

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF APRIL 17, 2023  
7:30 P.M.  
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

**PRESIDING OFFICER:** MAYOR ROBERT J. TEICH, JR.

**OPENING PRAYER:** FATHER MICHAEL BASSETT  
ST. GEORGE ORTHODOX CHURCH

**PLEDGE OF ALLEGIANCE:** DAVE CONANT

**PRESENT:** Mayor Robert J. Teich, Jr., Mayor Pro-Tem Susan J. Osika,  
Councilmembers Janae L. Fear, Jerome C. Haber, Daniel A.  
Law, Emily S. Olson, and Nicholas L. Pidek.

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Councilmember Pidek to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 3, 2023**

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of April 3, 2023 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 11, 2023**

Motion by Councilmember Pidek to approve the Minutes of the Special Meeting of April 11, 2023 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Arbor Day Proclamation**

Mayor Robert J. Teich read aloud a letter from the Arbor Day Foundation bestowing the City with the Tree City USA designation for 2022. He then read the following proclamation of the Mayor's Office declaring April 28, 2023 as Arbor Day in the City of Owosso and invited everyone to attend the Arbor Day tree planting event at the soccer fields on April 28<sup>th</sup> at 1:00 p.m.

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
DESIGNATING APRIL 28, 2023 AS  
ARBOR DAY IN THE CITY OF OWOSSO**

*Whereas,* in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* decades before this in the 1830's, Owosso was making the transition from settlement to city thanks to the amazing vision of Alfred and Benjamin Williams. The Williams brothers joined with early settlers, Dr. and Mrs. John Barnes, in designing a city layout that would preserve a natural character and aesthetic appeal. This led them to plant many of the trees that have made our city streets so beautiful for over 175 years, leading to the lovely arbors of trees that frame so many of our boulevards and the many mature trees that stand in our yards, and

*Whereas,* these trees have reduced the erosion of our precious topsoil by wind and water, cut our heating and cooling costs by shading our homes, cleansed the air, produced life-giving oxygen, and provided habitat for wildlife, at the same time increasing property values, enhancing the economic vitality of business areas, and generally adding beauty to our neighborhoods and parks, and

*Whereas,* it falls to each generation to continue the stewardship that was launched by our founding families through the planting of new trees throughout our city to replace those that are lost, and

*Whereas,* Owosso is proud to hold the Tree City USA designation and to be engaged once again with the citizens of Owosso to plant new trees throughout the City.

*Now, Therefore,* I, Robert J. Teich, Jr., Mayor of the City of Owosso, do hereby proclaim April 28h, 2023 as Arbor Day in the City of Owosso, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge our citizens to plant trees to promote the well-being of this generation and our posterity.

Proclaimed this 28<sup>th</sup> day of April, 2023.

#### **\*Hydrogen Sulfide Study Presentation**

Senior Water & Wastewater Engineer Brian Van Zee presented Council with the findings and recommendations of the recent Hydrogen Sulfide (H<sub>2</sub>S) Study conducted on the sewer collection system and Waste Water Treatment Plant (WWTP) by Fishbeck, Thompson, Carr & Huber, Inc. High levels of H<sub>2</sub>S were detected in several locations including the WWTP, where it has begun to corrode some of the plant's new equipment. Tracing the gas revealed the primary source to be coming from within the collection system outside the City of Owosso. Options and recommendations for mitigation have been presented to the appropriate parties and a timeline has been established to ensure progress toward a resolution is made.

#### **PUBLIC HEARINGS**

None.

#### **CITIZEN COMMENTS AND QUESTIONS**

Eddie Urban, 601 Glenwood Avenue, warned about planting a tree at the soccer field because the area was once a swamp and was even rumored to have quicksand back in the day. He also invited everyone to attend the concert on April 22<sup>nd</sup> at the First Congregational Church, beginning at 1:00 p.m.

Tom Manke, 2910 W. M-21, thanked Council for rejoining the Tree City USA program and expressed his extreme disappointment that, for the first time, the City will be charging special event organizers for the use of City property and facilities, saying the administration had caused irreparable harm.

Bill Moull, 1335 W. North Street, thanked Councilmembers for all they do. He said he sincerely appreciated the way Councilmembers have coalesced as a group and led by example when facing difficult issues.

Councilmember Olson asked if more trees could be planted in Westtown along M-21, commenting that it currently looks pretty bare. City Manager Henne agreed that the area lacked trees, but it would be challenging to find a species of tree that will be able to survive in that environment. Councilmember Pidek that young trees require lots of water and would have a much greater chance of success if watered regularly.

#### **CONSENT AGENDA**

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

**Set Public Hearing - 2023-2024 City Budget.** Set required Public Hearing pursuant to Chapter 8 of the City Charter for Monday, May 1, 2023 at 7:30 p.m. in Council Chambers at City Hall, 301 West Main Street, to receive citizen comment regarding the 2023-2024 Proposed City Budget.

**Master Plan Implementation Goals: 3.4, 3.6, 3.7, 3.10, 3.13**

**First Reading and Set Public Hearing – Ordinance Amendment – Chapter 32, Taxation.** Conduct first reading and set a public hearing for Monday, May 1, 2023 at 7:30 p.m. to receive citizen comment regarding the proposed amendment to Chapter 32, Taxation, of the Code of Ordinances to comply with the State of Michigan General Property Tax Act as follows:

RESOLUTION NO. 60-2023

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR  
THE PROPOSED AMENDMENT TO CHAPTER 32, TAXATION,  
OF THE CODE OF ORDINANCES  
TO BRING THE ORDINANCE INTO COMPLIANCE WITH STATE LAW**

WHEREAS, the City of Owosso, Shiawassee County, Michigan has an ordinance that establishes the parameters for the collection of City taxes; and

WHEREAS, the ordinance has become outdated and must be amended to bring it into compliance with General Property Tax Act, Act 206 of 1893, as amended; and

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Chapter 32, Taxation, Article I, *In General*, Sec. 32-1, Taxes and collection charges, shall be amended as follows:

**Sec. 32-1. — Taxes and collection charges.**

- (a) City taxes, assessments and charges due and payable July 1 that are paid on or before August 31 shall be collected by the city treasurer without additional charge. There shall be added to such taxes, assessments and charges not paid collection charges of one (1) percent on the first day of September and one (1) percent on the first day of each succeeding month thereafter until the closing of the city tax roll, when turned over delinquent to County Treasurer. The collection charge herein provided shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. City taxes, assessments and charges unpaid at the closing of the city tax roll shall be noted on the billing for the December tax roll upon which the county and school taxes are collected.
- (b) Taxes, assessments and charges on the December tax roll paid on or before February 14 of the succeeding year shall be collected by the city treasurer without additional charge. There shall be added to such taxes, assessments and charges not paid and city taxes, assessments and charges remaining unpaid an additional three (3) percent collection charge until the end of February.
- (c) The City imposes for the years 2023 and thereafter a property tax administration fee of one percent of the property tax.
- ~~(b)~~(d) The City Treasurer is hereby directed to collect the one percent property tax administration fee hereby authorized.

SECTION 2. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3. REPEAL. Any and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. PUBLIC HEARING. A public hearing is set for Monday, May 1, 2023 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed amendments to Chapter 32, Taxation, of the Code of the City of Owosso.

SECTION 5. 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 6. EFFECTIVE DATE. This amendment shall become effective 20 days after approval.

**\*Recreation Service Agreement – Don and Metta Mitchell Performing Arts Center Amphitheater**. Approve a one-year agreement with the Owosso Community Players (DBA Lebowsky Center for Performing Arts) for the scheduling and hosting of a summer concert series at the Don and Metta Mitchell Performing Arts Center Amphitheater as follows:

**RESOLUTION NO. 61-2023**

**AUTHORIZING A ONE-YEAR RECREATION SERVICE AGREEMENT  
WITH OWOSSO COMMUNITY PLAYERS  
(DBA LEBOWSKY CENTER FOR PERFORMING ARTS)  
TO HOST AND MANAGE EVENTS AT THE OWOSSO AMPHITHEATER**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, and Owosso Community Players wish to enter into a one-year agreement for use of the Don and Metta Mitchell Performing Arts Center (Owosso Amphitheater); and

WHEREAS, the City of Owosso has drafted an agreement with the Owosso Community Players for outdoor events to be held between May 1, 2023 and September 31, 2023.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to enter into a one-year agreement with the Owosso Community Players to host and manage outdoor events at the Don and Metta Mitchell Performing Arts Center (Owosso Amphitheater).
- SECOND: The Mayor, City Clerk, City Manager and City Attorney are instructed and authorized to sign the document substantially in the form attached, Recreation Service Agreement, between the City of Owosso, Michigan and the Owosso Community Players (DBA Lebowsky Center for Performing Arts).

Master Plan Implementation Goals: 4.2, 4.6, 5.9, 5.12

**\*Easement Acceptance – Milwaukee Street Water Main.** Consider acceptance of one (1) permanent easement from a resident along Milwaukee Street from South Lyon Street to South Cedar Street for the construction and maintenance of water main in the amount of \$1.00 as follows:

**RESOLUTION NO. 62-2023**

**AUTHORIZING ACCEPTANCE OF A PERMANENT EASEMENT  
AT 822 MILWAUKEE STREET FOR INSTALLATION AND MAINTENANCE OF  
NEW WATER MAIN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to replace the water main on Milwaukee Street between S. Lyon Street and S. Cedar Street; and

WHEREAS, construction and maintenance of the water main and appurtenances will require a permanent easement from the property owners on the north side of the street; and

WHEREAS, City Council approved easements for six of the seven property owners at the April 3, 2023 meeting; and

WHEREAS, the remaining property owner at 822 Milwaukee Street is now willing to grant said permanent easement to the City of Owosso for one dollar (\$1.00).

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 agree to the terms set forth in the attached permanent easement document between the City of Owosso, Michigan and Amie Ruby, 822 Milwaukee Street, Owosso, Michigan.
- SECOND: The City Clerk is instructed and authorized to file said easement document with the Shiawassee County Register of Deeds.
- THIRD: The accounts payable department is authorized to pay the above property owner \$1.00 for necessary expenses as set forth in the easement.
- FOURTH: The above expense shall be paid from the Water Fund.

Master Plan Implementation Goals: 3.4

**Boards and Commissions Appointment.** Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Christopher Owens	Planning Commission filling unexpired term of T. Jenkins	06-30-2025

**Mid-Michigan Custom Car Show Traffic Control Order.** Approve application of Andy Genovese for use of Washington Street from Main Street to Mason Street and Exchange Street from Water Street to Park Street on Sunday, June 11, 2023 from 7:00am to 6:00pm for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1493 formalizing the request.

Master Plan Implementation Goals: 4.2, 4.6, 5.9, 5.12

**Downtown Owosso Farmers' Market Traffic Control Order.** Approve request from Josephine Brown, Market Manager of the Downtown Owosso Farmers Market, for street closures, as noted, every Saturday from May 6, 2023 to October 28, 2023 from 7:00 a.m. until 2:00 p.m. for the annual farmers' market and approve Traffic Control Order No. 1494 formalizing the request.

Master Plan Implementation Goals: 4.2, 4.6, 5.9, 5.12

**\*Contract Addendum – Portable Toilets.** Authorize Addendum No. 1 to the 2022 Portable Toilets Contract with Sloan’s Septic Tank Service, Inc. for the supply and service of seven (7) portable toilets for City parks in the amount of \$1,638.00/month for the period of July 2023 – June 2024 and further authorize payment up to the amended contract amount based on unit prices as follows:

**RESOLUTION NO. 63-2023**

**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 1 TO  
THE 2022 PORTABLE TOILETS CONTRACT  
WITH SLOAN’S SEPTIC TANK SERVICE, INC.  
EXTENDING THE CONTRACT FOR FY 2023-24**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires portable toilets for use at City parks; and

WHEREAS, the City of Owosso entered into an agreement, approved by Resolution No. 65-2022 on May 2, 2022, with Sloan’s Septic Tank Service, Inc. (formerly Sloan’s Septic Tank Service, L.L.C.) for the provision of portable toilets for City parks from May 2022 through June 2023; and

WHEREAS, staff desires to expand the 2022 Portable Toilets Contract for an additional year from July 2023-June 2024.

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 extend the 2022 Portable Toilets Contract, with Sloan’s Septic Tank Service, Inc. (formerly Sloan’s Septic Tank Service, L.L.C.) to include an additional year of services from July 2023-June 2024.
- SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit B, Addendum No. 1 to the 2022 Portable Toilets Contract in an amount not to exceed \$11,056.00.
- THIRD: The Accounts Payable department is authorized to submit payment to Sloan’s Septic Tank Service, Inc., for services rendered up to the amount of Addendum No. 1 according to unit prices.
- FOURTH: The above additional services in the amount of \$11,056.00 shall be paid from the Park Department Account 101-751-818.000.

**Warrant No. 627.** Authorize Warrant No. 627 as follows:

Vendor	Description	Fund	Amount
Owosso Charter Township	Quarterly Bill period January 2023-March 2023	WATER	\$16,155.95
Caledonia Charter Township	Quarterly Bill period January 2023-March 2023	WATER	\$39,504.02
Owosso Charter Township	Correction – WWTP Billing Overbilled Township from July 2020-2022	WWTP	\$91,251.44

**Check Register – March 2023.** Affirm check disbursements totaling \$3,559,755.30 through March 30, 2023.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**\*Intergovernmental Maintenance Agreement - Shiawassee River Trail**

City Manager Nathan R. Henne indicated the major changes to the contract would adjust the amount each party pays to maintain the trail to better reflect each party's in-kind service and the addition of the County as a party to the contract.

Motion by Councilmember Pidek to approve execution of the restated intergovernmental agreement between Caledonia Charter Township, the City of Owosso, the City of Corunna, and Shiawassee County governing the joint maintenance and improvement of the Shiawassee River Trail (known as the James S. Miner River Walk and the Sam and Opal Voight Loop Trail within the City of Owosso) as follows:

**RESOLUTION NO. 64-2023**

**APPROVING THE RESTATED INTERGOVERNMENTAL AGREEMENT FOR THE JOINT MANAGEMENT OF THE SHIAWASSEE RIVER TRAIL**

WHEREAS, by the authority granted by the *Intergovernmental Contracts Between Municipal Corporations Act 35 of 1951* Shiawassee County and local governments may enter cooperative Agreements for the performance of any or all functions and activities that parties to the Agreement have authority to do including applying for and receiving grants, gifts and contributions; and

WHEREAS, the Shiawassee River Trail runs from McCurdy Park in Corunna to Williams Street in Owosso, moving through three different municipalities along the way; and

WHEREAS, these governments entered into an Intergovernmental Agreement for the joint management of the Shiawassee River Trail in 2016; and

WHEREAS, it is the desire of the County and the local governments to continue to promote and maintain the Shiawassee River Trail; and

WHEREAS, effective, consistent management to promote, maintain and develop the Trail, including the James S. Miner River Trail in the City of Owosso, requires the coordinated participation, operation, and financial support of the County, and the Local Governments; and

WHEREAS, grant dollars are available for trail development; and

WHEREAS, the County and the Local Governments, hereinafter referred to collectively as the "Parties," desire that a revised Intergovernmental Agreement be entered into to continue to provide for the promotion and maintenance of the Trail.

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 agree to the terms set forth in the attached restated Intergovernmental Agreement.

SECOND: The City Council hereby authorizes and directs the Mayor to execute, on behalf of the City, the restated Intergovernmental Agreement for the Joint Management of the Shiawassee River Trail.

THIRD: The Accounts Payable Department is authorized to pay the City of Corunna as fiduciary, a payment of \$2,000 as the City of Owosso's annual share for the promotion and maintenance of the Shiawassee River Trail.

FOURTH: The above expense shall be paid from the General Fund.

Motion supported by Councilmember Olson.

Roll Call Vote.

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

NAYS: None.

Master Plan Implementation Goals: 3.1, 7.1

**\*HB 5054 of 2022 Letters of Support**

City Manager Henne said the City of Owosso and select other communities have been diligent in managing their pension systems for decades, making difficult decisions and following best practices established for the operation of municipal pension systems. Recently, the State Legislature set aside hundreds of millions of dollars to assist underfunded municipal pension systems, but the City is not eligible for any of this funding because the funding level of its pension system is “too high”. Effectively penalizing the City for its diligence. In response, a group of City Managers has put together a lobbying effort to encourage the legislature to consider an amendment to HB 5054 to make the funding more equitable to all municipalities.

Motion by Councilmember Olson to approve the issuance of letters of support, signed by Councilmembers, to State Representative Begole and State Senator Singh urging reconsideration of HB 5054 of 2022 regarding pension plan assistance measures.

**RESOLUTION NO. 65-2023**

**AUTHORIZING REQUEST TO THE MICHIGAN STATE LEGISLATURE TO INCLUDE FUNDING IN THE FY 2023 STATE BUDGET FOR COMMUNITIES FOLLOWING PENSION BEST PRACTICES ESTABLISHED BY THE STATE OF MICHIGAN**

WHEREAS, the City of Owosso has diligently taken difficult financial steps to stabilize its pension program and get its pension costs and liabilities under control; and

WHEREAS, these steps are in line with the best practices established by the State of Michigan and have kept the City of Owosso operationally viable in the face of enormous financial pressure; and

WHEREAS, HB 5054 of 2022 would have divided \$250 million between the City of Owosso, and other communities like it, that made the tough decisions and followed those best practices; and

WHEREAS, the City of Owosso and others like it are ineligible to receive part of the \$750 million in pension relief allocated by the State in 2022, despite experiencing the same pension-related financial stresses as those who will receive that relief; and

WHEREAS, these stresses have been amplified by market losses in 2022 and a volatile market in 2023; and

WHEREAS, this \$250 million would have immeasurable impact on our ability to address our pension liabilities, maintain employment levels, and provide the services our taxpayers depend upon; and

WHEREAS, both the \$750 million allocated and the \$250 million requested here had broad, bipartisan support in the House a year ago; and

WHEREAS, HB 5054 created an inequitable balance between those communities with pension systems the House considered substantially underfunded and those who had followed best practices to achieve a higher funding ratio; and

WHEREAS, unallocated revenues are available to the State in 2023 to again make this pension assistance equitable by helping those communities struggling with pension costs, but ineligible for the \$750 million in allocated funding.

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

FIRST: the City of Owosso asks the State of Michigan Legislature and the Governor’s Office to revisit HB 5054.

SECOND: the Mayor and all interested Councilmembers are instructed and authorized to

sign the documents substantially in the form attached, Letter to State Senator Sam Singh and State Representative Brian Begole, encouraging reconsideration of Section 302 of HB 5054.

THIRD: that it urges the Legislature and Governor to extend bipartisan support to the inclusion of \$250 million in the 2023 State budget to be divided between communities, including the City of Owosso, that meet the best practices required in said Bill.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

### **Amphitheater Use Policy and Guidelines**

City Manager Henne explained that in the past the amphitheater had been operated by a board that coordinated licensing and events for the venue. Unfortunately, the board has suffered from a lack of participation in recent years and finally reached the point where it dissolved. Recognizing the value of the amphitheater to the community, the City will be taking over management and maintenance, and the first order of business is the establishment of a policy governing use of the amphitheater. This evening Council is asked to consider a policy proposal and determine if applications to use the amphitheater should be approved by the City Manager or the Council.

There was a lengthy discussion regarding how they could prevent other boards and commissions in the community from dissolving, the reasoning behind the proposed rental prices, and the lack of a forum for citizens to engage with Councilmembers.

Motion by Mayor Pro-Tem Osika to approve the Amphitheater Use Policy and Guidelines Option 1, directing the City Manager to approve applications for use of the amphitheater as follows:

#### **RESOLUTION NO. 66-2023**

#### **AUTHORIZING THE ADOPTION OF THE AMPHITHEATER USE POLICY AND GUIDELINES FOR THE DON AND METTA MITCHELL PERFORMING ARTS CENTER (OWOSSO AMPHITHEATER)**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, owns the Mitchell Amphitheater; and

WHEREAS, the City of Owosso desires the amphitheater to be used for public benefit; and

WHEREAS, the City of Owosso desires to impose certain policies and restrictions on amphitheater use in order to maintain community standards, safety, and building integrity for many years to come.

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

FIRST: it has theretofore determined that it is advisable, necessary and in the public interest to adopt the following Amphitheater Use Policy and Guidelines for outdoor events to be held at the Don and Metta Mitchell Performing Arts Center (Owosso Amphitheater).

#### **AMPHITHEATER USE POLICY AND GUIDELINES**

The mission of the Don & Metta Mitchell Performing Arts Center Amphitheater is to provide a location for community members to gather for quality entertainment and educational programming, offered in a family-friendly setting and to provide a high-quality multi-use space for community activities in the City of Owosso.

While the amphitheater is used for the public benefit, the City must impose certain policies and restrictions on its use to maintain community standards, safety, building integrity, and ensure the long-term availability of the amphitheater for many years to come.

To accomplish these goals, the following Amphitheater Use Policy and Guidelines are adopted by the Owosso City Council and must be followed by persons or groups interested in using the amphitheater.

1. The amphitheater shall be reserved on a first-come, first-serve basis. Reservations shall be accepted beginning on the first business day in April of each year for the upcoming summer season at the City of Owosso Building Department. Applications will require approval from the City Manager.
2. The amphitheater is to be used for high-quality public events and public entertainment. Events at the amphitheater shall be free of charge and open to members of the public. Any organization seeking an exemption from this shall obtain a Recreational Use Agreement approved by Owosso City Council.
3. The City should strive to attract, arrange and allow a variety of events and entertainment to be held at the amphitheater. The City will work with local groups and businesses to plan and coordinate the events and entertainment at the amphitheater. No singular type of event should be allowed to monopolize the use of the amphitheater and the amphitheater should not become an outdoor extension of any person, group or business.
4. The City of Owosso is not responsible for the return of any fees or loss of revenue if an event is canceled or proven to be unsuccessful as a result of the weather. The City of Owosso will attempt to reschedule if the rental schedule allows, but rescheduling is not guaranteed.
5. Provision of stage lighting and sound equipment is the responsibility of the lessee.
6. Reservation of the amphitheater includes the use of the stage, electricity, bathrooms, and the grounds within the fencing.
7. The city-provided portable toilets are shared with Curwood Castle Park guests and users of the James S. Miner River Walk and shall remain open to the public. Lessees are responsible for providing any additional porta-johns necessary for their event(s).
8. All events require insurance coverage naming the City as additionally insured with a minimum single limit for personal injury and property damage of \$1,000,000, and be primary and non-contributory to any other insurance the City has.
9. The amphitheater is to remain "family-friendly" and is not to be used for events that promote nudity, vulgarity, sex, horror, violence, profanity, racism, or illegal drug use. Permitted equivalent movie ratings would include G, PG, and PG-13, and video game ratings to include E-Everyone, E-10+, and T-Teen.
10. Alteration of the amphitheater building is strictly prohibited. This includes screws, nails, holes, tape, glue, etc.
11. Refunds will only be given if the refund is requested at a minimum of two (2) weeks before the scheduled event date.
12. No amplified sound or music shall be created past 10 p.m. Sunday through Thursday and no later than 11:00 pm on Friday and Saturday. No amplified sounds shall exceed 90 decibels at Williams Street, Water Street, or Curwood Castle Drive at any time and amplified sounds shall also be judged by a reasonable person standard.
13. For any event that occurs while City Hall is closed, the group hosting the scheduled event shall designate an individual to be responsible for picking up the key, closing and locking all doors, return of any keys, shutting off electricity, and any other tasks required following the completion of the event.
14. Pets must always be leashed and their waste be immediately cleaned and removed.
15. The use of umbrellas, sun shades, tents, or other objects that block the view of persons seated behind that object shall be placed at the back of the crowd except as used by event organizers.
16. If a tent is erected in the lawn area utility stakes are required. The renter is responsible to contact MISSDIG (800-482-7171) for this service. Please allow ample time for stakes to be placed. Tents over 400 square feet require an inspection and permit from the Fire Marshall.
17. The event organizer is responsible for maintaining a safe and supervised environment during the event. The City of Owosso reserves the right to require extra security for selected activities at the renter's expense.
18. The scheduled start and end times of the event as stated on the application are expected to be followed.
19. The use of alcohol, marijuana, or illegal drugs is prohibited at the amphitheater.
20. Smoking tobacco is prohibited within the fenced area of the amphitheater grounds.
21. The use of rice, confetti, glitter, candles, fireworks, or any open flames is prohibited anywhere within the amphitheater grounds.
22. Groups using the amphitheater shall return the amphitheater to the same condition in which it was found including cleaning the grounds. Failure to return the amphitheater to the same condition may result in the loss of any security deposit and prohibition of future use of the amphitheater.

23. There are two (2) parking spaces in the Water Street parking lot behind the amphitheater available for loading and unloading. This parking lot is not owned by the City of Owosso. All events shall plan to utilize on-street or city-owned parking lots. A map of city-owned parking lots can be provided upon request.
24. Violations of any of these rules may result in immediate termination of amphitheater use and removal from the park.
25. Events that cannot abide by these rules and guidelines may request the Owosso City Council to approve rule deviations. The event application must state which specific amphitheater rules cannot be followed for the proposed event.
26. Rental of the amphitheater building shall cost the rate as set by a Resolution of the Owosso City Council.

There are two classes of lessees described below, each has different rental fees:

**Community Organizations:** (local non-profit, civic, fraternal, service, or religious organizations)

The rental fee is \$50 if the event is open to the public and all proceeds from donations are used for the organization's community projects. Reoccurring or regular events are only required to pay one rental fee per summer season. Proof of tax-exempt status is required at the time of application.

**For-profit organizations or individuals:**

The rental fee is \$150.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

### **Fee Schedule Amendment**

Motion by Councilmember Pidek to approve additions to Section 9, Community Development, of the Fee Schedule to include fees for rental of the Don and Metta Mitchell Performing Arts Center (Owosso Amphitheater) for special events, effective immediately and detailed below:

#### **RESOLUTION NO. 67-2023**

#### **UPDATING SECTION 9 OF THE CITY OF OWOSSO FEE SCHEDULE TO INCLUDE FEES FOR USE OF THE AMPHITHEATER**

WHEREAS, the *City of Owosso Code of Ordinances* provides for the establishment of many fees, licenses, fines and charges to be established by resolution; and

WHEREAS, on August 5, 2013 the City Council adopted Resolution No. 90-2013 creating a schedule of fees, licenses, fines and charges; and

WHEREAS, the City Council recently adopted the Amphitheater Use Policy and Guidelines governing the use of the Don and Metta Mitchell Performing Arts Center Amphitheater; and

WHEREAS, the Fee Schedule must be updated to reflect these new fees, in particular Section 9, Community Development.

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

- FIRST: the attached Section 9, Community Development, of the City of Owosso Fee Schedule is hereby adopted as amended, effective April 18, 2023.
- SECOND: any parts of resolutions and memoranda in conflict with this resolution are hereby repealed.
- THIRD: this resolution is intended to preserve all existing charges and fees set forth in any resolution, ordinance, or law which are not in conflict with this resolution and attached schedule and to fulfill the requirements of any ordinance authorizing the City Council to establish fees by resolution.
- FOURTH: fees for public records not set forth in this resolution and attached schedule, or in any other resolution, ordinance, or law, shall be set by the City manager in accordance with Act 442 of the Public Acts of 1976, as amended.

FIFTH: fees for public services not specifically set forth in this resolution and the attached schedule or in any other resolution, ordinance, or law may be established by the City manager, who shall promptly notify the City Council in writing of each of them. The City manager shall establish fees for public services based upon the cost of providing the public service.

9. COMMUNITY DEVELOPMENT	
• Credit reports (if not partnered with bank or finance group)	Cost + 25%
• Consultant escrow fee	\$1,500
• Historic district permit application fee	\$0
• Lot splits	
> Single	\$250
> Multiple	\$250 each + \$50/resulting lot
• Parks	
> Pavilion reservations	City resident \$25 Non-City resident \$50
• Amphitheater Rental	Tax exempt entity \$50 All other entities \$150
• Mobile Food Vending License	
> City-controlled property (May - October)	\$300
> City-controlled property (November - April)	\$200
> Non-city property (May – October)	\$150
> Non-city property (November – April)	\$100
> Year-round city food service establishments on city-controlled property (per year)	\$250
> Year-round city food service establishments not on city-controlled property (per year)	\$0
• Rental property registration (per unit)	\$50
> Non-compliance fee (1 <sup>st</sup> occurrence)	\$200
> Non-compliance fee (each additional occurrence)	\$400
• Rezoning request	\$575 + \$10/acre
• Site Plans	
> Apartment/townhouse	\$575 + \$5/unit
> Commercial/industrial	\$525 + \$50/acre
> Institutional (schools, public services, hospitals)	\$500 + \$40/acre
> Mobile home park	\$600 + \$5/unit
> Planned Unit Development/mixed use development	\$575 + \$50/acre
> Preliminary site plan review	75% of site plan review fee
> Single family site condo (prelim or final)	\$700 + \$5/lot
> Site plan revision/review	75% of site plan review fee + any needed consulting fees determined by administration
> Special meeting with planner	All cost by owner/applicant via escrow
• Special land use	\$400 + \$6/acre
• Subdivision	
> Preliminary – tentative	\$700 + \$5/lot
> Preliminary – final	\$350 + \$2.50/lot
> Final plat	\$500 + \$4/lot
• Temporary land use (ZBA review)	\$500
• Use variance	\$700
• Wireless communications equipment and support structures	
> Zoning application fee	Administrative costs to review and process application or \$1,000 (whichever is less)
> Non-exempt co-locating small cell wireless facilities and support structures	
❖ New wireless support structure or modification of an existing wireless support structure	\$1,000
❖ New small cell wireless support structure or modification of an existing small cell wireless	\$500
> Co-locate a small cell wireless facility and/or associated support structure application fee shall not exceed and shall be set as follows:	
❖ Each small cell wireless facility alone	\$200
❖ Each small cell wireless facility and a new utility pole or wireless support to which it will be attached	\$300
> Annual permit fee for each utility pole or wireless support structure in ROW on which a wireless provider has approval to co-locate a small cell wireless facility shall not exceed and shall be set as follows:	
❖ Annually, unless the following applies	\$20
❖ If the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March 12, 2019	\$125
• Zoning variance	
> Commercial	\$425
> Residential	\$200

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

**Unpaid Utility Charges – Foreclosed Properties**

Motion by Councilmember Pidek to authorize writing off of unpaid utility balances totaling \$1,847.16 from four properties that have been foreclosed upon and sold by the State of Michigan as follows:

**RESOLUTION NO. 68-2023**

**AUTHORIZE THE WRITE OFF OF THE BALANCE OF 2021-2022 FORECLOSED PROPERTIES' WATER BILLS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, provides water service to residents; and

WHEREAS, occasionally a property that has outstanding bills for water service is foreclosed upon and sold by the State of Michigan; and

WHEREAS, all outstanding balances for utilities services become completely uncollectible at the time of sale.

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

FIRST: it has heretofore determined that it is advisable, necessary and in the public interest to write off the outstanding balances of the following properties due to tax foreclosure sale:

- \$418.29 for account 3770570001 at 312 S Oak St (2021)
- \$300.31 for account 3871070001 at 917 S Park St (2022)
- \$729.94 for account 3160070001 at 306 Corunna Ave (2022)
- \$398.62 for account 1553500001 at 1443 Lynn St (2022).

SECOND: the Treasurer is authorized to proceed with the procedure to have these balances stricken from the rolls.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

- Tara Jenkins, Planning Commission. Letter of Resignation.
- Brad A. Barrett, Finance Director. Financial Report – February 2023.
- Tanya S. Buckelew, Planning & Building Director. March 2023 Building Department Report.
- Tanya S. Buckelew, Planning & Building Director. March 2023 Code Violations Report.
- Tanya S. Buckelew, Planning & Building Director. March 2023 Inspections Report.
- Tanya S. Buckelew, Planning & Building Director. March 2023 Certificates Issued Report.
- Kevin D. Lenkart, Public Safety Director. March 2023 Police Report.
- Kevin D. Lenkart, Public Safety Director. March 2023 Fire Report.
- Parks & Recreation Commission. Minutes of March 22, 2023.
- WWTP Review Board. Minutes of March 28, 2023.
- Downtown Development Authority/Main Street. Minutes of April 5, 2023.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, noted that under the new agreement, attendees of amphitheater events will no longer be able to park in the former Middle School parking lot. In light of this he

suggested the City resurrect the plans for a new parking lot across from the Arts Center and look into getting updated cost estimates. He also remarked that he liked Councilmember Olson's suggestion to create a venue where citizens can engage with Council regarding problems in the community.

Don Fields, 650 South Street, introduced himself as a member of Cavalry Baptist Church and thanked the Council for their service to the community. He said he was concerned that the amphitheater rules do not go far enough to define the terms vulgarity, sex, and family-friendly, potentially allowing inappropriate shows to be held at the venue. He asked about the enforcement of public decency ordinances and if there would be a way for members of the public to appeal which shows are permitted at the facility. He said the church family supports the City's leaders and encourages them to fight wickedness and uphold the standards of Biblical morality.

Assistant City Manager Fuller noted that this Saturday is Earth Day and members of the Parks & Recreation Commission will be working to clean up Adams Park, Bentley Park, Harmon-Partridge Park, and the river trail area along Jerome Street from 10:00 a.m. until noon. She extended an open invitation to anyone that would like to help with the effort.

Eddie Urban, 601 Glenwood Avenue, gave his thoughts on nudism, religion, how to kill mosquito larvae in your bird bath, and the fact that Mr. Manke owns a Russian made motorcycle.

Councilmember Law inquired if there was a central location where non-profit boards can advertise their openings and get the word out to the public. Mayor Pro-Tem Osika said the Cook Family Foundation is a good resource and Council can spread the word as well.

Councilmember Haber thanked Assistant City Manager Fuller for her hard work in developing the amphitheater guidelines.

Councilmember Olson said she was very impressed with the effort that resulted in the construction of six brand new dugouts at Rudy DeMuth Field. City Manager Henne suggested a ribbon cutting may be in order.

### **NEXT MEETING**

Monday, May 01, 2023

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate - term expires June 30, 2024  
Building Board of Appeals – Alternate - term expires June 30, 2025  
Zoning Board of Appeals – Alternate – term expires June 30, 2024  
Zoning Board of Appeals – Alternate – term expires June 30, 2025

### **ADJOURNMENT**

Motion by Mayor Pro-Tem Osika for adjournment at 9:21 p.m.

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

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Robert J. Teich, Jr., Mayor

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Amy K. Kirkland, City Clerk

\*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.