the City for such payment, without limitation as to either rate or amount.

Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds of this issue in multiples of \$5,000 maturing or subject to mandatory redemption on or after [date] shall be subject to redemption prior to maturity at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date] at par plus accrued interest to the date fixed for redemption.

**MANDATORY REDEMPTION**

Bonds of this issue maturing [date] and [date] (the "Term Bonds") are subject to mandatory sinking fund redemption by lot prior to maturity on November 1, in the years and amounts set forth below, at a price equal to 100% of the principal amount to be redeemed, plus accrued interest to the date of redemption.

Term Bonds due [date]

Term Bonds due [date]

<u>Redemption Dates</u>	<u>Principal Amounts</u>	<u>Redemption Dates</u>	<u>Principal Amounts</u>
[date]	[amount]	[date]	[amount]
[date]	[amount]	[date]	[amount]
[date] (maturity)	[amount]	[date] (maturity)	[amount]

The principal amount of Term Bonds to be redeemed on the dates set forth above shall be reduced, in the order determined by the City, by the principal amount of Term Bonds of the same maturity which have been previously redeemed (other than as a result of a previous mandatory redemption requirement), or purchased or acquired by the City and delivered to the Transfer Agent for cancellation; provided, that each such Term Bond has not previously been applied as a credit against any mandatory redemption obligation.

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner of record at the address of the registered owner as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the registered owner's attorney or legal representative duly authorized in writing, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Owosso, County of Shiawassee, State of Michigan, by its City Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF OWOSSO  
 County of Shiawassee, State of Michigan  
 By [Mayor to sign Bond]  
 Mayor

(City Seal)  
 Countersigned:  
 By [Clerk to sign Bond]  
 City Clerk

[INSERT STANDARD FORM OF  
 TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]  
 [INSERT STANDARD FORM OF ASSIGNMENT]

6. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C. occasionally represents municipal bond underwriters, banks, financial

institutions and other potential participants in the bond financing process in connection with matters unrelated to issuance of the Bonds by the City.

7. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of the Code. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control and that it shall not fail to take any action necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Code, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure of investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City with respect to the Bonds.

8. The City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

9. The estimated period of usefulness of the Street Improvements to be constructed and acquired with proceeds of the Bonds is hereby declared to be not less than 25 years.

10. If the Finance Director determines that it is in the best interests of the City to sell the Bonds by competitive sale, then the Finance Director shall fix a date of sale for the Bonds and publish a Notice of Sale of the Bonds in *The Bond Buyer*, New York, New York, or such other newspaper as may fulfill the requirements of Act 34. If the Bonds are sold by competitive sale, then the Finance Director is hereby authorized on behalf of the City, subject to the provisions and limitations of this Resolution, to award sale of the Bonds to the bidder whose bid produces the lowest interest cost computed in compliance with the terms of the Notice of Sale as published if such bid complies with the limitations contained in this Resolution.

11. If the Finance Director determines that the City will reduce costs of issuance without a significant increase in interest expense if the City negotiates sale of the Bonds to a financial institution, then it is determined to be in the best interests of the City to negotiate the sale of the Bonds, and the Finance Director is hereby authorized and directed on behalf of the City to negotiate sale of the Bonds to a bank or financial institution subject to the provisions and limitations of this Resolution.

12. The Bonds shall bear interest at a rate or rates not exceeding 5.00% per annum. The purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be less than 98.00% of the principal amount of the Bonds plus accrued interest, if any. In making such determinations the Finance Director is authorized to rely upon data and computer runs provided by the Municipal Advisory Council of Michigan.

Approval of the matters delegated to the Finance Director under this Resolution may be evidenced by execution of a bond purchase agreement or certificate of sale for the Bonds.

13. In the event that the Finance Director is not available at the time that it becomes necessary to take actions directed or authorized under this resolution, then a person designated by the Finance Director, or the City Manager, or a person designated by the City Manager is authorized to take the actions delegated to the Finance Director by this Resolution. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate sale and delivery of the Bonds and expenditure of Bond proceeds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds and expenditure of Bond proceeds in accordance with this Resolution including payment of costs of issuance including Municipal Advisory Council fee, State Treasury filing fee, transfer agent fees, bond counsel fees, publication of the Notice of Sale, and any other costs necessary to accomplish sale and delivery of the Bonds.

14. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

#### **COMMUNICATIONS**

Donald D. Crawford, City Manager. Annual Liquor License Inspection Report.

Adam Zettel, Assistant City Manager. 2012 Parks & Recreation Report and 2013 Action Plan.

Zoning Board of Appeals. Minutes of November 20, 2012.

Downtown Historic District Commission. Minutes of November 21, 2012.  
Parks & Recreation Commission. Minutes of November 26, 2012.  
Planning Commission. Minutes of November 26, 2012.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, business owner at 118 South Washington Street, announced a “name your own price” pricing scheme for his restaurant downtown. He also indicated that he planned to operate 24/7 after the new year. He asked that Council look at changing the parking restrictions that prohibit parking on the street from 3:00 am to 6:00 am.

Michael Tillotson, 1299 South Shiawasse Street, said he had worked as a transporter for juvenile delinquents prior to his retirement noting there were business opportunities available for the County as he had transported minors from far outside the area to the Corunna facility.

Councilperson Fox relayed his concerns with the dangers presented by the deteriorating panels on the back of the Matthews Building asking that someone look into the matter.

**NEXT MEETING**

Monday, December 17, 2012

**BOARDS AND COMMISSIONS OPENINGS**

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

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 9:19 p.m.

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

---

Benjamin R. Frederick, Mayor

---

Amy K. Kirkland, City Clerk