

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JANUARY 4, 2021
7:30 P.M.
VIRTUAL MEETING**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER NICHOLAS L. PIDEK

PLEDGE OF ALLEGIANCE: COUNCILMEMBER DANIEL A. LAW

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Janae L. Fear, Jerome C. Haber, Daniel A. Law, Nicholas L. Pidek, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Osika to approve the agenda as presented.

Motion supported by Councilmember Law and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 21, 2020

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of December 21, 2020 as presented.

Motion supported by Councilmember Fear and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Final PUD Site Plan Review – N. Washington Street and Wesley Drive

Mayor Eveleth opened the floor for public comment on the proposed site plan. The following people commented:

Timothy Atkinson, 1414 N. Water Street, said he felt that a comment regarding the number of houses in the neighborhood with carports was misleading as he only found a handful when he walked N. Washington Street. He said he felt the quality of the neighborhood would be negatively affected if garages are not required. He also expressed concern with the loss of animal habitat.

Becky Atkinson, 1414 N. Water Street, commented on the wild life in the area saying it was nice to see the animals there.

Justin Sprague, Vice President of CIB Planning, detailed his letter of recommendation calling for approval of the plan with the following eight conditions:

1. That waivers are granted by the Planning Commission for front yard setbacks along Washington and Wesley Streets;
2. That a waiver is granted by the Planning Commission for total lot coverage;
3. That a waiver is granted by the Planning Commission for minimum distance between buildings to be allowed at less than 20-feet;
4. That the Planning Commission require traditional detached garages as opposed to car ports or sheds to preserve neighborhood character;
5. That side egress on the homes have fixed porches or stairs attached to the structure;
6. That the Master Deed require any homes to be replaced due to an act of God, be replaced by a new structure and not a previously used structure;
7. That the by-laws for the condominium development strictly prohibit chain link fencing; and
8. That all other agencies, departments and reviewing entities grant approval prior to the issuance of any building permits.

The Planning Commission held a public hearing November 23, 2020 resulting in approval of the Site Plan with the following conditions:

1. That waivers are granted by the Planning Commission for front yard setbacks along Washington and Wesley Streets;
2. That a waiver is granted by the Planning Commission for total lot coverage;
3. That a waiver is granted by the Planning Commission for minimum distance between buildings to be allowed at less than 20-feet;
4. That side egress on the homes have fixed porches or stairs attached to the structure;
5. That the Master Deed require any homes to be replaced due to an act of God, be replaced by a new structure and not a previously used structure;
6. That the by-laws for the condominium development strictly prohibit chain link fencing; and
7. That all other agencies, departments and reviewing entities grant approval prior to the issuance of any building permits.

There was discussion among Council as to whether garages should be required (as opposed to allowing car ports), how the requirement may affect home prices, and overall increases in construction costs. Tom Cook and Anna Owens, of Bailey Park Homes, L3C, indicated they have made every effort to keep the cost for the homes as low as possible, including taking no profit from the development. They wish to allow homeowners to make the choice between building a garage or a carport at the time the home is constructed.

Councilmember Pidek asked if there were any zoning regulations regarding carports, saying he felt the requirement to construct a garage shouldn't be forced on one particular neighborhood. It was noted that while there is nothing regulating car ports other than the Building Code, the purpose of a PUD is to be able to add value to the community while maintaining the character of the neighborhood.

There was further discussion clarifying that garages and/or car ports would be separate structures from the homes themselves and whether a garage requirement would stymie sales.

Motion by Mayor Pro-Tem Osika to authorize the following resolution approving the site plan for Washington Park Homes with the Planning Commission conditions:

RESOLUTION NO. 01-2021

**A RESOLUTION TO APPROVE THE SITE PLAN FOR
WASHINGTON PARK, A PLANNED UNIT DEVELOPMENT
LOCATED AT THE INTERSECTION OF N. WASHINGTON STREET AND WESLEY DRIVE**

WHEREAS, the city council of the city of Owosso received a request for Site Plan Review from Bailey Park Homes, L3C, developer of the real property identified as N. Washington Street, parcel number 050-535-000-001-00 to develop the Washington Park Smart Homes consisting of 14 new homes; and

WHEREAS, the city staff and planning commission recommend, with conditions, the approval of the Planned Unit Development (PUD) Overlay Site Plan Review of N. Washington Street as applied; and

WHEREAS, local law requires PUD rezoning requests be accompanied by a valid site plan that must be approved by the city council; and

WHEREAS, the item was considered by the city council and a public hearing by the council was held January 4, 2021; and

WHEREAS, the city council finds that this site plan meets or exceeds all of the requirements of the local zoning ordinance and the conditions of the PUD zoning designation, specifically sections 38-390 and 38-395 of the Code of the City of Owosso.

NOW THEREFORE, BE IT RESOLVED THAT the Owosso City Council, County of Shiawassee, State of Michigan, hereby approves the site plan for the Washington Park Smart Homes project, subject to the following conditions:

1. That waivers are granted by the Planning Commission for front yard setbacks along Washington and Wesley Streets;
2. That a waiver is granted by the Planning Commission for total lot coverage;
3. That a waiver is granted by the Planning Commission for minimum distance between buildings to be allowed at less than 20-feet;
4. That side egress on the homes have fixed porches or stairs attached to the structure;
5. That the Master Deed require any homes to be replaced due to an act of God, be replaced by a new structure and not a previously used structure;
6. That the by-laws for the condominium development strictly prohibit chain link fencing; and
7. That all other agencies, departments and reviewing entities grant approval prior to the issuance of any building permits.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmembers Haber, Teich, Mayor Pro-Tem Osika, Councilmembers Fear, Pidek, Law, and Mayor Eveleth.

NAYS: None.

Rezoning Request – 210 Monroe Street

Justin Sprague, of CIB Planning, indicated the application for rezoning was made by the City in line with the proposed Master Plan for future residential development. He indicated the Planning Commission recognizes that there is environmental work to be done on the site before homes can be built.

A public hearing was conducted to receive citizen comment regarding the proposed rezoning of the parcel located at 210 Monroe Street from I-1, Light Industrial District, to R-2, Two-Family Residential District.

There were no citizen comments received prior to, or during the meeting.

Motion by Councilmember Teich to approve the following resolution authorizing a zoning change for the property in question:

ORDINANCE NO. 814

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE THE PARCEL OF REAL PROPERTY
AT 210 MONROE STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from a land owner of real property identified as 210 Monroe Street, parcel 050-652-001-004-00, LOTS 9, 10, 13, BLK 1, ALL OF BLK. 2 INCLUDING CLOSED ALLEY, PT OF CLOSED S. PARK ST. AL WILLIAMS 2ND ADD to rezone the parcel from I-1, Light Industrial District, to R-2, Two-Family Residential District; and

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

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-652-001-004-00, 210 Monroe Street from I-1, Light Industrial District, to R-2, Two-Family Residential District; and

WHEREAS, the City Council held a public hearing on the request January 4, 2021, heard all interested persons, and deliberated on the request; and

WHEREAS, the City Council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of the City of Owosso; and

NOW THEREFORE, BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
210 Monroe Street	050-652-001-004-00	I-1, Light Industrial	R-2, Two Family Residential

SECTION 2. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective January 25, 2021.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Teich, Pidek, Law, Haber, Mayor Pro-Tem Osika, Councilmember Fear, and Mayor Eveleth.

NAYS: None.

Ordinance Amendment – Chapter 34, Utilities and Services - A

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 34, Utilities and Services, Article III, *Water*, Section 34-67, Water service connections, connection charges, of the code of ordinances of the City of Owosso, Michigan to maintain regulatory compliance with the State's new lead and copper rules.

There were no citizen comments received prior to, or during the meeting.

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

ORDINANCE NO. 815

**ORDINANCE AMENDMENT
TO SECTION 34-67, *WATER SERVICE CONNECTIONS, CONNECTION CHARGES***

WHEREAS, the City of Owosso is required by the State of Michigan to replace at least 5% of all public and private property lead and galvanized water service lines over the next 20 years; and

WHEREAS, this new obligation must be incorporated into the code of the City of Owosso which regulates utilities and services; and

WHEREAS, the City Council held a public hearing on the request December 21, 2020, heard all interested persons, and deliberated on the request; and

WHEREAS, the City Council finds the proposed changes to be prudent.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. AMENDMENT. That Chapter 34, Utilities and Services, Article III, *Water*, Section 34-67, Water service connections, connection charges, be amended as follows:

Sec. 34-67. - Water service connections, connection charges.

(a) Application for water service connection(s) shall be made to the public utilities department on forms prescribed and furnished by it. Water service connections and water meters shall be installed, maintained and replaced in accordance with applicable rules and standards of the public utilities department and applicable plumbing code provisions. The size of the service line and meter, and installation details, are subject to review and approval by the director. Partial water service line replacements are not permitted under Michigan Department of Environment Great Lakes & Energy (EGLE) Administrative Code R325.11604f(5)(c), except as necessary to address a emergency repair. The replacement of lead or galvanized water service lines from the city owned water main to the private property building premises, shall be accomplished at city expense in accordance with EGLE Administrative Code R325.11604f(5)(c) and R325.11604f(5)(g), except that the responsibility for maintenance, repair, or replacement of the private property water service connection, shall terminate one (1) year after installation.

(b) The city shall be responsible for the installation, maintenance and replacement in like size of that portion of the water connection from the water main to and including the curb stop and stop box, or through the water meter pit if the meter is located in a pit in the public right-of-way or water easement.

The property owner or customer shall be responsible for the installation, maintenance and replacement of that portion of the water connection from the curb stop, or meter pit if such meter pit is located in the public right-of-way or water easement, to and within the premises being served., except during the period of time commencing January 1, 2020 through December 31, 2040 (unless extended by EGLE), whereby the city is mandated under the EGLE Administrative Code R325.11604f(6)(b) to replace all private property water service lines at city expense. The responsibility of the city for maintenance, repair, or replacement of the private property water service connection, shall terminate one (1) year after installation of the new regulatory compliant water service line.

(c) Water meters shall generally be supplied by the city. Any water meter provided by the customer shall conform to city standards and specifications, and shall be approved by the director prior to installation or start of service. All meters shall be owned by and under the control of the city. The city shall be responsible for the cost of meter replacement except in the case of a customer requested change in meter size, or damage to the meter attributable to the customer, or agent or tenant of the customer.

(d) Connection charges for new water service connections, or for an increase in service size or capacity, in effect on the effective date of this ordinance shall remain in effect until changed by resolution of the council, which may thereafter be modified or revised by council resolution. Such connection charges may include: recovery of costs for water system

capacity attributable to the new user, recovery of costs for water distribution piping serving the user if not previously assessed, recovery of city costs for the initial installation of the service connection and initial provision of the water meter, and recovery of city costs for increasing the service connection and/or meter size. In addition the connection charge schedule may include permit application and review fees, and inspection fees.

SECTION 2. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective January 25, 2021.

Motion supported by Councilmember Haber.

Roll Call Vote.

AYES: Councilmembers Fear, Haber, Law, Teich, Mayor Pro-Tem Osika, Councilmember Pidek, and Mayor Eveleth.

NAYS: None.

Ordinance Amendment – Chapter 34, Utilities and Services - B

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 34, Utilities and Services, Article III, *Water*, Sections 34-75 and 34-76 of the code of ordinances of the City of Owosso, Michigan to reflect the installation of new water meter technology.

There were no citizen comments received prior to, or during the meeting.

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

ORDINANCE NO. 816

**AN ORDINANCE AMENDMENT
TO SECTIONS 34-75 & 34-76 OF THE CODE OF ORDINANCES**

WHEREAS, the City of Owosso replaced all of its water meters with meters utilizing new technology; and

WHEREAS, the code of ordinances of the City of Owosso regulating utilities and services must be updated to reflect said new technology; and

WHEREAS, the City Council held a public hearing on the request December 21, 2020, heard all interested persons, and deliberated on the request; and

WHEREAS, the City Council finds the proposed changes to be prudent.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. AMENDMENT. That Chapter 34, Utilities and Services, Article III, *Water*, Section 34-75, Accuracy required, be amended as follows:

Sec. 34-75. - Accuracy required.

A meter shall be considered accurate if, when audited it registers consumption movement when the water is turned on from the off position at either the meter pit or inside the building plumbing. A meter shall be considered inaccurate if, when audited it registers no consumption movement or negative consumption movement when the water is turned on from the off position at either the meter pit or inside the building plumbing.

SECTION 2. AMENDMENT. That Chapter 34, Utilities and Services, Article III, *Water*, Section 34-76, Bill adjustment, be amended as follows:

Sec. 34-76. - Bill adjustment.

If a meter has been audited at the request of a consumer and shall have been determined to register accurately, no charge will be assessed. If a meter so tested at the request of the consumer, is determined to not register water consumed or is registering negative flow, applicable equipment causing the inaccuracies shall be replaced or repaired and the water bill shall be recalculated from historical demand usage from date of known inaccuracies to the date of correction. There shall be no charge to the customer for the audit, repair, or replacement services.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective January 25, 2021.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Pidek, Haber, Mayor Pro-Tem Osika, Councilmembers Fear, Teich, Law, and Mayor Eveleth.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Marlene Webster, County Commissioner District 1, updated the Council on the latest actions taken by the County Board of Commissioners.

Mayor Pro-Tem Osika asked for an update on the Matthews Building. City Manager Henne indicated he had nothing new to report. The owners have until the end of March to put a roof on part of the building and replace all the broken windows as detailed in the written agreement.

Councilmember Fear thanked whoever decorated the outside of City Hall saying the boughs and lights looked very nice. She also reminded everyone that it is time to take down political signs as they can only be up for 60 days.

Mayor Eveleth sought clarification on the City's sign ordinance.

Eddie Urban said he keeps getting bounced out when he signs into the meetings. He asked that citizen comments be allowed even when meetings are cut short (like the December 21, 2020 meeting). He also mentioned that he would like to see a traffic light at the corner of Washington and Monroe Streets and everyone should continue to be diligent about COVID. Lastly, he asked everyone to keep up the good work.

CONSENT AGENDA

Motion by Councilmember Pidek to approve the Consent Agenda as follows:

Proposed Special Assessment Project – Glenwood Avenue. Authorize Resolution No. 1 for proposed Special Assessment District No. 2021-02 for Glenwood Avenue from Farr Avenue to the south end for street resurfacing as follows:

RESOLUTION NO. 02-2021
GLENWOOD AVENUE
FROM SOUTH END TO FARR AVENUE
SPECIAL ASSESSMENT RESOLUTION NO. 1

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

Glenwood Avenue from south end to Farr Avenue
Street Resurfacing

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.
2. The City Manager shall present said report to the City Council when same has been prepared.

Flexible Spending Account Terms Adoption. Authorize acceptance of the terms governing the Flexible Spending Accounts available to City employees, with an effective date of January 1, 2021 as detailed below:

RESOLUTION NO. 03-2021

ADOPTING THE CITY OF OWOSSO FLEXIBLE SPENDING PLAN

WHEREAS, the city of Owosso, a Michigan municipal corporation, provides a cafeteria plan for its employees; and

WHEREAS, under the tax laws of the United States of America the city council must adopt a resolution for the calendar year effective January 1, 2021 and subsequent years.

NOW THEREFORE, the city council of the city of Owosso, Michigan (the employer) resolves:

- FIRST that the form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January 1, 2021 presented and attached is approved and adopted and that the duly authorized agents of the city are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.
- SECOND that the Administrator is instructed to take such actions that they deem necessary and proper to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.
- THIRD that attached as Exhibit 1, is a true copy of the *City of Owosso Flexible Spending Plan* approved and adopted in this resolution.
- FOURTH that all prior resolutions and documents for the *City of Owosso Flexible Spending Plan* are rescinded as of January 1, 2021.

Purchase Authorization – WACHS Valve Turner. Authorize the purchase of one WACHS Valve Turner & Trailer unit from E.H. WACHS, via National Buy Board – Local Government Purchasing Cooperative Contract No. 597-19, in the amount of \$32,095.14 and further authorize payment to the vendor upon satisfactory delivery of said equipment as shown below:

RESOLUTION NO. 04-2021

RESOLUTION AUTHORIZING PURCHASE OF WACHS VALVE TURNER FROM E.J. WACHS EQUIPMENT OF LINCOLNSHIRE, ILLINOIS UTILIZING THE NATIONAL BUY BOARD LOCAL GOVERNMENT COOPERATIVE PURCHASING AGREEMENT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Department of Public Works Fleet Motor Pool requires the use of a Valve Turner to perform specialized isolation valve maintenance and exercising on the water distribution system; and

WHEREAS, the City of Owosso desires to purchase one WACHS valve turner & trailer unit manufactured by E.J. WACHS Equipment, and it is in the best interest of the City of Owosso to utilize the National Buy Board Local Government Cooperative Purchasing Agreement, Contract No. 597-19 to purchase said equipment; and

WHEREAS, E.J. WACHS Equipment is an authorized distributor for said equipment under the National Buy Board Local Government Purchasing Agreement; and

WHEREAS, city ordinance section 2-345(3) provides for an exception to competitive bidding when the best interest of the city would be served by joint purchasing with another governmental unit.

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 purchase the following equipment from E.J. WACHS Equipment using the National Buy Board Local Government Purchasing Agreement - Contract No. 597-19:
 - One (1) WACHS model 79-000-25, 750/ft/lb extended reach valve operator with trailer in the amount of \$32,095.14
- SECOND: The Director of Public Services is hereby instructed and authorized to sign any necessary documents to complete said purchase.
- THIRD: Payment is authorized to E.J. WACHS Equipment in the amount of \$32,095.14 upon delivery and acceptance.
- FOURTH: Said purchase shall be paid for from the Fleet Motor Pool 661-901-979.000.

Purchase Authorization – Sign Truck. Authorize the purchase of one 2021 Ford F550 cab and chassis, one VERSALIFT unit and utility service body, utilizing State of Michigan contracts #071B7700180 and #071B7700166 respectively, in the amount of \$37,587.00 for the cab and chassis and \$59,602.00 for the lift unit and utility service body, and further authorize payment to vendors upon satisfactory delivery of completed unit as follows:

RESOLUTION NO. 05-2021

AUTHORIZING PURCHASE AGREEMENT TO SIGNATURE FORD OF OWOSSO, MICHIGAN AND VERSALIFT MIDWEST OF SHELBY TOWNSHIP, MICHIGAN TO PROCURE A FORD F550 CAB & CHASSIS AND A VERSALIFT UNIT AND UTILITY SERVICE BODY FOR USE IN THE FLEET MOTOR POOL AS A SIGN TRUCK

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Fleet Motor Pool Replacement Fund for the purchase of a Sign Truck 4X2 cab and chassis to be used for sign maintenance and replacement, and

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Fleet Motor Pool Replacement Fund for the purchase of a VERSALIFT unit and utility service body to be attached to the cab and chassis truck, and

WHEREAS, the City of Owosso Director of Public Services & Utilities has reviewed the replacement equipment on the State of Michigan Contracts as priced by Signature Ford and VERSALIFT Midwest, and recommends authorizing purchase agreements between the city of Owosso and Signature Ford of Owosso, Michigan and VERSALIFT Midwest of Shelby Township, Michigan.

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 with Signature Ford of Owosso, Michigan for the purchase of a Ford F550 4X2 Cab & Chassis on State of Michigan Contract #071B7700180 for use in the Fleet Motor Pool, in the amount of \$37,587.00.
- SECOND: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with VERSALIFT Midwest of Shelby Township, Michigan for the purchase of a VERSALIFT unit and Utility Service Body on State of Michigan Contract #071B7700166, for use in the Fleet Motor Pool, in the amount of \$59,602.00.
- THIRD: The accounts payable department is authorized to submit payment to VERSALIFT Midwest in the amount of \$59,602.00, and expense from account 661-901-979.000
- FOURTH: The accounts payable department is authorized to submit payment to Signature Ford in the amount of \$37,587.00, and expense from account 661-901-979.000.

Niche Bar & Lounge Parking Space Closure Permission. Approve request from Niche Bar & Lounge for closure of four (4) parking spaces from January 5, 2021 through March 1, 2021 directly in front of 112 North Washington Street for outdoor/shanty seating for patrons to comply with COVID restrictions and authorize Traffic Control Order No. 1442 formalizing the request.

Warrant No. 595. Authorize Warrant No. 595 as follows:

Vendor	Description	Fund	Amount
Gould Law, PC	Professional services- 11/10/20-12/14/20	General	\$10,267.40

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Pidek, Teich, Fear, Mayor Pro-Tem Osika, Councilmembers Haber, Law, and Mayor Eveleth.

NAYS: None.

ITEMS OF BUSINESS

Emergency Action Support Plan Adoption

Motion by Councilmember Fear to approve adoption of the Emergency Action Support Plan for the City of Owosso as follows:

RESOLUTION NO. 06-2021

RESOLUTION AUTHORIZING THE APPROVAL OF THE UPDATED EMERGENCY OPERATIONS SUPPORT PLAN

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Public Safety Department; and

WHEREAS, the City of Owosso Public Safety Department has opted to participate in the Shiawassee County Emergency Management Program; and

WHEREAS, State law requires municipalities with a population of 10,000 or more to maintain and file with the County a plan of support that is in accordance with the County’s Emergency Action Guidelines at least every four years.

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

- FIRST: The City of Owosso has elected to participate in the Shiawassee County Emergency Management Program.
- SECOND: The attached City of Owosso Emergency Operations Plan provides a framework for the City to use in performing emergency functions before, during, and after emergent situations and is hereby approved.
- THIRD: The mayor and city clerk are instructed and authorized to sign the attached document in support of the Shiawassee County Emergency Operations Plan.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Fear, Teich, Haber, Pidek, Law, and Mayor Eveleth.

NAYS: None.

Policy Changes – Water and Sewer Connection Charge Policies

Motion by Mayor Pro-Tem Osika to approve changes to the Water and Sewer Connection Charge Policies to update fees and procedures as follows:

RESOLUTION NO. 07-2021

ESTABLISHMENT OF WATER AND SEWER CONNECTION CHARGE POLICIES EFFECTIVE JANUARY 1, 2021

WHEREAS, the city of Owosso owns and operates water and wastewater utilities;

Whereas, the city of Owosso must have policies and water and sewer connection charges in addition to the basic rates pursuant to the *Code of Ordinances of the City of Owosso, Michigan* Sec. 34-67 (Water service connections, connection charges), and Sec. 34-144 (sewer connection charges);

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The city council hereby adopts the following connection charges for the water utility which shall become effective January 1, 2021.
- SECOND: That any policies previously adopted which conflict with the provisions of the following policies and services are hereby repealed.

WATER AND SEWER CONNECTION CHARGES

Water and sewer connection charges for new or increased size services are a combination of the applicable charges appearing below. The Director of Public Services & Utilities shall verify the applicable charges before approving an application for service. The applicant shall provide adequate information concerning water and sewer service requirements for the determination of service size.

I. Water Service Line Charges

- a) Option 1 - Contractor for owner provides all excavation, backfill and surface restoration. City performs tap and installs water service from main to curb stop and provides meter for interior installation. (SFR = single family residence) (DI = Ductile Iron Water Main) (PVC = C900 Water Main).

1" SFR Service DI	\$1,315 (1" tap, 1" corp, 1" copper to curb stop, curb stop, curb box, 5/8" meter)
1" SFR Service DI	\$1,355 (1" tap, 1" corp, 1" copper to curb stop, curb stop, curb box, 3/4" meter)
1" SFR Service PVC	\$1,410 (1" tap, 1" saddle, 1" copper to curb stop, curb stop, curb box, 5/8" meter)
1" SFR Service PVC	\$1,450 (1" tap, 1" saddle, 1" copper to curb stop, curb stop, curb box, 3/4" meter)

Other services: If meter pit, add \$125.00 parts and labor.

- b) Option 2 – City provides excavation, backfill and surface restoration, including street patch, from tap to curb stop, and/or when service line is installed by boring or directional drilling. This option is generally only available for in city customers.

1" SRF Service DI	\$3,525 (1" tap, 1" copper to curb stop, 5/8" meter)
1" SRF Service DI	\$3,565 (1" tap, 1" copper to curb stop, 3/4" meter)
1" SRF Service PVC	\$3,620 (1" tap, 1" copper to curb stop, 5/8" meter)
1" SRF Service PVC	\$3,660 (1" tap, 1" copper to curb stop, 3/4" meter)

Other services: If meter pit, add \$125.00 parts and labor.

- c) Option 3 – Connection to existing water service stub (at property line), if stub was provided at City cost (such water service stubs are typically installed during new street and/or water main construction).

1" SRF Service	\$1,250.00 (5/8" meter, MTU, meter horn, curb box, material, labor, equipment, all fees)
1" SRF Service	\$1,285.00 (3/4" meter, MTU, meter horn, curb box, material, labor, equipment, all fees)
1" SRF Service	\$1,365.00 (1.0" meter, MTU, meter horn, curb box, material, labor, equipment, all fees)

Note: Above fees previously included in lot price for Osburn Lakes

Development

- d) Additional charges if applicable:

Meter pit (for 3/4" to 1" services)	\$125 (parts and labor when interior meter set is not feasible)
Winter construction surcharge	\$300 (applicable generally between December 15 to March 15 to cover additional costs related to frost excavation and extended street patch maintenance prior to final patch)

II. Sewer Service Line Charge

- a) Option 1 - Contractor for owner provides all excavation, backfill and surface restoration

4" or 6" service	\$330 (parts and labor covers sewer wye or saddle tap by city)
------------------	--

- b) Option 2 – Connection to existing sewer service stub to vacant lot, if stub was provided at City cost (such stubs are typically done prior to street construction).

4" or 6" service	\$1,000
------------------	---------

Note: Above fees previously included in lot price for Osburn Lakes Development

III. Water & Sewer System Charges

System Charges as provided in the table below account for water or sewer system reserve capacity provided for new customers but financed at system expense.

Out of Town Water System Charges apply to retail customers outside the Owosso City Limits unless otherwise provided in an agreement between the City and the respective municipality. City Sewer System Charges do not apply to out-of-town water services. The respective Township regulates sewer service connections in their jurisdiction and their sewer charges thus apply.

Sewer System Charges do not apply to separate water only metered services such as irrigation, fire sprinkler service, or approved industrial applications where the water used does not go to a wastewater system.

A residential duplex served by a single service line and meter shall have a minimum meter size of ¾". Determination of appropriate meter size for other larger services is subject to review and approval by the Director of Utilities prior to acceptance of the application for service. That review shall be based on the user's demand potential and generally accepted practices for sizing water meters based on expected average and peak flow rates. Generally, the meter size shall be reduced no more than one standard size from the size of the water line (e.g. a 1.5" meter is acceptable with a 2" service line).

When an existing water service is enlarged or replaced with a larger water service due to an expansion of the customer's water demand, the Water and Sewer System charges shall be charged based on that for the new meter size minus that for the existing water meter size. There is no credit or rebate on reduction of meter size. In the event a new connection is made to up-size the service line (for example 6" to 8") and the meter size remains the same, no additional system charges will be assessed.

WATER AND SEWER SYSTEM CHARGE TABLE I

Potable Water Service Meter Size	Water System Charge		Sewer System Charge
	In Town	Out of Town	In Town
5/8"	\$400	\$600	\$400
3/4"	\$600	\$900	\$600
1"	\$1,000	\$1,500	\$1,000
1.5"	\$2,000	\$3,000	\$2,000
2"	\$3,200	\$4,800	\$3,200
3"	\$6,000	\$9,000	\$6,000
4"	\$10,000	\$15,000	\$10,000
6"	\$20,000	\$30,000	\$20,000
8"	\$32,000	\$48,000	\$32,000
10"	\$46,000	\$69,000	\$46,000

FIRE SERVICE LINE CHARGES

TABLE II

4"	\$ 1,000	\$ 1,500
6"	\$ 2,000	\$ 3,000
6" with pump	\$ 4,000	\$ 6,000
8"	\$ 4,000	\$ 6,000
8" with pump	\$ 6,000	\$ 9,000
10"	\$ 6,000	\$ 9,000
10" with pump	\$ 8,000	\$ 12,000
12"	\$ 8,000	\$ 12,000
12" with pump	\$ 10,000	\$ 15,000

IV. Water Main Assessment Charge (Out of City)

For properties outside the City, that were not assessed or did not pay in a comparable way for the installation of the water main abutting their property, a Water Main Assessment Charge (WMAC) shall be paid prior to connection. This assessment is currently applicable to the Charter Townships of Owosso and Caledonia. Caledonia Charter Township opted out of the WMAC effective October 6, 2011, and then reinstated the charges beginning January 1, 2019.

Owosso Township cost per front linear foot of property		Minimum	
Maximum			
Water (residential)	\$15	\$900	\$3,000
Water (commercial or industrial)	\$20	\$2,000	
Caledonia Township cost per front foot of property			
Water (all accounts)	\$35	None	None

For corner lots the assessment applies only to the frontage abutting the water main to be used for the service connection.

Water Main Assessment Charge revenue shall be dedicated and restricted to a replacement fund to be used for water main replacements in the respective Township.

V. Meter Service Line Charge

These charges apply in cases where only the cost of meter installation is required for a new water meter and account. The charge includes costs of water meter, meter transmission unit (MTU), couplings/horn, service vehicle, one-hour meter installation and inspection, permit fee, and administration fee for 5/8", 3/4", and 1" meters only. A licensed plumber may be required to make interior piping changes.

5/8" meter	\$455	1.0" meter	\$560
3/4" meter	\$485		

Meters larger than 1" will be charged at actual cost and be installed by a licensed contractor.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Haber, Teich, Law, Mayor Pro-Tem Osika, Councilmembers Fear, Pidek, and Mayor Eveleth.

NAYS: None.

Policy Changes – Miscellaneous Water Policy and Service Charges

Motion by Councilmember Pidek to approve changes to the Miscellaneous Water Policy and Service Charges policy to update fees and procedures as detailed below:

RESOLUTION NO. 08-2021

**ESTABLISHMENT OF MISCELLANEOUS WATER POLICY AND SERVICE CHARGES
EFFECTIVE JANUARY 1, 2021**

WHEREAS, the city of Owosso owns and operates water and wastewater utilities;

Whereas, the city of Owosso must have policies and service charges in addition to the basic rates pursuant to the *Code of Ordinances of the City of Owosso, Michigan* Sec. 34-79. Additional regulations and Sec. 34-81 Rules, regulations and fees;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: The city council hereby adopts the following policies and service charges for the water utility which shall become effective January 1, 2021.

SECOND: That any policies previously adopted which conflict with the provisions of the following policies and services are hereby repealed.

I. Service Costs – Customer Request for Turn-on/off of Water Service

- a. There shall be no service charge for routine turn-on or turn-off of a water service during normal working hours or for an emergency after-hours call. Normal work hours are 7:00 a.m. to 3:30 p.m. Monday-Friday excluding holidays. An emergency is a situation such as a ruptured water service line that would result in significant loss of water and/or property damage and is not due to negligence or fault of the customer.
- b. A \$30.00 service charge shall apply for return appointments during normal work hours when required by the customer's failure to keep a previous service appointment. (Note: A water service will not be turned on unless a responsible person is present who can verify that there are no leaks in the internal plumbing.)
- c. A \$30.00 service charge shall no longer apply for seasonal meter turn-on and account activation (during normal working hours only). Quarterly Readiness to Service charges shall continue to be billed.
- d. A \$60.00 service charge shall apply for after-hours, non-emergency customer-requested and scheduled service calls up to one hour in duration. After-hours service exceeding one hour and/or requiring more than one employee will be charged the actual cost.

II. Service Costs - Customer Request for RPZ (reduced pressure zone) Backflow Inspection

- a. Initial compliance inspections and noncompliance inspections are at no charge to the customer.
- b. If additional inspections are necessary, a \$30.00 re-inspection fee for each additional inspection will be added to the water bill.

III. Service Costs - Nonpayment of Water and/or Sewer Bills by Due Date

- a. A \$30.00 service charge shall be applied when payment is not received by the shut-off due date, and the past due account was added to the shut-off listing.
- b. An additional \$30.00 service charge shall be paid prior to turning on a water service, which was turned off for nonpayment, if such turn-on request would occur after 5:00 p.m. on a normal working day.
- c. A \$25.00 service charge shall be paid for returned payments (for any reason), for account holders having insufficient funds. A \$35.00 service charge shall be paid if the returned payment amount is not repaid within seven days of notification.

IV. Water Service Permit

- a. A permit processing fee of \$30.00 will be required for all new services requested.

V. Hydrant Use Requests

- a. Contractors and special projects. A \$1,000 service charge will be required at time of permit application. This fee includes the minimum charge of \$50.00 for 5,000 bulk gallons of water, plus additional charges of \$10.00 per 1,000 gallons, or fraction thereof, consumed greater than the minimum quantity. Owosso water system personnel will attach a water meter and RPZ backflow preventer to the hydrant for contractor use. If the water meter and RPZ are returned in good operating condition, the contractor will receive a \$450.00 refund, less charges for additional water consumed greater than the minimum quantity. Hydrant meters will not be provided from December 1 and March 31, unless the contractor can provide acceptable protection of equipment during freezing temperatures.
- b. Resident pool filling. Minimum charge for the filling of pools is \$300.00, and includes the first 5,000 gallons of water. A \$10.00-per-1,000 gallons, or fraction thereof, will be charged after the first 5,000 gallons.

VI. Hydrant Flow Data Requests

- a. The charge for water distribution modeling data (average day psi, max day psi, peak hour psi, and available fire flow in gallons per minute/GPM @ residual pressure of 20 psi) is \$135.00.
- b. The charge for actual field flow data & psi testing will be \$270.00. This field work does not include providing distribution modeling data.

VII. Customer Deposits

- a. Deposit for in-city-of-Owosso tenant accounts is \$245.00.
- b. Deposit for all accounts outside the city of Owosso is \$245.00.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Haber, Law, Teich, Fear, Pidek, and Mayor Eveleth.

NAYS: None.

Pay Increase & Minimum Recommended Pay Range – General City Non-Union Employees

Motion by Councilmember Teich authorizing a 2% pay increase for General City Non-union Employees and instituting the recommended minimum pay range for seven of said employees according to the MML wage study as follows:

RESOLUTION NO. 09-2021

**AUTHORIZING A PAY RAISE AND MINIMUM
RECOMMENDED PAY RANGE FOR GENERAL CITY NON-
UNION EMPLOYEES
EFFECTIVE JANUARY 10, 2021**

WHEREAS, the city wishes to provide competitive salaries for its employees; and

WHEREAS, the city employed the Michigan Municipal League to conduct a wage study General City Non-Union employees and discovered that seven employees did not meet the minimum recommended pay range; and

WHEREAS, the Owosso City Council adopted the 2020-2021 budget on June 1, 2020; and

WHEREAS, said budget did not include a pay raise for General City Non-Union Employees due to the unknown costs of the COVID-19 pandemic; and

WHEREAS, the cost of the pandemic has been less than anticipated to date.

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

FIRST: a 2% pay increase is hereby instituted for General City Employees, effective the first full pay period in January 2021.

SECOND: the wages of the seven underpaid employees be increased to meet the minimum recommended pay range as noted in the MML study effective the first full pay period in January 2021.

THIRD: funds shall come from the following accounts as noted:
General Fund \$22,384.00
Other Funds \$9,451.00

Motion supported by Councilmember Haber.

Roll Call Vote.

AYES: Councilmembers Teich, Haber, Fear, Mayor Pro-Tem Osika, Councilmember Law, and Mayor Eveleth.

NAYS: Councilmember Pidek.

OHC/CCM Executive Director Contract

City Manager Henne expressed concern with the proposed contract saying he was not sure if the City could legally pay a non-profit entity. He said he would also like it spelled out more clearly exactly where the money for the director's salary will come from so that it cannot be misconstrued to say it will come from the general fund. Also, he would like to see the arbitration clause changed to remove the City. In light of these concerns he asked Council to consider taking action to temporarily pay the director and postpone the item for two weeks to allow the City Attorney to review and amend the document. Councilmember Fear indicated she had a number of concerns about the contract as well. Mayor Pro-Tem Osika expressed her concerns with the conduct of commission meetings, a lack of action to use the millage money, and the number of vacancies on the commission.

Motion by Councilmember Teich to approve payment to the Historical Commission Director at the proposed pay rate and postpone action on the OHC/CCM Executive Director contract until the January 19, 2021 meeting.

Motion supported by Councilmember Haber.

Roll Call Vote.

AYES: Councilmember Law, Mayor Pro-Tem Osika, Councilmembers Teich, Pidek, Haber, and Mayor Eveleth.

NAYS: Councilmember Fear.

Downtown Revolving Loan Program Standards

Motion by Councilmember Pidek to approve the revised standards for the downtown revolving loan fund as follows:

RESOLUTION NO. 10-2021

**RESOLUTION AUTHORIZING
THE APPROVAL OF OMS/DDA REVOLVING LOAN FUND MANUAL REVISIONS**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board.

WHEREAS, on Wednesday, December 2, 2020 during a Regular Board Meeting, the Owosso Main Street/DDA (OMS/DDA) Board of Directors voted to revise the 2020/2021 Revolving Loan Fund Manual. The revisions are as follows:

Revolving Loan Fund Manual Revisions:

- The majority of the manual will remain the same as the 2019/2020 Manual.
- Include a revision to application standard: *“Loans and/or grants cannot be issued to projects that have either started or have been completed prior to approval of program application.”*
- Include a process revision: #11: *“Once approved by OMS/DDA Board, the application will go before Owosso City Council for final approval.”*

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: The City of Owosso approves the revisions to the OMS/DDA Loan & Grant Manual.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmember Haber, Mayor Pro-Tem Osika, Councilmembers Law, Teich, Fear, Pidek, and Mayor Eveleth.

NAYS: None.

Mortgage Discharge – Capitol Bowl

City Manager Henne said this item will discharge the City's mortgage on the Capitol Bowl property effectively freeing up the bank to sell the property to a prospective buyer. TCF has agreed to pay \$33,400.00 to dissolve the said second mortgage. The amount will be deposited into the Downtown Revolving Loan Fund, making the fund whole in the principal amount loaned to Capitol Bowl back in 2007. Lastly, he noted that reaching the said agreement does not preclude the City from pursuing the former owners for the remaining balance of the loan.

Motion by Councilmember Pidek to authorize Agreement for Release of Mortgage as it relates to Capitol Bowl and further authorize the Mayor and City Clerk to execute appropriate documents.

RESOLUTION NO. 11-2021

**RESOLUTION APPROVING AGREEMENT FOR RELEASE OF MORTGAGE
OF CAPITAL BOWL LOCAL RLF LOAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, loaned \$250,000 from the Local Revolving Loan Fund to rebuild Capital Bowl following a fire in 2007; and

WHEREAS, the City of Owosso holds a 2nd line mortgage on the aforementioned property as collateral on said 20-year loan; and

WHEREAS, \$216,600 in loan principal has been repaid to date; and

WHEREAS, TCF Bank is foreclosing on the aforementioned property and wishes to settle with the City on a mortgage discharge for the City's interest in the property in order to clear title for potential buyers; and

WHEREAS, the Owosso City Council has negotiated successfully for \$33,400 to discharge the mortgage.

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

FIRST: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Agreement for Release of Mortgage between the City of Owosso, Michigan and TCF Bank in the amount of \$33,400.

SECOND: The above expenses shall be paid to the local Revolving Loan Fund, 273-000-671.675.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Pidek, Teich, Law, Fear, Haber, and Mayor Eveleth.

NAYS: None.

COMMUNICATIONS

Nathan Henne, City Manager. December 2020 Report.
N. Bradley Hissong, Building Official. November 2020 Building Department Report.
N. Bradley Hissong Building Official. November 2020 Code Violations Report.
N. Bradley Hissong Building Official. November 2020 Inspections Report.
Kevin D. Lenkart, Public Safety Director. November 2020 Police Report.
Kevin D. Lenkart, Public Safety Director. November 2020 Fire/EMS Report.
Owosso Historic District Commission. Minutes of November 18, 2020.
Downtown Development Authority/Main Street. Minutes of December 2, 2020.

NEXT MEETING

Tuesday, January 19, 2021

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – County Representative – term expires 06-30-2020
Building Board of Appeals – Alternate - term expires June 30, 2022
Building Board of Appeals – Alternate - term expires June 30, 2021
Brownfield Redevelopment Authority – term expires June 30, 2022

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 9:03 p.m.

Motion supported by Mayor Pro-Tem Osika and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk