

CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
SEPTEMBER 16, 2013
7:30 P.M.

**Meeting to be held at City Hall
301 West Main Street**

AGENDA

OPENING PRAYER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 3, 2013:

ADDRESSING THE CITY COUNCIL

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to four (4) minutes duration during the first occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during the last occasion provided for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

CITY MANAGER REPORT

CONSENT AGENDA

1. Professional Service Agreement – Cross Connection Control Program. Authorize professional service agreement with H2O Compliance Services of Owosso for the provision of administrative services for the Cross Connection Control Program for a period of 16 months in the amount of \$1,299.38 per month and further authorize the accounts payable department to issue payment as terms of the contract are fulfilled.
2. Bid Award – Used Police Vehicle. Approve the high bid of Grace Quality Used Cars for the sale of one 2007 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 230281, in the amount of \$1,786.00.

3. Bid Award – Used Police Vehicle. Approve the high bid of Grace Quality Used Cars for the sale of one 2008 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 227882, in the amount of \$1,786.00.
4. Bid Award – 2013 Street Patches Program. Authorize bid award to One-Way Asphalt Paving & Excavating, Inc. for the 2013 Street Patches Program in the amount of \$18,930.00 and further authorize payment up to that amount upon successful completion of the work.
5. Payment Authorization – Bentley Park Project. Authorize payment to Oak Construction Corporation for work completed on the Bentley Park improvement project in the amount of \$71,100 and further authorize payment up to the contract amount of \$98,000 for future work performed and accepted by the contract engineer and city manager.
6. Warrant No. 470. Authorize Warrant No. 470 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services August 13, 2013 – September 9, 2013	General	\$ 8,583.12
Logicalis, Inc.	Network engineering support – August 2013	General	\$ 8,806.00

ITEMS OF BUSINESS

1. Brownfield Redevelopment District #13 Amendment #3– Wesener Building. Consider Amendment #3 to the Brownfield Redevelopment Plan for District #13 – Wesener Building.
2. Downtown Infrastructure Grant Application. Consider submitting a preliminary application for a Downtown Infrastructure Grant for parking and trail improvements that will tie in with the potential redevelopment of the Armory.

COMMUNICATIONS

1. Kevin D. Lenkart, Public Safety Director. August 2013 Police Report.
2. Kevin D. Lenkart, Public Safety Director. August 2013 Fire Report.
3. Historical Commission. Minutes of August 28, 2013.
4. Downtown Development Authority/Main Street. Minutes of September 4, 2013.
5. Planning Commission. Minutes of August 26, 2013.
6. Parks & Recreation Commission. Minutes of August 26, 2013.

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, October 7, 2013

BOARDS AND COMMISSIONS OPENINGS

Historical Commission – term expires 12-31-14

ADJOURNMENT

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 or at (989) 725-0500. The City of Owosso Website address is www.ci.owosso.mi.us.

OWOSSO CITY COUNCIL

SEPTEMBER 3, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND PEG FAULMANN
ST. JOHNS UNITED CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

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

ABSENT: Councilpersons Michael J. Erfourth

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 19, 2013

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of August 19, 2013 as presented.

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

Mayor Frederick noted the comments from Lisa Stechschulte, regarding her opposition to increasing cable fees, that were distributed to Council just prior to the meeting. He further noted he had personally received similar comments from other citizens over the weekend.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – CHAPTER 33, TRAFFIC AND MOTOR VEHICLES

The proposed amendment would regulate motor vehicle size, weights and loads, motor carrier safety, and allow the City to collect the fees from violations of the ordinance.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 33, Traffic and Motor Vehicles.

There were no citizen comments.

Councilperson Cook inquired whether the proposed regulations were the same as the standards applied by the State. It was noted they were.

City Manager Crawford corrected an error in Section 33-150.18. – *Stopping motor vehicles for possible load, weight, or height violations; temporary detention; arrests* to indicate that violations of the noted sections of the ordinance may be a misdemeanor or civil infraction.

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

ORDINANCE NO. 746

**CITY OF OWOSSO
NOTICE OF PROPOSED AMENDMENT TO
CHAPTER 33, TRAFFIC AND MOTOR VEHICLES,
OF THE CODE OF THE CITY OF OWOSSO
TO REGULATE MOTOR VEHICLE SIZE, WEIGHT, AND LOADS AND
REGULATE MOTOR CARRIER SAFETY**

WHEREAS, the City of Owosso struggles with the premature destruction of roadways due to overweight vehicle traffic; and

WHEREAS, the City also sees unsafe commercial vehicles driven over its streets and highways; and

WHEREAS, the State is currently responsible for enforcement of the laws governing commercial vehicles because the City does not have a commercial vehicle ordinance on its books; and

WHEREAS, the City currently receives no revenues from any enforcement of commercial vehicle laws; and

WHEREAS, the City sees a benefit in establishing its own commercial vehicle enforcement program in order to increase safety and maintain the condition of our roadways; and

WHEREAS, the City has obtained the necessary equipment and officer training to begin a commercial vehicle enforcement program; and

WHEREAS, it is required the City have an ordinance on its books governing commercial traffic to receive any fees and penalties generated by such an enforcement program.

NOW, THEREFORE BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 33, Traffic and Motor Vehicles, of the Code of the City of Owosso be amended as follows:

SECTION 1. REPEAL. That Chapter 33, Traffic and Motor Vehicle, Article VII, Motor Carrier Safety, of the *City of Owosso Code of Ordinances*, which reads as follows, shall be repealed:

~~**Sec. 33-150. -- Short title.**~~

~~This article shall be known and may be cited as the "Motor Carrier Safety Act."~~

~~**Sec. 33-151. -- Adoption of state law.**~~

~~MCL sections 480.11 et seq., (Motor Carrier Safety Act of 1963, as amended) and any rules promulgated pursuant thereto, are hereby adopted and incorporated herein by reference.~~

~~**Sec. 33-152. -- Severability.**~~

~~The provisions of this article are hereby declared to be severable. If any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason by any court of competent jurisdiction, it shall not affect any other part or portion thereof other than the part declared void or inoperable.~~

~~**Sec. 33-153. -- Conflicting ordinances repealed.**~~

~~Any ordinance or part of an ordinance in conflict herewith is hereby repealed.~~

SECTION 2. REPLACE. That a new Article VII, which reads as follows, shall be adopted:

Sec. 33-150. - Short title.

This article shall be known and may be cited as the "Motor Vehicle Size, Weight and Load Restrictions Ordinance."

Sec. 33-150.1. - Size, weight and load restrictions.

(a) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle of a size and weight exceeding the limitations stated in this ordinance or otherwise in violation of this ordinance.

(b) The provisions of this ordinance governing size, weight, and load do not apply to a fire apparatus; to an implement of husbandry; to a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer and used exclusively in a commercial boat storage operation which is incidentally moved upon a highway; or to a vehicle operated under the terms of a special permit issued as provided in this ordinance.

(c) The Michigan Department of Transportation, under the Administrative Procedures Act of 1969, 1969 PA 306 (MCL 24.201 to MCL 24.328), may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations of this ordinance. The City may enforce those rules under this ordinance, but can take no actions in conflict with Federal, State, or local law.

(d) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer that exceeds the size and weight limitations in this ordinance may be operated upon the highways of the City under the following conditions:

(1) The wrecker is specifically designed for such towing operations; is equipped with flashing, oscillating, or rotating amber or red lights as permitted under MCL 257.698; and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(2) For a combination of disabled vehicles, the wrecker is issued a special permit under section under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Shiawassee County if each trip beginning from the place of original disablement is 25 miles or less. The special permit is valid for the entire 25 mile towing distance, and the operator of that wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.

(3) For a single disabled vehicle, the wrecker is issued a special permit under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Shiawassee County for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations under such a special permit.

(4) The wrecker does not operate on any highway, road, street or structure that is included on a list provided by the State Transportation Department that prohibits wreckers unless the disabled vehicle or combination of vehicles is actually located on one of those roads or structures.

(e) The owner or operator of a wrecker that does not comply with Section 33-150.1 (d) is responsible for a civil infraction and shall pay a civil fine of not less than \$250.00 or more than \$500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under Section 33-

150.3 or 33-150.15.

Sec. 33-150.2. - Maximum outside width of vehicles or loads; operation or movement of boat lifts and trailers.

(a) The total outside width of a vehicle or the load on a vehicle that is operated on the highways, streets, and roadways in the City shall not exceed 96 inches, except as otherwise provided in this section.

(b) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit by the Michigan Department of Transportation or the Road Commission for Shiawassee County for an excessively wide vehicle or load under MCL 257.725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of center of the roadway from a half hour after sunset or a half hour before sunrise or at any other time where visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(c) The total outside width of the load of a vehicle hauling concrete pipe; agricultural products; or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(d) Except as provided in subsections (b) and (e), if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck or trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may operate with a maximum width of up to 108 inches, in accordance with a special permit issued under MCL 257.725.

(e) The total outside body width of a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor home that extends not more than six inches beyond the total outside body width is not a violation of this Section.

(f) A vehicle shall not extend beyond the center line of a state trunk highway except when authorized by law. Except as provided in subsection (b) above, if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under MCL 257.725.

(g) The City may designate a highway under its jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this Section. The City may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This Section does not permit the operation of a vehicle or vehicle combination described in Section 33-150.11 if the operation would otherwise result in a violation of that Section.

(h) The Michigan Department of Transportation or the Road Commission of Shiawassee County may issue a special permit under MCL 257.725 to a person operating a vehicle or vehicle combination if all of the following are met:

(1) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(2) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

- a. New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.
- b. The facilities are located within 10 miles of each other.
- c. The facilities are located with the Owosso city limits.
- d. The special permit and any renewals are each issued for a term of one year or less.
 - (i) A person who violates this Section is responsible for a civil infraction. The operator or the owner of the vehicle may be charged with a violation of this Section.

Sec. 33-150.3 - Passenger-type vehicles; projected load.

(a) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(b) A person who violates this section is responsible for a civil infraction.

Sec. 33-150.4. - Height, length; combinations; connecting assemblies, lighting devices; weight; violations.

(a) A vehicle either unloaded or with load, shall not exceed a height of 13 feet six inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.

(b) Lengths described in this Section shall be known as the normal length maximum. Except as provided in Section (c) below, the following vehicles and combinations of vehicles shall not be operated on a highway in this City in excess of these lengths:

(1) Subject to Section (h) below, any single vehicle – 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle – 42.5 feet; any single bus or motor home – 45 feet.

(2) Articulated buses – 65 feet.

(3) Notwithstanding any other provision of this Section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designated and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats – 65 feet. Stinger-steered combinations – 75 feet. The load on the combinations of vehicles described in this Section may extend an additional three feet beyond the front and four feet beyond the rear of the combinations of vehicles. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(4) Truck tractor and semitrailer combinations – no overall length, but the semitrailer shall not exceed 50 feet.

(5) Truck and semitrailer or trailer – 59 feet.

(6) Except as provided in Section (7) below, a combination of a truck tractor, semitrailer, and trailer, or truck tractor and two semitrailers – 59 feet.

(7) A truck tractor, semitrailer, and trailer, or a truck tractor and 2 semitrailers, in which no semitrailer or trailer is more than 28 ½ feet long – 65 feet. This Section only applies while the

vehicle is being used for a business purpose that is reasonably related to picking up or delivering a load and only if each semitrailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.

(8) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or three saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination – 55 feet.

(c) The normal length maximums, as set forth in Section (b) above, may be exceeded for the following vehicles and combinations of vehicles, but they shall comply with the following:

(1) Truck tractor and semitrailer combinations – no overall length limit, but the semitrailer shall not exceed 53 feet. All semitrailers longer than 50 feet shall have a wheelbase of 37.5 to 40.5 feet, plus or minus 0.5 feet, measured from the kingpin coupling to the center of the rear axle or the center of the rear axle assembly. A semitrailer with a length longer than 50 feet shall not operate with more than three axles on the semitrailer. Vehicles with a semitrailer longer than 50 feet may be prohibited from stopping in the City unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(2) Truck and semitrailer or trailer combinations – 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designated and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed for and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed for and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed six feet if the semitrailer does not exceed 50 feet in length.

(3) Notwithstanding Section 33-150.4 (d) (4), a truck tractor with a log slasher unit and a log saw unit- no maximum length limit if the length of each unit does not exceed 28 ½ feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this Section shall meet the requirements established under the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(4) Truck tractor and two semitrailers, or truck tractor, semitrailer, and trailer combinations- no overall length limit, as long as the length of each semitrailer or trailer does not exceed 28 ½ feet each, or the overall length of the semitrailer and trailer, or two semitrailers, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet.

(5) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or three saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination- maximum 75 feet.

(d) The following combinations and movements are prohibited:

(1) A truck shall not haul more than one trailer or semitrailer, and a truck tractor shall not haul more than two semitrailers or one semitrailer and one trailer in combination at any one time, except that a farm tractor may haul two wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to four trailers for garbage and refuse collection purposes, as long as the total length of any combination does not exceed 55 feet and the vehicles are operated at a

speed limit of 15 miles per hour or less.

(2) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the Michigan Department of Transportation or the Road Commission of Shiawassee County under MCL 257.725 on highways under its jurisdiction.

(3) Any combination of vehicles not specifically authorized under this Section is prohibited.

(4) Except as provided in Section 33-150.4 (c)(3) a combination of two semitrailers pulled by a truck tractor, unless each semitrailer uses a fifth wheel connection assembly that conforms to the requirements of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(5) A vehicle or combination of vehicles shall not carry a load extending more than three feet beyond the front of the lead vehicle.

(6) A vehicle described in Section 33-150.4 (b) (5) and (c) (5) employing triple saddle mounts, unless all wheels that are in contact with the roadway have operating brakes.

(e) All combinations of vehicles under this Section shall employ connecting assemblies and lighting devices that are in compliance with the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(f) The total gross weight of a truck tractor, semitrailer, and trailer combination or a truck tractor and two semitrailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent, as specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition.

(g) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

(h) The provisions in Sections 33.150.4 (b) (1) and (c) (2) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless section 127(d) of Title 23 of the United States Code, 23 USC 127, is amended to allow crib vehicles carrying logs to be loaded as described in this section.

(i) As used in this Section:

(1) "Designated highway" means a highway under the jurisdiction of the City of Owosso and approved by the State of Michigan as a highway.

(2) "Length" means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the Michigan Secretary of State and as adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semitrailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting the structure to the rear-most transverse load supporting the structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.

(3) "Stinger-steered combinations" means a truck tractor and semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

Sec 33-150.5. - Towing vehicle with mobile home attached; operating restrictions; permits; transport requirements; violations; definitions.

(a) Notwithstanding any other provisions of this ordinance, a person shall not operate on a highway of this City a towing vehicle to which a mobile home is attached, if that mobile home is more than 45 feet in length or more than 60 feet in length when combined with the towing vehicle; or is more than 12 ½ feet in height; or has an actual body width of more than 102 inches at base rail, unless that person possesses either of the following:

(1) A permit issued by the Michigan Department of Transportation or the Road Commission of Shiawassee County pursuant to MCL 257.725.

(2) A special permit issued by the Michigan Department of Transportation or the Road Commission of Shiawassee County pursuant to MCL 257.725.

(b) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Shiawassee County may issue an annual permit to a mobile home transport company; a mobile home manufacturer; or a mobile home dealer to move a mobile home over a highway under the jurisdiction of the City, in the ordinary course of that company's, manufacturer's, or dealer's business, as long as the mobile home conforms to each of the following:

(1) The mobile home is not more than 12 feet wide.

(2) The actual body length of the mobile home is not more than 80 feet and the combined length of the mobile home and towing vehicle is not more than 105 feet; or the total length of a combination of mobile homes is not more than 80 feet and the total length of a combination of mobile homes and towing is not more than 105 feet.

(c) Pursuant to M.C.L. 257.725, the Michigan Department of Transportation or the Road Commission of Shiawassee County may issue a special permit for the movement of a mobile home over a highway within its jurisdiction if the width of that mobile home conforms to both of the following:

(1) The mobile home is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than six inches from any side of the mobile home.

(2) The length of the mobile home complies with Section 33-150.5 (b) (2).

(d) A person operating a towing vehicle under Section 33-150.5 (c) shall transport a mobile home only on the lane farthest to the right of that person. When the wind velocity exceeds 25 miles per hour, a person shall not move a mobile home that is 14 or more feet in width.

(e) Pursuant to M.C.L. 257.725, the Michigan Department of Transportation or the Road Commission of Shiawassee County shall not issue a permit for the transportation of a mobile home on a Saturday, Sunday, legal holiday (from noon the day before until the noon the day after a holiday), or during the hours between sunset and sunrise.

(f) Persons operating a vehicle towing a mobile home shall comply with all of the conditions of a permit issued by Michigan Department of Transportation or the Road Commission of Shiawassee County pursuant to M.C.L. 257.725. A permit issued under M.C.L. 257.725 includes all of the following:

(1) The date, day, and time period during which a mobile home may be moved on a highway, subject to the permit.

(2) Notice that the permit is conditioned upon its holders compliance with all of the permit's terms and with the law.

(3) Notice that the operator of a towing vehicle transporting the mobile home shall operate the

towing vehicle on a highway as follows:

- a. At a safe speed and in a safe manner that will not impede motor traffic.
- b. Only when the surface condition of the highway is not slippery.
- c. In accordance with seasonal load restrictions.

(4) For a mobile home or park model trailer and towing vehicle, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following:

- a. Notice that the mobile home or park model trailer shall be equipped with two flashing amber lights on the rear of the mobile home or park model trailer and one flashing amber light on the top of the towing vehicle.
- b. Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer.
- c. Notice that the signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer, or in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words "16-ft wide load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer.
- d. Notice that the signs identified in paragraph (c) above shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering that is not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit.
- e. Notice that a vehicle escort is required on those roads where the Michigan State Police and the Owosso Police Department considers escort vehicles necessary for highway safety.

(g) Signs and other special identification for escort vehicles shall conform to Michigan Transportation Department's requirements for all escort vehicles for oversized loads.

(h) For a mobile home or park model trailer being moved pursuant to this Section or MCL 257.725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axle and tires shall meet standards established by the Michigan Transportation Department.

(i) This section does not grant or give authority to the Michigan Department of Transportation, the Road Commission of Shiawassee County or the Owosso Police Department that did not exist on May 1, 1982 in accordance with 23 USC 127.

(j) A person who violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than \$500.00. The operator or the owner of the towing vehicle may be charged with a violation of this section.

(k) As used in this section:

(1) "Jurisdictional authority" means the Michigan Transportation Department, the Road Commission of Shiawassee County or the City of Owosso.

(2) "Mobile home" means any of the following:

- a. A pre-built housing module.

b. That term, as defined in section 2 of the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

c. Section of a mobile home as that term is defined under this Ordinance.

Sec. 33-150.6. - Mobile homes; additional requirements for transporting.

All mobile homes transported on the highways of the City that are more than 14 1/3 feet wide (plus normal appurtenances that expand no more than six inches, and an eave that extends no more than two feet from the width of the mobile home), are subject to the following requirements in addition to the requirements of Section 33-150.4:

(a) Two escort vehicles shall escort the towing vehicle and mobile home on all two lane roads and on those roads where the Owosso Police Department considers two escort vehicles necessary for highway safety.

(b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle.

(c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having a policy limit of not less than \$1,000,000.00.

(d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower.

Sec. 33-150.7. - Trucks hauling semitrailers, transportation of passengers for sightseeing purposes; approval of city; speed limitation; safety equipment; inspection.

(a) Notwithstanding Section 33-150.4, the Owosso Police Department may give approval for a truck to be used to haul up to four semitrailers for the purpose of transporting passengers for sightseeing purposes, as long as the truck does not travel more than three miles beyond the City boundaries and does not exceed a speed limit of 25 miles per hours.

(b) A truck and a semitrailer, as described in this Section, shall meet the following requirements:

(1) Be equipped with hazard warning lights, and slow-moving vehicle emblems, as described in MCL 257.688.

(2) Be equipped with safety belts, as described in MCL 257.710e, for each individual seat.

(3) Be compliant with any applicable federal safety standards.

(c) Before operating a truck regulated by this Section, the operator of the truck shall secure the proper group vehicle designation and any required endorsement required on his or her operator's or chauffeur's license.

(d) A truck and semitrailer used as described in this Section shall be inspected annually by the Michigan Department of State Police.

Sec. 33-150.8. - Construction or loading of vehicle to prevent spillage on highway or roadway; loading of vehicle which is not completely enclosed; operation of vehicle equipped with front end loading device with protruding tine: offenses and penalties.

(a) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural

products, such as hay, straw, silage, or residue from a product (but not including the product itself), or when materials such as water that is used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation, whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this Section.

(b) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this Section.

(c) Except as provided in this Section, a vehicle carrying a load, (other than logs or tubular products), which is not completely enclosed shall meet either of the following requirements:

(1) The load shall be covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this Section shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(2) The load shall be securely fastened to the body or the frame of the vehicle with binders of an adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(d) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with the knowledge that it is to be driven on a public highway, and the loading or unloading is done in a manner so as to cause a violation of Section 33-150.8 (a) shall be prima facie liable for a violation of this Section.

(e) Section 33-150.8 (c) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry that is transporting sand, gravel, and dirt which is necessary in the normal operation of a farm. However, if such person violates subsections 33.150.8 (a) or (d), the person is guilty of a misdemeanor and is subject to the penalties prescribed in section 33-150.8 (i).

(f) Section 33-150.8 (c) (1) does not apply to a motor vehicle transporting items in a load that, because of their weight, will not fall off the moving vehicle and that have their center of gravity located at least 6 inches below the top of the enclosure. Similarly, Section 33-150.8 (c) does not apply to a motor vehicle carrying metal that, because of its weight and density, is so loaded as to prevent it from dropping or falling off the moving vehicle.

(g) Section 33-150.8 (c) (1) does not apply to motor vehicles and other equipment that is engaged in work upon the surface of a highway or street in a designated work area.

(h) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This Section does not apply to a vehicle designed to be used or being used to transport agricultural commodities; to a vehicle en route to a repair facility; or to a vehicle engaged in construction activity. As used in this Section, "agricultural commodities" means that term as defined in section 33-150.10.

(i) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(j) As used in this section, "logs" means saw-logs, pulpwood, or tree length poles.

Sec. 33-150.9. - Trailers towed by passenger vehicle, attachment.

- (a) Except as otherwise provided in Section 33-150.9 (e), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than one vehicle or trailer.
- (b) The drawbar or other connection between two vehicles, one of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from one vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be a red flag or other signal or cloth on the connection that is at least 12 inches both in length and width.
- (c) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than three inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, one on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements, which are currently provided in 49 C.F.R. 393.70(d)(5).
- (d) A pickup truck with a fifth wheel assembly shall not tow a semitrailer unless the fifth wheel assembly conforms to the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22 and Section 33-151.1 to Section 33-151.19 of this ordinance.
- (e) Notwithstanding Section 33-150.9 (a), a pickup truck with a towing rating equal to or greater than the weight being towed, that is equipped with a fifth wheel assembly that conforms with the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22, which is towing a semitrailer that is designated for recreational living purposes, may tow an additional trailer or semitrailer under the following conditions:
- (1) The additional trailer or semitrailer shall be attached as set forth in Section 33-150.9 (c). The safety chains described in Section 33-150.9 (c) shall be securely attached at the extreme outer edge of the attached trailer or semitrailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.
 - (2) The total length of the pickup truck, plus the semitrailer that is designed for recreational living purposes, and the additional trailer or semitrailer, and the load of the vehicle, shall not exceed 65 feet while on any highway in the City.
 - (3) The gross weight of the additional trailer or semitrailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semitrailer.
- (f) For the purpose of this Section, a pickup truck towing a semitrailer and an additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of MCL 257.627 (5).
- (g) A person who violates this section is responsible for a civil infraction.

Sec. 33-150.10. - Wheel and axle loads; seasonal weight restrictions, exceptions.

- (a) The maximum axle load shall not exceed the number of pounds, as designated in the following provisions which prescribe the distance between axles:
- (1) If the axle spacing is nine feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(2) If the axle spacing between two axles is less than nine feet but more than three and one half feet, the maximum axle load shall not exceed 13,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(3) If the axles are spaced less than three and one half feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.

(4) Sections 33.150.10 (1), (2) and (3) shall be known as the normal loading maximum.

(b) When normal loading is in effect, the Owosso Police Department may designate certain highways, or sections of those highways under its jurisdiction, where bridges and road surfaces are adequate for heavier loading, and may also revise a designation to allow the maximum tandem axle assembly loading of up to 16,000 pounds for any axle of the assembly, as long as there is no other axle within nine feet of any axle of the assembly.

(c) On a legal combination of vehicles, only one tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, but only if there is no other axle within nine feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having up to five axles, two consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within nine feet of any axle of the assembly.

(d) Notwithstanding Section 33-150.10 (c), on a combination of truck tractor and semitrailer having up to 5 axles, two consecutive sets of tandem axles may carry a gross permissible weight of up to 17,000 pounds on any of the tandem axles if there is no other axle within nine feet of any axle of the tandem axle and if the first and last axle of the consecutive sets of tandem axles are at least 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds, to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This Section is not subject to the maximum axle loads of Sections 33-150.10 (a), (b) and (c). For purposes of this Section, a "tandem axle" means two axles spaced more than 40 inches but not more than 96 inches apart or two axles spaced more than three and one half feet but less than nine feet apart. This Section does not apply during that period when reduced maximum loads are in effect, pursuant to Section 33-150.10 (h).

(e) In order to be exempt from the loading maximums and gross vehicle weight requirements, the person hauling agricultural commodities, who picks up or delivers either from a farm or to a farm, shall notify the Road Commission for Shiawassee County at least 48 hours before the pickup or delivery, indicating the time and location of the pickup or delivery. Pursuant to MCL 257.722 (5) the Shiawassee County Road Commission shall issue a permit to such a person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain the all of the following:

(1) The designated route or routes of travel for the load.

(2) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.

(3) A maximum speed limit of travel, if necessary.

(4) Any other specific conditions agreed to between the parties.

(f) In order to be exempt from the loading maximums and gross vehicle weight requirements, public utility vehicles that are owned or operated by public utilities under the jurisdiction of the Michigan Public Service Commission, or are subcontracted by public utilities under the jurisdiction of the Michigan Public Service Commission, when performing electrical emergency public utility work, must

meet the following circumstances:

(1) For emergency public utility work on restricted roads, as follows:

- a. If required by the Road Commission for Shiawassee County, the public utility shall notify the Road Commission for Shiawassee County, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of this Ordinance. The notification may be made via facsimile or electronically.
- b. The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.

(2) For non emergency public utility work on restricted roads, as follows:

a. If the Road Commission for Shiawassee County requires, the public utility shall apply to the Road Commission for Shiawassee County annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. Pursuant to MCL 257.722(6), the Road Commission for Shiawassee County shall issue a seasonal truck permit for each vehicle or vehicle configuration the public utility anticipates will be utilized for non emergency public utility work. Pursuant to MCL 257.722 (6), the Road Commission for Shiawassee County may charge a fee for a permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

1. The seasonal period requested by the public utility, during which the permit is valid.
2. A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit that is requested by the public utility.
3. A requirement that travel on restricted roads during weight restriction periods will be minimized and only utilized when necessary to perform work using the public utility vehicle or vehicle configuration and that non-restricted roads shall be used for travel when available and for routine travel.

b. Pursuant to MCL 257.722 (6), if the Road Commission for Shiawassee County requires notification, the Road Commission of Shiawassee County shall provide a notification application for the public utility to use when requesting access to operate on restricted roads and the public utility shall provide notification to the Road Commission of Shiawassee County, via facsimile or electronically, not later than 24 hours before the time of the intended travel. Notwithstanding this Section or an agreement under this Section, if the Road Commission for Shiawassee County determines that the condition of a particular road under its jurisdiction makes it unusable, the Road Commission for Shiawassee County may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility within 24 hours after receiving notification that the public utility intends to perform non-emergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the Road Commission of Shiawassee County is considered approved. The notification application, as required under MCL 257.722 (6), may include all of the following information:

1. The address or location of the non emergency work.
2. The date or dates of the non emergency work.
3. The route to be taken to the non emergency work.

4. The restricted road or roads intended to be traveled upon to the non-emergency work site or sites.

(g) The normal size of tires shall be the rated size, as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(h) Except as provided in this Section and Section 33-150.10 (i), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this ordinance, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the time that the seasonal road restrictions are in effect. This Section does not apply to vehicles transporting agricultural commodities or public utility vehicles on a highway, road, or street under the jurisdiction of Owosso. For the highways, roads, or streets under Owosso's jurisdiction to which the seasonal restrictions prescribed under this Section apply, Owosso shall post all of the following information on the homepage of its website:

(1) The dates when the seasonal restrictions are in effect.

(2) The names of the highways and streets and portions of highways and streets to which seasonal restrictions apply.

(i) Pursuant to MCL 257.722 (9), the Michigan Department of Transportation (for roads under its jurisdiction) and the Road Commission for Shiawassee County (for roads under its jurisdiction) may grant exemptions from seasonal weight restrictions for the transport of milk on specific routes, when requested in writing. Approval or denial of a request for an exemption shall be given by written notification to the applicant within 30 days of submission of the application. If a request is denied, the written notice shall state the reason for the denial and alternate routes for which the permit may be issued. The applicant may appeal to the Michigan Department of Transportation or the Road Commission for Shiawassee County. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 13, 1993. This subsection does not limit the ability of these counties to negotiate such agreements.

(j) The Owosso Police Department, with respect to highways under its jurisdiction, may suspend the restrictions imposed by this Section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this Section on designated highways at any other time that the conditions of the highway require.

(k) For the purpose of enforcing this ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. The overall gross weight on a group of two or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(l) The loading maximum in this subsection applies to the highways under Owosso's jurisdiction. The Owosso Police Department may designate a highway, or a section of a highway for the operation of vehicles having a gross vehicle weight of up to 80,000 pounds, subject to the following load maximums:

(1) Twenty thousand pounds on any one axle, including all enforcement tolerances.

(2) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(3) An overall gross weight of a group of two or more consecutive axles equaling:

$W=500/LN + 12N + 36 \sqrt{L-1}$ where W = overall gross weight on a group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of two or more consecutive axles, and N= number of axles in the group under consideration; except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds, including all enforcement tolerances. Except for a five axle truck tractor; semitrailer combinations having two consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of Section 33-150.10 (a), (b), and (c). As used in this Section, "tandem axle weight" means the total weight transmitted to the road by two or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this Section.

(m) As used in this section:

(1) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

(2) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

Sec. 33-150.11. - Restrictions on transportation of flammable liquids and gases; violations, penalties; enforcement.

(a) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers shall not transport within the City a flammable liquid, in bulk, with a flash point at or below 70 degrees Fahrenheit.

(b) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers shall not transport within the City a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180.

(c) A truck or a truck tractor pulling a semitrailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit, unless the truck or the semitrailer has a water capacity of less than 13,800 gallons. This Section does not apply to those vehicles registered with the Motor Carrier Division of the Michigan Department of State Police on or before January 1, 1986.

(d) A truck or truck tractor pulling a semitrailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400 gallons.

(e) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this Section is guilty of

a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both.

(f) This section shall be enforced only by a police officer.

(g) For the purposes of this section, "in bulk" means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply with the Motor Carrier Safety Act, Act Nol. 181 of the Public Acts of 1963, being sections MCL 480.11 to MCL 480.21 and section 12 of this ordinance.

Sec. 33-150.12. - Information to be painted or permanently attached on certain commercial vehicles and towing or platform bed wrecker service vehicles; use of removable devices; effects of compliance with federal identification requirements; exemptions; penalties.

(a) All commercial vehicles with a single or combination gross weight rating or total gross weight of more than 5,000 pounds and all towing or platform bed wrecker road service vehicles in operation upon the public highways of the City shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, (and lessee of the vehicle if the vehicle is being operated under lease), painted or permanently attached on each side of the vehicle in letters of not less than three inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.

(b) Except for towing or platform bed wrecker road service vehicles, the identification requirement of Section 33-150.12 (a) may be met through the use of removable devices which meet the requirements. These devices shall be of durable construction and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.

(c) A vehicle in compliance with the identification requirements of the Federal Motor Carrier Safety Regulations, 49 C.F.R. 390-399, is considered to be in compliance with this Section.

(d) This Section does not apply to a truck eligible for and registered under a farm or manufacturer license plate, that has a gross vehicle weight of less than 10,000 pounds.

(e) A person who violates this section is responsible for a civil infraction.

Sec. 33-150.13. - Stopping vehicles for weighing; offense and penalties.

(a) A police officer, having reason to believe that the weight of a vehicle and load is unlawful, may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed by the Department of Agriculture as a legal weighing device; and may require that the vehicle be driven to the nearest weigh station of the Michigan Department of Transportation for the purpose of allowing a police officer to determine whether the vehicle is loaded in conformity with this ordinance.

(b) When a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this ordinance. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this Section that are not paid in full immediately or for which a bond is not immediately posted (in double the amount of the civil fine and costs) shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer, who determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to

proceed to a judge or magistrate within the City. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this Section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the Court shall certify the unpaid judgment to the Owosso City Attorney, who may proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

(c) Subject to Section 33-150.13 (d), an owner of a vehicle, or a lessee of the vehicle, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates Section 33-150.10, is responsible for a civil infraction and shall pay a civil fine in an amount equal to three cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; six cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pound; nine cents per pound for each pound in excess load when the excess if over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess if over 10,000 pounds.

(d) If the Court determines that the motor vehicle or the combination of vehicles was operated in violation of this Section, the court shall impose a fine as follows:

(1) If the Court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the Court shall impose a fine for the violation according to the schedule provided for in Section 33-150.13 (c).

(2) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of the vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. Not more than three axles shall be used in calculating the fine to be imposed under this Section. This Section does not apply to vehicles subject to the maximum loading provisions of Section 33-1501.10 (k) or to a vehicle found to be in violation of a special permit issued under Section 33-150.15.

(3) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in Section 33-150.12 (c).

(e) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment, who fails to stop at or bypasses any scales or weighing station, is guilty of a misdemeanor.

(f) Reserved.

(g) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so, or who fails to submit to a weighing by a police officer authorized to require the driver to stop and submit to a weighing of the vehicle and load, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh, or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this Section.

Sec. 33-150.14. - Axle weight requirements; vehicles equipped with lift axles.

(a) The axle weight requirements of this ordinance do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway or other turn.

(b) This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.

(c) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this ordinance or a rule promulgated under the Motor Carrier Safety Act, and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in Section 33-150.14 (a). This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.

(d) As used in this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means.

Sec. 33-150.15. - Special permits for non-conforming vehicles; applications; farm machinery, telephone, telegraph, or electric poles, concrete pipes, mobile homes.

(a) Pursuant to MCL 257.725, the Michigan Transportation Department or the Road Commission of Shiawassee County, upon receipt of a written application and upon good cause being shown, may issue a written special permit, authorizing an applicant to operate upon or remove from a highway maintained by the City, a vehicle or combination of vehicles that are any of the following:

- (1) Of a size, weight, or load exceeding the maximum specified in this ordinance.
- (2) Otherwise not in conformity with this ordinance.

(b) The special permit application shall be on a form prescribed by the Michigan Department of Transportation or the Road Commission of Shiawassee County and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(c) The Michigan Department of Transportation or the Road Commission of Shiawassee County may issue a special permit and charge a fee, which shall not exceed the administrative costs incurred. The special permit can authorize the operation of the following upon a highway:

- (1) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.
- (2) Other farm machinery otherwise prohibited under this ordinance.

(d) A special permit shall specify the trip or trips and date or dates for which it is valid, and the

Michigan Department of Transportation or the Road Commission of Shiawassee County may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to insure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as set out in MCL 257.725 to compensate for damages caused by the movement. A special permit may be issued on an annual basis.

(e) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer. A person shall not violate any of the terms or conditions of the special permit.

(f) A person who violates this Section is responsible for a civil infraction.

(g) A person who is issued a special permit to move a mobile home under this section is subject to Section 33-150.5.

Sec. 33-150.16. - Regulation of highways by City; penalty for violations.

(a) For highways under the City's jurisdiction, except state trunk line highways, the City may do any of the following:

(1) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.

(2) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.

(3) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(b) Any prohibitions, limitations, or truck route designations established under Section 33-150.16 (a) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of MCL 257.608.

(c) A person who violates a prohibition, limitation, or truck route designation established pursuant to Section 33-150.16 (a) is responsible for a civil infraction.

Sec. 33-150.17. - Police officer's authority to enforce ordinance on boundary streets and highways.

Pursuant to MCL 257.726a, a police officer of the City may exercise authority and powers outside his or her own City or County when enforcing this ordinance on a street or highway which is on the boundary of the City or County, the same as if the police officer were in his or her own City and County.

Sec. 33-150.18. - Stopping motor vehicles for possible load, weight, or height violations; temporary detention; arrests.

Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of Sections 33-150.4, 33-150.8, 33-150.11 or 33-150.13, and that violation is a misdemeanor or civil infraction, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of Sections 33-150.4, 33-150.8, 33-150.11, or 33-150.13, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, and may make an arrest for the violation, and may proceed as otherwise provided in this Ordinance.

SECTION 3. ADDITION. That Article VIII, Motor carrier safety, shall be added as follows:

Sec. 33-151.0. – Short title. This article shall be known and may be cited as the “Motor Carrier Safety Ordinance.”

Sec. 33-151.1. - Adoption of federal regulations; modifications of federal definitions; application of ordinance; definitions.

(a) The City of Owosso adopts the following provisions of Title 49 of the Code of Federal Regulations, on file with the office of the Michigan Secretary of State and the Owosso City Clerk, except where modified by this ordinance:

(1) Hazardous materials regulations, being 49 CFR parts 100 through 180, except for the transportation of agricultural products (for which an exception from the application of 49 CFR subchapter C and 49 CFR subchapters G and H, part 172, is provided under 49 CFR 173.5), is specifically authorized if the transportation is in compliance with this ordinance and state law.

(2) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 385, 387, 390 through 393, 395 through 399 including the appendices of each part except for the following:

a. Except as provided in this subparagraph, where the term “United States Department of Transportation”, “Federal Motor Carrier Safety Administration”, “Federal Motor Carrier Safety Administrator”, “Director”, “Bureau of Motor Carrier Safety”, Pipeline and Hazardous Materials Administration”, or “Associate Administrator for Hazardous Materials Safety” appears, it refers to the Michigan Department of State Police or the City of Owosso. If the term is being used for purposes of 49 CFR 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan Department of Transportation or the City of Owosso.

b. Where “inter-state” appears, it shall mean intra-state or inter-state, or both, as applicable, except as specifically provided in this ordinance.

c. Where “Special Agent of the Federal Motor Carrier Safety Administration”, “Administration Personnel”, or “Hazardous Materials Enforcement Specialist” appears, it either means a police officer or an enforcement member of the Motor Carrier Division of the City.

d. Where MCS 63 appears, it means MC 9 and MC 9b.

e. Where MCS 64 appears, it means UD-70.

f. Exempt intra-City zones and the regulations applicable to exempt intra-City zones do not apply to this ordinance.

(b) This ordinance does not apply to a bus operated by a public transit agency operating under any of the following:

(1) A county, city, township, or village as provided by law or other authority incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(2) An authority incorporated under the Metropolitan Transportation Authorities Act of 1967, 1967

PA 204, MCL 124.401 to MCL 124.426, or an authority that operates a transportation service pursuant to an inter-local agreement under the Urban Cooperation Act of 1967, (Ex Sess.) PA 7, MCL 124.501 to MCL 124.512.

(3) A contract entered into pursuant to 1967 (Ex Sess.) PA 8, MCL 124.531 to MCL 124.536 or 1951 PA 35, MCL 124.1 to MCL 124.13.

(4) An authority incorporated under the Public Transportation Authority Act, 1986 PA 196, MCL 124.451 to MCL 124.479, or a nonprofit corporation organized under the Nonprofit Corporation Act, 1982 PA 162, MCL 450.2101 to MCL 450.3192, that provides transportation services.

(5) An authority financing public improvements to transportation systems under the Revenue Bond Act of 1933, 1933 PA 94, MCL 141.101 to MCL 141.140.

(c) As used in this ordinance:

“Hazardous material vehicle inspection or repair facility” means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 100 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

Sec. 33-151.2. - Operation of commercial motor vehicle; requirements; qualifications for operation in intra-state transportation.

(a) A person shall not drive a commercial motor vehicle unless he or she is qualified to drive that vehicle. A motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive that vehicle.

(b) In the case of intra-state or intra-city transportation, a person is qualified to drive a commercial motor vehicle if he or she meets all the requirements of 49 CFR part 391, except the following provisions:

(1) Except as otherwise provided in section (2), the person is at least 18 years old when transporting intra-state or intra-city property or passengers.

(2) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 100 to 180.

(3) The person is eligible for and displays a grandfather rights card issued in accordance with the Motor Carrier Safety Act, MCL 480.11, et. seq.

Sec. 33-151.3. - Trailers; equipment with surge brakes.

Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intra-state and intra-city operations as allowed by section 705(1)(c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705.

Sec. 33-151.4. - Application of ordinance to drivers for intra-state or intra-city motor carriers regularly employed for period beginning on or before June 10, 1984; application of certain requirements of ordinance to all drivers granted grandfather rights; duration of grandfather rights; application of exemption.

The provisions of this ordinance and 40 CFR 391.21, adopted by reference, relating to the applications for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquiries, and 49 CFR 391.31 and CFR 391.33 adopted by reference, relating to road tests, do not

apply to a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of property for a continuous period which began on or before June 10, 1984, as long as he or she continues to be a regularly employed driver of that motor carrier or a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of passengers for a continuous period which began on or before March 3, 1991, as long as he or she continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a commercial motor vehicle if he or she fulfills the requirements of section 151. 2 (4) (b).

Sec. 33-151.5. - Application of ordinance to operation of farm vehicles, implements of husbandry, public utility vehicles, government vehicles, combinations of vehicles, school buses, motor buses, and commercial vehicles engaged in seasonal construction related activities; definitions.

(a) In the case of intra-state or intra-city transportation, the provisions of 49 CFR 391.21, adopted by reference, relating to application for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquires, 49 CFR 391.31, adopted by reference, relating to road tests, 49 CFR part 395, adopted by reference, relating to hours of service, 49 CFR 391.41 to 391.45, adopted by reference, to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person and the provisions of this ordinance relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5, adopted by reference.

(b) For intra-state or intra-city transportation, the provisions of this ordinance do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(c) The provision of this ordinance related to driver qualifications do not apply to public utility, telephone, and cable television company service employees if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

(d) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, "emergency" means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.

(e) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.

(f) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this ordinance, and except for all of the following parts of 49 CFR:

- (1) Part 382.
- (2) Part 391.
- (3) Part 392.
- (4) Part 393.

(g) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intra-state and intra-city operation as allowed by section 705 (1) (c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in

an amount that requires placarding or vehicles that are designed to transport more than eight passengers, including the driver, are prohibited from being equipped with surge brakes for intra-state and intra-city operation.

(h) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a school bus as defined in the Pupil Transportation Act, 1990 PA 187, MCL 257.1801 to MCL 257.1877, or a bus defined and certified under the Motor Bus Transportation Act, 1982 PA 432, MCL 474.101 to MCL 474.141.

(i) As used in Section 33-151 (c) and (d), "public utility" means a person or corporation operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

(j) As used in this section:

(1) "Implement of husbandry" means that term as defined in section 21 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.21.

(2) "Farm tractor" means that term as defined in section 16 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.16.

Sec. 33-151.6. - Submission of transportation safety related documents by motor carriers and hazardous materials vehicle inspection and repair facilities to motor carrier officers; facsimile of motor carrier division identification card; inspection of cargo or vehicle without warrant by motor carrier officer.

(a) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, drivers records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any Owosso motor carrier enforcement police officer.

(b) Hazardous materials vehicle inspections and repair facilities shall submit, upon demand, all their transportation safety related documents as required by this ordinance, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any Owosso motor carrier enforcement police officer.

(c) A motor carrier or a hazardous material vehicle inspection or repair facility operating within the City with main offices in another city, state or province shall submit all transportation safety related documents as outlined in Section 33-151 (a) for inspection and copying within 10 working days after receiving formal notification requesting the documents.

(d) An Owosso motor carrier enforcement police officer, may without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the police officer shall give to the driver a signed receipt of inspection and the police officer shall be responsible for applying a City of Owosso seal.

Sec. 33-151.7. - Penalties for violations of ordinance or rules; warrantees stops and investigations of motor vehicles; issuance of citations; enforcement of federal or foreign out-of-service orders; penalties for violations of out-of-service orders.

(a) Except as provided in Sections 33.151.9, 33.151.10 and 33.151.11, any person, driver, or motor carrier, as defined by 49 CFR 390.5, who violates this ordinance or a rule adopted by reference under this ordinance, or permits or requires any person to violate this ordinance or a rule adopted by

reference under this ordinance, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$250.00 for each violation.

(b) A Owosso motor carrier enforcement police officer, with probable cause to believe that a motor vehicle is being operated in violation of this ordinance or a rule adopted by reference under this ordinance, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

Sec. 33-151.8. - Adoption by Reference of Rules Promulgated by the Michigan Department of State Police.

Any rules promulgated by the Michigan Department of State Police necessary to the accomplishment of purposes of the Motor Carrier Safety Act, 1963 PA 181, MCL 480.11, et. seq. are hereby adopted by reference, as amended.

Sec. 33-151.9. - Penalties; "serious safety defect" defined.

(a) A driver, person, or motor carrier, as defined by 49 CFR 390.5, who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and shall be assessed a fine of not more than \$500 for each violation. A fine ordered to be paid by the district court under this Section shall be paid to the Court and the Court shall apply the fines to the City and the State for library purposes, as provided by law.

(b) As used in this Section, "serious safety defect" means a violation of this ordinance or a rule adopted by reference under this ordinance relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

Sec. 33-151.10. - Offenses relating to operating or requiring or permitting operation of commercial motor vehicle in violation of provisions of ordinance or rules related to transportation of hazardous materials; penalties.

(a) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this ordinance or a rule adopted by reference under this ordinance related to the transportation of hazardous materials, if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$500.00 for each violation.

(b) A person or entity identified in Section 33-151.10 (a) who knowingly or willfully violates this ordinance or a rule adopted by reference under this ordinance is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

(c) A person or entity identified in Section 33-151.9 (a), who causes injury or death during a violation of this ordinance, while a vehicle identified in subsection (a) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

(d) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance, or a rule adopted by reference under this ordinance, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

Sec. 33-151.11. - Issuance and contents of compliance and shut down orders; penalties for failure to comply with shut down orders.

(a) As used in this section:

(1) "Immediate destination" means the next scheduled stop of a commercial vehicle already in motion where the cargo on board can be safely secured.

(2) "Motor carrier division" means the motor carrier division of the Michigan State Police and/or the City of Owosso.

(3) "Person" means an individual, driver, or employee or a firm, motor carrier, lessee, lesser, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of this city.

(4) "Shut down order" means a court order issued to the Owosso police department motor carrier enforcement division upon proof shown of unreasonable risk or an imminent hazard.

(5) "Unreasonable risk or an imminent hazard" shall be defined as any condition of commercial motor vehicle, employee, or commercial motor operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.

(6) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this City and State poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division of the Owosso Police Department shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person's vehicles or operations, to comply with the laws of the City and the State of Michigan. In making an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.

(7) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division of the Owosso Police Department may seek a shut down order from the 66th Judicial District Court. The Motor Carrier Division of the Owosso Police Department shall set the time limit for compliance, with the compliance order to be not less than 30 days and not more than 180 days.

(8) Upon petition to the 66th Judicial District Court by the motor carrier division of the Owosso Police Department, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person's commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.

(9) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right of appeal.

(10) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that

vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.

(11) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highway of this City while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any costs incurred during impoundment. The vehicle shall be released upon the Court's determination that there is compliance with the order.

Sec. 33-151.12. - Venue of prosecutions under this ordinance.

When this ordinance or a rule adopted by reference under this ordinance has been violated, the offense may be prosecuted in the 66th Judicial District Court if the motor vehicle, driver or operator implicated was situated in or passed through the City when the offense was committed.

Sec. 33-151.13. - Incidents involving transportation of hazardous materials; notification of state police and fire department.

Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the Department of State Police, the motor carrier division of the Owosso Police Department and the Owosso Fire Department of the known details regarding the incident.

Sec. 33-151.14. - Vehicle combination transporting combustible liquids; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (b) and (c); transport of flammable liquids, gases, or compressed gases by vehicle combinations, equipment requirements; retention of records regarding devices; compliance with other requirements by motor vehicles transporting flammable liquids or gases.

(a) A truck tractor pulling a semitrailer and a trailer, or pulling two semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:

(1) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semitrailer in a truck, tractor, semitrailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.

(2) Is equipped with stops in the spring hangers of each semitrailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of $\frac{3}{4}$ of an inch when the spring passes from tension to compression.

(b) The owner of the semitrailer or trailer to which the device described in Section 33-151.14(a) is attached shall keep on file in their principal place of business the following information:

(1) Specifications and plans of the device.

(2) Name of the manufacturer of the device.

(3) Date of installation of the device

(4) An individual manufacturer identification number which is stamped or permanently affixed to

the device.

(c) The information required in subsection (b) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.

(d) The requirements specified in Section 33-151.14 (b) and (c) apply to devices affixed to vehicles on or after January 8, 1996.

(e) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with Section 33-150.11 of this ordinance.

Sec. 33-151.15. - Adoption or enforcement of inconsistent ordinance or resolutions; disposition of fines for operation of vehicles with serious safety defects; issuance of multiple citations within 24 –hour period for violation of provisions substantially corresponding to MCL 257.683 to MCL 257.725a; dismissal of City citations upon production of proof of repair of equipment violations; requirements for classification as motor carrier enforcement officer.

(a) This ordinance shall not be amended by the City of Owosso to adopt or enforce provisions which are inconsistent with the Motor Carrier Safety Act, being MCL 480.11, et. seq. As used in this section, "inconsistent means a provision or rule that is more permissive or more restrictive than the Motor Carrier Safety Act, or that would require more action, equipment, or permits than required by the Motor Carrier Safety Act, or that prevents or obstructs compliance with the Motor Carrier Safety Act.

(b) The fine for operating a vehicle with a serious safety defect, which is ordered to be paid under this ordinance or a resolution adopted by the City of Owosso that is consistent with Section 33-151.9, shall be paid as follows:

(1) Seventy percent to the City of Owosso.

(2) Thirty percent for library purposes, as provided by law.

(c) Section 33-151.14 (b) does not apply to a fine ordered to be paid for a case in which the citation is dismissed, as set forth below.

(d) The owner or operator of a commercial motor vehicle shall not be issued more than one citation for each violation of the provisions of this ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to 683 to 725a of the Michigan Vehicle Code, 1949 PA 300, MCL 257.683 to MCL 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by the City of Owosso for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof of the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(e) In order to be classified as a motor carrier enforcement officer, an Owosso police officer must have training equal to the minimum training requirements, including any annual training updates, established by the Michigan Department of State Police for an officer of the motor carrier division of the Michigan Department of State Police. A police officer who has received training equal to these minimum training requirements before the effective date of this ordinance is considered a motor carrier enforcement officer for purposes of the Michigan Motor Carrier Safety Act and this ordinance.

Sec. 33-151.16. - Transfer of hazardous materials on highways, roads, streets, or alleys; overfilling of containers during transfers; penalties.

(a) Except as provided in Section 33-151.16 (b), a person, driver, owner, carrier, lessee, or lesser

shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within the City.

(b) Section 33-151.16 (a) does not apply to the following transfer situations:

(1) Fueling machinery or equipment for construction, farm, and maintenance use.

(2) Fueling emergency vehicles.

(3) Under emergency conditions, a transfer may be made provided it is approved by the Owosso Fire Chief, or his/her designee and the Bureau of Fire Service created in section 1b of the Fire Prevention Code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the Michigan Department of State Police pursuant to their respective authority under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to MCL 29.34.

(c) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(d) The penalty for violating this section is as prescribed in Section 33-151.10.

Sec. 33-151.17. - Transportation or allowance of transportation of vehicle carrying hazardous materials on publicly maintained route.

(a) A person, driver, owner, carrier, lessee, or lesser shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the Code of Federal Regulations on a publicly maintained route as identified on the national hazardous materials route registry as determined by the United States Department of Transportation under title 49 CFR.

(b) The penalty for violating this section shall be as prescribed in Section 33-151.10.

Sec. 33-151.18. - Enforcement of civil infractions; procedure for provision of security and appearance by nonresidents stopped for civil infractions; disposition by police officers at end of tour of duty of certificates or deposits of money taken as security for appearance; entry of default judgment and forfeiture of posted certificate or deposit.

(a) A civil infraction action shall be enforced in the manner provided for enforcement under this Chapter.

(b) When a person who is not a resident of the State of Michigan is stopped for a civil infraction in the City of Owosso, the police officer making the stop may take security for the non-residents appearance in court. The person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(c) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.

(d) The officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.

(e) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized by the police chief shall deposit the certificate or the money deposited and the citation with the court. Failure to deliver the money deposited shall be embezzlement of public money.

(f) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the district court shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposit shall be forfeited and applied to any civil fine or costs ordered.

(g) For purposes of this Section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in Michigan guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

Sec. 33-151.19. - Prevention of throwing of water or other road surface substances from rear wheels of vehicles or combinations; use of flaps.

A truck, truck tractor, trailer, semitrailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22 ½ degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination

SECTION 4. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 5. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 6. EFFECTIVE DATE. This amendment shall become effective September 23, 2013.

SECTION 7. AVAILABILITY. 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.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Erfourth.

Councilperson Cook inquired whether there was an estimate as to what sort of fines the ordinance might generate. City Manager Crawford indicated it was impossible to know at this point.

CITIZEN COMMENTS AND QUESTIONS

Anne Danek, 1108 North Water Street, asked if the rules for bikes could be printed in the newspaper as many cyclists don't seem to know the rules. She also asked if the stop sign going into Hopkins Lake could be changed to a yield sign, where to find pictures of invasive plant species so she could identify if she has any, if the poison sumac could be removed from the Hopkins Lake area, and if the City would take better care of the dog park.

Eddie Urban, 601 Glenwood Avenue, said it was important for motorists to show caution when around cyclists. He also said he was tired of people asking him to go to Council meetings seeking information on their behalf. He said if he was able bodied enough to regularly attend Council meetings a large majority of other folks could attend as well, and their presence would help change Owosso for the better.

Mayor Frederick indicated they could try to put the bike rules in the paper. He also encouraged Ms. Danek to submit a Letter to the Editor regarding the issue. He said he would refer her stop sign issue to the City Engineer for review and would have staff investigate the poison sumac problem at Collamer Park. Lastly he noted that a third party group is responsible for maintaining the dog park and he would be contacting them with her concerns.

Councilperson Cook asked if the bike rules could be featured prominently on the City's website, noting the new bike routes and where bike riding is prohibited. He also indicated the Friends of the Shiawassee website has pictures of some invasive plant species to help folks identify trouble plants.

Councilperson Bailey indicated her car had recently been struck by a cyclist that was traveling the sidewalk and was unable to control his bike when rounding a corner. She said she had talked with the Public Safety Director about the incident and he indicated the community officer would be doing a series of walking patrols in the downtown to help with bicycle enforcement.

Councilperson Fox said the poison sumac needs to be removed from Collamer Park. He also said more bike racks are needed downtown and that the ones that are located in the downtown are in sparsely used areas. Further he said people have told him they thought the bike racks downtown were art pieces and not bike racks so they didn't use them. He asked that the issue be revisited.

Mayor Pro-Tem Popovitch noted a number of upcoming fall events including the Art Walk, the Home Tour, the Friends of the Shiawassee River Wine Tasting, and OCP performances.

Mayor Frederick said he thought the Home Tour would be very exciting and he was looking forward to having his home on the tour.

Councilperson Cook noted that the website for the Home Tour was great.

CITY MANAGER REPORT

City Manager Crawford detailed the Project Status Report noting the Hazardous Waste Collection on October 26th, the program to replace mercury vapor street lights by Consumers Energy, work that needs to be done along the river bank behind the Armory, invasive plant species in the Comstock parking lot rain gardens, and lane modifications to South Washington Street.

Councilperson Eveleth inquired whether the City was still looking into grant funding to assist homeowners remove footing drains from the sewer system. City Manager Crawford noted that there were currently no grants available for that purpose. He indicated staff was evaluating the benefits and disadvantages of instituting a city-wide charge on utility bills to create an assistance fund for homeowners. He also said that there was grant funding available to televise the sewer system for cross connections though participation in the grant would necessitate immediate remedy of any

problems that are discovered, estimating that such fixes could run into the millions of dollars. He noted that the City has installed storm sewer lines in a number of locations around the City to allow homeowners to connect with the storm sewer system. Mayor Frederick noted the City still sees consistent trouble spots for flooding and would like to see some forward momentum on the issue.

Councilperson Cook said that he had heard that part of the problem with the recent sewage overflow was displaced manhole covers. City Manager Crawford noted that sometimes the covers come off due to excessive pressure within the system, working something like a pressure relief valve. Councilperson Cook indicated there was a need to look at the issue again and start to put together a multijurisdictional plan to take care of it saying the problem extended outside the City's boundaries. He further noted that roof drains could be connected to rain gardens as a cheaper means of handling the water while removing it from the sewer system. He said the City of Grayling maintains a volunteer group to maintain their rain gardens in exchange for a discount on their utility bills. Councilperson Fox asked in the bees nest in the rain garden had been removed.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the Mayoral appointment of John Horvath to the Brownfield Redevelopment Authority to fill the unexpired term of Dan Stewart ending June 30, 2016.

Delegation of Public Hearing Authority to Brownfield Authority. Approve resolution authorizing the Brownfield Redevelopment Authority to conduct public hearings related to the affairs of the Brownfield Redevelopment Authority on behalf of the City Council as follows:

RESOLUTION NO. 98-2013

DIRECTING THE OWOSSO BROWNFIELD AUTHORITY TO HOLD ALL PUBLIC HEARINGS RELATED TO BRA AFFAIRS

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has an active Brownfield Redevelopment Authority/Local District Financing Authority; and

WHEREAS, Public Act 502 of 2012 of the State of Michigan (aka the Brownfield Act) reads that, "the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body."; and

WHEREAS, delegating the responsibility for public hearings to the BRA would save the city and developers time and money.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that the City of Owosso hereby directs the Owosso Brownfield Redevelopment Authority to hold all public hearings related to the affairs of the BRA on behalf of the city council.

Refuse Bid – Correction. Accept correction to Resolution No. 29-2013 authorizing a refuse service contract with Waste Management of Michigan, Inc. to correct a math error, reducing the amount of the contract to \$10,277.62 as follows:

RESOLUTION NO. 99-2013

A RESOLUTION CORRECTING ADMINISTRATIVE ERROR IN RESOLUTION 69-2013 AUTHORIZING THE EXECUTION OF A CONTRACT FOR REFUSE SERVICE WITH WASTE MANAGEMENT OF MICHIGAN, INC.

WHEREAS, the city of Owosso on July 1, 2013 approved Resolution 69-2013 authorizing the execution of a contract for refuse service with Waste Management of Michigan, Inc. which contained an error by stating that the two year bid was calculated at \$19,706.36 instead of \$10,277.62 with the in-Shiawassee County preference.

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

FIRST: Resolution 69-2013 authorizing the execution of a contract for refuse service with Waste Management of Michigan, Inc. be corrected to show that the two year bid is \$10,277.62 with the in-Shiawassee County preference instead of \$19,706.36.

SECOND: The corrected bid tabulations dated July 24, 2013 are attached hereto.

Est. Qty	Unit	Description	Republic Services	Granger	Waste Management
1	EA	Six (6) yard load-all container with lid to be placed at the Public Safety Building & picked up once weekly	\$ 1,755.60	\$ 1,560.00	\$ 1,697.28
1	EA	Six (6) yard load-all container with lid to be placed at the Public Works Garage & picked up twice weekly	\$ 3,483.48	\$ 3,120.00	\$ 3,394.32
2	EA	Four (4) yard load-all containers with lids to be placed at the Wastewater Plant and Filtration Plant; each to be picked up once weekly	\$ 2,322.00	\$ 4,080.00	\$ 2,263.20
1	EA	Four (4) yard load-all containers with lids to be placed at the Public Works Garage & picked up twice weekly	\$ 2,326.92	\$ 2,040.00	\$ 2,262.72
SUBTOTAL			\$ 9,888.00	\$ 10,800.00	\$ 9,617.52
1	EA	Four (4) yard load-all container with lid to be placed at the Soccer Fields; to be picked up once weekly April, May & June (3) Months	\$ 387.00	\$ 64.50	\$ 282.90
1	EA	Four (4) yard load-all container with lid to be placed at the Oakwood Ball Park; to be picked up once weekly May through August (4) Months	\$ 387.00	\$ 114.72	\$ 377.20
SUBTOTAL			\$ 774.00	\$ 179.22	\$ 660.10
Total Annual Bid (and 24 month total)			\$10,662.00	\$ 10,979.22	\$10,277.62
Bid adjustment for In-County provider per Sec. 2-348(1) of Municipal Code			\$ 639.72	\$ 658.75	\$ 308.33
TOTALS			\$11,301.72	\$ 11,637.97	\$10,585.95

Professional Service Agreements – School Liaison Officers. Authorize professional service agreements with Michael Ash and Michael Wheeler for the provision of services related to the school liaison officer position for the Owosso Public Schools as follows (two resolutions):

***RESOLUTION NO. 100-2013**

**AUTHORIZING THE EXECUTION OF AN INDEPENDENT CONTRACTOR AGREEMENT
WITH MICHAEL L. ASH**

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to have school liaison officers; and

WHEREAS, it has been determined that Michael L. Ash is qualified to serve as a school liaison officer;

NOW THEREFORE BE IT RESOLVED by the city of Owosso, county of Shiawassee, state of Michigan:

- FIRST: that the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Michael L. Ash as a school liaison officer.
- SECOND: that the city manager of the city of Owosso is hereby instructed and authorized to sign the document attached as Exhibit A, Independent Contractor Agreement Between the City of Owosso and Michael L. Ash effective August 23, 2013

***RESOLUTION NO. 101-2013**

**AUTHORIZING THE EXECUTION OF AN INDEPENDENT CONTRACTOR AGREEMENT
WITH MICHAEL G. WHEELER**

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to have school liaison officers; and

WHEREAS, it has been determined that Michael G. Wheeler is qualified to serve as a school liaison officer;

NOW THEREFORE BE IT RESOLVED by the city of Owosso, county of Shiawassee, state of Michigan:

- FIRST: that the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Michael G. Wheeler as a school liaison officer.
- SECOND: that the city manager of the city of Owosso is hereby instructed and authorized to sign the document attached as Exhibit A, Independent Contractor Agreement Between the City of Owosso and Michael G. Wheeler effective August 23, 2013

*Due to their length, full text of the independent contractor agreements is not included in the minutes. Copies of the agreements are on file in the Clerk's Office.

Progress Payment – 2012 Stump Removal Project. Authorize Progress Payment #3-Final-Retainage in the amount of \$1,000.00 to Wonsey Tree Service closing out the 2012 Stump Removal Project as follows:

RESOLUTION NO. 102-2013

AUTHORIZING PAYMENT #3-FINAL-RETAINAGE

**TO WONSEY TREE SERVICE, INC.
FOR WORK RELATED TO
THE 2012 STUMP REMOVAL PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has entered into an agreement with Wonsey Tree Service, Inc. for the 2012 Stump Removal Program; and

WHEREAS, no issues with the complete work has occurred and the city is closing out the project; and

WHEREAS, the city project manager recommends Payment #3-Final-Retainage in the amount of \$1,000.00, with said retainage amount having been agreed to by Wonsey Tree Service, Inc.

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 pay Wonsey Tree Service, Inc. the \$1,000.00 retainage amount.
- SECOND: The accounts payable department is authorized to submit payment to the Wonsey Tree Service, Inc. in the amount of \$1,000.00 as detailed on the attached Payment #3-Final-Retainage as authorized by Council on September 3, 2013.
- THIRD: The above expenses shall be paid from the 2012/2013 Major and Local Streets Tree Trimming Fund.

Warrant No. 469. Authorize Warrant No. 469 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and property insurance- 1 st installment – July 1, 2013 – June 30, 2014	General	\$105,719.50
Michigan Municipal League	Annual membership- October 1, 2013 – September 30, 2014	General	\$ 5,653.00

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Erfourth.

ITEMS OF BUSINESS

MML DELEGATE

There was discussion regarding the value of attending the annual meeting and whether any issues of importance would be handled. There was general consensus that while the MML training sessions were highly informative the annual meeting was more a formality and as such no one would be attending.

AMBULANCE REPLACEMENT FUND

Council discussed the establishment of an ambulance replacement fund similar to the account for heavy equipment. They noted the advantages and disadvantages of setting money aside for the purchase of ambulances, including the benefit of having funds available when the time comes and the disadvantage of having to cut current allocations to dedicate to the fund. The idea of performing transfers again also was discussed. Mayor Frederick asked that staff develop a specific proposal for the establishment of a replacement fund for future consideration.

CABLE FRANCHISE AGREEMENT – PEG FEE

Originally framed as a discussion to consider renegotiating the cable franchise agreement to include a 2% PEG fee Council members noted their objection, as well as some citizen objection, to raising cable fees.

There was discussion regarding the desire to equip the Council Chamber to film meetings so they could be broadcast on the cable channels and the web. Staff noted the significant amount of funding that would need to be dedicated to such a venture as the Council Chamber is in need of a revamped sound system as well as the need to establish a new return path to the cable head end. Councilperson Eveleth inquired how much money was left in the Building Authority fund and if the money could be used for such expenditures. Councilperson Cook expressed caution in that any money used for the project would have to be removed from some other project. He also suggested streaming audio recordings instead of video in an effort to reduce equipment costs. Council indicated a strong desire to see the project come to fruition asking for a new cost estimate for digital streaming and signal transmission options.

COMMUNICATIONS

Historical Commission. Minutes of August 12, 2013.

Zoning Board of Appeals. Minutes of August 20, 2013.

CITIZEN COMMENTS AND QUESTIONS

Anne Danek, 1108 North Water Street, said she would like written directions given to the Schools covering bike etiquette and rules. She said she thought the effort would be more effective if it started with kids.

Mike Tillotson, 1299 South Shiawassee Street, said the current sound system would work fine if Council members would just speak closer to the microphones. He also said that he felt the problem of bikes on the sidewalk would not be resolved until the police started confiscating the bikes of offenders.

Eddie Urban, 601 Glenwood Avenue, said the VFW and American Legion Post could put on a bike fair to help get the word out on bike laws. He also said he would serve on the Cable Commission if it were resurrected, he felt clip-on microphones were far more effective than free standing microphones, and there was a man around town that would remove bees nests for free.

Mayor Frederick noted the Home Tour's website for interested parties: www.owossohistorichometour.com. He thanked everyone for coming out and participating in the 10th annual Labor Day bridge walk to Corunna. He also thanked those that volunteered to help construct a portion of the disc golf course, saying there was more to be done. And he said it was a privilege to honor Clay Reeves for his 65 years in business recently.

Councilperson Cook indicated he would like a report back on what steps will be taken to resolve the sewage overflow problem.

NEXT MEETING

Monday, September 16, 2013

BOARDS AND COMMISSIONS OPENINGS

Historical Commission – term expires 12-31-14

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 8:56 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: For September 16, 2013 Council Agenda

TO: Owosso City Council

FROM: Gary Burk, Utilities Director

RE: Professional Services Agreement Authorization
H2O Compliance Services, Inc.
Water System Cross Connection Control Program
16 Month Contract at \$1,299.38 per month (total of \$20,790.08)

The Cross Connection Control Program is to protect the City drinking water supply and our customers from the possibility of contaminants or non-potable water entering the water system from what are termed “cross connections” within a customer’s plumbing system. Program elements are defined and regulated under the Community Water Supply rules of the Michigan Department of Environmental Quality and the Michigan Plumbing Code. Previously, we have contracted with Hydro-Designs Incorporated (HDI) to update and implement our program (3 year contract extended to a 4th year).

There is now a local firm, H2O Compliance Services of Owosso, providing this complete program service. In fact our principle contact with H2O is David Cardinal who had previously been our primary contact when he worked for HDI. We have reviewed the H2O proposal, checked references and **recommend approval of their proposal for a 16 month contract which would carry through calendar year 2014. The total contract amount would be \$20,790.08 billed at a monthly rate of \$1,299.38.**

This is a significant reduction from the previous charge of \$1,660 per month from Hydro-Designs and H2O pricing actually includes a greater number of inspections. I believe they are able to offer better pricing given their local presence, reduced drive time and lower overhead.

The other alternative we considered is to conduct the program in house, but our analysis indicates that using the full contract service is actually more cost-effective. We would still need to contract with our plumbing inspector for the inspections at a cost between \$50 to \$75 per inspection. While this is a significant portion of the program expense, there would also be significant City staff time and associated cost for program administration including correspondence, setting appointments, record keeping, review of backflow device test forms, reporting, etc. (see the attached proposal for more detail on what the program services encompass). H2O will provide the complete program service for an average cost of \$63 per inspection, which is less than we could do with in house staff.

This is a planned Water Fund budget expenditure covered by general water quarterly service charges. There are currently no separate or additional charges or fees to the customer for the inspection services.

Additional Background Information:

A “cross connection” exposes the potable water system to contaminants or non-potable water through backflow that may occur if the pressure in the customer’s plumbing system exceeds that in the City system. Such situations can occur if the City system pressure drops due to occurrences such as a water main break, power interruption and loss of pumping, or high use for fire fighting. Backflow can also occur if the customer’s water pressure is boosted by pumping to greater than the City supply pressure. Examples include fire sprinkler systems with booster pumps, high-rise buildings with booster pumps, and commercial or industrial water use with booster pumping such as pressure washers. Backflow can also occur through water expansion through heating as in boilers. Such cross connections are prohibited and are eliminated through physical separation or through the use of mechanical devices for backflow prevention.

Cross connection control and backflow prevention are important elements of the plumbing code. The City’s water supply cross connection program is to supplement and continue the plumbing code requirements, which are typically applicable and enforceable at the time of construction or alteration of a plumbing system. Important ongoing elements of the program to be addressed through this contract include re-inspection of industrial and commercial customers and assurance that mechanical backflow prevention devices are routinely tested and serviced if necessary. Customers with a “high-hazard” potential are inspected on an annual basis, other lower potential hazard customers are inspected once every 3 to 5 years. Residential customers will not generally be subject to inspection, though customers with lawn irrigation systems or other plumbing facilities using a mechanical backflow prevention device are to have the device tested on an annual basis.

GMB

Enc.

RESOLUTION NO. _____

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH
H2O COMPLIANCE SERVICES, INC.
FOR CROSS CONNECTION CONTROL PROGRAM SERVICES
FOR THE OWOSSO DRINKING WATER SYSTEM**

WHEREAS, H2O Compliance Services, Inc. specializes in managing and implementing municipal water system cross connection control programs and has submitted a detailed proposal, dated August 26, 2013, to manage and implement the Owosso Cross Connection Control Program over the next 16 months for the balance of calendar year 2013 and all of 2014, and

WHEREAS, the City of Owosso staff has determined that the H2O Compliance Services, Inc. is qualified to perform this service and their rate of \$1,299.38 per month, for a total contract amount of \$20,790.08, is reasonable and the most cost-effective means for the City to carry out the Cross Connection Control Program requirements as required by state rules.

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 contract H2O Compliance Services, Inc. for professional services to manage and implement its water supply system cross connection control program.
- SECOND: The contract shall be in the form of a City Purchase Order accepting the August 26, 2013 Proposal from H2O Compliance Services, Inc. which details the services to be performed at a rate of \$1,299.38 per month over a 16 month term for a total contract amount of \$20,790.08.
- THIRD: The accounts payable department is authorized to make the monthly payments to H2O Compliance Services, Inc. in the amount of \$1,299.38 for a 16 month term, not to exceed \$20,790.08, with those expenses to be paid from the Water Fund.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 16th DAY OF SEPTEMBER 2013.

Cross Connection Control Program Proposal

Prepared for:

City of Owosso



Prepared by: David Cardinal 1.866.328.7727 dcardinal@h2ocomplianceservices.biz H2O Compliance Services, Inc.
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1. Identification

H2O Compliance Services, Inc.
2940 W M-21
P.O. Box 338
Owosso, MI 48867

Michael Brown – Owner/CEO
Phone: 989.729.7527
Fax: 989.723.5125
Email: mbrown@h2ocomplianceservices.biz

David Cardinal – Municipal Director
Phone: 989.729.7527
Fax: 989.723.5125
Email: dcardinal@h2ocomplianceservices.biz

2. Qualifications

2.1. Background

Thank you for the opportunity to present our proposal to you. H2O Compliance Services is proud to have the opportunity to discuss our capabilities with you and how our services will meet your needs.

Founded in 2001 and headquartered in Owosso Michigan, H2O Compliance Services is highly recognized in the water industry for the quality of services and our customer service. Our primary focus is assisting communities with protection of their potable water distribution system through our Cross Connection Control (CCC) Program Management. Our staff has vast experience with over 70 years combined experience with CCC program development/management and the cross connection industry. We utilize XC2® Software water management program as the engine for managing CCC program data and notifications. Our aim is to provide a complete CCC program management service which enables our clients to concentrate on their mainstream activities.

Our Mission is to provide superior services and responsive, friendly and attentive support to our customers so that they may be most effective in their work to provide clean safe drinking water and related services to the public.

2.2. Related Project Experience and Familiarity with Local Standards and Requirements

H2O Compliance services works closely with the Michigan Department of Environmental Quality to assure our program management complies with State requirements. We are also involved with presenting at MDEQ training sessions, as well as serving as a board member of the Michigan Backflow Prevention Association.

Section 2.2 continued

H2O Compliance Services is currently providing complete cross connection control (CCC) program management and services to the municipalities listed below:

City of Traverse City – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Justin Roy - Water/Wastewater Maintenance Supervisor (269) 922-4923

City of East Lansing – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Todd Sneathen - Director of Public Works (517) 337-1731

City of St. Johns – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Al Sodman - Water Systems Supervisor (989) 224-8944

Village of Fowlerville – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Kathy Arledge - Village Clerk (517) 223-3771 ext. 14

City of Corunna – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Tim Crawford - Superintendent of Public Works (989) 743-5040

City of Eastpointe – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Marty Ladd – Supervisor Water & Sewer (586) 445-5053

Section 2.2 continued

City of Westland – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Benny McCusker – Director DPS (734) 467-7951

2.3. Backflow Prevention Management Software

The provider of the software we use was founded in 1989 and is considered a leading company serving water and wastewater utilities with industry specific applications. Software capabilities include but not limited to:

- Backflow assembly inventory
 - Assembly information: type, size, manufacturer, model, serial number
 - Record location, GPS points, hazard type and level
 - Test history: last test date and tester, next test date
- Automatic reminders
 - Inspections due, follow-up notices, tests due, tester certification, failed/pass assembly tests, requirements due
- Compliance reporting
 - One-click reporting for MDEQ Water Supply Cross Connection Report
 - Summary reports or detail of all activity in a date range
 - Summary reports of on-site inspection reports
 - User-definable reports allow creating whatever reports are necessary
- Send notices automatically
 - Import City logo/letterhead
 - Test due notices and follow-up notices
 - Pre-printed test report forms
 - Certified tester list
- Track test results history
 - Complete test results or pass/fail only
 - Next test dates are automatically calculated
 - Maintain unlimited history of test records
- Cross connection surveys and inspections
 - Record and track surveys and inspections
 - Schedule and record inspection dates and compliance status
 - Non-compliance notices and follow-up notices

2.4. Project Team

Michael Brown – Owner/Master Plumber

Mr. Brown has been in the plumbing industry since 1976 and a business owner since 1981. As the owner of H2O Compliance Services Mr. Brown is responsible for business development and overseeing day to day operations. For the past 11 years he has worked extensively with Ford, Chrysler, GM, Michigan Dairy and numerous municipalities within the State of Michigan. Not only responsible for day to day operations Mr. Brown is entrenched in the day to day field services and has gained a thorough understanding of the intimate details of how to work with and develop long term relationships with our customers, backflow testers and your water customers.

Credentials:

- **Licensed Master Plumber since 1982**
- **Licensed Plumbing Contractor**
- **Michigan Plumbing & Mechanical Contractors Association and Michigan Board of Plumbing**
 - o *Cross Connection Control Tester 1992*
- **University of Southern California Foundation for Cross-Connection Control and Hydraulic Research**
 - o *Cross Connection Control Program Specialist 2004*
- **University of Florida – TREEO Center**
 - o *Introduction to Backflow Prevention 2007*
 - o *Cross Connection Control: Survey and Inspection 2007*
 - o *Cross Connection Control: Ordinance and Organization 2007*
 - o *Cross Connection Control Program Manager 2007*
 - o *Backflow Prevention Tester Training and Certification 2007*

David Cardinal – Municipal Director

Mr. Cardinal has been in the cross connection control industry since 1994. He is responsible for establishing business practices, field operation procedures, and administrative functions related to cross connection control program management. He has a successful record of accomplishments in the cross connection control industry. Experienced in program development, program/project management developing and conducting employee education and training programs, developing and instructing State certified education and training classes, quality assurance, customer service and client satisfaction.

Mr. Cardinal has assisted with developing State certified training programs in Michigan and Wisconsin and has trained hundreds of Michigan Department of Environmental Quality, Michigan Department of Health, Wisconsin Department of Natural Resources and over 1500 municipal employees, plumbers and miscellaneous contractor employees. He has been a guest speaker at many conferences and training seminars.

Credentials:

- **Michigan Backflow Prevention Association Board Member since 2007**
- **Michigan Certified Backflow Prevention Assembly Tester Certification – 2010**
- **University of Wisconsin**
 - o *Certified Backflow Preventer Tester 2007*

Section 2.4 continued

- **Dale Carnegie**
 - o *Management Training for Managers 2005*
- **University of Florida – TREEO Center**
 - o *Cross Connection Control: Survey and Inspection 2003*
 - o *Cross Connection Control: Ordinance and Organization 2003*
 - o *Cross Connection Control Program Manager 2003*
- **University of Southern California Foundation for Cross-Connection Control and Hydraulic Research**
 - o *Backflow Prevention Assembly Testing 1998*

Parker Brown – Field Inspector

Mr. Brown is a recent graduate from Michigan State University where he earned a bachelor's degree in education and earned his teaching certificate. He has spent the last two years teaching elementary aged children. Mr. Brown is responsible for performing technical and program administration work in support of the Municipal Department. Coordinate and perform on-site inspections at individual water customers to evaluate each water connection for cross connection hazards. Assist with developing educational and training material and assist with developing training sessions.

Credentials:

- **Michigan State University**
 - o Bachelor's degree in education – 2010

3. Project Approach

3.1. Understanding of the Requested Services

We have designed our proposal to be responsive to what we know of your needs. Based on meetings and conversations with City personnel, our own research and our knowledge of the industry, we have aimed to demonstrate that we can meet your needs as follows:

1. Conduct a program start-up meeting to establish, review and/or update current program procedures.
2. Review/update existing Ordinance.
3. Review/update written CCC plan as required by MDEQ.
4. Conduct a total of three hundred thirty (330) initial inspections, compliance reviews and re-inspections at non-residential water customers serviced by the City of Owosso. One hundred fifty (150) Inspections will be performed before December 31, 2013 and one hundred eighty (180) inspections will be completed over a twelve (12) month period through the end of 2014. Inspections will be conducted using the isolation/containment approach as supported by the Michigan Department of Environmental Quality (MDEQ).
5. Manage all program data using the XC2 software® water management program:
 - Generate and mail all associated program notices e.g. inspection, non-compliance and backflow assembly testing notices.

Section 3.1 continued

6. Provide quarterly status reports to include; Inspections completed, Compliance Status, Inspection Notices Sent, Testing Notices Sent and Number of backflow assemblies tested.
7. Program Status Meeting(s) – Conduct a yearly meeting at the contract anniversary date or as necessary to review program progress.
8. Provide up to six (6) A.S.S.E. #1011 approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers per facility in order to achieve compliance.
9. MDEQ Water Supply Cross Connection report – Generate and meet with you to review the required annual report.
10. Provide water customer service and support, education and awareness information via brochures, phone, fax or email.
11. Provide detailed phone logs for all incoming calls.
12. Assist with coordinating and participate in a Public Information Meeting and Tester Meeting to explain the Cross-Connection Control Program.

3.2 Contractors Summary

Our cross connection control program services, based on years of successful / practical experience ensures that your program will be managed the way I would personally expect:

- Our primary focus is to assure we provide the highest level of professional yet personal attentive service to you and your water customers.
- Consistent interpretation of codes and guidelines.
- Familiarity with all codes and regulations will assure a smooth transition, including documentation and data.
- We have designed our proposal assuming that we would start work immediately.
- We always look at more than one way to have a water customer achieve compliance keeping cost in mind, but not compromising the integrity of the CCC program.
- Data is backed-up daily on-site and weekly data back-up is maintained at an off-site location.
- If at any time we fall below expectations this contract may be terminated with thirty (30) days' notice in writing.

3.3 Quality Control

The quality control program for our services is headed up by David Cardinal, Municipal Director of H2O Compliance Services. His responsibility is continuously reviewing our operating procedures, in-field inspection review and behind the scene documentation e.g. inspection field forms and subsequent follow-up notifications. In addition the XC2 data management software has several built in checks and balances, to assure that only accurate information is being processed.

4. Scope of Services:

Provide complete cross connection control inspections and data management including:

- 4.1 Complete three hundred thirty (330) inspections (initial inspection and/or re-inspection), at commercial, industrial, institutional facilities and miscellaneous water customers per year within the City of Owosso using the containment and isolation review approach as supported by the State of Michigan Department of Environmental Quality, Water Division. Unless otherwise specified, all inspections will be of the entire potable water system. Inspectors will survey all exposed piping and use the point-of-use inventory method of inspection. New inspections shall include first time inspections of new accounts not previously included in the cross connection program. Re-inspections shall include the annual inspection of high hazard accounts annually, and the periodic (every two to five years) inspection of low hazard accounts. Compliance inspections shall consist of inspections at accounts of corrective actions completed to confirm correction of previously noticed non-compliance conditions.
- 4.2 Determine the inspection schedules, obtain city approval of the schedules, and coordinate the schedules.
- 4.3 Coordinate and notify customers of testing requirements and inspections and/or re-inspections in writing.
- 4.4 Provide up to six (6) ASSE approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers per facility as required, in order to place the facility into immediate compliance at the time of inspection.
- 4.5 All testable and non-testable backflow prevention devices, program requirements and relevant code violations will be documented during an on-site inspections.
- 4.6 All existing backflow prevention devices, (i.e. testable and non-testable) must be inspected, inventoried and documented. Records shall be maintained of the account/owner's device test results.
- 4.7 Generate all program notifications for users failing initial inspections and/or re-inspections informing them of installation requirements and/or testing requirements.
- 4.8 Perform compliance inspections for each non-compliant location upon notification of completion of compliance requirements. All compliance inspections will be scheduled and completed as required.
- 4.9 Provide full-time phone support for customer questions staffed by a trained individual. The Contractor's phone will be staffed during normal business hours Monday through Friday. An answering service will be provided for after hour calls.
- 4.10 We will provide detailed phone logs for all incoming calls. Date in and response dates are to be included.

Section 4 continued

- 4.11 Coordinate, manage and track the testing of all testable backflow prevention devices in accordance with MDEQ requirements. Services to include testing notification, requirements, receipt of executed test report, and maintenance of all testing data. All testing results will be maintained for a period of 7 years.
- 4.12 Submit comprehensive management reports to the City of Owosso. Status reports will include the number of inspections completed, notices sent, tests overdue, inspections overdue, a listing of inspections and re-inspections scheduled for the upcoming period, upcoming notifications, a list of facilities in, or not in, compliance.
- 4.13 Collate and deliver the MDEQ Water Supply Cross Connection Control Report
- 4.14 Provide comprehensive bound annual report that includes a program summary, copy of the annual MDEQ report, a detailed listing of all inspection locations, and individual listing of those facilities in, or not in compliance, inspections completed, sites never inspected, and notifications sent.
- 4.15 Provide progress review meetings with the City's designated representative to discuss program status and specific recommendations as requested. The City may revise the Contractor's proposed work plan to concentrate on new and/or higher priority and non-compliant cross connection locations, provided that the total number of annual inspections shall not be changed except by mutual agreement, or contract amendment.
- 4.16 The inspector will check-in/out with the City of Owosso contact person on a daily basis or as requested during the inspection period. The check in will include a list of inspections scheduled for the day. The check out will include a verbal summary and the number of inspections completed for the day.
- 4.17 All expenses related to "time and travel" for completion of job scope is to be included in unit process for inspections.
- 4.18 H2O Compliance Services employees shall not be required to enter into confined spaces.
- 4.19 In the event the City of Owosso requests and the Contractor consents to perform additional services, inspections or other changes in the scope of services involving consulting, management, operation, maintenance, and repair of the utility delivery system or private water service or cross connection device; both shall agree on the terms and compensation prior to performing such extra work.
- 4.20 Provide any required revisions to the existing Cross-Connection Control Plan specific to the City of Owosso as required by the State of Michigan Department of Environmental Quality. The plan revisions must include code adaptation, references, program intent, standard operational procedures, all program notice documentation, reporting procedures (including daily, monthly & annually), backflow prevention devices including detailed installation schematics, piping identification, and preference standards.

Section 4 continued

The plan must include a detailed re-inspection schedule for all facilities. The frequency for re-inspection of each facility will be influenced by the degree of hazard existing within the facility. The re-inspection frequency of each facility will be based on a 1 to 5 year time period. We will work with designated City of Owosso employees and the MDEQ to get the plan approved. Upon local approval we will submit the written CCC plan to the MDEQ for approval.

5. Program Costs

Conduct three hundred thirty (330) initial inspections, compliance reviews and re-inspections at non-residential water customers serviced by the City of Owosso.

- **Perform One hundred fifty (150) Inspections before December 31, 2013**
- **Perform one hundred eighty (180) inspections during a twelve (12) month period through the end of 2014**

We will bill in sixteen (16) monthly increments of	\$1,299.38
Price per inspection (approximate)	\$63.00

Total program cost	\$20,790.08
---------------------------	--------------------

H2O Compliance Services affirms that in making such Proposal neither he nor any company that he may represent nor anyone in behalf of him or company directly has entered into any combination or collusion, undertaking or arrangement with any bidder or bidders to maintain the prices of said work, or any compact to prevent any other bidder or bidders from bidding on said contract or work, and further affirms that such proposal is made without regards or reference to any other bidder or proposal and without any agreement or understanding or combination either directly or indirectly with any other person or persons with reference to such bidding in any way or manner whatsoever.

H2O Compliance Services

2940 W M-21
P.O. Box 338
Owosso, MI 48867

Phn: 989.729.7527

Fax: 989.723.5125

By: _____ 8/26/20
David C. Cardinal, Municipal Director *Date*



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 · (989) 725-0599 · FAX 723-8854

MEMORANDUM

DATE: September 16, 2013

TO: City Council

FROM: Kevin Lenkart, Public Safety Director

RE: Sale of Retired Police Vehicles

Sealed bids were solicited and received for two (2) retired police vehicles – a 2007 Chevrolet Impala, VIN #2G1WS58279230281; and a 2008 Chevrolet Impala, VIN #2G1WS583689227882.

Of the five (5) bids received, Grace Quality Used Cars of Morrisville, Pennsylvania was the high bidder for both vehicles at \$1,786.00 each.

I recommend council approve the bid from Grace Quality Used Cars in the amount of \$3,572.00 for both vehicles.

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
SALE OF RETIRED POLICE VEHICLES WITH
GRACE QUALITY USED CARS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, bid solicitations were advertised and the most responsive bids were received from Grace Quality Used Cars.

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 sell one 2007 Chevrolet Impala police vehicle, last six digits of the VIN# reading: 230281, in the amount of \$1,786.00; and one 2008 Chevrolet Impala police vehicle, the last six digits of the VIN# reading 227882, in the amount of \$1,786.00.

SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership to Grace Quality Used Cars upon the remittance of \$3,572.00.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 16TH DAY OF SEPTEMBER, 2013.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

CITY OF OWOSSO:

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

CITY OF OWOSSO BID TABULATION SHEET

DATE 9/17/2013
 DEPT. Public Safety

SUBJECT: Sale of Used Police Vehicles

ITEM #	DESCRIPTION	EST. QTY	UNIT	Grace Quality Used Cars		Frank Fisher		Yousef Dabbagh	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	2007 Chevy Impala	1	EA	\$ 1,786.00	\$ 1,786.00	\$ 812.00	\$ 812.00	\$ 809.00	\$ 809.00
2	2008 Chevy Impala	1	EA	\$ 1,786.00	\$ 1,786.00	\$ 812.00	\$ 812.00	\$ 276.00	\$ 276.00
TOTAL BID				\$	3,572.00	\$	1,624.00	\$	1,085.00

TOTAL BID PRICING ADJUSTED FOR LOCAL PURCHASING PREFERENCE:

DEPT. HEAD: Kevin Lenhart

PURCH. AGENT: [Signature]

STAFF REC.: GRACE QUALITY

GENERAL LIABILITY INSURANCE
 EXPIRATION DATE: _____

WORKERS COMPENSATION INSURANCE
 EXPIRATION DATE: _____

SOLE PROPRIETORSHIP
 EXPIRATION DATE: _____

AWARDED: _____

COUNCIL APPROVED: _____

PO NUMBER: _____



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 · (989) 725-0599 · FAX 723-8854

MEMORANDUM

DATE: September 16, 2013

TO: City Council

FROM: Mark A. Sedlak, Director of Public Services/Street Administrator

RE: Contract Award for 2013 Street Patches Program

One-Way Asphalt Paving & Excavating, Inc. of Williamston is the low bidder for the 2013 Street Patches Program bid. This annual program involves making asphalt pavement repairs to street surfaces that were cut for watermain and gas line repairs as well as bad areas of pavement caused by weak sub-base in a street with generally good pavement.

We recommend City Council award the 2013 Street Patches Program bid to One-Way Asphalt Paving & Excavating, Inc. in the amount of \$18,930.00 and approve payment up to the contract amount.

Mark A. Sedlak

RESOLUTION NO.

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2013 STREET PATCHES PROGRAM
WITH ONE-WAY ASPHALT PAVING & EXCAVATING, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the street patches in many of the streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub base of the street accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids to permanently patch said areas; a bid was received from One-Way Asphalt Paving & Excavating, Inc.; and it is hereby determined that One-Way Asphalt Paving & Excavating, Inc. is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ One-Way Asphalt Paving & Excavating, Inc. for pavement patching as part of the 2013 Street Patches Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and One-Way Asphalt Paving & Excavating, Inc. with a \$18,930.00 bid.
- THIRD: The accounts payable department is authorized to pay One-Way Asphalt Paving & Excavating, Inc. for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO,
SHIAWASSEE COUNTY, MICHIGAN THIS 16TH DAY OF SEPTEMBER, 2013..

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

CITY OF OWOSSO BID TABULATION SHEET

DATE 8/27/2013

DEPT. DPW

Page 1 of 2

SUBJECT: 2013 STREET PATCHES BID

ITEM #	DESCRIPTION	EST. QTY	UNIT	One Way Asphalt Paving & Excavating		American Asphalt, Inc.		Chippewa Asphalt Paving	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	4" PATCHES	2,150	SFT	\$ 3.80	\$ 8,170.00	\$ 4.02	\$ 8,643.00	\$ 4.20	\$ 9,030.00
2	6" PATCHES	1,480	SFT	\$ 5.75	\$ 8,510.00	\$ 6.12	\$ 9,057.60	\$ 6.30	\$ 9,324.00
3	8" PATCHES	300	SFT	\$ 7.50	\$ 2,250.00	\$ 8.05	\$ 2,415.00	\$ 8.40	\$ 2,520.00
LOCAL PREFERENCE DOES NOT AFFECT BID OUTCOME									
TOTAL BID					\$ 18,930.00		\$ 20,115.60		\$ 20,874.00

TOTAL BID PRICING ADJUSTED FOR LOCAL PURCHASING PREFERENCE:

DEPT. HEAD: MARY A. SEDAK

GENERAL LIABILITY INSURANCE
EXPIRATION DATE: 4-24-2014

AWARDED: _____

PURCH. AGENT: [Signature]

WORKERS COMPENSATION INSURANCE
EXPIRATION DATE: 4-24-2014

COUNCIL APPROVED: _____

STAFF REC.: One Way Asphalt Paving & Excavating, Inc.

SOLE PROPRIETORSHIP
EXPIRATION DATE: _____

PO NUMBER: _____



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: September 11, 2013

TO: OWOSSO CITY COUNCIL

FROM: Adam Zettel, AICP

RE: Progress payment to Oak Construction

The city approved a \$98,000 contract with Oak Construction in April of this year to complete certain improvements at Bentley Park. The contractor is nearing substantial completion and has submitted an invoice for \$79,000, with \$7,900 withheld for a 10% retainer.

The contract engineer has reviewed the progress payment request as it relates to the scope and quality of work done and has signed off for payment. I recommend the city council approve payment for the work completed so far. I also recommend approval for payment of all future work to be performed under the existing contract and approved by the contract engineer, an amount not to exceed \$98,000.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING PAYMENT TO OAK CONSTRUCTION CORPORATION IN ACCORDANCE WITH THE EXISTING CONTRACT FOR BENTLEY PARK IMPROVEMENTS

WHEREAS, the City of Owosso approved a bid in the amount of \$98,000 to Oak Construction Corporation to complete certain portions of the Bentley Park Improvements project; and

WHEREAS, work has commenced and been invoiced accordingly for services rendered; and

WHEREAS, the contracted engineer has approved the progress payment submitted by Oak Construction Corporation.

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 make payment to Oak Construction Corporation in the amount of \$71,100 as invoiced on the attached Application for Payment.

SECOND: The City of Owosso further authorizes city staff to make payments up to the contract amount of \$98,000 for services rendered and satisfactorily approved by the consultant engineer and city manager.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 16th DAY OF SEPTEMBER, 2013.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City

APPLICATION FOR PAYMENT

To (Owner): City of Owosso
 Contract For: Bentley Park Improvements
 Project Number: 12C0194
 Contractor: Oak Construction Corp.
 For Period Ending: August 21, 2013
 Recommendation Number: One
 Page: 1 of 1

STATEMENT OF WORK:

Work to Date:	\$79,000.00
Amount Retained: (10%)	\$7,900.00
Subtotal:	\$71,100.00
Previous Payments Recommended:	\$0.00
Amount Due This Application:	\$71,100.00

CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that : (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment, (2) title to all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective as that term is defined in the Contract Documents.

Dated 9/3/13

Oak Construction Corp.
 CONTRACTOR

By: [Signature]
 (Authorized Signature)

Engineer's Recommendation:

Payment of the amount due this application is recommended.

ROWE Professional Services Company

Dated: 9-4-13

By: [Signature]
 (Authorized Signature)



WARRANT 470
September 10, 2013

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services August 13, 2013 – September 9, 2013	General	\$ 8,583.12
Logicalis, Inc	Network engineering support - August 2013	General	\$ 8,806.00
		Total	\$17,389.12



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: September 11, 2013

TO: Owosso Brownfield Redevelopment Authority Board

FROM: Adam Zettel, AICP

RE: Brownfield Plan #13, Amendment #3

The developer of the Wesener Building on Washington Street has requested an amendment to the approved Brownfield Plan #13. The Owosso Brownfield Redevelopment Authority held a public hearing on August 29, 2013 on this matter.

The applicant is updating the plan as it relates to final costs and timeline. Two big changes are a reduction in the interest rates applied throughout (from 6% to 3%) to reflect market realities, as well as to include a change to the DDA reimbursement of \$50,000 to a lump sum payment instead of a loan as was previously indicated. Another substantial change is to recognize the delay in tax capture for the eligible expenses due to the provision of a 12 year abatement that has previously been granted by the city. Otherwise the plan remains the same. There is a detailed note attached that illustrates the page by page changes in the plan. The revised plan is available electronically.

Staff and the BRA find the changes to be beneficial to the public interest and recommend approval of this amendment. No public comments were received at the hearing. The site developer and/or his representative will be available at the meeting to further explain the changes. **Contact me if you have any questions or comments.**

RESOLUTION NO.

**A RESOLUTION TO AMEND BROWNFIELD PLAN #13 "WESENER BUILDING",
FOR THE CITY OF OWOSSO PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF
ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Owosso, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the Authority a Brownfield Plan Amendment entitled "District #13, Wesener Multi-Use Building" (the "Plan"), pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Owosso Brownfield Authority has, at least ten (10) days but not more than forty (40) days before the meeting of the Authority at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan, and the Authority has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13 (10) and 14 (1) of the Act; and

WHEREAS, the Authority has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and
- F. The square footage of the building is 17,500 square feet
- G. Line item cost details are eligible expenses that serve a public good.
- H. Local redevelopment area details are accurate.

WHEREAS, as a result of its review of the plan and upon consideration of views and recommendations of the public, OBRA, and taxing jurisdictions, the city council desires to proceed with approval of the Amended Plan #3 and distribute accordingly.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Plan Approved. Pursuant to the authority vested in the Authority by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form considered by the city council on September 16, 2013, and maintained on file in the office of the City Clerk.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 16th DAY OF SEPTEMBER, 2013.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

LIST OF WESENER LLC BROWNFIELD PLAN AMENDMENTS

AS OF AUGUST 9, 2013

- Cover Page: Denote that this is Amendment #3; fill-in dates as they occur
- Page 2: Renumbered Table of Content Pages
- Page 3: Changed Page Title to reflect “Amendment #3”; change wording to reflect new information—non-substantive changes; inserted new definition section FOR PAGES 3 THROUGH 13 from the state law amendments thru December 31, 2012.
- Page 16: Updated information on the suspected UST—a tank that was not discovered after exploratory site excavation.
- Page 16-17: Updated summary of eligible project expenses.
- Page 17-18: New numbers and dates in all three paragraphs and new chart reflected other ad valorem millage sources at the local government level.
- Page 18: Simplified list on the method of financing for the Plan. New detail on the \$50,000 DDA advances.
- Page 19: At item 6, new detail on the duration of the Plan (the 2026 start-up date for tax increments).
- Page 22: New list of private investment and evidence of a contract between Wesener LLC and Bazzani Associates. New project cost total.
- Page 26: Amended list of Brownfield Redevelopment Authority Members. Note the vacancy.
- Page 29: Amended terms for reimbursement agreement between the DDA and OBRA. Note the paper trail for the \$50,000 reimbursement. This is subject to City staff review and preferences.
- Page 31: Reimbursement Agreement between OBRA and Developer. The most significant change is in the reduced interest rate of 3% for payment of Developer advances. The 3% number is consistent with State policy on use of school captured tax increments and fairly treats the time gap between the time of developer advances and the 12 year period of OPRA abatement. This is subject to City staff review and preferences.
- Page 34: Tax Increment Transfer Agreement between DDA and OBRA. 12 years from 2014 (i.e., 2026) the DDA will begin to transfer its tax increments (good through only 2028 at this time). For all three agreements beginning on Page 29, alterations of the awkwardly phrased terms are desirable when the project financing repays the \$50,000 advance. At

the time of the writing of this Plan amendment it is uncertain if the lender financing will be final before the need to sign these agreements.

- Page 37: Detail of Eligible Project Costs. The project costs have been updated and the effect of the 3% interest rate is shown.
- Page 38: Estimated Captured Assessed Values: The chart is now properly phrased and the assumed CAV of \$800,000 is higher than the earlier plan amendment. Also personal property values have been removed from the tax capture plan. Finally leasehold improvements were deemed an unnecessary detail in the captured assessed value determination.
- Page 39: Reimbursements Available to City & Developer. This chart shows the effect of the 12-year OPRA and the new annual cost to the city for plan administration (up from \$250 to \$350 per year).
- Page 40: Developer Reimbursements: This chart shows the effect of the 12-year OPRA, the 3% interest rate on unpaid balance, and possibility that the Developer would be reimbursed before the end of the plan in 2038. Reminder: All charts are illustrations only to educate the future plan administrators on the process of reimbursement. Because of the distant time frame for reimbursements the likelihood of future successors and assigns for the reimbursements will change. Without notice to the contrary, all parties should agree that tax increment reimbursements would be transmitted to the property owner at 104-108 N. Washington Street. This might have merit as an added provision in the agreement at Page 31.

City of Owosso Brownfield Redevelopment Authority
District #13 Brownfield Redevelopment Plan Amendment #3
“Wesener Multi-Use Building”

Prepared by: Town Plans, LLC
Owosso, Michigan 48867

With the assistance of:

- The Owosso Brownfield Redevelopment Authority, and
- Guy Bazzani, Design-Green-Build Consultant



Date of Authority’s Wesener LLC Plan Adoption:	<u>August 15, 2010</u>
Date of City Council’s Wesener LLC Plan Adoption:	<u>September 17, 2010</u>
Date of Authority’s Plan <u>Amendment #1</u> Adoption:	<u>October 21, 2010</u>
Date of City Council’s Plan <u>Amendment #1</u> Adoption:	<u>November 1, 2010</u>
Date of Authority’s Plan <u>Amendment #2</u> Adoption:	<u>July 21, 2011</u>
Date of City Council’s Plan <u>Amendment #2</u> Adoption:	<u>August 1, 2011</u>
Date of Authority’s Plan <u>Amendment #3</u> Adoption:	_____
Date of City Council’s Plan <u>Amendment #3</u> Adoption:	_____

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Owosso Brownfield Authority District #13
Brownfield Redevelopment Plan Amendment #3
“Wesener Multi-Use Building”

I. INTRODUCTION, PURPOSE AND PROJECT SUMMARY

The City of Owosso is an aging industrial community with a significant population decline, below average household income and attendant high unemployment rates. To combat these influences, the City has identified 20 brownfield sites and completed 13 plans since 1996 and had redeveloped five brownfield sites prior to that year. Brownfield redevelopment is essential to Owosso’s transition to the new economy and to the recruitment and retention of residents. To assist in that endeavor, the City is an eligible distressed area for the broadened benefits of brownfield redevelopment.

The purpose of this plan, to be implemented by the Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act No. 381 of the Public Acts of 1996, MCLA 125.2651 et.seq., which is known as the “Brownfield Redevelopment Financing Act” . There are 14 mandated requirements of the plan, each to be addressed in this plan. The principal purpose of the plan is to define eligible property, to define a tax increment plan for funding eligible activities, and to establish eligibility for developer Michigan Business Tax credits. The subject of the plan is a multi-story downtown building that was arsoned on July 4, 2007.

Wesener LLC (“Wesener”) proposes to completely restore the 1886 structure located at 104-108 N. Washington Street in Owosso, Michigan (the “Property”) into a combined residential, retail and office facility. The project will involve demolition of damaged sections, restoration, and renovation under the newly established Owosso Historic Commission standards and a LEED level certification. The effort will create both temporary construction jobs and new permanent jobs. The community will benefit from the preservation and reuse of a vacant 18,000 square foot building, a long-term increase to the City’s tax base and an essential boost to street life in the downtown.

II. DEFINITIONS FROM ACT 381 OF 1996 AS AMENDED AND AS USED IN THIS PLAN (MCL 125.2152, Section 2):

(a) "Advance" means a transfer of funds made by a municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority. Evidence of the intent to repay an advance may include, but is not limited to, an executed agreement to repay, provisions contained in a tax increment financing plan approved prior to the advance, or a resolution of the authority or the municipality.

(b) "Alternative energy technology" means equipment, component parts, materials, electronic devices, testing equipment, and related systems that are specifically designed, specifically fabricated, and used primarily for 1 or more of the following:

(i) The storage, generation, reformation, or distribution of clean fuels integrated within an alternative energy system or alternative energy vehicle, not including an anaerobic digester energy system or a hydroelectric energy system, for use within the alternative energy system or alternative energy vehicle.

(ii) The process of generating and putting into a usable form the energy generated by an alternative energy system. Alternative energy technology does not include those component parts of an alternative energy system that are required regardless of the energy source.

(iii) Research and development of an alternative energy vehicle.

(iv) Research, development, and manufacturing of an alternative energy system.

(v) Research, development, and manufacturing of an anaerobic digester energy system.

(vi) Research, development, and manufacturing of a hydroelectric energy system.

(c) "Alternative energy technology business" means a business engaged in the research, development, or manufacturing of alternative energy technology.

(d) "Assessed value" means 1 of the following:

(i) For valuations made before January 1, 1995, the state equalized valuation as determined under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(ii) For valuations made after December 31, 1994, the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(e) "Authority" means a local development finance authority created pursuant to this act.

(f) "Authority district" means an area or areas within which an authority exercises its powers.

(g) "Board" means the governing body of an authority.

(h) "Business development area" means an area designated as a certified industrial park under this act prior to the effective date of the amendatory act that added this subdivision, or an area designated in the tax increment financing plan that meets all of the following requirements:

(i) The area is zoned to allow its use for eligible property.

(ii) The area has a site plan or plat approved by the city, village, or township in which the area is located.

(i) "Business incubator" means real and personal property that meets all of the following requirements:

(i) Is located in a certified technology park or a certified alternative energy park.

- (ii) Is subject to an agreement under section 12a or 12c.
- (iii) Is developed for the primary purpose of attracting 1 or more owners or tenants who will engage in activities that would each separately qualify the property as eligible property under subdivision (s)(iii).
- (j) "Captured assessed value" means the amount in any 1 year by which the current assessed value of the eligible property identified in the tax increment financing plan or, for a certified technology park, the real and personal property included in the tax increment financing plan, including the current assessed value of property for which specific local taxes are paid in lieu of property taxes as determined pursuant to subdivision (ff), exceeds the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.
- (k) "Certified alternative energy park" means that portion of an authority district designated by a written agreement entered into pursuant to section 12c between the authority, the municipality or municipalities, and the Michigan economic development corporation.
- (l) "Certified business park" means a business development area that has been designated by the Michigan economic development corporation as meeting criteria established by the Michigan economic development corporation. The criteria shall establish standards for business development areas including, but not limited to, use, types of building materials, landscaping, setbacks, parking, storage areas, and management.
- (m) "Certified technology park" means that portion of the authority district designated by a written agreement entered into pursuant to section 12a between the authority, the municipality, and the Michigan economic development corporation.
- (n) "Chief executive officer" means the mayor or city manager of a city, the president of a village, or, for other local units of government or school districts, the person charged by law with the supervision of the functions of the local unit of government or school district.
- (o) "Development plan" means that information and those requirements for a development set forth in section 15.
- (p) "Development program" means the implementation of a development plan.
- (q) "Eligible advance" means an advance made before August 19, 1993.
- (r) "Eligible obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority before August 19, 1993 and its subsequent refunding by a qualified refunding obligation. Eligible obligation includes an authority's written agreement entered into before August 19, 1993 to pay an obligation issued after August 18, 1993 and before December 31, 1996 by another entity on behalf of the authority.
- (s) "Eligible property" means land improvements, buildings, structures, and other real property, and machinery, equipment, furniture, and fixtures, or any part or accessory thereof whether completed or in the process of construction comprising an integrated whole, located within an authority district, of which the primary purpose and use is or will be 1 of the following:

(i) The manufacture of goods or materials or the processing of goods or materials by physical or chemical change.

(ii) Agricultural processing.

(iii) A high technology activity.

(iv) The production of energy by the processing of goods or materials by physical or chemical change by a small power production facility as defined by the federal energy regulatory commission pursuant to the public utility regulatory policies act of 1978, Public Law 95-617, which facility is fueled primarily by biomass or wood waste. This act does not affect a person's rights or liabilities under law with respect to groundwater contamination described in this subparagraph. This subparagraph applies only if all of the following requirements are met:

(A) Tax increment revenues captured from the eligible property will be used to finance, or will be pledged for debt service on tax increment bonds used to finance, a public facility in or near the authority district designed to reduce, eliminate, or prevent the spread of identified soil and groundwater contamination, pursuant to law.

(B) The board of the authority exercising powers within the authority district where the eligible property is located adopted an initial tax increment financing plan between January 1, 1991 and May 1, 1991.

(C) The municipality that created the authority establishes a special assessment district whereby not less than 50% of the operating expenses of the public facility described in this subparagraph will be paid for by special assessments. Not less than 50% of the amount specially assessed against all parcels in the special assessment district shall be assessed against parcels owned by parties potentially responsible for the identified groundwater contamination pursuant to law.

(v) A business incubator.

(vi) An alternative energy technology business.

(t) "Fiscal year" means the fiscal year of the authority.

(u) "Governing body" means the elected body having legislative powers of a municipality creating an authority under this act.

(v) "High technology activity" means that term as defined in section 3 of the Michigan economic growth authority act, 1995 PA 24, MCL 207.803.

(w) "Initial assessed value" means the assessed value of the eligible property identified in the tax increment financing plan or, for a certified technology park, the assessed value of any real and personal property included in the tax increment financing plan, at the time the resolution establishing the tax increment financing plan is approved as shown by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, for property that becomes eligible property in other than a certified technology park after the date the plan is approved, at the time the property becomes eligible property. Property exempt from taxation at the time of the determination of the

initial assessed value shall be included as zero. Property for which a specific local tax is paid in lieu of property tax shall not be considered exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of property tax shall be determined as provided in subdivision (ff).

(x) "Michigan economic development corporation" means the public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999 between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund. If the Michigan economic development corporation is unable for any reason to perform its duties under this act, those duties may be exercised by the Michigan strategic fund.

(y) "Michigan strategic fund" means the Michigan strategic fund as described in the Michigan strategic fund act, 1984 PA 270, MCL 125.2001 to 125.2094.

(z) "Municipality" means a city, village, or urban township. However, for purposes of creating and operating a certified alternative energy park, municipality includes townships that are not urban townships.

(aa) "Obligation" means a written promise to pay, whether evidenced by a contract, agreement, lease, sublease, bond, or note, or a requirement to pay imposed by law. An obligation does not include a payment required solely because of default upon an obligation, employee salaries, or consideration paid for the use of municipal offices. An obligation does not include those bonds that have been economically defeased by refunding bonds issued under this act. Obligation includes, but is not limited to, the following:

(i) A requirement to pay proceeds derived from ad valorem property taxes or taxes levied in lieu of ad valorem property taxes.

(ii) A management contract or a contract for professional services.

(iii) A payment required on a contract, agreement, bond, or note if the requirement to make or assume the payment arose before August 19, 1993.

(iv) A requirement to pay or reimburse a person for the cost of insurance for, or to maintain, property subject to a lease, land contract, purchase agreement, or other agreement.

(v) A letter of credit, paying agent, transfer agent, bond registrar, or trustee fee associated with a contract, agreement, bond, or note.

(bb) "On behalf of an authority", in relation to an eligible advance made by a municipality or an eligible obligation or other protected obligation issued or incurred by a municipality, means in anticipation that an authority would transfer tax increment revenues or reimburse the municipality from tax increment revenues in an amount sufficient to fully make payment required by the eligible advance made by a municipality, or eligible obligation or other protected obligation issued or incurred by the municipality, if the anticipation of the transfer or receipt of tax increment revenues from the authority is pursuant to or evidenced by 1 or more of the following:

- (i) A reimbursement agreement between the municipality and an authority it established.
- (ii) A requirement imposed by law that the authority transfer tax increment revenues to the municipality.
- (iii) A resolution of the authority agreeing to make payments to the incorporating unit.
- (iv) Provisions in a tax increment financing plan describing the project for which the obligation was incurred.

(cc) "Other protected obligation" means:

(i) A qualified refunding obligation issued to refund an obligation described in subparagraph (ii) or (iii), an obligation that is not a qualified refunding obligation that is issued to refund an eligible obligation, or a qualified refunding obligation issued to refund an obligation described in this subparagraph.

(ii) An obligation issued or incurred by an authority or by a municipality on behalf of an authority after August 19, 1993, but before December 31, 1994, to finance a project described in a tax increment finance plan approved by the municipality in accordance with this act before August 19, 1993, for which a contract for final design is entered into by the municipality or authority before March 1, 1994.

(iii) An obligation incurred by an authority or municipality after August 19, 1993, to reimburse a party to a development agreement entered into by a municipality or authority before August 19, 1993, for a project described in a tax increment financing plan approved in accordance with this act before August 19, 1993, and undertaken and installed by that party in accordance with the development agreement.

(iv) An ongoing management or professional services contract with the governing body of a county that was entered into before March 1, 1994 and that was preceded by a series of limited term management or professional services contracts with the governing body of the county, the last of which was entered into before August 19, 1993.

(dd) "Public facility" means 1 or more of the following:

(i) A street, road, bridge, storm water or sanitary sewer, sewage treatment facility, facility designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, retention basin, pretreatment facility, waterway, waterline, water storage facility, rail line, electric, gas, telephone or other communications, or any other type of utility line or pipeline, or other similar or related structure or improvement, together with necessary easements for the structure or improvement. Except for rail lines, utility lines, or pipelines, the structures or improvements described in this subparagraph shall be either owned or used by a public agency, functionally connected to similar or supporting facilities owned or used by a public agency, or designed and dedicated to use by, for the benefit of, or for the protection of the health, welfare, or safety of the public generally, whether or not used by a single business entity. Any road, street, or bridge shall be continuously open to public access. A public facility shall be located on public property or in a public, utility, or transportation easement or right-of-way.

(ii) The acquisition and disposal of land that is proposed or intended to be used in the development of eligible property or an interest in that land, demolition of structures, site preparation, and relocation costs.

(iii) All administrative and real and personal property acquisition and disposal costs related to a public facility described in subparagraphs (i) and (iv), including, but not limited to, architect's, engineer's, legal, and accounting fees as permitted by the district's development plan.

(iv) An improvement to a facility used by the public or a public facility as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351, which improvement is made to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(v) All of the following costs approved by the Michigan economic development corporation:

(A) Operational costs and the costs related to the acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of land and other assets that are or may become eligible for depreciation under the internal revenue code of 1986 for a business incubator located in a certified technology park or certified alternative energy park.

(B) Costs related to the acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of land and other assets that, if privately owned, would be eligible for depreciation under the internal revenue code of 1986 for laboratory facilities, research and development facilities, conference facilities, teleconference facilities, testing, training facilities, and quality control facilities that are or that support eligible property under subdivision (s)(iii), that are owned by a public entity, and that are located within a certified technology park.

(C) Costs related to the acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of land and other assets that, if privately owned, would be eligible for depreciation under the internal revenue code of 1986 for facilities that are or that will support eligible property under subdivision (s)(vi), that have been or will be owned by a public entity at the time such costs are incurred, that are located within a certified alternative energy park, and that have been or will be conveyed, by gift or sale, by such public entity to an alternative energy technology business.

(vi) Operating and planning costs included in a plan pursuant to section 12(1)(f), including costs of marketing property within the district and attracting development of eligible property within the district.

(ee) "Qualified refunding obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority to refund an obligation if the refunding obligation meets both of the following:

(i) The net present value of the principal and interest to be paid on the refunding obligation, including the cost of issuance, will be less than the net present value of the principal and

interest to be paid on the obligation being refunded, as calculated using a method approved by the department of treasury.

(ii) The net present value of the sum of the tax increment revenues described in subdivision (hh)(ii) and the distributions under section 11a to repay the refunding obligation will not be greater than the net present value of the sum of the tax increment revenues described in subdivision (hh)(ii) and the distributions under section 11a to repay the obligation being refunded, as calculated using a method approved by the department of treasury.

(ff) "Specific local taxes" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572, the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797, the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, the enterprise zone act, 1985 PA 224, MCL 125.2101 to 125.2123, 1953 PA 189, MCL 211.181 to 211.182, and the technology park development act, 1984 PA 385, MCL 207.701 to 207.718. The initial assessed value or current assessed value of property subject to a specific local tax is the quotient of the specific local tax paid divided by the ad valorem millage rate. However, after 1993, the state tax commission shall prescribe the method for calculating the initial assessed value and current assessed value of property for which a specific local tax was paid in lieu of a property tax.

(gg) "State fiscal year" means the annual period commencing October 1 of each year.

(hh) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of eligible property within the district or, for purposes of a certified technology park or a certified alternative energy park, real or personal property that is located within the certified technology park and included within the tax increment financing plan, subject to the following requirements:

(i) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions, other than the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts, upon the captured assessed value of real and personal property in the development area for any purpose authorized by this act.

(ii) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts upon the captured assessed value of real and personal property in the development area in an amount equal to the amount necessary, without regard to subparagraph (i), for the following purposes:

(A) To repay eligible advances, eligible obligations, and other protected obligations.

(B) To fund or to repay an advance or obligation issued by or on behalf of an authority to fund the cost of public facilities related to or for the benefit of eligible property located within a certified technology park or a certified alternative energy park to the extent the public facilities have been included in an agreement under section 12a(3), not to exceed 50%, as determined by the state treasurer, of the amounts levied by the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local and intermediate school districts for a period not to exceed 15 years, as determined by the state treasurer, if the state treasurer determines that the capture under this subparagraph is

necessary to reduce unemployment, promote economic growth, and increase capital investment in the municipality.

(iii) Tax increment revenues do not include any of the following:

(A) Ad valorem property taxes or specific local taxes that are excluded from and not made part of the tax increment financing plan.

(B) Ad valorem property taxes and specific local taxes attributable to ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority.

(C) Ad valorem property taxes exempted from capture under section 4(3) or specific local taxes attributable to such ad valorem property taxes.

(D) Ad valorem property taxes specifically levied for the payment of principal and interest of obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit or specific local taxes attributable to such ad valorem property taxes.

(E) The amount of ad valorem property taxes or specific taxes captured by a downtown development authority under 1975 PA 197, MCL 125.1651 to 125.1681, tax increment financing authority under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, or brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, if those taxes were captured by these other authorities on the date that the initial assessed value of a parcel of property was established under this act.

(iv) The amount of tax increment revenues authorized to be included under subparagraph (ii), and required to be transmitted to the authority under section 13(1), from ad valorem property taxes and specific local taxes attributable to the application of the levy of the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, or a local school district or an intermediate school district upon the captured assessed value of real and personal property in a development area shall be determined separately for the levy by the state, each school district, and each intermediate school district as the product of sub-subparagraphs (A) and (B):

(A) The percentage that the total ad valorem taxes and specific local taxes available for distribution by law to the state, local school district, or intermediate school district, respectively, bears to the aggregate amount of ad valorem millage taxes and specific taxes available for distribution by law to the state, each local school district, and each intermediate school district.

(B) The maximum amount of ad valorem property taxes and specific local taxes considered tax increment revenues under subparagraph (ii).

(ii) "Urban township" means a township that meets 1 or more of the following:

(i) Meets all of the following requirements:

(A) Has a population of 20,000 or more, or has a population of 10,000 or more but is located in a county with a population of 400,000 or more.

(B) Adopted a master zoning plan before February 1, 1987.

(C) Provides sewer, water, and other public services to all or a part of the township.

(ii) Meets all of the following requirements:

(A) Has a population of less than 20,000.

(B) Is located in a county with a population of 250,000 or more but less than 400,000, and that county is located in a metropolitan statistical area.

(C) Has within its boundaries a parcel of property under common ownership that is 800 acres or larger and is capable of being served by a railroad, and located within 3 miles of a limited access highway.

(D) Establishes an authority before December 31, 1998.

(iii) Meets all of the following requirements:

(A) Has a population of less than 20,000.

(B) Has a state equalized valuation for all real and personal property located in the township of more than \$200,000,000.00.

(C) Adopted a master zoning plan before February 1, 1987.

(D) Is a charter township under the charter township act, 1947 PA 359, MCL 42.1 to 42.34.

(E) Has within its boundaries a combination of parcels under common ownership that is 800 acres or larger, is immediately adjacent to a limited access highway, is capable of being served by a railroad, and is immediately adjacent to an existing sewer line.

(F) Establishes an authority before March 1, 1999.

(iv) Meets all of the following requirements:

(A) Has a population of 13,000 or more.

(B) Is located in a county with a population of 150,000 or more.

(C) Adopted a master zoning plan before February 1, 1987.

(v) Meets all of the following requirements:

(A) Is located in a county with a population of 1,000,000 or more.

(B) Has a written agreement with an adjoining township to develop 1 or more public facilities on contiguous property located in both townships.

(C) Has a master plan in effect.

(vi) Meets all of the following requirements:

(A) Has a population of less than 10,000.

(B) Has a state equalized valuation for all real and personal property located in the township of more than \$280,000,000.00.

(C) Adopted a master zoning plan before February 1, 1987.

(D) Has within its boundaries a combination of parcels under common ownership that is 199 acres or larger, is located within 1 mile of a limited access highway, and is located within 1 mile of an existing sewer line.

(E) Has rail service.

(F) Establishes an authority before May 7, 2009.

(vii) Has joined an authority under section 3(2) which is seeking or has entered into an agreement for a certified alternative energy park.

History: 1986, Act 281, Eff. Feb. 1, 1987 ;-- Am. 1991, Act 101, Imd. Eff. Aug. 21, 1991 ; - Am. 1992, Act 287, Imd. Eff. Dec. 18, 1992 ;-- Am. 1993, Act 333, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 282, Imd. Eff. July 11, 1994 ;-- Am. 1994, Act 331, Imd. Eff. Oct. 14, 1994 ;-- Am. 1996, Act 270, Imd. Eff. June 12, 1996 ;-- Am. 1998, Act 1, Imd. Eff. Jan. 30, 1998 ;-- Am. 1998, Act 92, Imd. Eff. May 14, 1998 ;-- Am. 2000, Act 248, Imd. Eff. June 29, 2000 ;-- Am. 2003, Act 20, Imd. Eff. June 20, 2003 ;-- Am. 2004, Act 17, Imd. Eff. Mar. 4, 2004 ;-- Am. 2007, Act 200, Imd. Eff. Dec. 27, 2007 ;-- Am. 2009, Act 162, Imd. Eff. Dec. 14, 2009

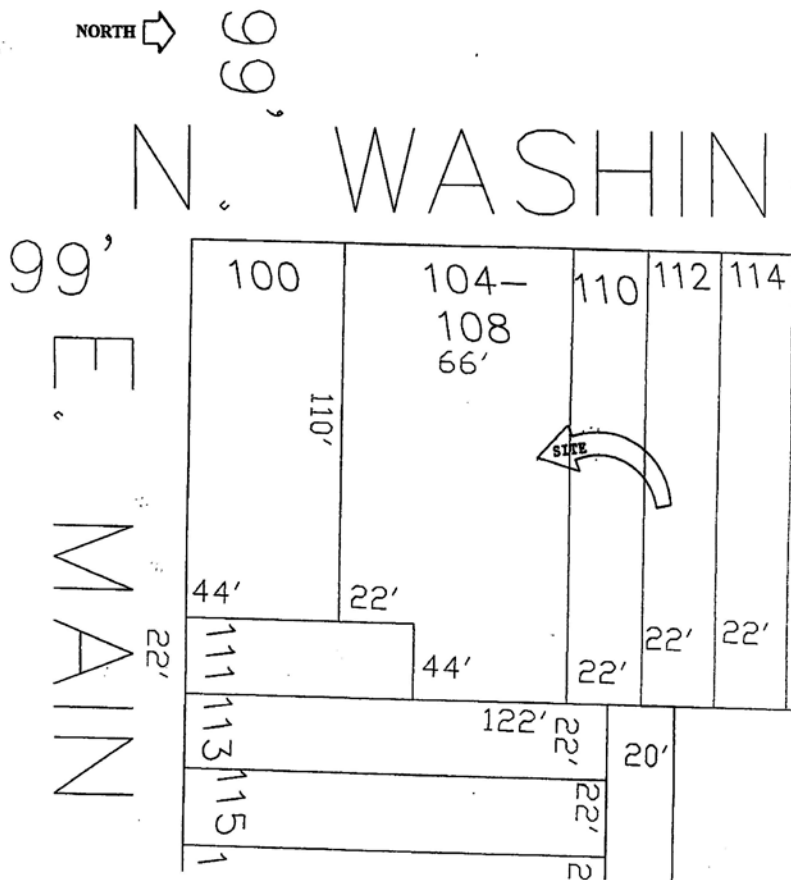
III. THE BROWNFIELD REDEVELOPMENT PLAN—“WESENER MULTI-USE BUILDING” AMENDMENT #3.

PART A: Description of Eligible Property.

The eligible property owned by Wesener LLC and under a land contract with Rock Solid, LLC, is that area incorporating tax roll parcel #78-050-470-021-012-00 with the following legal description:

The South 2/3 OF LOT 5 and the North 1/3 OF LOT 6 (EXCEPT THE EAST 22' OF LOT 6) BLOCK 21, ORIGINAL PLAT OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN.

The property map below shows the subject property and vicinity.



Narrative Property Description. The land area of the site is 8,228 square feet with 17,600 square feet of building area in a three-story historic structure. The basement is unfinished and is intended to be made usable for a total redevelopment area of 23,500 square feet. The property has frontage on North Washington Street and is the most impressive structure of a grand historic street wall in a block that was mostly constructed in the late 1800's. There is a private alley at the rear and the property includes four private parking spaces on the east side of the alley. The fire destroyed the roof and the flooring and interior partitions of all three floors. The elevator shaft is destroyed and parts of the elevator system were lost. The walls and floor beams throughout remain structurally sound but the building is severely blighted. To illustrate existing conditions, see the cover page photo of the Plan.

The plan will be supplemented with a request to the Michigan Economic Growth Authority (MEGA) to designate the project as an urban development area. This designation entitles the project if approved before December 31, 2010 to consideration of a 20% Michigan Business Tax Credit. The criteria that qualify the project as an urban development area are:

- 1) If the project increases the density of the area by promoting multistory development. *(the project involves a three-story downtown building)*
- 2) If the project promotes mixed-use development and walkable communities. *(the project involves office, retail and residential land uses all approachable on the city sidewalk system including a 2010 Vibrant Cities pedestrian improvement investment throughout the downtown)*
- 3) If the project promotes sustainable development *(the project uses existing infrastructure with excess capacity, it will seek LEED certification for use of Michigan made building materials and green technology applications to construction)*
- 4) If the project addresses area-wide redevelopment and markets of commerce. *(a key tenant component is the second floor innovation/entrepreneurial center for the region where ventures are spawned with a supportive services environment; the organic restaurant will create nearby local farm produce and livestock business activity)*
- 5) If the project addresses underserved markets of commerce. *(the entrepreneurial component does not exist anywhere else in the region—a significant underserved market of the type of commerce that is needed for the area's transition to New Economy applications)*
- 6) Any other criteria determined by the MEGA or the chairperson of MEGA. *(this project is a key community recovery project for a site that was arsoned on July 4, 2007—it will assist other downtown locations and build confidence in the community. The exterior will be restored to its historic 1885 condition)*

PART B: Determination of Eligibility.

The district is considered an “eligible property” because it is “blighted” as determined by the City Assessor’s letter at Attachment 3. On October 28, 2010, a Phase I Environmental Site Assessment was conducted and it was concluded that there were land uses on and about the property that warranted a site investigation—See the Phase I ESA summary at Attachment 4. A work plan to conduct soil and ground water borings was approved by the owner and the investigations took place on June 23, 2011. Laboratory samples from that investigation

determined that the site is a “facility” with elevated levels of lead (Pb) above criteria in the ground water, and that there were elevated levels of mercury (Hg) in the sub-surface of the basement. The environmental consultant had sufficient information to complete a Baseline Environmental Assessment and a Due Care Plan. An underground storage tank of unknown origin was believed to be present in the parking area behind the building. A site investigation did not reveal the presence of a tank. A lab sample next to the suspected tank location revealed elevated levels of volatile organic carbons but not above criteria that would involve soil or ground water remediation or an influence on the due care plan. Information from the Phase II report is included in this plan at Appendix 4.

Subject to Michigan Economic Development Corporation review, this plan also recognizes the developer’s eligibility to pursue Michigan Business Tax Credits to help justify the redevelopment of a brownfield site as proposed in the project plan.

PART C: Responses to the Required Elements of a Brownfield Plan.

- 1. Description of Costs to Be Paid for With Tax Increment Revenues and**
- 2. Summary of Eligible Activities.**

The costs are attributable to the public support required for a restored building at 104-108 N. Washington Street in downtown Owosso. The development area consists of a contaminated and blighted fire damage site. A restored structure will cover the site. Public support through the Brownfield Plan involves costs associated with a Baseline Environmental Assessment, partial demolition and clean-up, and infrastructure upgrades. Eligible activity costs involve:

a) Administrative Costs--Developer	
i) Phase I/Phase II Environmental Assessment	\$ 8,640
ii) Baseline Environmental Assessment/Due Care Plan	\$ 3,500
iii) Brownfield Plan Prep – Developer’s Consultant	\$ 2,180
iv) Brownfield Plan Amendment #3—Developer’s Cons’t	\$ 300
iv) MBT Part I Developer’s Filing Fee	\$ 2,500
v) Developer’s LEED certification fee	<u>\$ 9,800</u>
<i>Sub-Total</i>	\$ 26,920
b) Administrative Costs--City	
i) City’s Plan Monitoring and Reporting Thru 2038	\$ 4,450
c) Eligible Developer Activities.	
i) Partial Demolition of Blighted/Fire Damaged Structure and basement excavation—new construction activity	\$ 50,000
iii) Reimbursement for \$50,000 post-fire clean-up and stabilization	\$ 50,000
iii) Infrastructure Costs – Temp Lighting, Relocation of Electrical Service Hindrance, and Site Security	<u>\$ 30,000</u>
<i>Sub-Total</i>	\$130,000
d) Interest Costs on Developer advances @3%	\$103,483

Total Estimated Plan Costs of a, b, c & d:

\$ Developer Reimbursements	\$ 260,403
\$ City Reimbursements	<u>\$ 4,450</u>
<i>Total Plan Costs:</i>	\$ 264,853

3. Estimate of Captured Assessed Value and Tax Increment Revenues.

The estimated cost of the restoration is approximately \$2,130,000. This site’s initial assessed value will be based on the condition the blighted building on December 31, 2008 or \$32,600 as indicated in the City Assessor’s records. As provided for in the Act, the date is advanced a year from the date of the initial plan adoption in 2007 to account for the reduced Taxable Value after the fire on July 4, 2007. The completed project captured assessed value is estimated at \$800,000. Note that the phased project will not be complete until 2015; therefore, the illustrations of captured taxes will reflect lower values in the early years of the plan. See Schedule 2 for a yearly accounting of probable captured assessed values.

The plan will not capture Owosso School millage and the State Education Tax millage. Beginning in 2026, well past project build-out and at the end of the OPRA abatement, the annual tax increment revenues are projected to average \$24,700 per year. The captured tax increments are estimated to cover a span of 12 captured tax years beginning in 2026. With interest at 3%, the Developer principle and interest reimbursement totals \$260,400 over the duration of the plan. That is subject to change by factors such as actual developer costs, property valuation and local millage variations.

To show the spread of captured taxes by local jurisdiction the chart below illustrates the plan’s impact in Year 2026 (year selection is just for illustration). Schedule 2 projects a 2026 captured assessed value of \$812,000. The three taxing jurisdictions with the highest contribution to the plan are, in rank order, the City of Owosso, Shiawassee County and the RESD.

TIF Revenues By Jurisdiction -- An Illustration
Year 2026; 2012 Millage Rates

Entity	Millage	CAV	Total
City of Owosso	0.014037	812,000	\$11,398.04
Shiawassee County	0.0073646	812,000	\$5,980.06
RESD	0.003904	812,000	\$3,170.05
District Library	0.00125	812,000	\$1,015.00
SATA	0.00025	812,000	\$203.00
Veterans	0.00005	812,000	\$40.60
MSU - 4H	0.00005	812,000	\$40.60
DDA	0.0019484	812,000	\$1,582.10
	0.028854		\$23,429.45

Schedule 3 contains the detail of the 12-year span of captured taxable value and tax increment revenues for all local taxing jurisdictions.

The local taxing jurisdictions will continue to collect taxes on the basis of taxable values that exist on the date of plan adoption. To illustrate, the initial taxable value is \$32,600. The uncaptured revenues to the local taxing jurisdictions throughout the duration of the plan (subject to varying millage rates over time) are as follows:

**Continued Tax Revenues By Jurisdiction -- An Illustration
Year 2026
At 2012 Millage Rates**

Entity	Millage	2008 Ass'd Value	Total
City of Owosso	0.014037	\$32,600	\$457.61
Shiawassee County	0.0073646	\$32,600	\$240.09
RESD	0.003904	\$32,600	\$127.27
District Library	0.00125	\$32,600	\$40.75
SATA	0.00025	\$32,600	\$8.15
Veterans	0.00005	\$32,600	\$1.63
MSU - 4H	0.00005	\$32,600	\$1.63
DDA	0.0019484	\$32,600	\$63.52
	0.028854		\$940.64

4. Method of Financing and Description of Advances by the Municipality.

There are three financing tools in the Plan:

- 1) Through an agreement between OBRA and the DDA, it is the intent of this plan for the Brownfield Redevelopment Authority to reimburse the DDA's \$50,000 advance made in 2014.
- 2) For Developer administrative advances of \$26,920 and eligible project expenses of \$130,000, the Developer will be reimbursed annually at a 3% annual rate on the balance owed. Within the \$130,000 is the reimbursement to Developer of the \$50,000 site stabilization work originally assumed by the DDA.
- 3) Upon completion of the Obsolete Property Tax Abatement in 2025, the DDA will transfer the local tax increments generated on the site to the Brownfield Redevelopment Authority for the duration of the plan.

The DDA already has a tax increment plan in place; therefore the method of financing this Brownfield Plan is through an agreement between OBRA and DDA to effect the DDA transfer of tax increment funds earned on the project site to OBRA for the duration of the plan or for the time it takes to completely reimburse the Developer and DDA whichever time period is less. The details of the agreement are at Attachment 7.

Schedule 4 demonstrates the influence of interest in the financing plan for the Developer. The OBRA and Developer agreement will establish the sequential order of reimbursement to be:

- 1) The City for its administrative oversight of the plan (\$350) per year;
- 2) Developer reimbursement for the balance of administrative advances and advances on eligible project costs.

5. Maximum Amount of Note or Bonded Indebtedness.

There will be no Bonded Indebtedness.

6. Duration of the Brownfield Plan.

The duration of the plan is based upon the estimated number of years it will take for the repayment to the Developer and Owosso DDA for the eligible costs. The tax capture years begin in 2026 and continue for 12 years until 2038. Reimbursements to the Developer and DDA are detailed in Schedules 3 and 4. The terms of the OBRA proposed reimbursement agreement with the DDA are provided in Attachment 5. The Developer shall assume the risk of project cost overruns, insufficient taxable value, or changing tax structure if eligible Developer reimbursements or payments owing to the City for its advances during the Obsolete Property Rehabilitation Exemption are not adequately reimbursed from tax increments during the term of the plan. Assurances on this matter are in the Developer/OBRA agreement at Attachment 6.

7. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions.

The site will generate taxes to the local jurisdictions at the current level of development on the property that had a December 31, 2008 taxable value of \$32,600. The captured tax revenues will be available to the taxing jurisdictions beginning in 2039 or earlier if the actual collections are greater than anticipated. Because the city has excess capacity in its utility system, adequate emergency services, and the absence of traffic congestion on its streets or parking shortages, the development will not impact the service level obligations of the local taxing jurisdictions. The chart on Page 18 details the tax capture implications to each of the local taxing jurisdictions. A second chart on Page 18 shows the level of current tax collections that will persist throughout the term of the plan.

8. Legal Description, Property Map and Personal Property.

The legal description and property map of the eligible properties are provided on Page 14. A list of real property improvements subject to property tax at the site is listed in Attachment 1.

9. Estimates of Residents and Displacement of Families.

No residents or families will be displaced by the project. There are no families or persons residing on the premises.

10. Plan for Relocation of Displaced Persons. This section is not applicable to the plan.

11. Provisions for Relocation Costs. This section is not applicable to the plan.

12. Strategy for Compliance with Michigan’s Relocation Assistance Law. This section is not applicable to the plan.

13. Description of Proposed Use of Local Site Remediation Revolving Fund.

Because of the length of time it will take to pay the advances, it is not the intent of this plan to capture taxes for a Local Site Remediation Revolving Fund. This site will not rely on revenues from other brownfield redevelopment plans in other project sites of the City.

14. Other Material the Authority Considers Pertinent.

After adopting a notice of intent in March, of 1997, the City Council of the City of Owosso established the Brownfield Authority on April 21, 1997. The entire city was designated a Brownfield Zone with the expectation of individual “districts” having their own brownfield plans. The Authority was filed with Michigan’s Secretary of State on April 29, 1997. As provided for in the Act, the City Council designated the city’s Local Development Finance Authority to perform as the city’s Brownfield Redevelopment Authority. See the current membership list at Attachment 2.

ATTACHMENTS

- Attachment 1: List of Real and Personal Property Improvements at the Site
- Attachment 2: List of Brownfield Redevelopment Authority Board Members.
- Attachment 3: Assessor's Letter on Finding of Blighted Conditions
- Attachment 4: Summary Narrative of Phase I Environmental Site Assessment
- Attachment 5: Reimbursement Agreement between DDA and OBRA
- Attachment 6: Reimbursement Agreement between OBRA and Developer
- Attachment 7: Tax Increment Transfer Agreement between DDA and OBRA
- Attachment 8: Phase II Environmental Site Investigation Information

LIST OF SCHEDULES

- | | |
|------------|--|
| SCHEDULE 1 | Detail of Eligible Project Costs |
| SCHEDULE 2 | Wesener LLC--Captured Assessed Value Calculations—An Illustration |
| SCHEDULE 3 | Captured Taxes Available for Reimbursement to Developer with 12 year Obsolete Property Tax Abatement in Effect -- Illustration |
| SCHEDULE 4 | Reimbursement Schedule for City and Developer— Illustration with Interest Owing to Developer |

**ATTACHMENT 1
LIST OF PROPERTY IMPROVEMENTS AT THE SITE
(4 PAGES)**



**The Wesener Building
Guaranteed Maximum Price
Scope of Work
June 11, 2013**

<u>1 General Conditions</u>	165,935
LEED-H Certification	
Building Permit, other permits and City fees as required	
Full time Project Superintendent	
Project Management	
Temporary Utilities	
Portable toilet	
Daily & Final cleaning	
Testing Allowance (\$1,000.00)	
Winter Conditions Allowance (\$5,000.00)	
Utility Allowance (\$3,500.00)	
Rubbish recycling and disposal	
Use & Occupancy Permit	
Project close out	
Project drawings	
Architectural Changes	
Builders Risk Insurance	
<u>2 Existing Conditions</u>	56,500
Surveying	
Removal and recycling of concrete & asphalt where required	
Parking lot striping	
Brick Paver Repair	
Selective Demolition	
<u>3 Concrete</u>	98,352
Gypcrete	
New curb and sidewalks per plan	
Concrete footings, walls, columns & floor slabs	

ATTACHMENT 1 (CONTINUED, PAGE 2 OF 4)

4 <u>Masonry</u>	104,500
Masonry repair & tuck-pointing (interior & exterior)	
Masonry block elevator shaft walls	
5 <u>Metals</u>	59,800
Structural steel columns, joists & deck, balconies	
Handrails & bump posts	
6 <u>Wood</u>	168,340
Framing of floor & walls systems	
Labor for installation of cabinets & counter tops	
Framing of interior partitions	
Labor for installation of doors & hardware	
Blocking as needed	
Interior millwork and trims	
7 <u>Thermal Protection</u>	69,895
Attic & exterior wall insulation	
Sound insulation: at bathroom walls	
Flat roof will have TPO membrane	
Metal siding & aluminum soffits	
Flashing at parapet walls and penetrations	
Joint sealants	
Damp proofing of elevator pit	
Exterior & interior caulking at doors, windows, penetrations	
Exterior siding is Hardie lap siding (cement board) or equivalent	
8 <u>Openings</u>	173,314
Hollow metal frames & doors	
Interior doors: solid core at common areas hollow core at unit interior	
Windows: Vinyl clad double hung wood windows	
Door hardware	
Skylights	
9 <u>Finishes</u>	185,625
Gypsum wall board on all framing and all ceilings	
Interior painting Low VOC paints	
Exterior painting of cement board siding and related trims	
Flooring systems	

ATTACHMENT 1 (CONTINUED, PAGE 3 OF 4)

10 <u>Specialties</u>	21,730
Directories	
Postal Boxes and House Numbers	
Toilet accessories	
Wire shelving at closets	
Knox box	
Signage	
Fireplace	
Fire extinguishers & cabinets	
Awnings	
11 <u>Equipment</u>	38,500
Appliances - (\$32,000.00) allowance	
Blinds	
12 <u>Furnishings</u>	46,000
Cabinetry & Hardware Allowance of \$30,000 included	
Countertop Allowance of \$16,000 included	
13 <u>Special Construction</u>	0
14 <u>Conveying Systems</u>	95,600
Elevator	
21 <u>Fire Suppression</u>	34,780
Fire protection system	
22 <u>Plumbing</u>	93,329
New water supply and sanitary piping through out	
One sealed combustion gas fired water heater per unit	
Bathrooms each with one dual-flush Caroma WC	
Drop-in rimmed lavatory, low-flow faucet and shower/tub combo	
Kitchens, each with double bowl sink, garbage disposal,	
Roof drains and over-flow drains per code, to exterior basins.	
Gas and condensate piping for HVAC	
23 <u>Heating Ventilating Air Conditioning (HVAC)</u>	120,000
Natural Gas-fired forced air units , 90+% efficient	
Puron (CFC free) refrigerant in Air Conditioning	
Fresh air system (with energy recovery) for both floors	

ATTACHMENT 1 (CONTINUED, PAGE 4 OF 4)

26 <u>Electrical</u>	153,350
New underground service entrance	
New panel and disconnect in basement	
General power and lighting	
Power panels in each unit	
27 <u>Communications</u>	13,500
Voice & data systems	
33 <u>Earthwork</u>	66,000
Site utilities (water, sanitary & fire)	
Infill of rear areaway	
Asphalt paving	
	<hr/>
Subtotal	1,765,050
Builder Held Contingency	172,119
Overhead and Profit	193,717
Guaranteed Maximum Price	\$2,130,886

We the undersigned agree to the Guaranteed Maximum Price listed above according to the plans and specifications for the Wesener Building by Dixon Architects, AIA dated 10/24/11 and MEP & civil by Team Design dated 11/18/2011. Also included are the structural engineering plans by Engineered Structures, LLC dated 10/26/11 and specifications by Bazzani Associates dated 7/27/2011.

Wesener, LLC

Dave L. Acton

 Dave Acton
 Date: 6-14-13

Bazzani Building Company

Guy L. Bazzani

 Guy L. Bazzani
 Date: 6-17-13

Attachment 2
List of Brownfield Authority Members

Thomas Cook, City Council
Richard Williams, Contractual Fiscal Officer
Michael Bazelides, Citizen
Loreen Bailey, City Council
Larry Cook, City Assessor
General Grant, Owosso Public Schools Representative
David Vaughn, Citizen-Retired Industrialist
Dan Stewart, County Commissioner Representative

Vacancy (1)

ATTACHMENT 3
ASSESSOR'S FINDING OF BLIGHTED CONDITIONS



301 WEST MAIN STREET • OWOSSO, MICHIGAN 48867-2958

September 23, 2010

Owosso Brownfield Redevelopment Authority
301 W. Main Street
Owosso, MI 48867

Re: Functional Obsolescence/Blighted Property
Parcels 050-470-021-012-00 – 104 N. Washington Street

To Whom It May Concern:

The parcel at 104 N. Washington Street has a restricted use and loss of utilities due to fire of 2007. It is my opinion the “functional obsolescence” and “blight” of this parcel has caused a reduction in value since that time. The curable or cost to cure is out weighed by the incurable aspects of the facility. In any case, it is the perception of a loss in utility.

Functional obsolescence is *loss in value due to inability of the property to perform adequately the function for which it is used*. This may be a result from changes in demand, design and even take form of deficiency do to prior occupancy.

Functionally obsolete is also defined under P.A 328 of 1998 to mean that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property. (See MCL 125.2652).

The parcel also meets the definition of “blighted”, as defined in part under Act 381 of 1996, to be a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance. It is also an attractive nuisance to children because of physical condition, use, or occupancy. And further has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

If you have any further questions, please feel free to contact me.

Respectfully,

Larry D. Cook
Assessor, CMAE III

ATTACHMENT 4
SUMMARY NARRATIVE OF PHASE I ESA

This is the conclusion statement of ASTI's Environmental Assessment. Soil and groundwater sampling is recommended and will result in a future amendment to this Brownfield Plan to reflect study costs and potential remediation actions.

Phase I Environmental Site Assessment
104-108 N. Washington Street
Owosso, Michigan

October 28, 2010

9.0 CONCLUSIONS

We have performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-05 of 104-108 N. Washington Street in Owosso, Shiawassee County, Michigan, the "Property". Any exceptions to, or deletions from, this practice are described in Section 1.4 of this report. This assessment has revealed no evidence of recognized environmental conditions (REC) in connection with the Property, except for:

- a millinery located on the Property at 108 N. Washington from at least 1910 until 1924;
- paint storage labeled on the Property at 104 N. Washington in the 1963 Sanborn map;
- a gas tank evident on the eastern portion of the Property on the 1930 and 1946 Sanborn maps;
- a building labeled as dry cleaning located on the eastern portion of the Property in the 1930 through 1963 Sanborn maps;
- a paint store at 111 E. Main Street on the 1890 Sanborn map; and
- a millinery at 113 E. Main Street on the 1894 Sanborn map.

ASTI recommends a subsurface investigation to determine if the Property's natural resources have been impacted from the historical use of the Property and adjoining properties.

ATTACHMENT 5
REIMBURSEMENT AGREEMENT – DDA and OBRA

THE AGREEMENT is made this _____ day of _____, 2013 by the Owosso Downtown Development Authority with business offices at 301 W. Main Street, Owosso, Michigan 48867 as “DDA” and the City of Owosso Brownfield Redevelopment Authority, a Michigan municipal corporation, at 301 West Main Street, Owosso, Michigan as “Authority,”

WHEREAS, DDA has received a copy of the contents of a Brownfield Redevelopment Plan for 104-108 N. Washington Street and received notice of a public hearing prior to the City Council’s adoption of the most recent amendment of the Plan _____, and;

WHEREAS, DDA, through a mortgage lien on the property, has advanced \$50,000 for eligible activities to assist in the redevelopment of 104-108 N. Washington Street in downtown Owosso and induce Developer, Wesener, LLC to invest in the project; **NOW THEREFORE**,

IT SHALL BE AGREED AS FOLLOWS:

- 1) Upon Authority’s receipt of the \$50,000 from the project developer owing to the DDA from advances to the project site for fire damage, rubble removal, structural stabilization and roof reconstruction, Authority shall immediately transfer said amount to the DDA.
- 2) If said amount is not received by December 31, 2013, the terms of a prior agreement within the August 5, 2011 Plan amendment shall continue to be in full force and effect.
- 3) If said amount is received prior to December 31, 2013, DDA shall discharge the mortgage lien and this agreement shall be declared null and void upon DDA’s receipt of the \$50,000 payment from the Authority.
- 4) DDA shall cooperate with Developer to provide for a lien discharge with the Developer’s lender and Title Company to become effective at the time of Developer’s loan closing for the project. The discharge document shall be secured with the Title Company and returned to the DDA if the project financing is not accomplished.

IN WITNESS WHEREOF, the parties have executed the Reimbursement Agreement as of the date set forth above.

CITY:

WITNESS:

THE OWOSSO DOWNTOWN
DEVELOPMENT AUTHORITY:

By: _____

Its: _____

THE OWOSSO BROWNFIELD
REDEVELOPMENT AUTHORITY:

By: _____

Its: _____

REIMBURSEMENT AGREEMENT – OBRA AND WESENER, LLC

THE AGREEMENT is made this ___ day of _____, 2013 by WESENER, LLC with business offices at 4941 Chippewa Court, Owosso, Michigan 48867 as “Developer” and the City of Owosso Brownfield Redevelopment Authority, (a Michigan municipal corporation) at 301 West Main Street, Owosso, Michigan as “Authority,”

WHEREAS, Developer has received a copy of the contents of a Brownfield Redevelopment Plan (“the Plan”) for 104-108 N. Washington Street, Owosso, Michigan, and received notice of a the Authority’s public hearing prior to the Owosso City Council’s adoption of the Plan on November 1, 2010, as amended on _____, and;

WHEREAS, Developer has elected to pursue an Obsolete Property Rehabilitation Exemption Certificate that, for twelve (12) years, precludes the ability of the tax increment financing plan to reimburse the City and DDA for project advances, and;

WHEREAS, the Brownfield Redevelopment Financing Act, MCL 125.2651 et seq., allows an Authority to reimburse a developer for eligible activities as defined in the Act through captured tax revenues;

IT SHALL BE AGREED AS FOLLOWS:

1. Developer shall pay Authority \$50,000 for the Owosso Downtown Development Authority advances made in 2007 on site demolition, blight removal and site security measures. A separate agreement between the Authority and the Owosso DDA stipulates the terms of payment of the advances. It is understood by the parties that assurance of repayment to the DDA is provided for in a mortgage on the property.
2. As a condition of future reimbursements from tax increments, Developer shall pay the Authority the \$50,000 DDA advance on or before December 31, 2013. In the event Developer does not meet the deadline, interest on the \$50,000 shall be compounded annually at a 6% interest rate for a term of 10 years. Principle and interest payments shall be made by December 1st of each calendar year beginning in 2014.
3. With respect to paragraphs 1 and 2 above, Developer’s complete reimbursement of the \$50,000 advance shall result in the discharge of the lien and the understanding between the parties that the provisions of said paragraph become null and void.
4. Developer shall receive an annual reimbursement from local property taxes paid on the development of the site at 104-108 N. Washington Street, a city site that is more specifically described on Page 14 of the Wesener, LLC Brownfield Redevelopment Plan, District #13. The reimbursement is for Developer’s cash advances of administrative costs and the eligible investments for the restoration of the Wesener Building. Upon satisfying the terms of paragraph 3 above the \$50,000 site restoration work becomes a reimbursable eligible project expense. See the schedule on Page 16 of the Plan for a list of eligible project costs.

5. Beginning in 2026, the City will be reimbursed first for its eligible administrative plan oversight expenses at \$350 per year. In second place for reimbursement, after City is reimbursed for administrative expenses, Developer is paid the balance of tax increments available in any one year until the interest at 3% per annum and the principle in advances are paid.
6. The reimbursement shall be based on the captured real property taxes paid to the local taxing jurisdictions and detailed on Page 17 of the most recent amendment of the Wesener LLC Brownfield Redevelopment Plan.
7. Schedule 4 of the 2013 Plan Amendment shows the method of calculation for reimbursement of tax increments to Developer.
8. The Authority is not responsible for any third party cause that may invalidate the Brownfield Redevelopment Plan and thereby result in a shortfall of any amount of the planned reimbursement. The Authority is not responsible for shortfalls in tax increments resulting from any condition in any one year or for the duration of the Plan. Developer understands that reimbursements are ended in 2038, the Plan's duration, even if the Developer has not received complete reimbursement for the project costs.
9. Prior to the initial reimbursement, Developer shall conduct Developer's eligible activities and supply evidence of costs and expenditures to the Authority. The Authority retains the right to assess the costs of said site work and apply the market rate for like services conducted on city-owned parcels on other brownfield sites or elsewhere in the local governments' contracting work within Shiawassee County to determine the actual reimbursement level. The parties may agree in advance to the unit costs.
10. The annual reimbursement will be made by April 1st in the calendar year after the Developer's December tax payment is made each year. If in any year there is a tax delinquency at the site of any amount, the Authority shall not make any reimbursement until the delinquency is paid.
11. As a condition of reimbursement, Developer's project area shall remain in compliance with local, state and federal laws. No outstanding reimbursements shall be made until the violations are resolved to the satisfaction of the controlling agency.

IN WITNESS WHEREOF, the parties have executed the Reimbursement Agreement as of the date set forth above.

WITNESSES:	CITY: OWOSSO BROWNFIELD REDEVELOPMENT AUTHORITY
_____	By: _____
_____	Its: _____

DEVELOPER:
WESENER, LLC

By: _____

Its: _____

CAPTURED TAXES TRANSFER AGREEMENT – DDA AND OBRA

THE AGREEMENT is made this _____ day of _____, 2013 by the Owosso Downtown Development Authority, a Michigan municipal corporation, with business offices at 301 W. Main Street, Owosso, Michigan 48867 as “DDA” and the City of Owosso Brownfield Redevelopment Authority, a Michigan municipal corporation, at 301 West Main Street, Owosso, Michigan as “Authority,”

WHEREAS, Authority has completed a City Council adopted Brownfield Redevelopment Plan, as amended, in compliance with P.A 381 of 1996 as amended for the parcel at 104-108 N. Washington Street (“Site”) in downtown Owosso, with said parcel lying within the boundary of the DDA, and;

WHEREAS, the said Brownfield Redevelopment Plan details eligible project costs for the City and Developer, with said costs eligible for reimbursement from tax increment financing, and;

WHEREAS, the DDA has an existing tax increment financing plan on the site through the year 2028 that captures local taxes, except for the Regional Education Service District tax revenues, and desires to transfer captured tax revenues from the captured assessed valuation on the Site to the Authority for the purpose of reimbursement to the City and Developer, and;

WHEREAS, the DDA requires repayment of a \$50,000 advance it made on the site in 2007 investment in brownfield eligible expenses for site stabilization, **NOW THEREFORE**,

IT SHALL BE AGREED AS FOLLOWS:

1. In each year of the OBRA Plan, Authority shall submit to the DDA its annual report on the site showing the amount of tax increments owing to the City and Developer. DDA shall authorize the City Treasurer to transfer DDA’s tax increments on the site to Authority.
2. This agreement shall terminate in 2028 at the end of the DDA’s Development and Financing Plan. It is understood between the parties that if the DDA plan is amended to extend for any number of years up to and including 2036, DDA shall transfer its tax increments on the site to the Authority. If the Developer’s reimbursements are completed before 2028 or any DDA tax increment plan extension thereafter prior to 2036, the DDA is no longer obligated to transfer tax increments to the Authority and the Agreement shall be declared null and void.
3. At the time of the initial year of tax increments is collected, the Developer has not paid in full the \$50,000 plus interest in advances made to the project site, each year the DDA shall deduct the balance owed on that amount from each year’s tax increments before making any transfers of tax increments to the Authority. More detail on this stipulation is provided for in a separate agreement of even date between the parties. See Attachment 5 of the Plan.

IN WITNESS WHEREOF, the parties have executed the Transfer Agreement as of the date set forth above.

WITNESSES:

OWOSSO BROWNFIELD REDEVELOPMENT
AUTHORITY

By: _____

Its: _____

OWOSSO DOWNTOWN DEVELOPMENT
AUTHORITY

By: _____

Its: _____

ASTI ENVIRONMENTAL, JUNE 30, 2011, PHASE II ESA CONCLUSIONS

10.0 CONCLUSIONS AND RECOMMENDATIONS

The 0.19-acre Property contains a 13,200 square-foot three-story commercial building constructed in approximately 1890 and addressed as 104-108 N. Washington Street.

In the professional opinion of ASTI Environmental (ASTI), an appropriate level of inquiry has been made into the previous ownership and uses of the Property consistent with good commercial and customary practice in an effort to minimize liability. No evidence or indication of a recognized environmental condition has been revealed on the Property, except for:

- a millinery located on the Property at 108 N. Washington from prior to 1910 until 1924;
- paint storage labeled on the Property at 104 N. Washington in the 1963 Sanborn map;
- a gas tank evident on the eastern portion of the Property on the 1930 and 1946 Sanborn maps;
- a building labeled as dry cleaning located on the eastern portion of the Property in the 1930 through 1963 Sanborn maps;
- a paint store at 111 E. Main Street on the 1890 Sanborn map; and
- a millinery at 113 E. Main Street on the 1894 Sanborn map.

ASTI completed a Phase II Investigation of the Property with regard to the above-referenced RECs on June 30, 2011. Lead and mercury have been detected in the soil and lead has been detected in the groundwater beneath the Property at concentrations exceeding the Part 201 GRCC.

Based on the analytical results, the Property is considered a "facility" as defined in Part 201 of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (Part 201). ASTI recommends a Baseline Environmental Assessment (BEA) and Section 7a Compliance Analysis (Due Care Plan) be completed within 45 days of taking ownership of the Property.

SCHEDULE 1- “DETAIL OF PROJECT COSTS”

“WESENER BUILDING—Brownfield District #13” -- ELIGIBLE COSTS

1. PROJECT COSTS

a) Administrative Costs.

i) Phase I/Phase II Environmental Site Assessment	\$ 8,640
ii) Baseline Environmental Assessment and Due Care Plan	\$ 3,500
ii) Brownfield Plan Prep – Developer’s Consultants	\$ 2,340
iii) MBT Filing Fee to State of Michigan	\$ 2,500
iv) LEED Certification Fee	\$ 9,800
v) Plan Monitoring and Reporting – City @\$350/yr	\$ 4,550
SUB-TOTAL	\$ 31,470

b) Eligible Activities—Developer Site Redevelopment Costs

i) Escavation of basement (site preparation) and site demolition/sand blasting of charred building elements	\$ 50,000
ii) Site security during construction phases	\$ 2,000
iii) Temporary Lighting	\$ 3,000
iv) Developer Advance for DDA Bldg Stabilization	\$ 50,000
iv) Relocation of hazardous overhead electrical service	\$ 25,000

SUB-TOTAL \$130,000

TOTAL PROJECT COSTS (a+b) \$161,470

2. INTEREST COSTS – LOCAL TAX CAPTURE ONLY

ii) Interest to Developer on \$156,920 principle	\$103,483
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3. TOTAL REIMBURSEMENTS

i) Developer (Eligible Activities, Admin & Interest)	\$260,403
ii) City administration of the plan	\$ 4,450

TOTAL BROWNFIELD PLAN COSTS \$264,853

SCHEDULE 2

Wesener LLC Captured Assessed Value Calculation--Illustration

	A	B	C	D
YEAR	INITIAL TAXABLE VAL.	NEW REAL	TOTAL ASS'D VALUE	CAP'T ASS'D VALUE
2008	\$32,600	\$0	32,600	\$0
2009	\$32,600	\$0	32,600	\$0
2010	\$32,600	\$0	32,600	\$0
2011	\$32,600	\$0	32,600	\$0
2012	\$32,600	\$0	32,600	\$0
2013	\$32,600	\$0	32,600	\$0
2014	\$32,600	\$600,000	632,600	\$600,000
2015	\$32,600	\$800,000	832,600	\$800,000
2016	\$32,600	\$800,000	832,600	\$800,000
2017	\$32,600	\$800,000	832,600	\$800,000
2018	\$32,600	\$800,000	832,600	\$800,000
2019	\$32,600	\$800,000	832,600	\$800,000
2020	\$32,600	\$800,000	832,600	\$800,000
2021	\$32,600	\$800,000	832,600	\$800,000
2022	\$32,600	\$800,000	832,600	\$800,000
2023	\$32,600	\$800,000	832,600	\$800,000
2024	\$32,600	\$800,000	832,600	\$800,000
2025	\$32,600	\$800,000	832,600	\$800,000
2026	\$32,600	\$812,000	844,600	\$812,000
2027	\$32,600	\$824,180	856,780	\$824,180
2028	\$32,600	\$836,543	869,143	\$836,543
2029	\$32,600	\$849,091	881,691	\$849,091
2030	\$32,600	\$861,827	894,427	\$861,827
2031	\$32,600	\$874,755	907,355	\$874,755
2032	\$32,600	\$887,876	920,476	\$887,876
2033	\$32,600	\$901,194	933,794	\$901,194
2034	\$32,600	\$914,712	947,312	\$914,712
2035	\$32,600	\$928,433	961,033	\$928,433
2036	\$32,600	\$942,359	974,959	\$942,359
2037	\$32,600	\$956,495	989,095	\$956,495
2038	\$32,600	\$970,842	1,003,442	\$970,842

NOTE: Personal Property is projected to be too low or nonexistent in the future.

SCHEDULE 3 --ILLUSTRATION -- WESENER LLC

Reimbursements Available to Developer and City with 12 year OPRA

A	B	C	D	E	F
Year	Estimated Captured Ass'd. Value	Local Millage Rate-2010	Tax Increment	Annual City Reimb't for Admin	Net Available Dev'r Reimb. (D-E)
2008	\$0	0.028854	\$0	\$0	\$0
2009	0	0.028854	\$0	\$0	\$0
2010	0	0.028854	\$0	\$0	\$0
2011	0	0.028854	\$0	\$0	\$0
2012	0	0.028854	\$0	\$0	\$0
2013	0	0.028854	\$0	\$0	\$0
2014	\$600,000	0.028854	\$0	\$0	\$0
2015	\$800,000	0.028854	\$0	\$0	\$0
2016	\$800,000	0.028854	\$0	\$0	\$0
2017	\$800,000	0.028854	\$0	\$0	\$0
2018	\$800,000	0.028854	\$0	\$0	\$0
2019	\$800,000	0.028854	\$0	\$0	\$0
2020	\$800,000	0.028854	\$0	\$0	\$0
2021	\$800,000	0.028854	\$0	\$0	\$0
2022	\$800,000	0.028854	\$0	\$0	\$0
2023	\$800,000	0.028854	\$0	\$0	\$0
2024	\$800,000	0.028854	\$0	\$0	\$0
2025	\$800,000	0.028854	\$0	\$0	\$0
2026	812000	0.028854	\$23,429	\$350	\$23,079
2027	824180	0.028854	\$23,781	\$350	\$23,431
2028	836543	0.028854	\$24,138	\$350	\$23,788
2029	849091	0.028854	\$24,500	\$350	\$24,150
2030	861827	0.028854	\$24,867	\$350	\$24,517
2031	874755	0.028854	\$25,240	\$350	\$24,890
2032	887876	0.028854	\$25,619	\$350	\$25,269
2033	901194	0.028854	\$26,003	\$350	\$25,653
2034	914712	0.028854	\$26,393	\$350	\$26,043
2035	928433	0.028854	\$26,789	\$350	\$26,439
2036	942359	0.028854	\$27,191	\$350	\$26,841
2037	956495	0.028854	\$27,599	\$350	\$27,249
2038	970842	0.028854	\$28,013	\$350	\$27,663
Pertinent Totals:			\$333,561	\$4,550	\$329,011

Note: 2026 is the year tax abatement ("OPRA") ends and tax capture begins.

Note: 2026 is the year City assumes costs for admin oversight of the plan.

SCHEDULE 4 -- ILLUSTRATION

Developer Reimbursement Schedule With a 12 year OPRA

A	B	C	D	E	F
Year	Balance Owed	With 3.0% Interest	Reimbursement From Sch 3	Incurred Costs	Balance Owed (C-D)*
2008	\$0	\$0	\$0	\$0	\$0
2009	\$0	\$0	\$0	\$0	\$0
2010	\$0	\$0	\$0	\$0	\$0
2011	\$0	\$0	\$0	\$16,820	\$0
2012	\$16,820	\$17,325	\$0	\$0	\$17,325
2013	\$17,325	\$17,845	\$0	\$35,300	\$17,845
2014	\$53,145	\$54,739	\$0	\$75,000	\$54,739
2015	\$129,739	\$133,631	\$0	\$29,800	\$133,631
2016	\$163,431	\$168,334	\$0	\$0	\$168,334
2017	\$168,334	\$173,384	\$0	\$0	\$173,384
2018	\$173,384	\$178,586	\$0	\$0	\$178,586
2019	\$178,586	\$183,943	\$0	\$0	\$183,943
2020	\$183,943	\$189,462	\$0	\$0	\$189,462
2021	\$189,462	\$195,145	\$0	\$0	\$195,145
2022	\$195,145	\$201,000	\$0	\$0	\$201,000
2023	\$201,000	\$207,030	\$0	\$0	\$207,030
2024	\$207,030	\$213,241	\$0	\$0	\$213,241
2025	\$213,241	\$219,638	\$0	\$0	\$219,638
2026	\$219,638	\$226,227	\$23,079	\$0	\$203,148
2027	\$203,148	\$209,243	\$23,431	\$0	\$185,812
2028	\$185,812	\$191,386	\$23,788	\$0	\$167,598
2029	\$167,598	\$172,626	\$24,150	\$0	\$148,476
2030	\$148,476	\$152,930	\$24,517	\$0	\$128,413
2031	\$128,413	\$132,265	\$24,890	\$0	\$107,375
2032	\$107,375	\$110,597	\$25,269	\$0	\$85,328
2033	\$85,328	\$87,888	\$25,653	\$0	\$62,235
2034	\$62,235	\$64,102	\$26,043	\$0	\$38,059
2035	\$38,059	\$39,200	\$26,439	\$0	\$12,761
2036	\$12,761	\$13,144	\$26,841	\$0	-\$13,697
2037			\$27,249	\$0	
2038			\$27,663	\$0	
Total:			\$329,012	\$156,920	



MEMORANDUM

DATE: September 11, 2013
TO: Owosso City Council
FROM: Adam Zettel, AICP
RE: Downtown Infrastructure Grant

The Michigan Economic Development Corporation (MEDC) is now accepting applications for the 2013 Community Development Block Grant - Downtown Infrastructure Grant (DIG) program. I have attached pertinent materials detailing the DIG program. Because the release date is only separated from the grant submission date by six weeks, the DDA needed to respond quickly if we were going to respond at all. To that end, a subcommittee was formed to look at priorities for eligible projects (see attached for what the state qualifies). The idea was that the DDA could leverage its remaining bond proceeds (~\$46,000) with a DIG and get much more work done.

Lance Omer, Jim Demis and I met to discuss potential projects, funding sources, and timelines. Initially, we were attracted to the extension of the streetscape project and were destined to consider such an extension east on Main Street or South on Washington Street. This would benefit the integration of the Lebowsky Theater or the SRI respectively. However, a new and exciting opportunity has emerged in the form of a potential partnership between the city, the DDA, the Shiawassee Arts Council, the chamber (Armory project), and the CIS trail group.

In your packet, you will find a map with some preliminary renderings and cost estimates for infrastructure features related to parking and the trail. I will explain these in detail at the meeting. You will also find a map that indicates numerous potential work items that make up the larger project. Some of these are being looked at by the engineer that has been retained by the chamber. I will explain how all this fits together.

In essence, the chamber is renovating the armory and has some site development needs that they intended to address by using the DDA TIF and the Owosso Brownfield Redevelopment Authority. These needs include expanded parking west of the river, relocation of the chamber building, and reconfiguration of the public parking south of the armory.

The city and DDA would also stand to benefit from these changes (many are already in the DDA and/or Park Plan). Due to circumstance, there are many other opportunities that could be realized if we act quickly. Such opportunities include a trailhead, trail upgrades at M-21, a canoe/kayak 'dock', as well as a potential public space on the riverfront.

The investment required to make all of this happen would be \$100,000's, perhaps near the \$1,000,000 mark. While a BRA plan (using DDA TIF funds) may be able to do this, the project is much more feasible for all partners if it is leveraged with the DIG (which can grant as much as \$700,000). This would require the DDA collect the tax increments and bond for additional funds to match the grant (possibly \$300,000). In this manner, the total borrowed cost would be much lower (by the amount of a DIG award). Since all such costs would be paid for by TIF funds, this means that the DIG opportunity would permit the DDA to collect taxes much sooner for the purpose of operations or other improvements in the downtown.

The need for these improvements is pressing, the reward would be tremendous, and the chances of a large DIG award are great. This project would be able to benefit one of the most profound riverfront developments in the city's history, with benefits to the city, the downtown, the SAC, the chamber, the armory and Mathews Building area, the CIS Trail, public parking supply, and public spaces. I believe that the multiple partners, the scope/impact of the project, the amount of local investment, the job creation potential, and the use value of improvements makes this the ideal project for Owosso and one of the more desirable by MEDC standards.

To this end, the DDA has resolved to permit application of the DIG using the draft scope as attached. The DDA has also allocated as much as \$200,000 in potential match. I have also been working with the other listed partners to secure financial or other contributions.

I am asking the city council to permit staff to work with the City engineer and the engineer for the chamber to finalize a DRAFT scope and design for this project. I am requesting permission to submit a Part I Application to the MEDC. Lastly, I am requesting a resolution authorizing a commitment of funds (not to exceed \$125,000*) contingent upon the redevelopment of the Armory and award of the DIG.

Because the grant is due by the end of September, it is imperative that we act quickly. Be advised that submission of the Part I Application draft does not bind the city to specific actions, funding levels, or even construction. If the MEDC is interested in this project, a Part II application will be requested, and this will need to contain more detailed renderings, engineering, costs, and financial commitments. Final costs, engineering, and commitments would come after an award letter is sent by the MEDC.

* This amount also reflects an amount that would be needed to provide a 20% match toward the public parking improvements that are outside of the DDA district on Curwood Castle Drive.

RESOLUTION NO.

A RESOLUTION TO APPROVE SUBMISSION OF A PART I APPLICATION TO THE MEDC FOR A DOWNTOWN INFRASTRUCTURE GRANT

WHEREAS, the City of Owosso recognizes the importance of its downtown and downtown institutions as they relate to the economic and cultural development of the community, as well as the overall quality of life; and

WHEREAS, the Owosso Master Plan, Park Plan, and DDA plan indicate that investment in the downtown infrastructure is essential to the community's future; and

WHEREAS, the DDA is leading the pursuit of Downtown Infrastructure Grant funds and has allocated up to \$200,000 to match such funds; and

WHEREAS, the armory renovation project is moving forward successfully; and

WHEREAS, there is a need to provide for improvements related to public parking, building relocation, trailhead provision, trail improvements, and river improvements; and

WHEREAS, the cost of such improvements could be as much as \$1,000,000.

WHEREAS, additional match money is likely required to be awarded a DIG and time of application for a Part I submission is of the essence.

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 authorize city staff to work with the DDA, the Shiawassee Regional Chamber of Commerce, the Friends of the CIS Trail, the Friends of the Shiawassee River, and the Shiawassee Arts Council to draft a plan, as indicated, that would be submitted to the MEDC on behalf of the city for the 2013 DIG.

SECOND: The same council hereby allocates an amount not to exceed \$125,000 to support this project, to be allocated to certain funds at a future time, contingent upon the commencement of the armory project, the DIG award, and final approval of the project specifications.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 16th DAY OF SEPTEMBER, 2013.

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City



August 19, 2013

Dear Local Government Official:

On behalf of the Michigan Strategic Fund, the Michigan Economic Development Corporation (MEDC) is accepting Part I Applications for new projects under the State of Michigan's Community Development Block Grant (CDBG) Downtown Infrastructure Grant (DIG) program. As a community leader, you are encouraged to review the program criteria and determine if your community is eligible to apply for funding.

The **CDBG DIG program** is designed to assist communities seeking to improve their downtown district infrastructure quality. This program is restricted to providing public infrastructure improvement funding for Low and Moderate Income Communities and Project Areas with projects that are located in a traditional downtown.

Grant requests must be at least \$30,000 and cannot exceed \$750,000. The total amount of grant funds available for the DIG program is \$4,000,000. Due to funding limitations, only one submission per community is allowed.

Projects submitted will be required to be completed by December 31, 2014. If a project's timing cannot accommodate this requirement, an application should not be submitted. This will be strictly enforced and extensions will not be allowed. Administration costs will not be eligible for CDBG funding, but will be allowed as match funded activities.

The score sheet and Part I Application outline the minimum requirements and funding priorities for the evaluation process. Locate information at the bottom of the CDBG website, at <http://www.michiganbusiness.org/DIG2013>. You will also find a link to the Low and Moderate Income Communities and Project Area List, examples of good downtown holistic infrastructure projects, and State Historic Preservation Office Streetscape Guidance. The Streetscape Guidance provides general references to appropriate scale, elements and material to utilize for projects occurring within an eligible or designated Historic district. We strongly encourage those interested in applying to reference the documents to facilitate a successful project.

Applicants must address ALL items on the Part I Application to be considered for funding. There will be a question/answer period regarding the DIG Part I Application and questions will be accepted between September 3, 2013 through September 19, 2013. Answers will be posted weekly online at www.michiganbusiness.org/DIG2013. All questions regarding this program should be directed to CDBG@michigan.org.

Michigan Economic Development Corporation

00 North Washington Square • Lansing, MI 48913 • 888.522.0103 • MichiganAdvantage.org • michigan.org

The selection of award recipients is at the complete discretion of the Michigan Strategic Fund Board of Directors and is based competitively on a 100 point scale. Part I Applications will be accepted and evaluated on a competitive basis. Projects must meet a minimum quality threshold of 65 points in order to be considered. Award decisions are not subject to appeal. Awards are subject to applicable state and federal policies, procedures and regulatory requirements. Award announcements are anticipated in February 2014.

The MEDC looks forward to working with you in partnership with your community to make this program a success.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Stuart", written in a cursive style.

Deborah Stuart, Director
Community Development Incentive Programs

Good Examples of Holistic Infrastructure Projects

A holistic project includes hard infrastructure/utilities & design elements.

Public Hard Infrastructure/Utilities: roads, bridges, water supply, sewage, electrical grid, and other public utilities, usually long-term, physical assets of the municipality. Also, burying of overhead lines is strongly encouraged.

Design elements are not limited to the following:

Green Infrastructure & Storm Water Management: bio retention areas & rain gardens, permeable pavement, permeable brick pavers, planters with local flora, electric car charging station, vegetative filter strips, solar powered or LED street lights.

Complete Streets/Streetscape Beautification: bike lanes (or wide paved shoulders), special bus lanes, comfortable & accessible public transportation stops, increasing safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, bike racks, benches, transit stops, sidewalk enhancements, signage and lighting improvements, pocket parks, tree installation, flower beds and hanging baskets, light posts, banners, planters, trash receptacles, cross walk improvements, bike racks, and landscaping.

Public Art: interpretive signage for architecture, permanent or semi-permanent art.





Streetscape Guidance for Downtown Historic Districts

Developed with the Michigan Department of Transportation

Introduction

When streetscape improvement projects receive federal funding, federal agencies or their delegates must consult with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act. Section 106 requires consideration of the potential effects of a project on historic properties, which are those that are listed – or eligible to be listed – in the National Register of Historic Places. If your project area includes historic properties, either currently or in a future phase, continued close coordination with the SHPO regarding the design of your project will be a key element for success. Successful projects design solutions to preserve the historic character of the individual communities, preserving significant elements and introducing new features that are compatible with the historic character of a community.

General Comments:

1. **The individual buildings that make up a historic district are significant for their architectural detail and connection to a community's heritage.** When federal funds are used for any part of a project within a historic district, federal rules and regulations must be followed. All streetscapes, including every element no matter the funding source, must not have an adverse effect on the district (i.e. do not harm the overall character of the area) and must comply with the *Secretary of the Interior's Standards for Rehabilitation*.
2. **The Design and Review Process.** As a first step when planning a streetscape, find whatever historic photographs you can of the downtown area. These photographs will be the key to designing an appropriate streetscape and preserving the character and integrity of the area. Most historic commercial areas have been photographed through time. Paving materials, lights (or the lack of lights), signs, street furniture and more are frequently revealed in historic photographs. Other sources for historic documentation are Sanborn fire insurance maps or older aerial photographs. Local libraries and historical societies are a good place to start the search for historic documentation. Identify the elements that were present in the past and look to those for design guidance. For elements that were not present in the past, choose modern, simple designs. Consult the SHPO early in the design process to review these guidelines and discuss specific issues in your district. Early and consistent consultation is the most effective way to assist the SHPO in providing a smooth and efficient review. Designs may need to be revised in order to comply with the *Secretary of the Interior's Standards for Rehabilitation*; please do not wait until the construction documents are completed, or the work is ready to commence, to involve the SHPO.
3. **Streetscape design in historic districts should be simple.** The stars of historic districts are the buildings and businesses themselves, and thus a cluttered and busy streetscape can distract, overwhelm, obscure architectural details, and/or create a false sense of history, thereby harming the district as a whole. Extravagant streetscaping, unless historically documented, is never appropriate. The streetscape is a sum of the parts. Generally speaking, it is not any one particular element that by itself can cause an adverse effect, but the sum of multiple elements that affect context and can diminish historic character.
4. **Themed streetscapes, again unless historically documented, are also not appropriate for historic districts.** For example, a maritime or nautical theme in a historic district that uses anchors, compasses, ship's wheels, seagulls, driftwood, sails, bright blue streetlights, etc. would not accurately reflect the history of that district. Themed downtowns were not part of the typical design vocabulary in the nineteenth century and early twentieth century.
5. **Streetscape design should reflect the unique (and documented) history of your community.** Existing historic elements should be repaired whenever possible. Replacement elements should be based on documented historic elements. Removing existing elements to make way for a sanitized and stereotypical version of a historic downtown can lead your historic commercial area to look like every other community and cause it to lose its individuality. Using elements that are present in

another community, but never existed in your downtown, will promote a false sense of development and weaken your sense of authenticity.

6. **Citywide Streetscape Plans.** Most cities have districts that differentiate themselves from adjacent areas by variations in the streetscape. Often commercial districts have different needs and different appearances than residential districts. Even though these streetscapes may differ from adjacent areas, they can be compatible and continuity may be achieved through the use of common elements (e.g., the same modern benches or trash cans) while other elements (e.g., the streetlights and historical elements) are unique to each district. What is appropriate for one district may not be appropriate for another. Keep this in mind when planning projects that may be expanded into other areas in the future. Also be aware that the scale of streetscapes in commercial versus residential areas is usually quite different. For example, wide sidewalks, while common and practical in downtown areas, are usually not appropriate in residential neighborhoods.
7. Please note that even if your downtown is not a National Register-eligible historic district, there may be individually eligible buildings that require special consideration when designing the streetscape. Many of the guidelines below will apply to the streetscape treatment in front of these individual buildings. Each individual building and its relationship to the streetscape will need to be reviewed in context and on a case-by-case basis.

Street Treatments:

Pavement Materials and Design—Historic paving materials should be documented before paving choices are made. Special existing paving features or decorative details should be retained. Contemporary decorative paving materials should be avoided if they are incompatible in color or design with existing buildings.

Crosswalks—Delineated pedestrian crosswalks are acceptable, although the use of faux historic paving materials to make the crosswalk look “old” is not appropriate.

Street or Intersection Treatment—Decorative pavement treatment at intersections or on the street itself (with the exception of delineated crosswalks) is not appropriate.

Medians—Medians are never appropriate in historic districts unless their existence can be documented with historic photographic evidence.

Sidewalk Treatments:

Pavement Materials and Design—Plain concrete sidewalks are strongly encouraged unless historic photographs document another material was used. Please note that most downtowns began with dirt roads and perhaps wood sidewalks. Concrete sidewalks almost always replaced wood and dirt paths. Therefore, unless photographic documentation exists, brick or stone (or stamping to look like brick or stone) sidewalks are not appropriate. Unless documentation shows historic brick sidewalks, the introduction of brick or modern pavers to sidewalks is discouraged as it can create a false sense of historical development of the community. Avoid pavers that are brightly colored, multicolored, or placed in decorative patterns because they can distract from the historic character of a commercial district. A small border or small area of accent paving, used in very limited quantity, may be acceptable.

Bump-outs—Bump-outs have only been in use for the past several decades. Although bump-outs have no historic basis, they do improve pedestrian safety. If not carefully planned, these new elements can dramatically change the character of a historic district. They may be acceptable if their overall treatment is simple, only low plantings are used (no trees), standard curb is used for the entire perimeter (except for ADA-compliant ramps), and decorative pavement is very limited.

Specific Streetscape Elements:

Streetlights—Use historic photographs to discover if streetlights were located in your downtown through the years (cobra head lights, which may have been installed as early as the 1960s, are not historic streetlights). If photographs illustrate your downtown did have streetlights historically, you **must** choose a streetlight that closely matches lighting in the historic photographs. A community may have had multiple

light styles in the early twentieth century, so simply choose one style. You **must** provide a copy of the photo documentation as part of your Section 106 submittal.

If photographs demonstrate that your community never had historic streetlights, you **must** choose a streetlight that is modern/contemporary in style. Do not choose a “historic” streetlight that creates a false sense of history or introduce historic designs from other locations. Contemporary street lights should be compatible in scale and color with existing architectural and landscape features. For all streetlights, choose a dark neutral color unless you have documentation of a lighter color

Traffic Signal Poles—Traffic signal poles, including strain poles, independent crossing signal poles and crossing signal activator bollards need to be kept to a minimum. Wherever possible, colocation of traffic signals, crosswalk signals, crosswalk actuators, etc., is strongly recommended. The use of cable-supported traffic signals is always preferred over the use of signal support arms.

Trees—Trees were almost never located in a downtown historically. Trees and vegetation were primarily planted on residential, not commercial, streets. In commercial districts, awnings and canopies were historically the most common method of providing shaded sidewalks. New plantings reduce visibility to business’s storefronts and signs, block potential awnings and canopies, and block street lighting. It is recommended that trees be used on side streets with no or limited storefronts, or in specific spaces such as pocket parks, vacant lots, parking lots, and blocks with non-historic buildings. However, if trees are desired, they may be approved if they meet all the following criteria and are chosen in consultation with the SHPO:

1. Non-canopy
2. Small in size when fully grown
3. Semi-transparent
4. Moderate-growth
5. Non-fruiting
6. Multiple species are used
7. Placement does not obscure significant buildings

Tree grates and guards—Flat tree grates level with the sidewalk are acceptable. Tree guards are only acceptable where historic photographic documentation demonstrates that they existed within the period of significance for the district.

Planters—Simple, modern/contemporary-style **moveable** planters are strongly encouraged. Fixed raised planters under 18 inches in height may occasionally be acceptable only if used in very small quantities.

Street furniture (Benches and Trash Receptacles)—Identify and protect historic street signs and other historic street furniture and preserve them in their original locations. Additional street furniture should be based on local historic design if examples or photographic documentation exist; otherwise simple, modern/contemporary-style must be used. Dark neutral colors should be used and the scale of contemporary street furniture must be compatible with existing architectural and landscape features. Limit the quantity of street furniture and place it appropriately. Street furniture should only be used if the sidewalks are wide enough to accommodate them and should not obscure pedestrian paths or existing architectural features.

Bike Racks—Simple, modern/contemporary-style bike racks must be used. Limit the quantity placed in the primary right-of-way. Where large numbers of racks may be necessary based on realistic anticipated usage rates, bike courts should be located on secondary or rear elevations and screened to limit their visual impact on the character of the property and the district.

Interpretive Signage—The SHPO must be involved in the development and placement of interpretive signage. A professional historian and a professional designer must be hired for all signage development.

Bollards—The use of bollards is strongly discouraged. Bollards may be considered only if a legitimate safety concern can be demonstrated and a strong benefit proven. In the rare cases they are used, bollards must be simple, modern/contemporary in design, and extremely limited in quantity.

Pillars and Fencing—The use of pillars and/or fencing is strongly discouraged unless their existence can be documented with historic photographic evidence. Pillars and/or fencing may be considered only if a

legitimate safety concern can be demonstrated and a strong benefit proven. Pillars and fencing must be simple, modern/contemporary in design, extremely limited in quantity, and in scale with the surroundings.

Arches—Arches are not appropriate in historic districts unless their existence can be documented with historic photographic evidence. Please note that some communities may have photographs showing temporary arches for use during celebrations, festivals, etc. These temporary arches were never permanent and cannot be used as evidence to support a new arch.

Kiosks—Kiosks should be extremely limited in number, dark and neutral in color, a maximum of six feet high (human in scale), very simple, and modern/contemporary in design.

Drinking Fountains—Simple, modern/contemporary-style drinking fountains must be used unless historic photographic documentation of drinking fountains exists.

Public Art—The SHPO must be involved in the development and placement of public art projects. Public art needs to be appropriate in scale to the downtown and placed so that it does not diminish the historic character of the associated properties or the district. Historic public art should be preserved on its original site. Public art should be subject to broad review and consensus, should represent high standards of design and execution, and should consider issues of maintenance and longevity.

Clocks—Clocks are not appropriate in historic districts unless their existence can be documented with historic photographic evidence.

Rain Gardens—While rain gardens did not exist historically in downtowns, they are becoming more common in the present. Care should be given to the design and location of any rain gardens. Any rain gardens should be appropriate in scale to the downtown, placed so that they do not diminish the historic character of the associated properties or the district, and designed to be as simple as possible (for example, using plain, low concrete curb). See above for discussion of the acceptable types of trees in downtowns.

ADA—Care must be taken when complying with Americans with Disabilities Act (ADA) requirements so that buildings are not damaged in the process. ADA compliance that results in significant grade changes at the faces of buildings, the removal and/or addition of stairs, new ramp systems, new pedestrian railings, the removal and/or addition of retaining walls, etc. can negatively alter the character of a historic district. There is a process in place to deal with conflicts between ADA compliance and preserving historic character and features. Please coordinate with the SHPO early in the design process, and be aware that designs may require revisions in order to comply with the Secretary of the Interior's Standards for Rehabilitation while providing the best possible ADA compliance.

Roundabouts—Roundabouts rarely have historic basis and are strongly discouraged. If not carefully planned, this new element can dramatically change the character of a historic district. Roundabouts may be considered only if a legitimate safety concern can be demonstrated and a strong benefit proven. In the rare case they are acceptable, roundabouts must be simple and should respect the surrounding context. Careful coordination with the SHPO early in the project planning phase is highly recommended.

Conclusion

Providing a safe and pleasant streetscape in your downtown is important but does not require the loss of historic integrity. Streetscape modifications can be accomplished while being sensitive to local historic resources. Early and consistent consultation is the most effective way to assist the SHPO in providing a smooth and efficient review. Designs may need to be revised in order to comply with the *Secretary of the Interior's Standards for Rehabilitation*; please do not wait until the construction documents are completed, or the work is ready to commence, to involve the SHPO. This guidance is obviously focused on historic resources, but please keep in mind a successful streetscape project will also need to address many other factors like stakeholder engagement, pedestrian safety and mobility, maintaining adequate sight distance, compliance with American Association of State Highway and Transportation Officials (AASHTO) guidance when applicable, vehicular traffic flow, parking, appropriate plantings, overall maintenance, etc.

2013 Downtown Infrastructure Grant (DIG) Eligibility and Evaluation Criteria

UGLG: _____ Region: _____

Project Title: _____

Minimum Eligibility Criteria:

(Circle One)

- | | | |
|---|-----|----|
| 1. Does UGLG have the required minimum 10% local match? (A. 1) | Yes | No |
| 2. Is the grant request within \$30,000 - \$750,000? (A. 1) | Yes | No |
| 3. Is the UGLG on the low/mod community/project area list? (A. 1) | Yes | No |
| 4. UGLG has not received a 2012 DIG Round (funded in 2013)? (Q.2)
Note following ineligible: Hart, Iron River, Fowlerville, South Haven, Lyons, Grand Haven, Croswell, Imlay City, Tawas City | Yes | No |
| 5. UGLG has no unresolved CDBG grant issues or findings? (Q. 2) | Yes | No |
| 6. Does the UGLG meet the definition of traditional downtown? (Q.4) | Yes | No |
| 7. Does the UGLG own the property? (Q. 5) | Yes | No |
| 8. Is there a maintenance plan for the proposed activities? (Q. 12) | Yes | No |
| 9. Does the project benefit the entire low/mod area? (Q. 15) | Yes | No |
| 10. Are the project activities eligible? (Q. 20a)
Note: General Maintenance is not eligible for CDBG | Yes | No |
| 11. Does the timeline demonstrate that the project can be completed by December 31, 2014? (Q. 29) | Yes | No |
| 12. Is the project application complete? | | |
| o Part I Application | Yes | No |
| o Attachment 1 (UGLG Identification Form) | Yes | No |
| o Attachment 2 (Project Budget) | Yes | No |
| o Detailed map | Yes | No |
| o Preliminary Cost Estimates | Yes | No |
| o Documentation of all match commitments | Yes | No |
| o Photos and renderings | Yes | No |
| o Engineering Certification for Project | Yes | No |
| o Engineering Plans or Specifications (optional) | Yes | No |

Comments: (Please provide comments on why anything selected as "No"):

First Evaluator Initials: _____

Second Evaluator Initials _____

If Applicant has all "yes" to ALL Eligibility Criteria, please continue scoring below.

CDBG Evaluation Criteria

1. Local Match (Committed Funds Only): **Refer to Budget & Commitment Attachments**

Note: Local match monies are not otherwise reimbursed to the community or paid for on behalf of the community from any source other than the community.

Points Awarded (**Maximum 10 points**): _____

Comments: _____

2. Leveraging Funds and Investment (Committed Funds Only): **Refer to Budget & Commitment Attachments**

Note: Are there other funds associated with this project? Examples include MDOT Enhancement Funds, DNRE Trails, USDA, etc.

Points Awarded (**Maximum 10 points**): _____

Comments: _____

3. Capacity: Does the community have any open grants that have not been drawn down?
Refer to Question 3 & confirm with CDBG

Note: Ten points awarded for no and zero points awarded for yes.

Points Awarded (**10 points**): _____

Comments: _____

4. Project Impact: What is the total public square footage of the public space being improved?
Refer to Question 20c

Points Awarded (**Maximum 5 points**): _____

Comments: _____

5. Capacity: Does the UGLG have a downtown development plan **AND** does the project identified in the application fit within the downtown development plan? **Refer to Question 24**

Note: Five points awarded for yes and zero points awarded for no.

Points Awarded (**5 points**): _____

Comments: _____

CDBG Evaluation Criteria Continued

6. Capacity: Is the project located in a DDA, or PSD/BID/BIZ, or similar? **Refer to Question 25**

Note: Five points awarded for yes and zero points awarded for no.

Points Awarded **(5 points)**: _____

Comments: _____

7. Capacity: Is the UGLG a Redevelopment Ready Community? **Refer to Question 26**

Note: Five points awarded for yes and zero points awarded for no.

Points Awarded **(5 points)**: _____

Comments: _____

8. Capacity: Does the UGLG have a capital improvements plan **AND** does the project identified in the application fit within the capital improvements plan? **Refer to Question 27**

Note: Five points awarded for yes and zero points awarded for no.

Points Awarded **(5 points)**: _____

Comments: _____

TOTAL CDBG Points Awarded (Maximum 55 points): _____

First Evaluator Initials: _____

Second Evaluator Initials _____

CATeam Evaluation Criteria

9. Holistic Design: Does the project include major hard infrastructure/utilities? **Refer to Question 20a, 20d**

Note: To be eligible for a score on this question, there must be an engineer certification that the infrastructure is needed. Major infrastructure includes roads, bridges, water supply, sewage, electrical grid, and other public utilities, usually long-term, physical assets of the municipality.

Points Awarded (**Maximum 20 points**): _____

Comments: _____

10. Holistic Design: Does the project have design elements that impact the sense of place? **Refer to Question 20a, 20d, 23**

Note: To be eligible for a score on this question when not including major infrastructure, there must be an engineer certification that the infrastructure improvements in project area are not needed for 7 years. Design elements include:

- Green Infrastructure and stormwater management (up to 7 points): components could include, but are not limited to bioretention areas and rain gardens, permeable pavement and permeable brick pavers, planters with local flora, electric car charging station, vegetative filter strips, solar powered or LED street lights
- Complete Streets / Streetscape Beautification (up to 7 points): bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, increasing safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, bike racks, benches, transit stops, sidewalk enhancements, signage and lighting improvements, pocket parks, tree installation, flower beds and hanging baskets, light posts, banners, planters, trash receptacles, cross walk improvements, bike racks, landscaping, utility line buying and pole removal
- Public Art (up to 3 points): stamped pavement, interpretive signage for architecture, permanent or semi-permanent art fixed to public space
- Other (up to 3 points): wireless internet capabilities, splash pads and fountains

Points Awarded (**Maximum 20 points**): _____

Comments: _____

11. Project Impact: Are there other projects happening adjacent to the proposed CDBG funded project that have funds committed through State or Federal resources? **Refer to Question 28**

Note: Five points awarded for yes and zero points awarded for no.

Points Awarded (**5 points**): _____

Comments: _____

TOTAL CATeam Points Awarded (Maximum 45 points): _____

TOTAL POINTS AWARDED (Maximum 100 points): _____

First Evaluator Initials: _____

Second Evaluator Initials _____

August 29, 2013

PARKING LOT PROJECT
ENGINEER'S ESTIMATE
FOR GRANT APPLICATION PURPOSE

The City of Owosso wishes to improve parking opportunity in an area near Curwood Castle and the City's Art Center. The City is in control of all land that will be redeveloped into a 117-space parking lot. The defined area includes three city owned land parcels and portions of Bradley Street and Curwood Castle Drive. Conceptual drawings of the proposed parking lot are enclosed with this cost estimate. Handicapped accessible parking spaces will be installed in accordance with ADA guidelines. Scope of necessary work includes relocating overhead primary electrical utility lines, excavating 1.1 acres of earth and pavement, modifying storm sewer, and constructing new bituminous pavement. Following is an estimate of costs associated with this plan:

WORK ITEM	COST
Professional Design and Construction Administration Services	\$ 25,000
Relocate Utilities	\$ 10,000
Contractor Mobilization	\$ 10,000
Erosion Control	\$ 5,000
Obliterate Old Road	\$ 10,000
Remove Trees	\$ 5,600
Earth Excavation, Disposal	\$ 60,000
Storm Sewer and Structures	\$ 25,000
Trimming and Finishing Grade	\$ 10,000
Geotextile Separator	\$ 10,000
Sub-base, 12"	\$ 20,000
Concrete Curb and Gutter	\$ 13,000
Aggregate Base, 6"	\$ 45,000
Bituminous Pavement, 6"	\$ 120,000
Pavement Striping, Stalls, Etc.	\$ 5,000
Perimeter Fencing, Aesthetic	\$ 50,000
Landscaping	\$ 8,000
Pedestrian Scale Lighting, Aesthetic	\$ 35,200
Electrical Conduit and Wire	\$ 15,000
Intangible Work Items	<u>\$ 10,000</u>

Total Estimated Cost \$ 491,800

Unit Cost = \$86/syd. Pavement

August 29, 2013

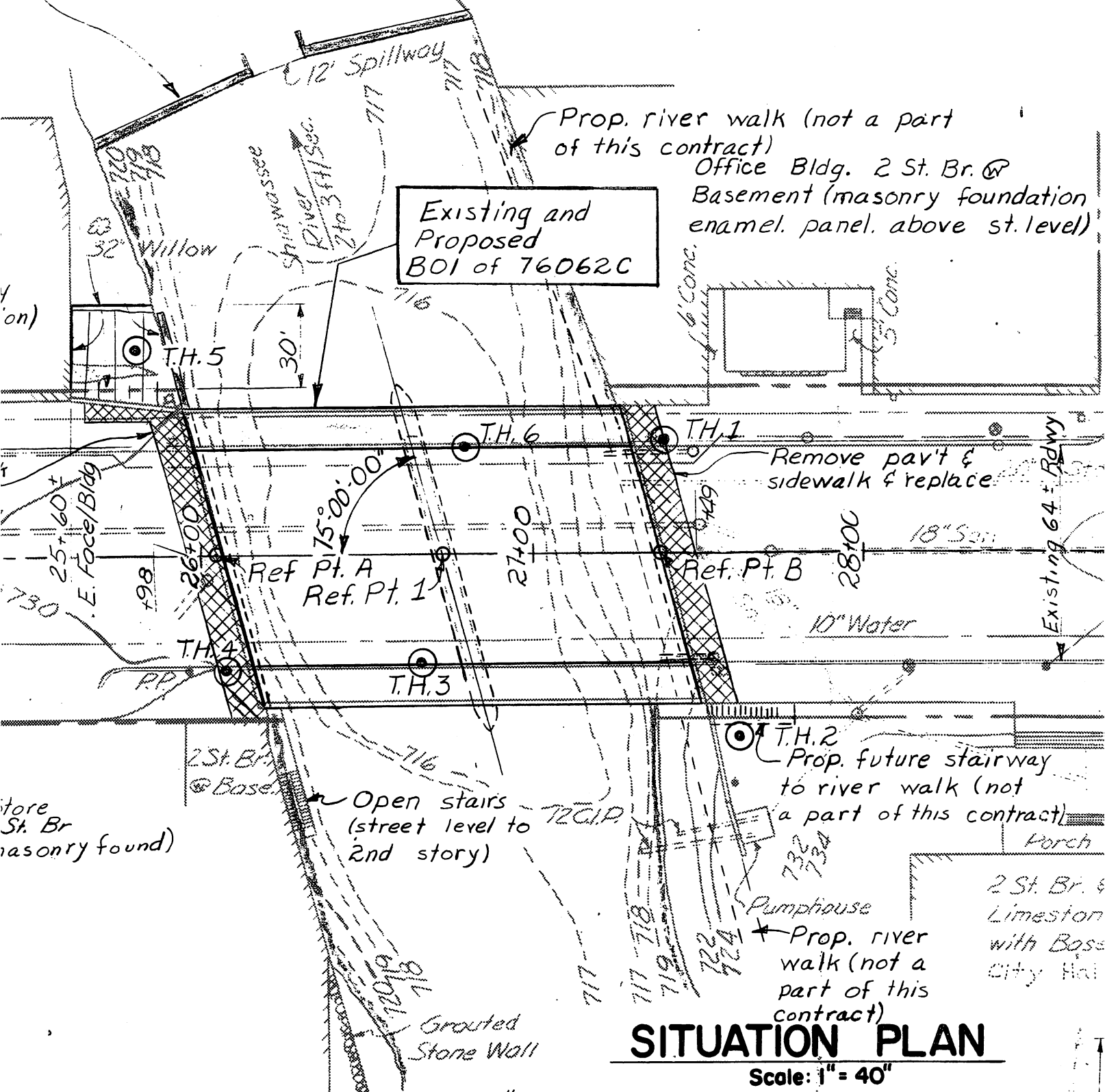
**RETAINING WALL PROJECT
ENGINEER'S ESTIMATE
FOR GRANT APPLICATION PURPOSE**

The City of Owosso wishes to improve pedestrian safety and access along a portion of its river walk pathway in the downtown area. Pedestrians cross M-21 via an under-bridge walkway then up a slope that proceeds along the Shiawassee River adjacent to city-owned land. The sloped section of walk is protected by an old retaining wall that is severely deteriorated and in need of replacement. The wall is approximately 110' long by 8' high at unknown depth. There exists a long range plan (MDOT bridge plans circa 1968) to also construct a stairway whenever the retaining wall is replaced. The stairway will provide better access for those pedestrians wishing to leave the pathway and enter the downtown area. The plan also includes improving the ADA accessible alternative route. Scope of work includes demolition and construction of new retaining wall, connecting stairway and sidewalk. Following is an estimate of associated costs:

Professional Design and Construction Administration Services	\$ 25,000
Permits, Etc.	\$ 5,000
Contractor Mobilization	\$ 10,000
Demolition of Structure and Sidewalk	\$ 10,000
Earthwork, Remove and Dispose	\$ 8,000
Erosion Control	\$ 4,000
Stairway Construction, Aesthetic	\$ 50,000
Stairway Railing, Aesthetic	\$ 10,000
Retaining Wall, Aesthetic	\$ 50,000
Wall Drainage System	\$ 5,000
Wall Surface Coating, Special	\$ 6,000
Earth, Fill and Grade	\$ 8,000
Replace Sidewalk	\$ 10,000
Sidewalk Railing, Aesthetic	\$ 12,500
Landscaping	<u>\$ 3,000</u>
Total Cost	\$216,500

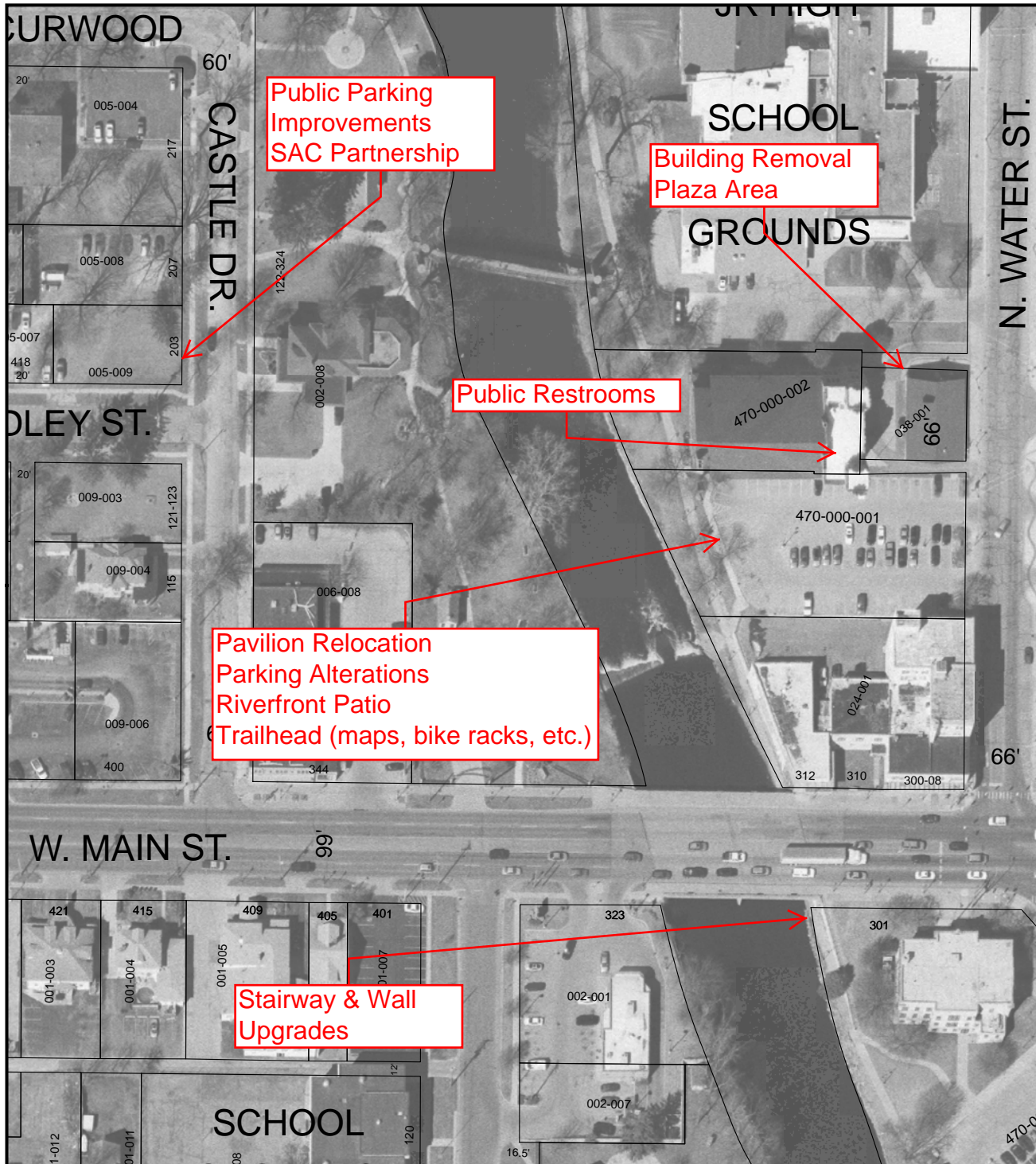
Bridge beams under the deck.
 Michigan Bell Telephone Co. has a toll line
 in the bridge. (One of Gen Tel. Co. lines above.)

Conc. Dam with Conc. Apron
 and seasonal Flashboards.
 Masonry crest El. 719.46
 Top of single flashboard El. 720.46
 Top of double flashboard El. 721.46



SITUATION PLAN

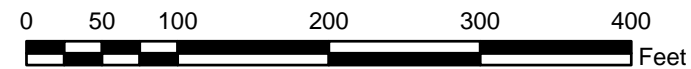
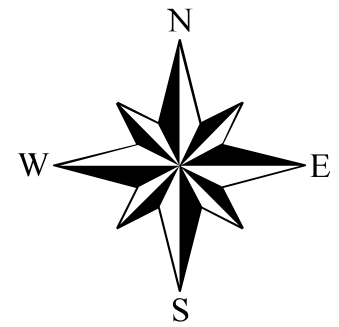
Scale: 1" = 40"



City of Owosso

Downtown Infrastructure Grant

September 10, 2013





OWOSSO PUBLIC SAFETY

Director of Public Safety
Kevin Lenkart

202 S WATER ST · OWOSSO, MICHIGAN 48867-2958 · (989)725-0580 · FAX (989)725-0528

MEMORANDUM

DATE: September 5, 2013
TO: Owosso City Council
FROM: Kevin Lenkart
RE: August 2013 Report

Attached are the statistics for the police department for August 2013. This report includes activity for the month of August and year to date statistics. Also attached is a list of Field Contacts, which are incidents that the police are dispatched to that require no further follow up than the officers initial response.

In addition there were ten reported burning violations for August.



Case Assignment/Clearance Report For August, 2013

August 2013

Offenses	Current Month		Year-To-Date		Percent Cleared
	Assigned	Cleared	Assigned	Cleared	
<i>PART I OFFENSES</i>					
ROBBERY	0	0	0	3	0 %
AGGRAVATED ASSAULT	2	0	16	14	87 %
BURGLARY	3	4	32	31	96 %
LARCENY	32	22	243	154	63 %
MOTOR VEHICLE THEFT	1	0	5	4	80 %
SIMPLE ASSAULT	9	6	62	44	70 %
ARSON	1	1	1	1	100 %
FORGERY & UTTERING	0	0	1	1	100 %
COUNTERFEITING	0	0	0	0	0 %
FRAUD	2	2	47	17	36 %
EMBEZZLEMENT	0	0	2	1	50 %
WEAPON CRIMES- CARRY, POSS,	0	0	3	3	100 %
PROSTITUTION	0	0	0	0	0 %
SEX OFFENSES 1/ UNDER AGE -	1	1	12	7	58 %
NARCOTICS VOLIATIONS	7	2	48	26	54 %
GAMBLING VIOLATIONS	0	0	0	0	0 %
VANDALISM-DAMAGE-DESTRUCTIO	0	0	0	0	0 %
HOMICIDE 1	0	0	0	1	0 %
HOMICIDE	0	0	0	1	0 %
RAPE / NON - FAMILY	0	0	2	0	0 %
SEX OFFENSES 2	2	1	11	7	63 %
PARENTAL KIDDNAP	0	0	0	0	0 %
KIDNAPPING	0	0	0	0	0 %
BURGLARY RESIDENTIAL	2	0	15	2	13 %
BURGLARY COMMERCIAL	0	0	2	2	100 %
RESISTING/OBSTRUCTING	0	0	1	2	200 %
<i>PART I OFFENSES</i>	62	39	503	321	63 %
<i>PART II OFFENSES</i>					
PAROLE/PROBATION VIOLATION	2	2	5	5	100 %
NATURAL DEATH	1	1	15	7	46 %
RETAIL FRAUD	5	3	11	9	81 %
RUNAWAY	2	2	26	15	57 %
VIOLATION PPO/ COURT ORDER	2	2	6	6	100 %

Offenses	Current Month		Year-To-Date		Percent Cleared
	Assigned	Cleared	Assigned	Cleared	
FAMILY NONSUPPORT	0	0	0	0	0 %
SUSPICIOUS DEATH	0	0	4	3	75 %
TRAFFIC OFFENSES OTHER	8	2	39	15	38 %
CRIMINAL CASE OTHER	0	0	1	1	100 %
WARRANT ARREST	15	10	118	94	79 %
SUSPICIOUS CIRCUMSTANCES	4	3	28	20	71 %
WARRANT ADVISED	0	0	0	0	0 %
MENTAL ORDER-ECO / TDO	4	3	45	34	75 %
DOMESTIC ASSAULT/SITUATION	16	7	119	67	56 %
ILLEGAL DUMPING	0	0	0	0	0 %
FOUND PROPERTY	16	6	66	60	90 %
RECOVERED PROPERTY	0	1	2	2	100 %
ANNOYING PHONE CALLS	0	0	0	0	0 %
TRESPASSING	1	1	10	8	80 %
DOA	0	0	0	0	0 %
ANIMAL COMPLAINTS	5	4	31	17	54 %
MISSING PERSON	1	0	7	5	71 %
WARRANT OBTAINED	0	0	0	0	0 %
PROPERTY-LOST	0	0	0	0	0 %
SAFEKEEPING OF WEAPON	0	0	0	0	0 %
SUICIDE AND ATTEMPTED SUICIDES	0	0	0	0	0 %
TRAFFIC - HIT & RUN	6	3	36	23	63 %
FIRES - NOT ARSON	0	0	2	3	150 %
LOST PROPERTY	0	0	2	2	100 %
NON-CRIMINAL CASE	16	10	110	83	75 %
CRIMES AGAINST FAMILY &	1	1	8	4	50 %
DRIVING WHILE IMPAIRED	0	0	35	37	105 %
LIQUOR LAW VIOLATIONS	4	1	31	10	32 %
DISORDERLY CONDUCT	5	4	35	26	74 %
OTHER CRIMES	20	9	161	104	64 %
IMPOUND / TOW FOLLOW-UP	0	0	6	3	50 %
FALSE ALARM	0	0	1	1	100 %
MOTOR VEHICLE CRASH	23	17	252	188	74 %
THREATS	0	0	3	3	100 %
PROPERTY CRIMES, POSS, SALE,	0	0	1	1	100 %
DAMAGE TO PROPERTY	12	7	117	74	63 %
<i>PART II OFFENSES</i>	<i>169</i>	<i>99</i>	<i>1,333</i>	<i>930</i>	<i>69 %</i>
Grand Totals:	231	138	1,836	1,251	68 %

Field Contact By Reason Summary Report

Date Range: 08/01/2013 - 08/31/2013, Agency: OWPD

Reason for Contact	Count
911 Hang Up	22
Abandoned Vehicle	2
False Alarm Commercial	16
False Alarm Residential	6
All Other Service Reports	16
Animal Complaints Other	23
Assist Ambulance	7
Assist To Other Dept	15
Attempt To Locate	21
Barking Dog	12
Burning Ordinance	8
Civil Dispute	25
Code Enforcement - Owosso	2
Disturbance	15
Fight / No Assault	2
Fireworks	3
Found Property	6
Gun Permit/register	42
Harrassment	7
Investigate Vehicle	1
Loud Music	2
Loud Party	3
Motorist Assist	5
Open Door	6
Ordinance Violation	3
Parking Problem	40
Pawn Ticket	203
Peace Officer	24
Private Property Pda / Non Reportable	1
Prowler	2
Reckless Driver	7
Road Hazard	8
Road Rage	1

Reason for Contact	Count
Suspicious Person	29
Suspicious Situation	65
Suspicious Vehicle	27
Transport - Other	1
Trouble With Kids	29
Trouble With Neighbor	21
Trouble With Subject	65
Phone Harassment	9
Unwanted Subject	8
Vacation Check On Home	2
Vehicle Inspection	2
Warrant Arrest	1
Welfare Check	27
Wire Down	1
Work Traffic	136

OPEN FIRES - CITATION ISSUED

August 2013

INCI_ID	DATE_REPT		STREET	STREET
201304861	08/03/2013	23:57:20	122	W JENNETT ST
201305070	08/11/2013	00:00:00	819	E GROVER ST

OPEN FIRES - NO CITATION ISSUED

August 2013

CASE_ID	FCDATE		STREET	STREET
201304862	08/04/2013	00:54:00	718	W MAIN ST
201304926	08/06/2013	12:50:00	744	S WOODLAWN AVE
201305024	08/09/2013	16:47:00	740	S COVENTRY CT
201305052	08/10/2013	23:57:00	737	W MAIN ST
201305047	08/10/2013	21:06:00	211	N HOWELL ST
201305268	08/18/2013	21:13:00	620	S ALGER AVE
201305313	08/20/2013	20:19:00	628	N ADAMS ST
201305431	08/24/2013	17:27:00	1103	S CEDAR ST



OWOSSO PUBLIC SAFETY

Director of Public Safety
Kevin Lenkart

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MEMORANDUM

DATE: September 4, 2013
TO: City Council
FROM: Kevin Lenkart
Director of Public Safety
RE: August Fire Report

During the month of August 2013:

Fire Department responded to 13 Fire calls.

- 1 High Angle Rescue (child in tree)
- 1 Heat Detector Activation
- 1 Trash
- 1 Assist PD
- 1 Mutual Aid - Ovid
- 2 Smoke
- 2 Gasoline or other flammable
- 1 Accident
- 1 Unauthorized burn
- 1 Unfounded report upon arrival
- 1 Brush fire
- 2 Gas leaks
- 3 False alarms
- 1 Hazardous condition

Fire Department responded to 128 Ambulance calls.

- 86 were city residents
- 18 were non-residents
- 24 required no transport
- 28 transfers
- 27 were residents
- 1 was non-resident

- 4 in town transfers
- 0 in-facility transports

The Fire Department also completed the following:

- 24 Rental Inspections
- 20 Re-inspections

Minutes of the **August 28, 2013**, special meeting
of the **Owosso Historical Commission** held
at the Curwood Castle, 6:00 p.m.

Members Present: City Treasurer Ronald Tobey, Chairman Michael Erfourth, and members Kerry Baker, Joni Forster, Shaffer Fox, Elaine Greenway, Scott Newman, Lorraine Weckwert and Gary Wilson

Members Absent: (1 vacancy)

Guests Present: Burton Fox (6:28 p.m.)

The meeting was called to order at 6:04 p.m. by Vice-Chairman Wilson.

Citizen Comments: none

It was determined that approximately forty-two tickets had so far been sold for the upcoming home tour.

Member Fox relayed his concern that those visiting the home tour website may draw the conclusion that pay pal is the only payment option. He would like to see other card logos displayed on the introductory page.

Member Greenway distributed copies of the work of the home tour committee and their plans for the event. Each item was detailed for what had already taken place and what was to be accomplished.

Burton Fox arrived.

Members discussed at length the proposed wine and cheese party at the Castle and the legal requirements that accompany that type of event. Wilson commented that any special permits would require significant upfront work and documentation to be submitted for the approval process. Members by consensus concluded that cider and non-alcoholic sparkling wine would be served. Adjustments to advertising and announcements will be prepared to facilitate the change.

Member Fox detailed his advertising efforts and plan of action.

The location of ticket sales/procurement was discussed. Members concluded to use the carriage house at the Gould House property for tickets. A small gazebo may also be utilized to provide "drive through" capabilities. Wilson and Erfourth will make sure the carriage house is presentable for this purpose. Those electronically purchasing tickets will be sent an e-mail prior to the tour detailing instructions and providing directions.

Burton Fox reported that the work on the fire truck would probably not be completed by home tour and would render it unavailable unless the ticket holders were directed to the repair facility at Baker. Weckwert relayed that this option would be unacceptable.

Members discussed the archive room at the Gould House and the desire to organize the contents before the Home Tour.

Greenway presented a proposal for the homeowner's brunch on Sunday for a cost of \$300 for forty persons. Weckwert wished to investigate further before committing.

Weckwert reported on several enhancements being worked on for home tour locations. Greenway reported her plans to speak to both Kiwanis groups and Erfourth similarly reported contact with Rotary. Members were encouraged to speak to groups concerning the home tour and make take advantage of opportunities to publicize and to sell tickets.

Motion to adjourn by Erfourth and supported by Weckwert at 8:08 p.m.

Respectfully submitted,
Ronald J. Tobey
Secretary/Treasurer

REGULAR MEETING MINUTES
OWOSSO DDA / MAIN STREET
Council Chambers, City Hall
September 4, 2013 – 7:30 am.

MEETING CALLED TO ORDER at 7:40 a.m. by Chairman Dave Acton.

ROLL CALL was taken by Secretary Alaina Kraus.

MEMBERS PRESENT: Chairman Dave Acton; Authority Members Dawn Gonyou, Lance Omer, Ken Cushman, Bill Gilbert (arrived at 7:46); Secretary Alaina Kraus; Treasurer James Demis

MEMBERS ABSENT: Authority Member Meredith Landino

OTHERS PRESENT: Josh Adams, DDA / Owosso Main Street Manager; ?, Press.

AGENDA:

MOTION BY AUTHORITY MEMBER FREDERICK, SUPPORTED BY AUTHORITY MEMBER GONYOU TO APPROVE THE AGENDA FOR SEPTEMBER 4, 2013.
YEAS ALL. MOTION CARRIED.

MINUTES:

MOTION BY AUTHORITY MEMBER CUSHMAN, SUPPORTED BY AUTHORITY MEMBER DEMIS TO APPROVE THE MINUTES WITH MODIFICATION FOR THE MEETING OF AUGUST 7, 2013.
YEAS ALL. MOTION CARRIED.

PUBLIC / BOARD / STAFF COMMENTS:

A suggestion was made to recognize established companies in the downtown for their anniversaries, both long established entities like Reeves and newer entities like Treasures who just celebrated their 10th anniversary. The new business retail group and ER would collaborate on this. Cushman will take point on this.

This Business Retail group will meet regularly before business hours rotating between local businesses.

COMMITTEE UPDATES

1. Design – Bill Gilbert/Chairman Acton

Discussion of parking not only as a plan but how it looks, hanging baskets for next year. According to Sunnyside, a lot of the problems we've been experiencing have been due to the quality of the plants and we may need to order a year in advance in order to get the quality of plants needed.

2. Economic Restructuring – Authority Member Omer

It is projected that the Market Study will be in October. Parking and parking rates were also discussed.

3. Organization – Chairman Acton

The newsletter and content of the website are a focus, especially with the site now linked to the city website. The goal is to get the newsletter out the first week of October and then do monthly after that.

4. Promotion – Chairman Acton

Working on getting the event committees to meet on a quarterly basis with monthly meetings of the retail group.

ITEMS OF BUSINESS:

1. CHECK REGISTER APPROVAL.

Demis commented that the check register in sequence is fine, but he suggested that he and Adams make adjustments on formatting by account.

SEE ATTACHED CHECK REGISTER DOCUMENTATION

MOTION BY AUTHORITY MEMBER DEMIS, SUPPORTED BY AUTHORITY MEMBER OMER TO APPROVE THE CHECK REGISTER FOR AUGUST 2013 AS PRESENTED. YEAS ALL. MOTION CARRIED.

2. BUDGET REPORT.

Demis suggests deferring on this until next month to work out formatting.

4. SPECIAL BOARD MEETING (*ORDER CHANGE*)

a) Wednesday, 9/11 at 7:30am regarding DIG allocation

This was brought up by Zettel in August to leverage the funds that we have. There are several potential projects available.

This would be a closed session of the board and Zettel to discuss property acquisition.

MOTION BY AUTHORITY MEMBER DEMIS, SUPPORTED BY AUTHORITY MEMBER CUSHMAN TO SCHEDULE A CLOSED SESSION TO DISCUSS THE DIG AND PROPERTY ACQUISITION ON SEPT. 9, 2013 AT 7:30 AM. YEAS ALL. MOTION CARRIED.

5. OMS CREDIT CARD TRANSFER – FROM HEATHER TO JOSH

MOTION BY AUTHORITY MEMBER FREDERICK, SUPPORTED BY AUTHORITY MEMBER GONYOU TO TRANSFER THE OMS CREDIT CARD FROM HEATHER TO JOSH.

YEAS ALL. MOTION CARRIED.

3. JOSH ADAMS CONTRACT

This contract includes all changes as requested by the board previously.

MOTION BY AUTHORITY MEMBER FREDERICK, SUPPORTED BY AUTHORITY MEMBER CUSHMAN TO APPROVE THE CONTRACT FOR MAIN STREET MANAGER JOSH ADAMS.

YEAS ALL. MOTION CARRIED.

6. MAIN STREET MANAGER'S PLAN OF ACTION FEEDBACK

Concern was raised at going through a rebranding process again. It was commented by Kraus that the current branding can be difficult to work with and Cushman noted that a lot of the current information and photos need are out of date so this may not be truly a full 're-branding'. We also still do not have a unified 'elevator' speech.

The newsletter will be re-igniting the email list and including information beyond just meeting requests.

Promotions and Org will be focuses moving forward, especially in the matter of communication. Gilbert commented that we are blessed and cursed in the square of our downtown. The depth of the downtown is good but also means that there is not street traffic for the deeper portions of the downtown, which would make cross-promotion a very helpful. Cushman also emphasized developing relationships with people over pinpoint contacts and that we must come to people instead of telling them to come to us.

PUBLIC / BOARD / STAFF COMMENTS:

Frederick talked about Trainfest being a major pinpoint. Adams mentioned that they are currently planning to do their car show at Woodard and would like to see about moving that downtown instead of people being bussed to 52.

Council requested an update on the deployment of bike racks and how to let people know that they are functional, not artwork. Gilbert said that there are designs for about another 8 more, but they need to be planned and funded.

Demis gave kudos to the DPW about no biking/skateboarding signs in downtown.

MOTION MADE BY AUTHORITY MEMBER DEMIS, SUPPORTED BY AUTHORITY MEMBER OMER TO ADJOURN AT 8:40 AM.

YEAS ALL. MOTION CARRIED.

Alaina Kraus, Secretary

Owosso Main Street
Check Register - By Check Number
August 1 - 30, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
1847	08/13/2013	City of Owosso	VOID:	Owosso Main Street Checking	
TOTAL					0.00
1848	08/13/2013	City of Owosso	VOID:	Owosso Main Street Checking	
TOTAL					0.00
1849	08/05/2013	Gilbert's Do It Best		Owosso Main Street Checking	
1849	06/30/2013		soil for bed prep, purchased wholesale by Gilberts	296-697-818.000-BED SOIL	-969.60
TOTAL					-969.60
1850	08/05/2013	Kelly's Refuse		Owosso Main Street Checking	
1850	07/31/2013		July trash service	296-200-831.000 MAINTENANCE	-562.50
TOTAL					-562.50
1851	08/05/2013	American Speedy Printing		Owosso Main Street Checking	
1851	08/01/2013		printed applications for use during Resource Team Visit	296-200-728.000 OPER SUPPLIES	-60.00
TOTAL					-60.00
1852	08/05/2013	Candence Massuch		Owosso Main Street Checking	
1852	07/31/2013		flower watering wages for Candence	296-697-818.000-WATERING	-264.00
TOTAL					-264.00
1853	08/05/2013	City of Owosso		Owosso Main Street Checking	
1853	06/30/2013		copies and postage	296-695-728.000 OPER SUPPLIES	-289.69
			bench repair, downtown maintenance	296-695-728.000 OPER SUPPLIES	-86.94
TOTAL					-376.63

Owosso Main Street
Check Register - By Check Number
August 1 - 30, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
1854	08/05/2013	Michael Morel		Owosso Main Street Checking	
1854	07/31/2013		Michael Morel wages for watering	296-697-818.000-WATERING	-428.00
TOTAL					-428.00
1855	08/05/2013	Sunburst Gardens		Owosso Main Street Checking	
1855	07/31/2013		irrigation repair	296-697-818.000-BED PLANTS	-570.00
TOTAL					-570.00
1856	08/05/2013	We Print Everything Inc.		Owosso Main Street Checking	
1856	07/22/2013		Sidewalk sales printing and Knowledge Legacy printing	296-200-728.000 OPER SUPPLIES	-119.25
TOTAL					-119.25
1857	08/05/2013	City of Owosso		Owosso Main Street Checking	
1857	06/30/2013		tax bills for 3 properties	296-697-831.000 MAINTENANCE	-1,664.09
TOTAL					-1,664.09
1858	08/05/2013	Heather Rivard		Owosso Main Street Checking	
1858	08/05/2013		manager wages, training contract	296-200-999.101 MANAGER WAGES	-692.30
TOTAL					-692.30
1859	08/13/2013	DayStarr Communication	VOID:	Owosso Main Street Checking	
TOTAL					0.00
1860	08/13/2013	First Bank Card	VOID:	Owosso Main Street Checking	
TOTAL					0.00
1861	08/05/2013	DayStarr Communication		Owosso Main Street Checking	
1861	07/12/2013		phone forwarding	296-200-728.000 OPER SUPPLIES	-16.71
			web domain annual fees	296-695-818.000-WEBSITE	-75.00
TOTAL					-91.71

Owosso Main Street
Check Register - By Check Number
August 1 - 30, 2013

Num	Date	Name	Memo	Account	Paid Amount
1862	08/05/2013	First Bank Card		Owosso Main Street Checking	
1862	07/15/2013		Boomerang, email tool, scheduling and reminders	Chemical Bank - 7152	-7.51
TOTAL					-7.51
1863	08/16/2013	Joshua Adams	Payroll for 8/1 through 8/16	Owosso Main Street Checking	
1863	08/16/2013		Payroll for 8/1 through 8/16	296-200-999.101 MANAGER WAGES	-2,417.58
TOTAL					-2,417.58
1864	08/16/2013	Heather Rivard	Payroll	Owosso Main Street Checking	
1864	08/16/2013		Payroll	296-200-999.101 MANAGER WAGES	-939.56
TOTAL					-939.56
1865	08/29/2013	1&1 Internet, Inc.		Owosso Main Street Checking	
1865	08/22/2013		unknown website domain	296-695-818.000-WEBSITE	-29.97
TOTAL					-29.97
1866	08/29/2013	Crooked Tree Nursery	Bench Placement	Owosso Main Street Checking	
1866	08/22/2013		Labor - 23 benches, 2 umbrella's & 2 tables mounted to	296-697-818.000-BENCHES	-540.00
TOTAL					-540.00
1870	08/29/2013	Brooks Innovative Graphics		Owosso Main Street Checking	
1870	08/22/2013		Full colored prints QR decals for flower bed signs	296-697-818.000-WALK TOUR MAP	-15.00
TOTAL					-15.00
1871	08/29/2013	Joshua Adams	Payroll 8/15 through 8/29	Owosso Main Street Checking	
1871	08/29/2013		Payroll 8/15 through 8/29	296-200-999.101 MANAGER WAGES	-2,115.38
TOTAL					-2,115.38

Owosso Main Street
Check Register - By Check Number
August 1 - 30, 2013

<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
1872	08/29/2013	Lorraine Weckwert	Reimbursement for flower replacement for the Down	Owosso Main Street Checking	
	08/23/2013		Flowers from Gilberts on 6/30/13	296-697-818.000-BED PLANTS	-17.99
			Flowers from Christians Greenhouse on 7/21/13	296-697-818.000-BED PLANTS	-23.32
			Flowers from The Home Depot on 7/31/13	296-697-818.000-BED PLANTS	-47.70
			Flowers from The Home Depot on 7/30/13	296-697-818.000-BED PLANTS	-55.43
			Flowers from The Home Depot on 8/5/13	296-697-818.000-BED PLANTS	-21.16
			Flowers from The Home Depot on 8/10/13	296-697-818.000-BED PLANTS	-18.70
TOTAL					<u>-184.30</u>
1873	08/29/2013	City of Owosso		Owosso Main Street Checking	
	08/22/2013		Fuel costs and DDA printing costs	296-200-728.000 OPER SUPPLIES	-98.28
			Irrigation repair	296-697-818.000-IRRIGATION WORK	-82.00
			Robicide 60 for fountain	296-200-831.000 MAINTENANCE	-46.00
TOTAL					<u>-226.28</u>
1874	08/29/2013	DayStarr Communication		Owosso Main Street Checking	
	08/22/2013		Phone forwarding service	296-200-728.000 OPER SUPPLIES	-20.90
TOTAL					<u>-20.90</u>
1875	08/29/2013	First Bank Card		Owosso Main Street Checking	
	08/22/2013		Special Gmail email service (Bomerang)	296-695-728.000 OPER SUPPLIES	-4.99
TOTAL					<u>-4.99</u>
1876	08/29/2013	City of Owosso	July 2013 Cell Phone Charges	Owosso Main Street Checking	
	08/28/2013		July 2013 Cell Phone Charges	296-200-728.000 OPER SUPPLIES	-61.57
TOTAL					<u>-61.57</u>
1877	08/29/2013	Sunburst Gardens	Repair of an irrigation leak downtown flower-bed	Owosso Main Street Checking	
	08/26/2013		Repair of an irrigation leak downtown flower-bed	296-697-818.000-IRRIGATION WORK	-65.00
TOTAL					<u>-65.00</u>

Owosso Main Street
Check Register - By Account Number
August 1 - 30, 2013

	Type	Date	Num	Name	Memo	Paid Amount	Balance
Ordinary Income/Expense							
Expense							
DEP 200 GEN SERVICES							
296-200-728.000 OPER SUPPLIES							
	Bill	08/05/2013	1851	American Speedy Printing	printed applications for use during Resource Team Visit	60.00	60.00
	Bill	08/05/2013	1861	DayStarr Communication	phone forwarding	16.71	76.71
	Bill	08/05/2013	1856	We Print Everything Inc.	Sidewalk sales printing and Knowledge Legacy printing	119.25	195.96
	Check	08/13/2013	1859	DayStarr Communication	phone forwarding	0.00	195.96
	Check	08/13/2013	1860	First Bank Card	email tool	0.00	195.96
	Bill	08/29/2013		City of Owosso	Fuel costs and DDA printing costs	98.28	294.24
	Bill	08/29/2013		DayStarr Communication	Phone forwarding service	20.90	315.14
	Bill	08/29/2013		City of Owosso	July 2013 Cell Phone Charges	61.57	376.71
Total 296-200-728.000 OPER SUPPLIES						376.71	376.71
296-200-831.000 MAINTENANCE							
	Bill	08/05/2013	1850	Kelly's Refuse	July trash service	562.50	562.50
	Check	08/13/2013	1847	City of Owosso	electric	0.00	562.50
	Check	08/13/2013	1848	City of Owosso	electric	0.00	562.50
	Bill	08/29/2013		City of Owosso	Robicide 60 for fountain	46.00	608.50
Total 296-200-831.000 MAINTENANCE						608.50	608.50
296-200-999.101 MANAGER WAGES							
	Bill	08/05/2013	1858	Heather Rivard	manager wages, training contract	692.30	692.30
	Bill	08/16/2013	1863	Joshua Adams	Payroll for 8/1 through 8/16	2,417.58	3,109.88
	Bill	08/16/2013	1864	Heather Rivard	Payroll	939.56	4,049.44
	Bill	08/29/2013		Joshua Adams	Payroll 8/15 through 8/29	2,115.38	6,164.82
Total 296-200-999.101 MANAGER WAGES						6,164.82	6,164.82
Total DEP 200 GEN SERVICES						7,150.03	7,150.03

Owosso Main Street
Check Register - By Account Number
August 1 - 30, 2013

	Type	Date	Num	Name	Memo	Paid Amount	Balance
DEP 695 ORGANIZATION EXPENSES							
296-695-728.000 OPER SUPPLIES							
	Bill	08/05/2013	1853	City of Owosso	copies and postage	289.69	289.69
	Bill	08/05/2013	1853	City of Owosso	bench repair, downtown maintenance	86.94	376.63
	Bill	08/29/2013		First Bank Card	Special Gmail email service (Bomerang)	4.99	381.62
Total 296-695-728.000 OPER SUPPLIES						381.62	381.62
296-695-818.000 ORG WK PLNS							
296-695-818.000-WEBSITE							
	Bill	08/05/2013	1861	DayStarr Communication	web domain annual fees	75.00	75.00
	Bill	08/29/2013		1&1 Internet, Inc.	unknown website domain	29.97	104.97
Total 296-695-818.000-WEBSITE						104.97	104.97
Total 296-695-818.000 ORG WK PLNS						104.97	104.97
Total DEP 695 ORGANIZATION EXPENSES						486.59	486.59
DEP 697 DESIGN EXPENSES							
296-697-818.000 DES WK PLNS							
296-697-818.000-BENCHES							
	Bill	08/29/2013		Crooked Tree Nursery	Labor - 23 benches, 2 umbrella's & 2 tables mounted to	540.00	540.00
Total 296-697-818.000-BENCHES						540.00	540.00
296-697-818.000-FLOWER PROGRAM							
296-697-818.000-BED PLANTS							
	Bill	08/05/2013	1855	Sunburst Gardens	irrigation repair	570.00	570.00
	Bill	08/29/2013		Lorraine Weckwert	Flowers from Gilberts on 6/30/13	17.99	587.99
	Bill	08/29/2013		Lorraine Weckwert	Flowers from Christians Greenhouse on 7/21/13	23.32	611.31
	Bill	08/29/2013		Lorraine Weckwert	Flowers from The Home Depot on 7/31/13	47.70	659.01
	Bill	08/29/2013		Lorraine Weckwert	Flowers from The Home Depot on 7/30/13	55.43	714.44
	Bill	08/29/2013		Lorraine Weckwert	Flowers from The Home Depot on 8/5/13	21.16	735.60
	Bill	08/29/2013		Lorraine Weckwert	Flowers from The Home Depot on 8/10/13	18.70	754.30
Total 296-697-818.000-BED PLANTS						754.30	754.30

Owosso Main Street
Check Register - By Account Number
August 1 - 30, 2013

	Type	Date	Num	Name	Memo	Paid Amount	Balance
296-697-818.000-BED SOIL							
	Bill	08/05/2013	1849	Gilbert's Do It Best	soil for bed prep, purchased wholesale by Gilberts	969.60	969.60
Total 296-697-818.000-BED SOIL						969.60	969.60
296-697-818.000-IRRIGATION WORK							
	Bill	08/29/2013		City of Owosso	Irrigation repair	82.00	82.00
	Bill	08/29/2013		Sunburst Gardens	Repair of an irrigation leak downtown flower-bed	65.00	147.00
Total 296-697-818.000-IRRIGATION WORK						147.00	147.00
296-697-818.000-WALK TOUR MAP							
	Bill	08/29/2013		Brooks Innovative Graphics	Full colored prints QR decals for flower bed signs	15.00	15.00
Total 296-697-818.000-WALK TOUR MAP						15.00	15.00
296-697-818.000-WATERING							
	Bill	08/05/2013	1854	Michael Morel	Michael Morel wages for watering	428.00	428.00
	Bill	08/05/2013	1852	Candence Massuch	flower watering wages for Candence	264.00	692.00
Total 296-697-818.000-WATERING						692.00	692.00
Total 296-697-818.000-FLOWER PROGRAM						2,577.90	2,577.90
Total 296-697-818.000 DES WK PLNS						3,117.90	3,117.90
296-697-831.000 MAINTENANCE							
	Bill	08/05/2013	1857	City of Owosso	tax bills for 3 properties	1,664.09	1,664.09
Total 296-697-831.000 MAINTENANCE						1,664.09	1,664.09
Total DEP 697 DESIGN EXPENSES						4,781.99	4,781.99
Total Expense						12,418.61	12,418.61
Net Ordinary Income						-12,418.61	-12,418.61
Net Income						-12,418.61	-12,418.61

**Minutes
Regular Meeting of the Parks & Recreation Commission
Council Chambers, City Hall
August 26, 2013 – 6 p.m.**

The meeting was called to order at 6:03 p.m. by Chairman Espich.

Pledge of Allegiance: The Pledge of Allegiance was recited by all in attendance.

Roll Call was taken by Recording Secretary Marty Stinson.

Members Present: Chairman Michael Espich; Commissioners Tim Alderman; Nikki Hathaway and Kristen Woodbury.

Members Absent: Vice-Chair Jeff Selbig.

Others Present: Adam Zettel, Assistant City Manager and Director of Community Development; Carol Soule, Shiawassee Community Foundation. Mr. Paul Early arrived 6:07 p.m.

Approve Agenda for August 26, 2013:

A motion to approve the agenda with the addition of Business Item # 1 – Presentation by Carol Soule from the Shiawassee Community Foundation and to strike Item # 4, was made by Commissioner Hathaway and supported by Commissioner Alderman.

Ayes: all. Motion carried.

Approve Minutes from July 22, 2013 meeting:

A motion to approve the minutes from the July 22, 2013 meeting was made by Commissioner Hathaway and supported by Commissioner Alderman.

Ayes: all. Motion carried.

Public Comments: None.

Communications:

1. Staff memorandum
2. July 22, 2013 minutes

Business:

1. Carol Soule, Executive Director, Shiawassee Community Foundation.

Ms. Carol Soule, Executive Director of the Shiawassee Community Foundation distributed a statement and folder from the Foundation. She administers about \$5 million and each fund is per the original donor requests. They will handle the funds for the Disc Golf as an Agency Fund – she reviewed the procedure. Disc Golf Course money is all spendable funds – Paul Schluckebier is the manager.

2. The Splash Pad.

Per Mr. Zettel, this is still a work in progress. The city will do the sidewalks. All the materials have been paid for. Water and electric needs to be run yet. There are many different professional volunteers and they have had to be coordinated. This is a very big undertaking and there are over runs with a second spray pad. Mr. Paul Early noted the delay in the first half was the trenching. Right now they are waiting

on the completion of the trenching. They also had to hook up final electrical and plumbing. The kits lacked all of the plastic plumbing so we had to buy those. The DEQ requires extra ultraviolet lighting – none of that wiring was part of the kit. The best estimate is that \$3-4,000 range to finish it up.

David from Nash Nursery will be brining in cobblestone rocks to keep kids on the sidewalks and avoid grass mowing – this maybe an extra cost.

Commissioner Alderman said this has been a great project and applauds Mr. Early for the efforts and his passion.

Mr. Early suggested cameras that go to city hall for the splash pad, bathrooms, and tennis courts for surveillance. Commissioner Alderman hopes that it can be illuminated first. Chairman Espich suggests that signs be installed that express vandalism will not be tolerated and will be prosecuted to the extent of the law.

3. Disc Golf Course.

Mr. Early commented that disc golf is a great addition and appreciates the support of the city. Chairman Espich stated that yesterday was the park build. The city provided materials and water and city workers. He thanked the city for their efforts. There was a lot of man labor. Food was donated from Val's Pizza and Domino's.

Commissioner Hathaway showed pictures of the sample Michigan shaped tee pad with six completed at this point in the Rosevear Park.

4. Bentley Park Improvements

Mostly completed; trees to be planted; some painting to be done. The doors were tampered with and there will be a camera in that area around the bathrooms. Police may unlock them in the morning and lock them in the evening; it may vary depending on the weather. If it's severe, we may have to use the key only when the pavilion is rented.

Chairman Espich went back to Item # 1 and suggested it be recommended to the Council.

Commissioner Hathaway suggested that Mr. Zettel recommends project by project; and possible additional money for the splash pad.

Adjournment:

A motion to adjourn the meeting was made by Commissioner Alderman and was supported by Commissioner Hathaway. The meeting adjourned at 6:55 p.m.

Ayes: all. Motion carried.

Adam Zettel, Secretary

mms

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
August 26, 2013 – 7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all in attendance.

ROLL CALL: Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman William Wascher; Vice-Chairman Frank Livingston; Commissioners David Bandkau, Tom Kurtz, Cindy Popovitch, Brent Smith, Thomas Taylor and Craig Weaver.

MEMBERS ABSENT: Commissioner Ron Schlaak.

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development.

AGENDA APPROVAL:

MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE AGENDA FOR AUGUST 26, 2013.

YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE MINUTES OF THE MEETING OF JUNE 24, 2013.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from June 24, 2013
3. Zoning and land use maps

COMMISSIONER / PUBLIC COMMENTS:

Chairman Wascher welcomed the new Planning Commissioner Craig Weaver. Commissioner Weaver stated that his wife is a teacher and they have three children. Mr. Weaver works for the state and is familiar with planning.

Commissioner Popovitch asked about the House of Mok Building. Mr. Zettel stated that per the building official, there is nothing operating illegally at that building.

Mr. Zettel commented that the former Eastside Cleaners building is being worked on.

PUBLIC HEARING: NONE

SITE PLAN REVIEW: NONE

BUSINESS ITEMS:

1. Planning Commission Officer Selection

MOTION BY COMMISSIONER BANDKAU, SUPPORTED BY COMMISSIONER POPOVITCH TO NOMINATE CHAIRMAN WASCHER FOR CHAIRMAN OF THE OWOSSO PLANNING COMMISSION.

ROLL CALL VOTE – YEAS ALL. MOTION CARRIED.

MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER TAYLOR TO NOMINATE VICE-CHAIRMAN LIVINGSTON FOR VICE-CHAIRMAN OF THE OWOSSO PLANNING COMMISSION.

ROLL CALL VOTE – YEAS ALL. MOTION CARRIED.

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER LIVINGSTON TO NOMINATE COMMISSIONER POPOVITCH FOR SECRETARY OF THE OWOSSO PLANNING COMMISSION.

ROLL CALL VOTE – YEAS ALL. MOTION CARRIED.

2. Zoning Map Update Discussion

Mr. Zettel stated we are proactively bringing the ordinances and standards into the Master Plan vision. He described various examples of zoning downfalls such as Corunna Avenue; on M-52 near M-21 there is an office in an industrial zoning. We need to be proactive. We're mainly thinking about M-71, M-21 and M-52 corridors.

Commissioner Popovitch asked if we would be meeting every other Monday. Mr. Zettel, said no, not that intense. We could occasionally do a site visit and then come back to city hall. Depends on the level of scrutiny we want to do.

Commissioner Taylor asked about the process. Mr. Zettel said we would have to give 15 day notice with a 300 foot mailing with a public hearing for the planning commission. Council would have two hearings after our public hearing. Areas might include E. M-21; some Westown; M-52; M-71; and Tial Products, if the commission wants to.

Commissioner Kurtz suggested we do map changes in phases – look at immediate developments first. Mr. Zettel said we can work on high priority by December. We can figure out the total scope and then make divisions.

Chairman Wascher asked if there would be new zonings. Mr. Zettel said not really. It needs a total re-write, but that's too big for right now.

A starting list involves Michigan Avenue; the river and M-52 where there are a lot of duplexes. This is historic in nature.

Downtown parking was discussed including smart meter parking; possible deck parking.

Mr. Zettel invited the planning commissioners to e-mail him areas for discussion for the next meeting. Discussion continued with vacant / brownfield areas such as the Vaungard property. Other areas of interest may be River Street by M-52; Hickory and Oak; Bolt & Brass by the river; Dutch Town; King and Washington.

ADJOURNMENT:

MOTION BY VICE-CHAIRMAN LIVINGSTON, SUPPORTED BY COMMISSIONER KURTZ, TO ADJOURN AT 8:05 P.M.

YEAS ALL. MOTION CARRIED.

Cindy Popovitch, Secretary

mms