

CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, JANUARY 06, 2014
7:30 P.M.

Meeting to be held at City Hall
301 West Main Street

AGENDA

OPENING PRAYER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 16, 2013:

ADDRESSING THE CITY COUNCIL

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

STUDENT REPRESENTATIVE REPORT

PROCLAMATIONS / SPECIAL PRESENTATIONS

1. Proclamation – Michael Bush. A Mayoral Proclamation recognizing Water Crew Supervisor Michael Bush for his years of service to the City on the occasion of his retirement.
2. Proclamation – Bradley Groll. A Mayoral Proclamation recognizing Department of Public Works employee Bradley Groll for his years of service to the City on the occasion of his retirement.

PUBLIC HEARINGS

1. Personal Property Tax Exemption – Machine Tool & Gear, Inc. Conduct a public hearing to receive public comment on the application from Machine Tool & Gear, Inc., 401 South Chestnut Street, for a New Personal Property Exemption for \$331,000 in new equipment.

CITIZEN COMMENTS AND QUESTIONS

CITY MANAGER REPORT

Project Status Report

CONSENT AGENDA

1. First Reading and Set Public Hearing – Ordinance Amendment – Transportation of Marijuana. Conduct first reading and set a public hearing for Tuesday, January 21, 2013 to hear citizen comment regarding the proposed addition of Section 19-112, Transportation or possession of usable marijuana, to the Code of Ordinances of the City of Owosso to recoup the fines and costs assessed for violations of the new State law regulating the transportation and/or possession of usable marijuana in a motor vehicle.
2. Traffic Control Order No. 1304. Authorize Traffic Control Order No. 1304, rescinding Order No. 325, amending Traffic Control Order No. 700, and establishing two-hour parking in the 100 block of East Comstock Street.
3. Warrant No. 476. Authorize Warrant No. 476 as follows:

| Vendor | Description | Fund | Amount |
|----------------|-------------------------------------|-------------|---------------|
| Rehmann Robson | Final billing for audit of FY 12/13 | General | \$7,000.00 |

ITEMS OF BUSINESS

1. Demolition Authorization – 1711 Frederick Street. Authorize demolition of the structure at 1711 Frederick Street and approve bid award to Fisher Gravel for the demolition in the amount of \$4,433.00.
2. DDA Tax Anticipation Loan. Consider releasing \$25,000 to the Owosso Downtown Development Authority/Owosso Main Street to fund operations in anticipation of taxes to be received with the 2014 tax collection.
3. Property Purchase – South Lansing Street. Consider resolution authorizing the purchase of the parcel commonly known as 111 South Lansing Street.
4. Set Special Meeting for DIG Grant Consideration. Consider setting a special meeting to consider a resolution regarding Part II of the City's application for a DIG grant for the Armory area.

COMMUNICATIONS

1. Donald D. Crawford, City Manager. Annual Liquor License Inspections.
2. Historical Commission. Minutes of December 9, 2013.
3. Zoning Board of Appeals. Minutes of December 17, 2013.

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Tuesday, January 21, 2014

BOARDS AND COMMISSIONS OPENINGS

Planning Commission, term expires 06-30-2016

ADJOURNMENT

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

OWOSSO CITY COUNCIL

DECEMBER 16, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR CHRIS HIGGINS
FIRST CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE: CITY OF OWOSSO FIRE FIGHTERS
B SHIFT

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, John V. Greenway, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda moving Consent item 4. 2014 Parks Rules and Regulations to Item of Business 6..

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 2, 2013

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of December 2, 2013 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

PROCLAMATION – RONALD PEARSALL

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Fire Department Captain Ron Pearsall for his years of service to the City on the occasion of his retirement:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF**

Ronald L. Pearsall

WHEREAS, Ron began his service to the City of Owosso as a reserve firefighter in February of 1988, and after being hired full time later that year began his progression through the ranks serving as a Lieutenant for 12 years and rising in 2011 to the rank of Captain; and

WHEREAS, Ron is a confident, knowledgeable, and prepared firefighter and EMT whose understated demeanor provides a sense of calm to the chaotic scenes of emergencies and fires; and

WHEREAS, Ron has displayed leadership and dedication to the City; taking on the challenge of leading a fire crew, coordinating the Owosso Fire Department Reserves, completing numerous courses to further his knowledge as a fire fighter and EMT, and serving the department as their representative on the Retirement Board of Trustees for the last 2 ½ years; and

WHEREAS, Ron was recognized for his exemplary service to the firefighting community a number of times throughout his career; including a Citation for Meritorious Service in 2010 for his work on the residential rental inspection program, as well as the 2011 Director's Commendation for his overall contributions to the Fire Department; and

WHEREAS, never one to rest, Ron is looking forward not to an easy chair, but to working full time on his small farm in Corunna; and

WHEREAS, it is the intent of this Office that Ron's Dedicated and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens and staff of the City of Owosso, hereby recognize and thank Ron for 25 years of dedicated service to the Owosso community and further express our sincere wishes to Ron and his family for a long, healthy and happy retirement.

Proclaimed this 16th day of December, 2013.

Ron thanked the City, saying it was a good place to work and he had worked with lots of nice people over the years.

PROCLAMATION - ADAM ZETTEL

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Assistant City Manager and Community Development Director Adam Zettel for his years of service to the City on the occasion of his hire as the City Manager for the City of Swartz Creek:

A PROCLAMATION OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF

Adam H. Zettel

WHEREAS, Adam Zettel began his service to the City of Owosso as Community Development Director and Assistant City Manager in September of 2010; and

WHEREAS, under his leadership the Planning Commission tackled the immense project of creating a Master Plan, which involved surveying citizens, conducting feedback groups, coordinating studies to gather information, analyzing the information, organizing it, inserting pertinent zoning law, and developing a comprehensive written plan for Owosso's future which would be the first such plan in over 50 years; and

WHEREAS, Adam's skill in grant writing has helped the City garner many thousands of dollars in grant funding that have been used to improve downtown facades and make extensive renovations to Bentley Park. He is presently working to secure significant grant funding that would allow the rehabilitation of the Armory area; and

WHEREAS, Adam's extensive knowledge of zoning laws, regulations and community development resources has helped many prospective and current property owners navigate the complex worlds of business and property ownership, allowing them to rest assured they have indeed reached the "highest and best use" in their investments; and

WHEREAS, Adam's enthusiasm for his job has been contagious and his work ethic is well known. The energy that he has brought has ignited a fire for improvement in all the areas that he has touched in his drive to identify and ameliorate problems within the City. The Main Street DDA, Westown, the Planning Commission, the Zoning Board of Appeals, and the Parks & Recreation Commission have all benefited from his experience; and

WHEREAS, his four years of service to the City will be felt for decades to come; and

WHEREAS, it is the intent of this Office that Adam's Honorable and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens and staff of the City of Owosso, hereby recognize and thank Adam Zettel for his dedicated service to the Owosso community and further express our sincere best wishes to Adam and his family upon his hire as the City Manager for the City of Swartz Creek.

Proclaimed this 16^h day of December, 2013.

Adam said it was fantastic to work for the city and he will miss it. He said he had many great experiences and he was confident good things will continue to happen in the community.

Mayor Frederick said he was extremely excited when the City hired Adam and he did not disappoint, balancing a regular staff position with added managerial duties with aplomb.

PUBLIC HEARINGS

SPECIAL ASSESSMENT DISTRICT NO. 2013-04 – HAZARDS AND NUISANCES

A public hearing was conducted to receive citizen comment regarding Special Assessment District No. 2013-04, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

There were no citizen comments.

City Manager Crawford asked that two properties that were demolished be removed from the list: 219 Cedar Street and 804 Center Street. He said staff would come back to Council to address these properties in the future.

Motion by Councilperson Fox to adopt Special Assessment Resolution No. 2 as follows:

RESOLUTION NO. 146-2013

SPECIAL ASSESSMENT DISTRICT NO. 2013-04 HAZARDS AND NUISANCES

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the

altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property:

| PARCEL NUMBER | ADDRESS | BALANCE |
|----------------------|-------------------|-------------------|
| 050-113-006-005-00 | 1108 RYAN | \$70.00 |
| 050-113-008-031-00 | 1229 MILWAUKEE | \$417.98 |
| 050-536-000-034-00 | 1230 N SHIAWASSEE | \$678.61 |
| 050-547-000-006-00 | 1230 S SHIAWASSEE | \$245.00 |
| 050-537-000-040-00 | 1232 W MAIN | \$65.00 |
| 050-390-004-012-00 | 1260 ADAMS | \$581.17 |
| 050-140-000-034-00 | 1398 N HICKORY | \$75.00 |
| 050-113-016-008-00 | 1415 YOUNG | \$65.00 |
| 050-220-000-044-00 | 1420 YOUNG | \$65.00 |
| 050-602-007-005-00 | 1803 W STEWART | \$330.00 |
| 050-601-000-037-00 | 221 W STEWART | \$400.89 |
| 050-580-000-053-00 | 308 OAKWOOD | \$115.00 |
| 050-601-000-064-00 | 319 W RIDGE | \$244.63 |
| 050-651-006-007-00 | 320 CASS | \$145.76 |
| 050-601-000-001-00 | 409 GRACE | \$130.00 |
| 050-391-000-027-00 | 413 LAVEROCK | \$115.00 |
| 050-680-004-004-00 | 421 HURON | \$452.40 |
| 050-673-004-021-00 | 508 RYAN | \$65.00 |
| 050-180-004-014-00 | 511 JEROME | \$65.00 |
| 050-010-023-002-00 | 516 GARFIELD | \$617.18 |
| 050-120-001-005-00 | 518 RIVER | \$210.00 |
| 050-510-000-024-00 | 616 CAMPBELL | \$195.00 |
| 050-420-003-005-00 | 621 GRAND | \$437.18 |
| 050-580-000-137-00 | 706 JEROME | \$115.00 |
| 050-191-000-021-00 | 706 WILTSHIRE | \$539.63 |
| 050-580-000-138-00 | 708 JEROME | \$190.00 |
| 050-610-002-003-00 | 715 N SAGINAW | \$195.00 |
| 050-420-007-009-00 | 719 LINGLE | \$65.00 |
| 050-010-004-001-00 | 740 LINCOLN | \$150.00 |
| 050-580-000-082-00 | 819 E COMSTOCK | \$677.05 |
| 050-602-001-004-00 | 820 S CHIPMAN | \$356.60 |
| 050-602-004-013-00 | 826 HAMMONT | \$130.00 |
| 050-602-003-011-00 | 830 WILKINSON | \$446.59 |
| 050-010-004-003-00 | 837 GLENWOOD | \$140.00 |
| 050-010-003-023-00 | 902 GLENWOOD | \$115.00 |
| 050-010-004-002-00 | 903 GLENWOOD | \$65.00 |
| 050-536-000-004-00 | 914 N WATER | \$70.00 |
| 050-602-012-008-00 | 921 NAFUS | \$65.00 |
| 050-580-000-140-00 | 930 JEROME | \$415.17 |
| 050-602-008-011-00 | 937 KENWOOD | \$65.00 |
| | | <u>\$9,585.84</u> |

and

WHEREAS, there being no one to be heard and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$9,585.84 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2013-04.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2013-04 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Bailey, Teich, Bailey, Greenway, Fox, and Mayor Frederick.

NAYS: None.

ORDINANCE AMENDMENT – CHAPTER 32, TAXATION

The proposed amendment would reduce the payment in lieu of taxes for the proposed Lincoln House senior housing project from 10% to 4%.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 32, Taxation, Section 32-40, *Establishment of annual service charge for Lincoln House*.

The following person commented regarding the proposed amendment:

Mike Cline, 621 Wright Avenue, said he had done some research on the proposed project and reported that the developers had been turned down for a grant on the project by U.S. Representative Dave Camp's office. He suggested the Council table action on the item to allow time to find out what Representative Camp's office didn't like about the project.

There were no further citizen comments.

Justin Horvath, President of the SEDP, indicated Mr. Cline was referring to a tax credit not a grant. He went on to say that part of the financing for the proposed project relied on a federal tax credit that expired after the proposal was assembled and without it the project had become financially infeasible. Representative Camp is the head of the Ways and Means Committee and as such would have direct bearing on which tax credits are extended each year. Mr. Horvath encouraged anyone that supports the project to contact Rep. Camp's office and declare so. He asked that Council show their support by authorizing the proposed reduction in the PILOT. He reminded Council that the parcel is currently tax exempt so a 6% reduction in the PILOT would still represent an increase from what is currently being received.

Greg Mustric, Woda Group representative, noted that the change in the tax credit had created a large gap in the financing of the project and without this piece it was likely the project would not be financially viable. He estimated the gap at approximately \$700,000 and said the firm was looking at multiple alternatives to

try to shore up the financing. He noted that at this point the firm plans to take on more debt to keep the project moving forward.

In response to a Council question he indicated he felt the project would score better in the competition for tax credits if the Council were to approve the proposed reduction in the PILOT.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

ORDINANCE NO. 748

**AN ORDINANCE TO AMEND
CHAPTER 32 TAXATION OF THE CODE OF ORDINANCES
TO REDUCE THE PAYMENT IN LIEU OF TAXES
FOR THE LINCOLN HOUSE PROJECT**

WHEREAS, the Woda Group, also known as the Lincoln House LDHA Limited Partnership, has proposed a 28 unit low income housing development that is to be targeted toward seniors; and

WHEREAS, the project is located at 120 Michigan Avenue, parcel number 050-700-001-008-00, at the corner of Michigan Avenue and Clinton Streets, partially within the former Lincoln School; and

WHEREAS, the City of Owosso 2012 Master Plan explicitly indicates that this property and structure would be ideally reused as senior housing; and

WHEREAS, the City of Owosso City Council has approved the rezoning of this parcel to PUD and subsequently approved the final site plan for the development; and

WHEREAS, the rents for the housing will be controlled for the purpose of creating affordable low income housing for seniors, thereby reducing property revenues; and

WHEREAS, the reuse of this vacant structure and the housing of senior citizens near the downtown has a recognized public purpose; and

WHEREAS, all zoning and site plan approvals required by ordinance have been approved by the city council; and

WHEREAS, a substantial change in the federal tax credit policy has made this project infeasible under the current payment in lieu of taxes ordinance.

NOW THEREFORE, THE CITY OF OWOSSO ORDAINS that Chapter 32, Taxation, Article III, Service Charge in Lieu of Taxes for Certain Housing Developments, Sections 43, of the City of Owosso city code be added as follows:

SECTION 1. AMENDMENT. That existing Section 32-40, should be amended as follows:

Sec 32-40. Establishment of annual service charge for Lincoln House.

Housing Developments for elderly persons of low income or persons of low income and the property on which they shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City, acknowledging that the Sponsor and the Authority, in the case of a Sponsor receiving a Federally aided Mortgage, have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Developments for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, will accept payment of an annual service charge for

public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the difference between the Annual Shelter Rent actually collected and utilities.

SECTION 2. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 3. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective January 5, 2014.

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

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilperson Bandkau, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Fox, Teich, and Mayor Frederick.

NAYS: Councilperson Greenway.

CITIZEN COMMENTS AND QUESTIONS

Steven Flayer, Shiawassee District Library Director, said he wanted to go on record thanking City staff for their rapid response to the Library's recent boiler breakdown. He said that without their assistance the Library would have been unable to operate due to a lack of heat. A temporary furnace was installed, bids let, and a new boiler purchased and installed. He reported the new boiler is up and running and the installation company is helping them track down related heating issues in the system.

Councilperson Bailey said she had received a couple of phone calls in the last couple of weeks from constituents that had concerns with burning. She reminded everyone that burning garbage is prohibited. She inquired about the process for handling burning complaints. It was noted that all calls are addressed, though emergency calls would be prioritized.

Councilperson Fox said that as someone that is familiar with steam boiler systems he felt the company responsible for maintenance on the Library boiler should be held responsible for the boiler's failure. He went on to express his concerns with the parking situation on Howell Street saying he had received a call from a constituent that had been ticketed while attending church. He said he had visited the site and felt that the signing should be adjusted to provide clearer instruction on where people can and cannot park.

CITY MANAGER REPORT

City Manager Crawford wished everyone happy holidays.

CONSENT AGENDA

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

Set Public Hearing – Personal Property Exemption. Set public hearing for Monday, January 6, 2014 to receive public comments on the application for a New Personal Property Exemption for Machine Tool & Gear, Inc, 401 South Chestnut Street as follows:

RESOLUTION NO. 147-2013

**SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN INDUSTRIAL
FACILITIES TAX EXEMPTION CERTIFICATE
MACHINE TOOL & GEAR, INC., DIVISION OF NEWCOR MACHINED PRODUCTS GROUP
401 S. CHESTNUT STREET**

WHEREAS, application for Industrial Facilities Tax Exemption for New Personal Property was received November 22, 2013 from Machine Tool & Gear Incorporated, Division of Newcor Machined Products Group, for property at 401 S. Shiawassee Street described as:

COMMENCING AT INTERSECTION OF EAST LINE CHESTNUT ST & SOUTHERLY RIGHT OF WAY LINE OF GRAND TRUNK RAILROAD; TH S 80°38'50" E 1317.01' TH S 02° 2'25" W 858.19' TH N 80°38'50" W 598.20' TH N 07°18'07" E 424.29' TH N 80°38'50" W 751.92' TH N 01°14'05" E 431.51' TO POB PART OF NE 1/4 SEC 23 T7N R2E 18.83 A M/L; and

WHEREAS, the applicants property is part of an Industrial Development District established April 18, 1977 and requested to be amended May 16, 2011 and described as:

COMMENCING AT INTERSECTION OF EAST LINE CHESTNUT ST & SOUTHERLY RIGHT OF WAY LINE OF GRAND TRUNK RAILROAD; TH S 80°38'50" E 1317.01' TH S 02° 2'25" W 858.19' TH N 80°38'50" W 598.20' TH N 07°18'07" E 424.29' TH N 80°38'50" W 751.92' TH N 01°14'05" E 431.51' TO POB PART OF NE 1/4 SEC 23 T7N R2E 18.83 A M/L; and

WHEREAS, the Industrial Facilities Tax Exemption certificate, being part of Act 198 of 1974, is available to the city of Owosso; and

WHEREAS, city of Owosso is qualified local governmental unit and permits the city of Owosso to grant an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, it was determined by city staff that the Industrial Facilities Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification was sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010 and Public Act 198 of 1974; and

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

FIRST: the Owosso City Council sets public hearing for January 6, 2013 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law.

2014 Schedule of Meetings. Adopt the 2014 Boards and Commissions Meeting Schedule as follows:

**CITY OF OWOSSO
SCHEDULE OF REGULAR MEETINGS
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2014**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2014. The Board, dates, time and place of said regular meetings shall be as follows:

| CITY COUNCIL | | | | | |
|--|---------------|---------|---|---------------|---------|
| The 1 st and 3 rd Monday of each month, except as noted – 7:30 p.m., local prevailing time | | | | | |
| Owosso City Hall, Council Chambers | | | | | |
| JAN 06 | MAR 03 | MAY 05 | JUL 07 | SEP 02* | NOV 03 |
| JAN 21* | MAR 17 | MAY 19 | JUL 21 | SEP 15 | NOV 17 |
| FEB 03 | MAR 31 | JUN 02 | AUG 04 | SEP 29 | DEC 01 |
| FEB 18* | APR 07 | JUN 16 | AUG 18 | OCT 06 | DEC 15 |
| | APR 21 | | | OCT 20 | |
| DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET | | | DOWNTOWN HISTORIC DISTRICT COMMISSION | | |
| The 1 st Wednesday of each month, except as noted – 7:30 a.m., local prevailing time | | | The 3 rd Wednesday of each month - 6:00 p.m., local prevailing time | | |
| Owosso City Hall, Council Chambers | | | Owosso City Hall, Council Chambers | | |
| JAN 02* | MAY 07 | SEP 03 | JAN 15 | MAY 21 | SEP 17 |
| FEB 05 | JUN 04 | OCT 01 | FEB 19 | JUN 18 | OCT 15 |
| MAR 05 | JUL 02 | NOV 05 | MAR 19 | JUL 16 | NOV 19 |
| APR 02 | AUG 06 | DEC 03 | APR 16 | AUG 20 | DEC 17 |
| EMPLOYEES RETIREMENT SYSTEM BOARD | | | OWOSSO HISTORICAL COMMISSION | | |
| The 3 rd Thursday of even months, except as noted - 7:15 a.m., local prevailing time | | | The 2 nd Monday of each month, except as noted – 7:00 p.m., local prevailing time | | |
| Owosso City Hall, Council Chambers | | | Gould House, 100 West Oliver Street | | |
| FEB 20 | JUN 19 | OCT 16 | JAN 13 | MAY 12 | SEP 08 |
| APR 17 | AUG 21 | DEC 18 | FEB 10 | JUN 09 | OCT 14* |
| | | | MAR 10 | JUL 14 | NOV 10 |
| | | | APR 14 | AUG 11 | DEC 08 |
| PARKS & RECREATION COMMISSION | | | PLANNING COMMISSION | | |
| The 4 th Monday of each month, except as noted – 6:00 p.m., local prevailing time | | | The 4 th Monday of each month, except as noted – 7:00 p.m., local prevailing time | | |
| Owosso City Hall, Council Chambers | | | Owosso City Hall, Council Chambers | | |
| JAN 27 | MAY 27* | SEP 22 | JAN 27 | MAY 27* | SEP 22 |
| FEB 24 | JUN 23 | OCT 27 | FEB 24 | JUN 23 | OCT 27 |
| MAR 24 | JUL 28 | NOV 24 | MAR 24 | JUL 28 | NOV 24 |
| APR 28 | AUG 25 | DEC 08* | APR 28 | AUG 25 | DEC 08* |
| ZONING BOARD OF APPEALS | | | * = Rescheduled due to legal holiday on regular meeting date | | |
| The 3 rd Tuesday of each month, except as noted – 9:30 a.m., local prevailing time | | | | | |
| Owosso City Hall, Council Chambers | | | | | |
| JAN 21 | MAY 20 | SEP 16 | | | |
| FEB 18 | JUN 17 | OCT 21 | | | |
| MAR 18 | JUL 15 | NOV 18 | | | |
| APR 15 | AUG 19 | DEC 16 | | | |

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

2014 Income Threshold Poverty Exemptions. Adopt the 2014 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 as follows:

2014 Federal Income Standards Poverty Threshold

| Number of persons residing in homestead | Annual allowable income |
|---|-------------------------|
| 1 person | 11,490 |
| 2 persons | 15,510 |
| 3 persons | 19,530 |
| 4 persons | 23,550 |
| 5 persons | 27,570 |
| 6 persons | 31,590 |
| 7 persons | 35,610 |
| 8 persons | 39,630 |
| Each additional person, add | 4,020 |

Income of students under the age of 18 years, **shall not** be included as income

2014 Parks Rules and Regulations. (Moved to Items of Business.)

Bid Award – Road Salt. Authorize bid award to Morton Salt, Inc. for 1,700 tons of Salt at \$45.90 per ton and approve payment up to the contract amount as follows:

RESOLUTION NO. 148-2013

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
FOR THE 2013 SALT PURCHASE BID
WITH MORTON SALT, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Department of Public Services has a duty to keep its streets safe during the winter months;

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt to the icy pavements;

WHEREAS, the City of Owosso received the low bid of \$45.90 per ton from Morton Salt, Inc. for the 2013 Salt Purchase Bid.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase approximately 1,700 tons of salt from Morton Salt, Inc. at a cost of \$45.90 per ton.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Morton Salt, Inc. up to the amount of \$77,503.00.
- THIRD: The above expenses shall be paid from the Major and Local Street Snow and Ice Control Funds – 202-478-728000 and 203-478-728000.

Warrant No. 475. Authorize Warrant No. 475 as follows:

| Vendor | Description | Fund | Amount |
|------------------------|---|---------|-------------|
| Rehmann Robson | Progress billing #1 for audit of FY 12/13 | General | \$15,000.00 |
| State of Michigan-MDEQ | NPDES annual permit fee – FY 13/14 | WWTP | \$ 5,500.00 |

| | | | |
|--------------------|---|---------|-------------|
| Logicalis, Inc | Network engineering support- November 2013 | General | \$ 6,664.00 |
| Brown & Stewart PC | Professional services November 12, 2013 – December 9, 2013 | General | \$ 8,990.72 |

*Check Register–November 2013. Affirm check disbursements totaling \$1,292,786.69 for the month of November 2013.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

AYES: Councilpersons Greenway, Bailey, Teich, Mayor Pro-Tem Eveleth, Councilpersons Fox, Bandkau, and Mayor Frederick.

NAYS: None.

*Due to its length full text of the Check Register is not printed in the minutes. A copy of this document is on file in the Clerk’s Office.

ITEMS OF BUSINESS

2013 AUDIT ACCEPTANCE

City Manager Crawford said he was happy to report the City had been issued a clean audit.

Motion by Mayor Pro-Tem Eveleth to authorize the following resolution accepting and placing on file the City of Owosso Financial Report with Additional Information for the Fiscal Year Ended June 30, 2013.

RESOLUTION NO. 149-2013

**RESOLUTION ACCEPTING AND PLACING ON FILE
THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT
WITH ADDITIONAL INFORMATION
FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

WHEREAS, the city of Owosso is required by the laws of the state of Michigan to annually have an independent audit performed in accordance with generally accepted auditing standards; and

WHEREAS, the city of Owosso employed Rehmann Accounting, LLC certified public accountants, to audit the financial records of the city of Owosso and such audit has been completed and is presented this date to the city council.

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

- FIRST: The *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2013**, attached hereto and made a part hereof as Exhibit A and the same is hereby accepted and placed on file.
- SECOND: A copy of the *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2013* will be maintained on file in the office of the city clerk for public examination, a copy will be placed in the Shiawassee District Library Owosso Branch for public examination, and copies will be sent to those required by law and agreement.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Fox, Bandkau, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Teich, Greenway, and Mayor Frederick.

NAYS: None.

*Due to its length full text of the Financial Report with Additional Information for the Fiscal Year Ended June 30, 2013 is not included in the minutes. Complete copies of this document is available in the Clerk's Office.

TITLE VI NON-DISCRIMINATION PLAN ACCEPTANCE

City Manager Crawford said that all municipalities that accept federal transportation monies must now adopt a non-discrimination plan. The intent of the plan is primarily to make sure that non-english speaking citizens are not discriminated against in transportation projects.

Motion by Mayor Pro-Tem Eveleth to authorize adoption of the Title VI Non-Discrimination Plan to ensure equal access and opportunity to all persons with respect to transportation services, facilities, activities, and programs as follows:

RESOLUTION NO. 150-2013

ADOPTING A CITY OF OWOSSO TITLE VI NON-DISCRIMINATION PLAN

WHEREAS, as a recipient of both federal and state assistance, the city of Owosso must provide access to individuals with limited ability to speak, write or understand the English language, must not restrict an individual from any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under its programs or projects, and may not subject individuals to criteria or methods of administration which cause an adverse impact because of their race, color or national origin; and

WHEREAS, as the sub-recipient of federal transportation funds, the city of Owosso must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons with respect to transportation services, facilities, activities, and programs without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location; and

WHEREAS, the city of Owosso has developed a Title VI Non-Discrimination Plan to assure that its federal and state-funded services, programs and activities are offered, conducted and administered fairly.

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

- FIRST: The city of Owosso Title VI Non-Discrimination Plan* is adopted and shall be implemented as outlined.
- SECOND: The city of Owosso will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance.
- THIRD: The city manager will be designated Title VI Coordinator and will be responsible for initiating and monitoring Title VI activities and other required matters.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilperson Bailey, Mayor Pro-Tem Eveleth, Councilpersons Fox, Bandkau, Teich, Greenway, and Mayor Frederick.

NAYS: None.

*Due to its length full text of the Title VI Non-Discrimination Plan is not included in the minutes. A copy of this document is on file in the Clerk's Office.

TAX-FORECLOSED PROPERTY CONSIDERATION

City Manager Crawford explained that since the time the agenda packet was delivered to Council staff had had further discussions regarding the parcels at the Woodland Trails development. It was his opinion that should the City accept the parcels from the development the City would legally be considered the developer and as such would be held responsible for certain things that could cost the City significant money. He said that staff recommended the rejection of the parcels in Woodland Trails and the acceptance of the remaining 3 orphaned parcels.

Motion by Mayor Pro-Tem Eveleth objecting to the transfer of the listed tax-foreclosed properties that did not sell at the State tax sale in September 2013 as follows:

RESOLUTION NO. 151-2013

OBJECTING TO THE TRANSFER OF UNSOLD TAX REVERTED PROPERTIES FROM THE STATE OF MICHIGAN TO THE CITY OF OWOSSO

WHEREAS, the city received from the state of Michigan's Foreclosure Services Section a list of parcels of property in the city of Owosso foreclosed for unpaid property taxes pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78m(6) the title to the listed parcels will be automatically transferred to the city of Owosso on December 30, 2013, unless the city of Owosso objects to the transfer of all or any parcel before the transfer is made; and

WHEREAS, the city council has determined that the city has no interest in acquiring these parcels because the costs of obtaining, maintaining and incurring liabilities will exceed any benefit that will be obtained; and

WHEREAS, the city of Owosso does not wish the state of Michigan to transfer title to the city of Owosso for these parcels.

NOW, THEREFORE, BE IT RESOLVED the city council of the city of Owosso hereby objects to the transfer of title to the city of Owosso the following tax foreclosed parcels:

| | | |
|----------------|-----------------|--------------------------------------|
| CITY OF OWOSSO | 050-750-000-025 | UNIT 25, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-042 | UNIT 42, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-041 | UNIT 41, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-033 | UNIT 33, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-032 | UNIT 32, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-031 | UNIT 31, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-030 | UNIT 30, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-023 | UNIT 23, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-024 | UNIT 24, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-018 | UNIT 18, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-007 | UNIT 7, WOODLAND TRAILS CONDOMINIUM |

| | | |
|----------------|-----------------|-------------------------------------|
| CITY OF OWOSSO | 050-750-000-006 | UNIT 6, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-005 | UNIT 5, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-004 | UNIT 4, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-003 | UNIT 3, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-002 | UNIT 2, WOODLAND TRAILS CONDOMINIUM |
| CITY OF OWOSSO | 050-750-000-001 | UNIT 1, WOODLAND TRAILS CONDOMINIUM |

BE IT FURTHER RESOLVED, that the city manager notify the state of Michigan that the city of Owosso objects to these transfers under MCL 211.78m(6), and requests that the state transfer these parcels to its Michigan Land Bank Fast Track Authority created under section 15 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.765.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Teich, Greenway, Fox, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Bandkau, and Mayor Frederick.

NAYS: None.

Councilperson Fox requested that addresses for the parcels in question be listed on similar items in the future.

Councilperson Bandkau inquired how the orphaned parcels would be accessed if they were landlocked. It was noted the City has no plans to keep the parcels but would approach adjacent land owners to see if they would be interested in purchasing the property.

Motion by Mayor Pro-Tem Eveleth to approve the acceptance of the listed tax-foreclosed properties that did not sell at the State tax sale in September 2013 as follows:

RESOLUTION NO. 152-2013

RESOLUTION ACCEPTING THE TRANSFER OF ALL UNSOLD TAX REVERTED PROPERTIES FROM THE STATE OF MICHIGAN TO THE CITY OF OWOSSO

WHEREAS, the city of Owosso received from the state of Michigan a list of parcels of property in the city of Owosso foreclosed for unpaid property taxes pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78m(6) the title to the listed parcels will be automatically transferred to the city of Owosso on December 30, 2013, unless the city objects to the transfer of all or any parcel before the transfer is made;

NOW, THEREFORE, BE IT RESOLVED the city of Owosso does not object to the transfer of title to the city of the following tax foreclosed parcels:

- 050-651-003-020-00 W 9' OF E 39' OF LOT 1 ALSO E 9' OF W 39' OF N 24' OF LOT 2 BLK 3 A L WILLIAMS ADDN
- 050-113-008-037-00 PT OF LOT 6 BLK 8 CITY ASSESSORS PLAT 3, BEG ON THE N LN OF LOT 6, 63.20 FT E FROM NW COR, TH CONT E ALG SAID N LN 80.26 FT, S 8.10 FT, TH W 79.66 FT, N 3.36 FT TO POB.
- 050-220-000-087-00 N 10' LOT 69 FOREST PARK ADD

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilperson Fox, Mayor Pro-Tem Eveleth, Councilpersons Bailey, Bandkau, Greenway, Teich, and Mayor Frederick.

NAYS: None.

ANIMAL CONTROL ORDINANCE

Mayor Frederick gave an update on the issue saying the County Commission had considered a proposal to capture as not yet collected license fees that would be dedicated to housing stray animals from jurisdictions like the City. He said the Commission had requested further work on the proposal to flesh out the logistics prior to considering any action on the item. He went on to say that the City now has access to the County license database and can look up any licenses found on stray pets. The County Commission is expected to make a decision during next month's meeting. He thanked Commissioners Bartz and Horvath (both in attendance) for their efforts to resolve the matter.

Councilperson Fox said he felt there had been some miscommunication between the County and the City saying he had spoken with the Commission Chair and he had reported that the Commission had not considered any animal issues. Councilperson Fox went on to suggest the City pass the ordinance as proposed to put the County on notice that the City is serious about the issue. He said the ordinance could be rescinded if action was taken by the County in the future.

Motion by Councilperson Fox to approve the animal control ordinance as proposed in October.

Councilperson Greenway said he felt the City should continue to try to work with the County. He said he was not in favor of the proposed ordinance as the City does not have the logistics in place to implement the ordinance.

Mayor Frederick said he felt that part of moving forward in good faith is about letting go of what has happened in the past. He said he was confident the City's two County Commissioners will bargain on behalf of Owosso citizens and that he couldn't ask the Commission to adopt the proposed policy the first time they see it. He said he felt the County was taking the issue seriously by virtue of the fact that the County had tapped so many agencies to explore the logistics of the issue.

Councilperson Fox inquired about how long the City will wait as waiting for a consensus in the past hasn't produced results. There was discussion regarding allowing the County to work through their process with Commissioner Bartz speaking up and saying that the issue was much more complex than simply passing an ordinance. He said he felt confident the Commission could come to a resolution if given the time. He noted that given the complexity of the issue it could take a few months to reach a resolution. Councilperson Fox expressed his continued frustration with the timing. Other Council members spoke up in favor of allowing the County time to reach a compromise.

Councilperson Fox's motion dies for lack of support.

Mayor Frederick asked that the rules of procedure be suspended to allow the consideration of Item of Business 6. 2014 Parks Rules and Regulations prior to addressing the Executive Session item.

2014 PARKS RULES AND REGULATIONS (Moved from Consent Agenda.)

Councilperson Bandkau expressed concern that the proposed rules may not be in compliance with a new state law governing the carrying of knives. He said he was concerned the proposed rules may have constitutional issues.

Assistant City Manager Zettel noted that some rules, including the rule referenced by Councilperson Bandkau, were included in the Parks Rules as a reference to existing City ordinances, though he could not speak to their constitutionality. He noted that such a question was far more complex than simply changing the Rules and would have to be examined further.

Motion by Mayor Pro-Tem Eveleth to approve proposed revisions to the Parks Rules and Regulations for 2014 as follows:

RESOLUTION NO. 153-2013

**A RESOLUTION TO APPROVE
THE 2014 CITY OF OWOSSO PARK RULES AND REGULATIONS**

WHEREAS, the City of Owosso maintains parks and recreation facilities within the city and within Owosso Township; and

WHEREAS, City of Owosso ordinances apply throughout all parks located in the city and city park rules, as adopted per ordinance Section 21-1, apply to all city parks in all jurisdictions; and

WHEREAS, the Owosso Parks and Recreation Commission has reviewed the current edition of park rules and recommended changes to accommodate the public needs and uses.

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 approve the 2014 edition of the Owosso Parks Rules and Regulations.

SECOND: The city council hereby directs staff to print and publish these rules in accordance with local ordinance.

CITY OF OWOSSO
PARK RULES AND REGULATIONS
2014

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

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

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

SWIMMING PROHIBITED. Swimming is prohibited except in designated areas.

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

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

VEHICLE REGULATIONS. 1) Motorcycles, mopeds, snowmobiles, all-terrain vehicles, and the like are prohibited from all park areas except for roadways designated for public travel in accordance with state

and local laws, 2) The speed limit in all parks shall be ten miles per hour, 3) Parking shall be restricted to areas designated for that purpose, 4) and no person shall operate a motorboat on Hopkins Lake in the city. "Motorboat" is any vessel propelled by any machinery other than an electric motor, whether or not the machinery is the principal source of propulsion.

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

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

SMOKING. Smoking is strongly discouraged in the city parks. Smoking is prohibited in areas of concentrated use, such as bleacher seats, dugouts, play equipment, and pavilions, if posted.

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

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

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

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

SCHEDULING AND USE OF ATHLETIC FIELDS.

- 1) Priority in the use of ball fields, soccer fields and similar athletic facilities in City parks shall be given to organizations scheduling regular games or matches. When the city manager determines that coordination of organizations' use of such facilities is necessary to avoid scheduling conflicts, he or she shall provide for the development of schedules for such facilities. The city manager shall have the authority to designate organizations to provide for scheduling and oversight of use of athletic fields. Such organizations shall schedule use of the fields in a way that accommodates use by all interested organizations to the greatest extent feasible and to provide for compliance by these rules and regulations by all organizations using the athletic facilities.
- 2) The city manager shall have the authority to restrict use of athletic fields to avoid excessive wear and tear on facilities.
- 3) The city manager may authorize organizations to sell concessions at athletic fields and to use City facilities designated for that purpose. Preference in selling concessions may be given to organizations designated to provide scheduling and oversight of the use of athletic fields.

Organizations selling concessions at athletic fields shall be responsible for the cleaning of restroom facilities at such fields.

- 4) Organizations providing for the scheduling and oversight of athletic fields may be permitted to provide for the installation of signs recognizing program sponsors. Such signs shall not advertise specific products or services but shall be limited to the names and logos of sponsors and brief descriptions of the nature of the sponsor's business. All sponsor signs shall be constructed of material that will withstand customary weather conditions and shall be maintained by the organizations installing them. Signs shall be installed on existing fences so that the message content of the signs is visible from within the athletic fields only. Signs shall be installed only during the usual seasons during which organizations schedule games and matches on the fields.
- 5) Organizations using athletic fields for scheduled games, matches and practices shall be responsible for removing litter from the areas used for their activities. In addition, organizations shall be responsible for removing and storing any equipment used in their activities. Installation of bleachers or similar facilities must be authorized by the city manager or his/her designee.
- 6) The city will provide utilities (except for telephone service), refuse disposal and the maintenance of athletic fields in coordination with the needs and schedules of organizations using the fields. Organizations using athletic fields that undertake specific activities uniquely required for their particular use of the fields such as the installation of bases or nets, the painting of lines on fields, etc. require prior approval.

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

- 1) All dogs must be leashed in the dog exercise area parking lot.
- 2) Any person bringing a dog or dogs to the dog exercise area must have one leash per dog.
- 3) There shall be no more than three dogs per person allowed in the dog exercise area. Any person bringing a dog or dogs to the dog exercise area must have at least one dog feces waste bag per dog in his or her possession and must remove any feces deposited by the dog(s) in their care.
- 4) Persons under sixteen years of age visiting the dog exercise area must be accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 5) No persons under sixteen years of age are allowed in the dog agility area unless accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 6) Each dog shall always be under visual and voice control of the owner or other responsible person at least 16 years of age.
- 7) All dogs must have current vaccinations and licenses and shall wear a collar with tags as proof thereof.
- 8) Aggressive dogs, as defined below, are not permitted in or around the dog exercise area, including but not limited to, the parking lot. Owners or other responsible persons will be held legally responsible for any injury caused by a dog that they bring in or around the dog exercise area.
 - An aggressive dog means:
 - a. A dog that bites a person. However, a dog shall not be considered aggressive if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person after being provoked by that person.
 - b. A dog that injures or kills another domestic animal without provocation while at the dog exercise area.
- 9) Female dogs in heat are not permitted in or around the dog exercise area including, but not limited to, the parking lot.
- 10) Dog owners or other responsible persons shall provide dogs with drinking water while visiting the dog exercise area when weather conditions require.
- 11) Dog owners or other responsible persons shall not keep dogs enclosed in a vehicle during hot weather which may cause injury to the dog.
- 12) Any person having knowledge of a dog having bitten, scratched, or injured a person or other animal within the dog exercise area, including but not limited to the parking lot, shall report the

incident to the police department.

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

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

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

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

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

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

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

INJURY TO PARK PROPERTY. No person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces, or other public property within or pertaining to the public parks or playgrounds. Any person convicted of damage or injury to public property shall reimburse the city for up to three (3) times the amount of the damage as determined by the court.

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

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

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Greenway, Mayor Pro-Tem Eveleth, Councilpersons Fox, Teich, Bandkau, and Mayor Frederick.

NAYS: None.

EXECUTIVE SESSION

Motion by Mayor Pro-Tem Eveleth to authorize a 5 minute recess and the holding of executive session at the conclusion of regular business to consider the purchase or lease of real property.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, Greenway, Fox, Mayor Pro-Tem Eveleth, Councilperson Bandkau, and Mayor Frederick.

NAYS: None.

ADJOURNED TO EXECUTIVE SESSION AT 8:52 P.M.

RETURNED FROM EXECUTIVE SESSION AT 9:21 P.M.

COMMUNICATIONS

Richard C. Williams, Finance Director. November 2013 Revenue & Expenditure Report.

Charles P. Rau, Building Official. November 2013 Building Department Report.

Charles P. Rau, Building Official. November 2013 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. November 2013 Police Report.

Kevin D. Lenkart, Public Safety Director. November 2013 Fire Report.
Downtown Development Authority/Main Street. Minutes of December 4, 2013.
Parks & Recreation Commission. Minutes of November 25, 2013.
Planning Commission. Minutes of November 25, 2013.

CITIZEN COMMENTS AND QUESTIONS

None.

MARCH 18, 2013 EXECUTIVE SESSION MINUTES

Motion by Mayor Pro-Tem Eveleth to approve the minutes of executive session of March 18, 2013 as presented.

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

NEXT MEETING

Monday, January 06, 2014

BOARDS AND COMMISSIONS OPENINGS

Planning Commission, term expires 06-30-2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:23 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk



Memo reprinted from the meeting of December 16, 2013.

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

MEMORANDUM

DATE: December 10, 2013

TO: Mayor Benjamin Frederick, City Council, and Manager Don Crawford

FROM: Larry Cook, Assessor

RE: Tax Abatement Application – Machine Tool & Gear – 401 S. Chestnut St.

The positive growth continues for Machine Tool & Gear. On November 22, 2013, the city clerk received an application for a Personal Property IFT. An application for Tax Abatement per City of Owosso Abatement Policy was forwarded to the applicant at that time. Initial review indicates the applicant meets the requirements for tax abatement. The application states there will Personal Property valued at \$331,000 purchased and placed in their plant at 401 S. Chestnut Street.

An Industrial Facilities Tax Exemption Certificate, Act 198 of 1974, is a tax abatement which reduces the tax burden by 50%. The applicant is applying for IFT exemptions on real and personal property. These exemptions can be granted for up to 12 years.

An Industrial Development District for that area was established April 18, 1977 and amended October 9, 1978.

The next step in the process is to set a public hearing for the Industrial Facilities Tax Exemption Certificate. Attached are the resolutions setting January 6, 2013 as the date for the hearing. The city clerk has notified the taxing jurisdictions of this application as required under the city's abatement policy and will forward any responses to you. The taxing jurisdictions will also be given notice of the date of the hearings as required under the act.

As always, if you have any further questions, please feel free to contact me at (989) 725-0530.

RESOLUTION NO.

**APPROVING AN IFE APPLICATION FOR
NEW PERSONAL PROPERTY FOR
MACHINE TOOL & GEAR, INC.
A DIVISION OF NEWCOR MACHINED PRODUCTS GROUP
401 S. CHESTNUT STREET**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 18, 1977, this City Council, by resolution established an Industrial Development District, commonly called the Owosso Industrial Site No. 1, and on October 9, 1978, this City Council, by resolution amended said Industrial Development District property occupied by 401 S. Chestnut; and

WHEREAS, Machine Tool & Gear, Incorporated has filed an application for an Industrial Facilities Exemption Certificates with respect to New Personal Property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on January 6, 2014, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the acquisition of the New Personal Property had not begun earlier than six (6) months before November 22, 2013, the date application received for the Industrial Facilities Exemption Certificates; and

WHEREAS, acquisition of the New Personal Property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

1. The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificates considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.
2. The application from Machine Tool & Gear, Incorporated for Industrial Facilities Exemption Certificates, with respect to New Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

COMMENCING AT INTERSECTION OF EAST LINE CHESTNUT ST & SOUTHERLY RIGHT OF WAY LINE OF GRAND TRUNK RAILROAD; TH S 80°38'50" E 1317.01' TH S 02° 2'25" W 858.19' TH N 80°38'50" W 598.20' TH N 07°18'07" E 424.29' TH N 80°38'50" W 751.92' TH N 01°14'05" E 431.51' TO POB PART OF NE 1/4 SEC 23 T7N R2E 18.83 A M/L; and

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificates for New Personal Property, when issued, shall be and remain in force for a period of ____years.

**INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (“IFEC”)
LETTER OF AGREEMENT**

This agreement between **Machine Tool & Gear, Inc.** and **City of Owosso** is for the purpose of fulfilling the requirements of P.A. 198, as amended, in P.A. 224, Section 22. In consideration of approval of this exemption certificate, **Machine Tool & Gear, Inc.** understands that through its investment of \$331,000 and the **City of Owosso**, by its investment of the IFEC, are mutually investing in and benefiting from this economic development project, and, furthermore, agree to the following:

1. The company shall supply to the City of Owosso-within 60 days of its first year of IFEC eligibility-information regarding the processes taking place on the premises and of any metals, gas or liquids used in that processes or stored on the premises. In addition any changes in those processes, use of materials or storage shall be reported to the City as they occur for the entire term of the certificate.
2. The Company understands that at the end of the term of this agreement, the personal property within the application will return to the tax rolls under the full millage assessment applied by the taxing jurisdictions. This provision is to make clear that the inducement to provide tax forgiveness on the personal property is a limited privilege in return for new jobs and new investment in the Owosso area, and that the plan of this agreement is to return this tax abated property into full participation in the support of community services, infrastructure, and public education.
3. The Company agrees to submit to the City Assessor reports, personal property tax statements, and employment information in accordance with the provisions of the Addendum attached to this Agreement.

We swear and affirm by our signatures below that no payment of any kind in excess of the fee allowed by PA 198 of 1974, as amended by PA 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certification application.

This agreement is assignable and transferable by either party with advance written consent. The agreement may only be altered upon mutual consent of both parties.

Machine Tool & Gear, Inc. (Company”)

Date

Benjamin R. Frederick, Mayor
City of Owosso

Date

IFT AGREEMENT ADDENDUM

RESPONSIBILITIES OF THE COMPANY AFTER ISSUANCE OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (IFEC)

1. *Report significant changes in the project to the local governing unit and the State Tax Commission as follows:*
 - a. Abandonment of Project: When a project for which an IFEC has been issued is abandoned, the company shall notify the local governing unit within 30 days of such abandonment. The local governing unit shall notify the State Tax Commission, in writing, within 10 days of receipt of the notification of such abandonment.
 - b. Delay of Project: When there is no construction progress for 180 days, the company shall notify the local governing unit within 210 days from the cessation of construction activity. The local governing unit shall notify the State Tax Commission, in writing, within 10 days of receipt of the notification of such delay.
 - c. Extension of Time: A request for an extension of time for completion of a project shall be filed with the local governing unit. The local governing unit must approve the extension by resolution. The company must then forward the extension request to the State Tax Commission with a copy of the local resolution of approval enclosed.
 - d. Change in Project Cost: If the final cost of a project exceeds the amount estimated in the application by more than 10%, the company shall request that the local governing unit approve the revised cost. The local governing unit must approve the revised cost by resolution. The company must then forward the request to exceed estimated cost to the State Tax Commission with a copy of the local resolution of approval enclosed.
2. *Report date of completion of the project to the local governing unit and the State Tax Commission within 30 days of completion.*
3. *Report final cost of project to local governing unit and the State Tax Commission within 90 days of completion.*
4. *Yearly property tax statements for the Industrial Facilities Tax must be submitted separately to the local assessor. The Industrial Facilities Tax must be paid on time and cannot become delinquent.*
5. *Certification for leased projects will be issued for the term of the real estate lease. Upon renewal of the lease, the company must notify the State Tax Commission in order for the State Tax Commission to extend the term of the certificate to the maximum number of years approved by the local governing unit.*
6. *If the company is sold, the new owner may qualify for a transfer of any existing IFEC. The new owner may notify the City of Owosso, or the State Tax Commission, to ascertain qualification for such a transfer. To obtain approval for the transfer, the new owner must submit a new IFEC application to the local governing unit as soon as possible.*
7. *Reports to the local governing unit must be made by the company according to the following schedule:*
 - a. Immediately following the second year after the issuance date of the IFEC, and no later than the following January 10th of that second year, a report shall be submitted stating the following:
 - 1) Number of new jobs stated as expected in the IFEC application.

- 2) If IFEC was granted on basis of job retention, number of employees stated in the application, and current number of employees.
 - 3) If job creation or retention is not reached or maintained as given in the application, give explanation.
 - 4) Give project cost as estimated in the application and the actual cost.
 - 5) If actual project cost differs more than 10% from estimated cost, give explanation.
- b. Immediately following the sixth year after the issuance date of the IFEC, and no later than the following January 10th, a report shall be submitted stating the number of jobs expected as stated in the application and current number of employees. If employment has not been maintained at the expected level as stated in the IFEC application, give explanation.
- c. Immediately following the completion of the term of the IFEC, the Company shall submit a final status report no later than the January 10th following that date. The report shall contain the expected number of employees stated in the original application; an explanation if the expected level of employment was not reached or maintained; and a brief statement of the current status of the Company, describing growth, if any, of the Company since issuance of the IFEC. If growth has not been experienced, provide explanation.

The City of Owosso will be happy to assist you with the foregoing requirements. The addresses of our department and the State Tax Commission are listed below.

Mr. Larry Cook, City Assessor
City of Owosso
301 W. Main Street
Owosso, MI 48867

_____, Manager
Exemption Program/Dept. of Treasury
State Tax Commission
4th Floor, Treasury Building
Lansing, Michigan

Abatement Schedule

This schedule applies to Industrial or Commercial Property as defined in 211.34c of the General Property Tax Act

| | | |
|--|---|---|
| 1. Capital investment \$Up to \$100,000 \$100,001 to \$250,000 <u>\$250,001 to \$500,000</u> - 331,000 \$500,001 to \$1,000,000 \$1,000,001 to \$2,500,000 \$2,500,001 to \$5,000,000 \$5,000,001 and up | Years of tax abatement 1 2 <u>3</u> 4 5 6 7 | Rehabilitated/restored additional two years in any capital investment |
| 2. Job creation as Full Time Equivalent (40hrs.per week) <u>1-10</u> - 2 11-25 26-50 51 and up | Years of tax abatement <u>2</u> 3 4 5 | |
| 3. Job wages <i>11.89 + Shift Prem.</i> <u>Average wage > 1.5x minimum wage</u> Average wage > 2x minimum wage Average wage > 3x minimum wage | Years of tax abatement <u>2</u> 4 6 | |
| 4. Number of years located in city of Owosso <u>2-10</u> - 2011 11-15 16 and up | Years of tax abatement <u>1</u> 2 3 | |
| 5. Employees with city of Owosso residency 1-10 11-25 <u>26+</u> - 54 | Years of tax abatement 1 2 <u>3</u> | |

11

Note: Total number of tax abatement years shall not exceed statutory limits.



RECEIVED
DEC 10 2013
BY: _____

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

APPLICATION FOR TAX ABATEMENT

Applicant (Official Company Name) MACHINE TOOL & GEAR, INC.

Business Name (If Different) _____

Address of Proposed Project 401 S. CHESTNUT ST ; OWOSSO, MI

Mailing Address (If Different) 1021 N. SHAWASSEE ST ; CORUNNA, MI 48817

Do you own the property? ^(BLDG. & LAND) NO If no, what is your relationship? LEASEE ; AFFILIATED COMPANY ; OWOSSO REALTY OWNS

Type of Abatement Requested (if known) INDUSTRIAL FACILITIES TAX EXEMPTION

Total square footage of all current buildings on site ~ 70,000

Description of proposed project including type of current business activity and product to be manufactured (if applicable), size of proposed structure and proposed activity and/or product.

(2) YAMA SEIKI (SWISS TYPE) SCREW MACHINES FOR MACHINING DIFFERENTIAL PINION SHAFTS FOR VARIOUS AUTOMOTIVE CUSTOMERS.

(1) TENNANT FLOOR SCRUBBER FOR MAINTAINING THE FACILITY

Give estimated cost of the following components applicable for the proposed project:

Land improvements (excluding land): N/A
Building improvements: Size N/A sf \$ N/A
Machinery & Equipment: \$ 331,000
Furniture & Fixtures: N/A

Time schedule for start and completion of construction and equipment installation (if applicable):

Building:
Start Date N/A
Completion Date N/A

Equipment installation (if applicable):
Start Date 8/25/13
Completion Date 12/1/14

Abatement Application

Page 2

Will project be owned or leased by applicant? ~~OWNED~~

Will machinery be owned or leased by applicant? OWNED

How many employees do you currently employ? Full Time 104 Part Time _____

How many new employees do you estimate after project complete? Full Time 106
Part Time _____

When project is complete, how many will be:

Management/Professional SAME Wage level \$ SAME

Skilled SAME Wage level \$ SAME

Semi-Skilled 2 Wage level \$ 11.89 / HR + SHIFT PREM.

Un-Skilled — Wage level \$ —

How many current employees live within the city limits of the City of Owosso? 54 FOR 401 CHESTNUT
95 ~~FOR~~ IN CORUNNA FACIL.

Date your business located within the City of Owosso. DEC 1, 2011

Name of Company Officer (contact person) JOHN N ANDRIGH

Title GROUP GENERAL MGR.

Signature John N Andrich Date 12/6/13

Phone Number 989-743-3936 EXT 230

For City Staff Use Only

Was the applicant given a copy of Tax Abatement Policy? Y N

Is an abatement district in place for this project? Y N

If no, legal description of proposed district. _____

If yes, type of district in place _____ Year established _____

Does the proposed project meet the guidelines for Tax Abatement under the policy? Y N

If no, explain _____

If yes, was notice given to taxing jurisdictions within the proposed project area? Y N

If yes, was notice given to applicant and proper state documents sent? Y N

Name of reviewer Larry D. Coof

Signature Larry D. Coof Date 12/26/13

CITY OF OWOSSO JANUARY 6, 2014 PROJECT STATUS REPORT

| 0 | PROJECT TITLE | PROJECT DESCRIPTION | PROJECT STATUS --1 new project, 2 updated project, 3 no change in project |
|---|---|---|---|
| 1 | 2014 street program | The 2014 street program is being developed, with special assessment documents being prepared for submission to the city council. | Engineering plans and cost estimates are being prepared for a number of projects; these will be finalized during January. |
| 1 | Brush collection | Collect brush throughout the city on the last week of the month. | The December ice storm created a massive cleanup problem. City crews will be cleaning up the city for several weeks. Where branches have been placed on parkways, they may become buried by snow plowed from streets and may not be removed until the snow melts. |
| 1 | General engineering services | Select two or three engineering firms capable of providing full engineering and construction administration services for various projects for which city staff cannot provide the required engineering. | The city received qualification proposals from 14 firms on December 17, 2013 in response to the advertisement. A staff committee is reviewing the submissions and will rank the proposals and eventually will narrow the number to two or three. When projects come up these firms will be required to submit cost proposals for consideration. |
| 2 | Title VI Non-Discrimination Plan | Received notification that, in order to receive state and federal transportation money, the city must adopt a Title VI Non-Discrimination Plan. | Human resources prepared the required plan, which the city council adopted December 16, 2013; it has been submitted to the Michigan Department of Transportation. |
| 2 | Downtown Infrastructure Grant (DIG) application | Prepare an application for a \$695,264 grant for improvements to the general area between Water Street and M-52 and north of Main Street including the armory and the Curwood Castle. | The application was submitted October 1. The application has been recommended for approval, subject to the city's meeting specified requirements during the next several weeks. A required public hearing is being scheduled for January 13. |
| 2 | Library boiler/heating system | On October 22, the city was notified that the steam boiler at the library had failed and would require major repairs or replacement. | The new boiler has been installed and is operating. State licenses have been obtained. One issue concerning a safety valve remains outstanding and will soon be corrected. |
| 2 | Annual financial audit | Complete audit for fiscal year 2012-13 and submit to state of Michigan by December 31, 2013. | The audit was received by the city council December 16, 2013 and submitted to the Michigan Department of Treasury as required. |
| 2 | Rental property registrations | Rental properties are to be registered by October 1. | By December 31, 2013 2,078 units had been registered leaving approximately 190 units unregistered, some which may no longer be rental units. |
| 2 | Lebowsky sidewalk improvements | Replace sidewalk along Park Street adjacent to theater. | Plans and specifications are nearly completed for sidewalk and curb which will allow exiting of theater and provide a gathering place. The bid opening is scheduled for January 21. |
| 2 | I-69 International Trade Corridor Next Michigan Development Corporation | Participate in a proposal to have Owosso execute an interlocal agreement creating the I-69 International Trade Corridor Next Michigan Development Corporation. | The next meeting will be at 9:00 a.m. on January 14 at Bishop Airport. |
| 2 | Unsafe property demolition | Force demolition or rehabilitation of vacant and unsafe properties. | Bids for the demolition of 1711 Frederick Street were received November 19, and a contract will be awarded January 6 in the amount of \$4,433. |
| 2 | Street light replacement (Consumers Energy) | Replace all mercury vapor lights with sodium vapor lights within four years. | Consumers Energy has completed an audit of all street lighting in Owosso and submitted a proposed contract which is being reviewed. Under the federal mandate, all mercury vapor lights must be replaced. Consumers Energy will replace all lights with sodium vapor, which will result in an energy savings to the city of approximately \$4 per light per month. The replacement program will take three to four years. The city may suggest areas of the city that may have a higher priority replacement. |
| 2 | Wastewater treatment plant electrical work | Rewire the busway between the main transformer and main switch gear. | Equipment was been purchased and installation work has been completed. |
| 2 | 2000 street improvement bonds | Issue \$990,000 in capital improvement bonds which were previously approved. | The city council approved issuance of the bonds, with proceeds to be used to pay for the 2013-14 street improvement program. The bond sale occurred, and money was received December 30. |

| | | | |
|---|---|---|---|
| 2 | National Register of Historic Places designation for downtown | The state of Michigan, on behalf of the city, has prepared an application to have the downtown area listed on the National Register of Historic Places. | The application has been prepared and reviewed. The application is scheduled to go before the Michigan Historic Preservation Commission on January 7 prior to submission to the National Park Service. |
| 2 | Foreclosed and vacant property ordinance | There is a problem with foreclosed and vacant residential properties being left unmaintained and blighting neighborhoods. | The number of registered properties continues to hover around 60. The police are making scheduled checks on each property, which have resolved several issues--unlocked doors, trash, and trespassing. In December 2013 the number of registered properties increased to 70. |
| 2 | Front end loader | Purchase a front end loader through a state contract. | Obtain documents necessary to purchase needed equipment through a state contract. |
| 2 | Gould Street bridge | Renovate the bridge to repair deterioration and to meet safety standards. | State and federal funds have been approved for 2014 to cover 95% of the estimated \$343,890 project cost. MDOT is seeking bids and will award the project in April. Work is underway for seeking another grant for additional repairs and adjacent roadway improvements. |
| 2 | Healthcare taskforce | A taskforce has been created to address employee benefits. | The taskforce has held an initial meeting and will be meeting January 22. |
| 3 | Facade grants | The city has qualified for state facade grants in the downtown area. | Work is underway on the Gutting Building at 110 E. Exchange Street, the Civile Building at 111 E. Main Street, the Nail Boutique Building at 112 S. Washington, the Sobak Building at 112 W, Exchange, and the Norm Henry Building at 117 N. Washington. An informational session for a new round of funding is scheduled for December 3 at 3:00 p.m. in the city council chambers. |
| 3 | Red barrel project | Install red barrel in public safety building lobby for proper disposal of unused medications. | A red barrel has been placed in the public safety building lobby into which outdated and unused prescription drugs can be placed. The project has proven very successful, with approximately 40 pounds collected and taken to a certified incinerator for disposal. |
| 3 | Wastewater treatment plant assessment | Determine what needs to be done to the wastewater treatment plant to meet the future needs of the city. | The SAW grant applications have been completed and will be submitted by December 3, 2013. The state is determining how to proceed as amounts applied for will likely far exceed available funds. |
| 3 | Email utility billings | Implement system to allow utility bills to be sent by email which would also allow online payments. | Information was sent with the October utility bills and 45 customers have signed up so far. |
| 3 | Zoning ordinance rewrite | Rewrite the zoning ordinance to implement a part of the master plan. | The commission addressed revisions in the West Main Street corridor on November 25. Work sessions and hearings are scheduled to address zoning revisions for East Main Street and Corunna Avenue. |
| 3 | Entranceway signs | Purchase new entranceway signs and install them near the city limits along the five state highway entrances to Owosso. | The plan is to have signs similar to the wayfinding signs designed by the DDA/Main Street constructed and installed. Design of the signs is proceeding, and property owners have been contacted concerning the necessary easements. |
| 3 | Connection to bike trail west of city | Prepare a plan and work toward connecting various areas of the city with the Owosso-to-St. Johns bicycle trail, which currently ends at the M-21 S curve. | Share-the-roadway signs have been installed within the city and soon will be installed in Owosso Township. |
| 3 | Disc golf course | Install a disc golf course in Rosevar Park and on adjacent Oak Hill Cemetery property. | Volunteers began installing the course August 25. Work is underway with the goal of completion by year end. Some issues concerning use and liability on the cemetery property remain. |
| 3 | M-52 and M-21 improvements and resurfacing | MDOT has scheduled improvements for 2014 rather than 2013 as initially planned. | Work with MDOT regarding utility relocations and replacement. Construction is to begin in April with completion scheduled for October. |
| 3 | Museum director employment | Employ a person to work approximately halftime as a museum director | The position has been filled. |

| | | | |
|---|--|--|--|
| 3 | Chestnut Street water main | Install new water main along South Chestnut from Frederick to South Street. | Materials have been ordered and the defective water main will be replaced in coming months. |
| 3 | Copy machine purchase | The large city copiers have exceeded their life expectancy and require replacement. Proposals for lease or purchase are being sought. | Three Ricoh copiers were purchased, the units have been installed and users have been trained. |
| 3 | Howard Street drainage | For many years there has been a drainage problem along Howard Street. With additional development along Corunna Avenue, the problem appears to be getting worse. | A study is underway to determine how the drainage issue can be solved. |
| 3 | Downtown rental program | Assist building owners to convert unused upper floors of buildings into apartments. | All projects are completed. Applications are being prepared for several projects with plans for submission in January or February 2014. |
| 3 | Bentley Park | Repair restrooms, pavilion, gazebo, tennis and basketball courts. | The city was awarded a \$29,300 Recreation Passport grant from the state of Michigan. The contractor has completed the restrooms, tennis and basketball courts. All work is completed, except for repairs to the gazebo and the sidewalk to the gazebo. |
| 3 | Crack sealing and patching | Seal cracks and repair street defects throughout the city. | The crack sealing work has been completed. |
| 3 | South Washington Street modification | Because of the roadway alignment and traffic movements, there is a high accident count on South Washington Street between Corunna Avenue and Gute Street. | Because of the need to reconstruct a portion the project has been postponed until the spring and summer of 2014. |
| 3 | North Street culvert | A culvert under North Street west of Chipman is showing signs of major deterioration. | Working with the Shiawassee County drain commissioner, plans are being prepared for improvements to the culvert. |
| 3 | Rain garden renovations | Renovate Jerome Street rain garden to remove invasive species and other plants. | All plant life has been cut to ground level. In the spring, all growth will be killed and improvements made. |
| 3 | Southeast property acquisition | Purchase 35 acres between Vandekarr Road and the city's industrial park . | The purchase was completed and planning started on how to utilize the property. The next step will be to annex the property to the city, which is scheduled for November. |
| 3 | Dispose of unneeded equipment | Sell obsolete, unused and worn-out equipment. | Bids have been received and are being evaluated with anticipated awarding January 21. |
| 3 | Backhoe | Purchase a backhoe through a state contract. | Bids are being sought for evaluation. |
| 3 | Wayfinding signs | Install signs at key locations throughout the community to give directions to points of interest. | The first sign has been installed at the southwest corner of Main and Washington streets. The final insert has not been completed. |
| 3 | Salt spreaders | Purchase salt boxes and spreaders which will meet city's needs. | Specifications are being prepared with determination as to whether existing trucks can be used or whether new trucks will also be necessary. Estimated cost per unit is \$85,000. |
| 3 | Pension plan | Obtain actuarial report | On August 15, the Owosso Employees Retirement System board agreed to request that Gabrel, Roeder, Smith & Company review the actuarial assumptions. |
| 3 | Walkway extension from Gould Street eastward | Install a trail from the Gould Street bridge along the south side of the Shiawassee River crossing over city-owned property. | Construction is anticipated within the next six months. Additional work will likely be incorporated into the Gould Street bridge repair project in 2014. |
| 3 | Main Street bridge | A storm sewer line which has collapsed under the bridge requires repairs. | The bridge and sewer line have been inspected, and a plan for making repairs is being developed. Also examining repairs to the retaining wall along the city hall. |
| 3 | Owosso dam study | A study was made of the three Shiawassee River dams located in Owosso and a final report has been received. | The report has been received and presented to the city council and posted on the city's web page. Some factfinding is now necessary to assist decision making. Owosso will likely be required to make a series of decisions following completion of the factfinding. |
| 3 | Sewer separation program | Prepare for adopting a program to remove storm and ground water from the sanitary sewer system. | Concentration is being made on residential inspections to identify illegal footing drain connections and sump pump discharges into sanitary sewer system. |



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: January 2, 2014

TO: Mayor Frederick and the Owosso City Council

FROM: William C. Brown, City Attorney

SUBJECT: Proposed amendment to the Code of Ordinances to recoup the fines and costs assessed for violations of the new State law regulating the transportation of marijuana within a vehicle

RECOMMENDATION:

Staff recommends setting a public hearing for Tuesday, January 21, 2014 to gather citizen comment regarding the proposed addition of Sec. 19-112, Transportation or possession of usable marijuana, to the Code of Ordinances.

BACKGROUND:

The Michigan legislature recently amended the Michigan Penal Code to make it illegal to have marijuana accessible to those individuals in a motor vehicle. The City of Owosso should add such a provision to its Code of Ordinances to allow the City to receive its share of the fines and costs assessed for such violations.

Attached is a proposed Ordinance adding a new section which is identical to the State law.

FISCAL IMPACTS:

Estimates of revenue anticipated from the proposed amendment are difficult to make at this time. But it bears mentioning that fines resulting from enforcement of the ordinance will stay in the City.

Document originated by: Amy K. Kirkland, City Clerk

RESOLUTION NO.

**SETTING A PUBLIC HEARING FOR
A PROPOSED ORDINANCE TO AMEND
CHAPTER 19 OFFENSES OF THE CODE OF ORDINANCES
TO RECOUP THE FINES AND COSTS ASSOCIATED WITH VIOLATIONS OF THE NEW STATE LAW
REGULATING THE TRANSPORTATION AND/OR POSSESSION OF USABLE MARIJUANA**

WHEREAS, the Michigan legislature recently amended the Michigan Penal Code to make it illegal to have marijuana accessible to the occupants of a motor vehicle; and

WHEREAS, any fines resulting from the enforcement of said amendment within the City limits will not be directed to the City without an addition of a local ordinance; and

WHEREAS, it is recommended the City adopt a new ordinance section identical to the State law to allow for the collection of fines and costs assessed for violations of the new law.

NOW THEREFORE, THE CITY OF OWOSSO ORDAINS that Section 19-112, Transportation or possession of usable marijuana, of Chapter 19, Offenses, Article VI, *Offenses against public morals*, of the Code of the City of Owosso be added as follows:

SECTION 1. ADDITION. That new Section 19-112, Transportation or possession of usable marijuana, shall read as follows:

Sec 19-112. Transportation or possession of usable marijuana.

Pursuant to Act 1909 PA 279; Section 474 of the Michigan Penal Code, 2012 PA 460, MCL 750.474, is hereby adopted as follows:

- (a) A person shall not transport or possess usable marijuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marijuana is 1 or more of the following:
- (1) Enclosed in a case that is carried in the trunk of the vehicle.
 - (2) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.
- (b) Violation of this ordinance is punishable by one (1) or more of the following:
- (1) community service for not more than 360 hours;
 - (2) imprisonment for not more than 93 days;
 - (3) a fine of not more than \$500.00

SECTION 2. PUBLICATION. The City Clerk shall publish this Section 19-112 in the manner required by law and shall publish, at the same time, a notice stating the purpose of this addition to the Code.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

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

SECTION 5. PUBLIC HEARING. A public hearing shall be held on Tuesday, January 21, 2014 at 7:30 p.m. at Owosso City Hall, 301 West Main Street, Owosso, to gather citizen comment regarding the proposed amendment.



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

MEMORANDUM

DATE: December 5, 2013

TO: City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Traffic Control Order # 1304

The City of Owosso would like to amend the parking on both sides of Comstock Street between Washington Street and Park Street to accommodate the floral shop and JC Penney. Parking would be limited to two hour parking Monday through Friday between the hours of 8 a.m. -5 p.m. Previous traffic control orders authorized in 1966 and 1985 prohibited parking on both sides of the street but circumstances have since changed warranting an adjustment.

We recommend City Council rescind Traffic Control Order No. 325, amend Traffic Control Order No. 700, and approve Traffic Control Order No. 1304 to allow 2-hour parking on Comstock Street between Washington Street and Park Street.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

| ORDER NO. | DATE | TIME |
|-----------|-----------|---------|
| 1304 | 12/5/2013 | 9:09 AM |

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Rescind Traffic Control Order No. 325 and amend Traffic Control Order No. 700

Traffic Control – Two-hour parking on Comstock Street between Washington Street and Park Street Monday through Friday between the hours of 8 AM – 5 PM.

LOCATION OF CONTROL

Comstock Street between Washington Street and Park Street

APPROVED BY COUNCIL _____ 20 _____

REMARKS

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

| ORDER NO. | DATE | TIME |
|---------------|-----------|---------|
| 700 - Amended | 12/5/2013 | 9:09 AM |

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

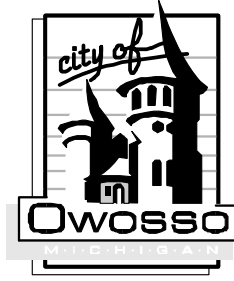
No stopping, standing, or parking on East Comstock Street from ~~Washington~~ **Park** Street to Hickory Street on the south side

LOCATION OF CONTROL

Comstock Street between Park Street and Hickory Street

APPROVED BY COUNCIL _____ 20 _____

REMARKS



WARRANT 476
December 30, 2013

| Vendor | Description | Fund | Amount |
|----------------|-------------------------------------|-------------|---------------|
| Rehmann Robson | Final billing for audit of FY 12/13 | General | \$7,000.00 |
| | | Total | \$7,000.00 |



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: December 2, 2013
TO: Owosso City Council
FROM: Charles P. Rau, Building Official
SUBJECT: Demolition Bid – 1711 Frederick Street

RECOMMENDATION:

Approval of demolition of the structure at 1711 Frederick Street, acceptance of the low bid from Fisher Gravel & Demolition for \$4,433.00, and the establishment of a lien on the property for the cost of the demolition.

BACKGROUND:

The Public Safety Department and the Building Department have taken all required actions as listed in the International Property Maintenance Code for the demolition of the vacant home at 1711 Frederick Street.

Section 110.1 of the *International Property Maintenance Code* states; The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

The City of Owosso Code Official has determined that the home at 1711 Frederick Street fits the criteria set forth in **Section 110.1** of the *International Property Maintenance Code* and as such has ordered its demolition.

FISCAL IMPACTS:

Payment for the demolition shall be paid from the Capitol Outlay-Land Fund, account 101-299-971000.

Document originated by: Charles P. Rau, Building Official

RESOLUTION NO. ____

**RESOLUTION AUTHORIZING
THE DEMOLITION OF THE STRUCTURE AT 1711 FREDERICK STREET AND
AUTHORIZING THE EXECUTION OF A CONTRACT FOR
SERVICES BETWEEN THE CITY OF OWOSSO, MICHIGAN
AND NORTHWOOD MOBILE HOMES ESTATES, INC. DBA FISHER GRAVEL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a home located at 1711 Frederick Street has deteriorated to a condition that it is unusable and has a blighting effect upon the neighborhood and community at large, and it has further been determined to be a public nuisance; and

WHEREAS, the Building Department and the Public Safety Department have exhausted all enforcement options and have taken all required actions as listed in the International Property Maintenance Code; and

WHEREAS, an order for demolition has now been issued; and

WHEREAS, proposals for the demolition of the structure were sought and received; and

WHEREAS, Northwood Mobile Homes Estates, Inc. dba Fisher Gravel submitted the low bid in the amount of \$4,433.00.

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 employ Northwood Mobile Homes Estates, Inc. dba Fisher Gravel to demolish a structure at 1711 Frederick Street.
- SECOND: The mayor and city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the city of Owosso, Michigan and Northwood Mobile Homes Estates, Inc. dba Fisher Gravel at a total cost not to exceed of \$4,433.00.
- THIRD: The city manager is authorized to execute any required permits to proceed with the demolition.
- FOURTH: The above expenses shall be paid from the Capitol Outlay-Land Fund, account 101-299-971000.



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: January 3, 2014

TO: Mayor Frederick and the Owosso City Council

FROM: Joshua D. Adams, Owosso Main Street Director

SUBJECT: Resolution to Advance Funds to the Downtown Development Authority

RECOMMENDATION:

Staff recommends the approval of a tax anticipation loan from the City to the DDA in the amount of \$25,000.

BACKGROUND:

Since its inception, funds allocated to the Owosso Downtown Development Authority (DDA) have been managed by the City of Owosso (City) through a central distribution account.

In July 2012, in an attempt to create autonomy through its Main Street organization, Owosso Main Street (OMS)/DDA took control of allocated funds from the City's central distribution account. This autonomy allows OMS/DDA to better plan its yearly budget, monitor expenses, and stay within the required parameters of the National Main Street template. However, over the past year OMS/DDA has had a conflict between the dates of our major bond reimbursements to the City (two times a year – March and October) and the date in which OMS/DDA receives its primary tax capture funds (one time a year – March). As a result, this conflict has created cash flow deficiencies for OMS/DDA for the first quarter of 2013 and 2014.

Prior to the 2012 separation, such cash flow issues were non-existent due to the City's use of the central distribution account which allowed for flexibility in reimbursement timeframes.

In recent months, OMS/DDA has worked with the City's finance director, Mr. Richard Williams and developed a bond payment schedule that will prevent similar cash flow deficiencies in the future.

FISCAL IMPACTS:

Please note: This is not a budget issue, but a cash flow problem related to the dates in which OMS/DDA receives and distributes its funds.

As mentioned above, although future cash flow issues have been remedied, OMS/DDA does have a cash flow deficiency for the first quarter of 2014. As a result, a resolution has been drafted for City Council to approve a cash advancement of \$25,000.00 to the OMS/DDA for program operating expenses.

Please Note: The City captures OMS/DDA funds from December to the end of February, a check is then written to the OMS/DDA in March. The advancement will be taken from OMS/DDA allocated funds that the City has already started capturing.

Due to the need of this advancement for OMS/DDA to continue its current operating expenses, as well as the action taken between OMS/DDA and the City to prevent further cash flow deficiencies it is my recommendation that City Council approve the advance of funds to the OMS/DDA.

Thank you for your dedication to our downtown.

Document originated by: Joshua D. Adams
Owosso Main Street Manager

RESOLUTION NO.

RESOLUTION TO ADVANCE FUNDS TO THE OWOSSO DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the city of Owosso Downtown Development Authority is a quasi-independent entity of the city of Owosso; and

WHEREAS, the Owosso Downtown Development Authority according to PA 197 of 1975 has, among other powers, the ability to submit a development and tax increment financing plan to the governing body for approval; and

WHEREAS, the Owosso Downtown Development Authority submitted an amended plan in November 2003 to the City to capture tax increments from taxing jurisdictions provided in the law; and

WHEREAS, the final settlement of the net tax capture from all jurisdictions is not known until such time as the City Treasurer delivers the delinquent tax roll to the County Treasurer on or about March 1st of each year and at such time is credited to the general fund of the Authority for purposes of financing the development plan of the Authority; and

WHEREAS, the City may, at the request of the Authority, borrow money and issue notes therefore pursuant to Act 34 of the Public Acts of 2001, as amended, being sections 141.2409 of the *Michigan Compiled Law*, in anticipation of the collection of taxes; and

WHEREAS, the Owosso Downtown Development Authority has determined that a need exists for \$25,000 in anticipation of the collection and payment of the tax capture, and that for the Authority to borrow money and issue its own notes pursuant to Act 34 of the Public Acts of 2001 would be costly and time consuming; and

WHEREAS, a financially prudent measure is for the city of Owosso to advance the Owosso Downtown Development Authority \$25,000 until the taxes are credited to the general fund of the Authority.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF OWOSSO DIRECTS that the city of Owosso advance the Owosso Downtown Development Authority \$25,000 until the tax next due is credited to the general fund of the Authority.



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: January 3, 2014

TO: Mayor Frederick and the Owosso City Council

FROM: Donald D. Crawford, city manager

SUBJECT: 111 South Lansing Street property acquisition

RECOMMENDATION:

Acquire property at 111 South Lansing Street for a future parking lot to serve Westown. The purchase agreement is attached to the resolution.

BACKGROUND:

Approximately 15 years ago the city approached the owners of this property to see if it could be acquired for needed parking. The owners were unwilling to sell at that time. The current owner has vacated the home and approached the city to see if the city was still interested in purchasing it. The home located at 111 S. Lansing Street is being offered to the city at a price equal to the true cash value, as determined by the city assessor.

As part of an overall plan for investment in Westown, the master plan indicates that more parking is needed behind the buildings on the south side of M-21 (see attached master plan provisions). The concept is to acquire this lot(excluding a portion under ownership) behind the buildings and construct public parking similar to the lot behind the Korner Pub at State Street and M-21.

Presently, one of the targeted pieces of real estate that could provide such parking, 20 to 30 spaces, depending on layout.

FISCAL IMPACTS:

The total project cost could be as high as \$125,000.

Acquisition of this property is expected to be approximately \$60,000. Demolition if the dwelling is not moved to another location would run \$5,000-\$8,000 based upon comparable bids. The application of an aggregate surface would cost approximately \$21,000, with asphalt running closer to \$45,000. Expenses related to limited landscaping and a screening fence to protect the adjacent residential property for headlights would also be needed. A complete cost estimate, as prepared by the staff engineer is attached and details these expenses (conservatively).

Some comparable purchases and projects previously undertaken by the city have been assessed to nearby property owners. The application of assessments has been met with mixed responses. This remains an option.

The city also would have the option of renting out this house indefinitely till such time as capital investments can be made, though this is not recommended or in accordance with the goal of added parking.

Document originated by:

Adam Zettel, Director of Community Development
As modified by Donald Crawford, city, manager
Adam.zettel@ci.owosso.mi.us

RESOLUTION NO.

**AUTHORIZING THE PURCHASE OF REAL PROPERTY
COMMONLY KNOWN AS 111 SOUTH LANSING STREET**

WHEREAS, the City of Owosso was made aware of a parcel of property available for sale within the City, commonly known as 111 South Lansing Street; and

WHEREAS, said property offers the potential for a significant parking upgrade on the south side of Main Street in the Westown area, a distinct need noted in the 2012 Master Plan; and

WHEREAS, said property is adjacent to current commercial properties and could be further utilized as a buffer between the commercial corridor and the residential areas to the south; and

WHEREAS, the City Council desires to purchase said property and a reasonable price of \$58,093 has been negotiated with the seller.

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 it is advisable and in the public interest to purchase the parcel commonly known as 111 South Lansing Street in the amount of \$58,093 plus closing, recording, and other miscellaneous costs.
- SECOND: The purchase is contingent upon the receipt of a satisfactory title and search and other items included in the purchase agreement.
- THIRD: The Mayor, City Clerk, and City Manager are hereby instructed and authorized to sign necessary documents and take necessary actions to complete the purchase.
- FOURTH: Payment for said property will be made with funds from the 2013 Unlimited Tax General Obligation Bond Fund.

AGREEMENT FOR PURCHASE OF REAL ESTATE

THE CITY OF OWOSSO, a Michigan municipal corporation, of 301 West Main Street, Owosso, Michigan 48867 ("Purchaser"), hereby offers and agrees to purchase, and Dorothy Back of 111 South Lansing Street, Owosso, Michigan 48867, ("Seller"), hereby agrees to sell, land situated in the City of Owosso, Shiawassee County, Michigan upon the following terms and conditions set forth in this Agreement for Purchase of Real Estate ("Agreement"):

1. PROPERTY DESCRIPTION: Real property located in the City of Owosso, Shiawassee County, Michigan, and more particularly described as:

Lot 30 of Erastus Barnes Addition to the City of Owosso, excluding the East 24 feet thereof.

2. PURCHASE PRICE: Purchaser shall pay therefor the sum of Fifty Eight Thousand Ninety Three and No/100 (\$58,093.00) Dollars (the "Purchase Price") cash to be paid at closing.

3. METHOD OF CLOSING: The sale shall be consummated by the delivery of a Warranty Deed conveying fee simple marketable title with the balance of the purchase price to be paid in cash or by certified check at the time of closing. Closing shall occur within _____ days of Owosso City Council approval of this Agreement for Purchase of Real Estate.

4. PRORATIONS AT CLOSING: All taxes and assessments, including but not limited to any and all special assessments, even if payable in installments after closing, which have become a lien upon the land, whether recorded or unrecorded, at the date of this agreement shall be paid by the Seller. Current taxes, if any, shall be prorated and adjusted as of the date of closing in accordance with DUE date basis of the municipality or taxing unit in which the Property is located. For purposes of this agreement all real Property taxes are to be considered paid in advance.

5. CLOSING FEES: Any closing fees charged for services rendered by a bank or escrow company shall be equally paid by Purchase and Seller. Seller's attorney fees, all conveyance taxes and/or transfer taxes, if any, imposed by the County of Shiawassee, State of Michigan, or any other governmental authority, in respect to the sale or transfer of the Property to Purchaser shall be paid by Seller not later than closing.

6. **CONDITIONS PRECEDENT.** Purchaser's obligations under this Agreement are conditioned upon the Owosso City Council approving this Agreement.

7. **CLOSING:** The consummation of the purchase and sale of the Property pursuant to this Agreement (the "Closing") shall be held within 30 days after Owosso City Council approval. Closing shall take place at Oliver Woods, 1309 West Oliver Street, Owosso, Michigan, or such other location, as the Seller and Purchaser may mutually agree.

8. **TITLE INSURANCE:** As evidence of title, Seller shall obtain, at Seller's sole cost and expense, a commitment for Title Insurance issued by a company acceptable to Purchase for a policy of title insurance from an underwriter acceptable to Purchaser, insuring title without exceptions. The commitment shall be for an amount not less than the purchase price and shall bear a date later than the Effective Date. The commitment for title insurance shall be updated immediately prior to closing and shall show no exceptions, objectional matters or defects, other than those which may be permitted by Purchaser. All costs associated with the title policy in the form required shall be the sole responsibility of the Seller.

9. **OBJECTIONS TO CONDITION OF TITLE:** If objection to the title is made by the Purchaser, then Seller shall have 30 days after it is notified in writing of the particular defects claimed to employ its good faith efforts to procure a cure for the defects. In the event the Seller is unable through the exercise of its good faith efforts to procure a cure for the claimed defects to the Purchaser's satisfaction within 30 days after notice is given to Seller, then, at Purchaser's sole option, Purchaser may (i) take title to the Property despite the existence of objectional matters, (ii) cure the objectionable matters and reduce the Purchase Price in accordance with the amount of money, including but not limited to all attorney fees and costs expended in procuring a cure, or (iii) terminate the agreement, in which case, notwithstanding anything herein to the contrary, this Agreement shall be deemed null and void and of no further force and effect.

10. **SELLER'S REPRESENTATIONS, WARRANTIES AND COVENANTS.** Seller represents, warrants and covenants to Purchaser that:

(a) Seller (i) has complete and full authority to execute this Agreement and will have at Closing, complete and full authority to convey to Purchaser Good and Marketable Fee Simple Title to the Property that is free and clear of all liens, encumbrances or other exceptions to title other than those exceptions permitted by the Purchaser, in its sole discretion, (ii) will execute and deliver any documents, instruments, and agreements including, but not limited to, affidavits and certificates necessary to consummate the transaction contemplated herein, and (iii) will take all additional action that is reasonably necessary or appropriate to effect and facilitate the consummation of the sale and purchase transaction contemplated herein, as may be required by the Title Company.

(b) Seller has not been notified of and has no knowledge pertaining to any possible existing or future improvements that might create an assessment against any part of the Property.

(c) Seller will not further sell, encumber, convey, or assign, or contract to sell, encumber, convey, assign, pledge, or lease all or any part of the Property or restrict the use of all or any part of the Property or take or cause to be taken any action in conflict with this Agreement at any time between the Seller's acceptance hereof and (i) Closing or (ii) the earlier termination of this Agreement pursuant to its terms. Seller additionally hereby represents and warrants that no rights-of-first refusal or similar agreements exist in connection with the Property which would in anyway interfere with Purchaser's ability to purchase the Property as provided herein or which are in any way in contravention of the spirit and intent of this Agreement.

(d) To the best of Seller's knowledge, during Seller's ownership of the Property and through the date of Closing (i) none of the Property has been or will be excavated or used as a landfill, (ii) no fill has been or will be deposited on or taken from the Property, (iii) no construction debris or other debris (including, without limitation, rocks, stumps, or concrete) has been or will be buried upon any of the Property, and (iv) no Hazardous Substances have been or will be generated, manufactured, refined, treated, stored, handled, disposed of, produced, processed, deposited and/or released in, on or about the Property. Seller represents and warrants that to the best of its knowledge none of the foregoing has occurred with respect to the Property prior to the time Seller became the owner of the Property.

(e) Seller is not a "foreign person" as that term is defined in the Internal Revenue Code, Section 1445(F)(3) and the sale of the Property is not subject to any withholding requirements imposed by the Internal Revenue Code, including, without limitation, Section 1445(F)(3).

(f) Seller is not a party to or bound by any contract or agreement of any kind or whatsoever, written or verbal, which might affect the Property.

11. MISCELLANEOUS:

(a) **Governing Law:** This purchase agreement shall be governed by, construed and enforced in accordance with the laws of the State of Michigan.

(b) **Entire Agreement:** This Agreement constitutes the entire, integrated agreement between the parties, and supersedes all prior written and unwritten negotiations, agreements, proposals and understandings. This Agreement shall not be orally amended, modified, superseded, or canceled, it being specifically understood that any of the terms, covenants, representations and conditions contained herein may be amended only by written instrument executed by all parties.

(c) **Binding Effect** : The covenants and conditions herein shall bind and inure to the benefits of the executors, administrators, successors and assigns of the respective parties. If the parties herein be more than one or if they be of the feminine sex, or a corporation or other business entity, such words and pronouns and other relative words shall be read as if written in the plural, feminine, and neuter, respectively.

(d) **Counterparts**: This Agreement may be executed in counterparts each of which may be deemed an original, and all such counterparts together shall be deemed one and the same agreement.

(e) **Survival**: All warranties, covenants and representations made herein shall survive closing.

12. **BROKERS**: Purchaser and Seller represent that no real estate brokers have been used in this transaction.

The parties executed this Agreement for Purchase of Real Estate as of the _____ day of _____, 20_____, (“Effective Date”).

WITNESSES

PURCHASER: The City of Owosso

BY: _____
Benjamin Frederick

ITS: Mayor

ATTEST:

Amy K. Kirkland
ITS: City Clerk

WITNESSES

Maureen Newman
William Bach

SELLER: Dorothy Bach

BY: Dorothy Bach

ITS: _____

PREPARED BY:

William C. Brown P 33871
Owosso City Attorney
114 East Main Street, Suite 218
Owosso, Michigan 48867
(989) 729-0071

**COST ESTIMATE FOR REDEVELOPMENT
CITY LOT ADDRESSED AS 111 S. LANSING STREET
CITY PARCEL NUMBER 78-050-050-000-037-00**

The City wishes to purchase and redevelop the city parcel addressed as 111 S. Lansing Street. The following cost estimate considers the cost to demolish and redevelop the area into a surfaced lot.

Existing Conditions:

The lot is occupied by a 1-½ story bungalow style house with paved driveway access to the street. The house was built circa 1920. Public use sidewalk exists full-length along the street frontage. There is a power company utility pole in the lot's parkway with electrical service to the house. Substantial plantings, combination of trees and shrubs, exist along the north and south borders of the property. There is a low quality fence along the east border that appears to be part of the adjacent lot. There are a couple trees of substantial size in the lot that will have to be removed for redevelopment.

Assumptions and Criteria:

1. The age of the house (pre-1970) makes for a condition of potential asbestos removal. Discussion with the City's building official makes it a low-to-medium possibility that asbestos may exist with the unit's HVAC system and building insulation. I will include an optional cost for asbestos mitigation.
2. The lot should be graded so that all storm water runoff is captured by an on-sight drainage structure that is connected to the City's street catchbasin and storm sewer system.
3. All vegetation should be removed wherever there is conflict with the surfaced lot.
4. Question is whether the lot will be gravel surfaced or paved, so the paving cost is offered as an optional cost item.
5. A chain-link fence with screening will be placed along the lot's south border with 5' offset. The existing vegetation along this border is assumed to be in an area where it may remain.
6. Construction traffic will probably cause damage to the existing drive approach. Redevelopment may benefit from relocating the drive approach. Driveway relocation is offered as an optional cost item at this time.

Estimated Costs for Redevelopment

| <u>Item</u> | <u>Cost</u> |
|---|-----------------|
| Demolish house and surroundings | \$8,000 |
| Earth excavation, grading | \$5,000 |
| Storm structure and sewer connection | \$4,000 |
| Aggregate base course, 4 inch | \$8,500 |
| Landscaping | \$1,000 |
| Fencing and screening | <u>\$2,500</u> |
| Base Cost | \$29,000 |
| Contingency (10%) | <u>\$3,000</u> |
| Total Est. Base Cost | \$32,000 |
| <u>Optional Items</u> | |
| Asbestos Mitigation | \$5,000 |
| Driveway relocation and replacement | \$1,200 |
| Bituminous Surfacing, 4 inch | <u>\$22,000</u> |
| Total Optional Costs | \$28,200 |
| Contingency (10%) | <u>\$2,800</u> |
| Total Est. Optional Costs | \$31,000 |
| Total Estimated Cost Including All Options | \$63,000 |

MASTER PLAN GUIDELINES FOR WESTOWN COUNCIL APPROVED NOVEMBER 19, 2012

6.2 WESTOWN

Circumstances:

Westown is a railroad era community with a high degree of historical significance and traditional urban function, very similar to a downtown area. This area primarily sits on the M-21 corridor, but also incorporates some areas on Elm Street, including Woodard Station, and the blocks behind the M-21 frontage.

There is a corridor improvement authority for Westown that is dedicated to the area's improvement. However, because this authority does not have a viable tax increment financing plan, the area has tended to have more success involving a less formal merchants' association.

The survey conducted by city staff indicates that this is the foremost geography of the city that respondents are interested in investing in rehabilitation. This area functions as a gateway to the city for travelers from the west and also serves as a neighborhood center of commerce, with potential to serve a larger market with niche goods and services, perhaps related to the arts.

Assets:

- Westown is in an area of high visibility with high traffic counts.
- This area has a good collection of history, mixed-use buildings that are built to the pedestrian scale.
- Parking is available on M-21 and in a lot north of the streetwall buildings.
- There is a core group of active business owners and other stakeholders that meet regularly to address issues in the neighborhood.
- The area is thought to have good ties to employees of Memorial, students from Baker, and the neighborhoods to the north and south.
- The rail in the community was identified as an asset, especially when the North Pole Express is operating

Challenges:

- Westown has many blight and functionality issues with its buildings and properties that the open market will not likely be able to solve. It is also an area with a strong negative stigma.
- Parking is an issue, especially on the south side of M-21 where the primary lot is unimproved and small.
- Traffic moves faster than posted speeds, and crosswalks are limited, creating an environment that is not ideal for pedestrians.
- Infrastructure is generally in poor condition, with little or no landscaping or public green space.
- This area does not have as many financial resources as other parts of the community.

Opportunities for Change:

- Potential for a streetscape similar to that in the downtown, including waste receptacles.
- Connection of Westown to the wayfinding signage system and any future trails/bike routes.
- Stricter code enforcement efforts in the area to improve the appearance of structures and property.
- Consider building an distinct identity for Westown and find a marking mechanism.
- Provision of additional beautification and landscaping.
- Provision of programming to maintain the traditional buildings in a downtown state, such as design guidelines, façade programs, rental rehab credits, B-3 zoning, and historic preservation.
- The reduction of speeds through traffic calming or other measures, consider another pedestrian crossing of M-21.
- Construction and/or improvement of parking behind the south side buildings on M-21.



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: January 3, 2014

TO: City Council

FROM: Susan Montenegro

SUBJECT: Public hearing and special meeting for the Downtown Infrastructure Grant, Part II

RECOMMENDATION:

It is my recommendation that council approve setting a special meeting for Monday, January 13, 2014 at 7:30 p.m. to consider a resolution authorizing Part II of the DIG grant application.

BACKGROUND:

Part I of the DIG grant application was submitted last year and after reviewing it the State has now given the City the green light to move forward with Part II of the application.

Part II of the application process requires a public hearing in which the following items must be included:

- The amount of funds available for proposed community development.
- The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit LMI persons.
- The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by persons actually displaced as a result of such activities (in this instance the number would be zero).
- If applicable, the applicant must provide citizens with information regarding the applicant's performance in prior CDGB programs funded by the State.

Council participation in the hearing is not required, but an authorizing resolution must be considered by Council after the hearing is held and citizen comment taken into account. The deadline for submission of Part II of the application is January 17th. The public hearing has been scheduled Monday, January 13, 2014 between 3:00 p.m. and 4:00 p.m. and I am proposing Council schedule a special meeting to consider the authorizing resolution on Monday, January 13th at 7:30 p.m., with the interim time used to accommodate any citizen requests.

FISCAL IMPACTS:

The potential grant award is \$695,265. Fulfilling the public hearing will help complete Part II of the application process and will help ensure the full amount of the grant award.

Document originated by: Susan Montenegro, Asst. City Manager/Community Development Director



COMMUNICATION

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: January 2, 2014
TO: Mayor Frederick and the Owosso City Council
FROM: Donald D. Crawford, City Manager
SUBJECT: Annual Liquor License Inspections

INFORMATION:

The Liquor Licenses and Permits - Rules and Regulations approved by the City Council in 1998 provides, in part, as follows:

RENEWAL OF LICENSE AND PERMITS. The City Manager shall implement the provisions of this paragraph in such a manner as to provide for investigating each licensed establishment once every three years. Not less than one hundred twenty days prior to the renewal by the Liquor Control Commission of a liquor license and its permits, the City Manager shall cause to be conducted an investigation in accordance with paragraph 6 below. A written report of the results of the investigation shall be forwarded to the City Council. Following its review of the report, the City Council shall determine whether there is sufficient cause to request that the Liquor Control Commission not renew the license. If so, the City Council shall schedule and conduct a public hearing pursuant to paragraph 7.

When the inspection process was initiated, it was anticipated that approximately one-third of the licensed establishments would be inspected each year. The Public Safety Director and Building Official recently completed inspections for eight licensed establishments. A list of the establishments that were inspected is attached. Full text of the report is available in the Clerk's Office.

In as much as the establishments were found to be in compliance with the rules and regulations, I am recommending no further action regarding the renewal of their licenses.

ATTACHMENTS:

2013 Annual Liquor License Inspection Memo to Staff
Liquor Licenses and Permits – Rules and Regulations, 1998

Document originated by: Amy K. Kirkland, City Clerk



MEMORANDUM

TO: Kevin D. Lenkart, Public Safety Director
Charles P. Rau, Building Official

FROM: Amy K. Kirkland, City Clerk

DATE: September 17, 2013

RE: Annual Liquor License Inspections

Each year the City inspects 1/3 of the liquor license holders within the City limits in accordance with the [Liquor Licenses & Permits - Rules & Regulations](#) adopted by the Owosso City Council on December 21, 1998 and the [Liquor License On-Premise Revocation & Renewal Standards](#) adopted January 20, 2009 and issues a report to City Council regarding the status of the inspected establishments. (Copies of both documents are on the network under "Virtual Clerk – Policies – Policies".) Attached you will find a list of the establishments to be inspected this year.

Per the Liquor License On-Premise Revocation & Renewal Standards the inspection for Class C liquor license holders must determine the following:

1. Licensee meets all State guidelines as specified by the Michigan Liquor Commission Administrative Rules and the Michigan Liquor Control Code of 1998 or amendments thereto.
2. All licenses, fees, taxes and necessary inspections are current and in compliance.
3. Liquor Licenses issued by the State of Michigan are current.
4. If licensee is a Corporation, Partnership, LLC or other legal entity the licensee must indicate all shareholders, officers, partners, members or managers or other parties.
5. Licensee must be in compliance with all proper zoning and site plan review standards.
6. Licensee meets and complies with all fire and safety standards.
7. Whether the licensee, its agents or employees have violated any Federal, State, local law or regulation, relating to the operations of the Licensee.
8. Licensed establishment has engaged in improper conduct as defined in the policy.

Per the Liquor Licenses & Permits – Rules & Regulations the inspection for all other liquor license holders must entail:

- (a) An inspection of the premises to determine whether the operations conducted by the licensee and the general condition of the premises, both interior and exterior, are in compliance with all applicable city ordinances and state statutes and regulations. All inspection reports for the prior 12-month period from the county health department shall be obtained for review;

- (b) An inspection of the premises to determine that the licensee is in compliance with the license itself, its approved site plan and plan of operation as well as any conditions imposed by the city or the Liquor Control Commission at the time of issuance or transfer of the license;
- (c) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.

For the sake of simplicity I have put together an inspection check list for each establishment.

I will be requesting the requisite reports from the Health Department which I will forward on to you upon receipt.

Please conduct the inspections and return the completed forms and any related inspection information to me as soon as possible as I'd like to have the annual report delivered to City Council by the end of October.

If you have any questions feel free to contact me.

A handwritten signature in black ink, appearing to be the initials 'JG' or similar, enclosed in a faint rectangular border.

2013 LIQUOR LICENSE INSPECTION LIST

| Type of License | License # | Name of Establishment | Name of Licensee | Address of Establishment | Permits | Date of Inspection | Date for Re-inspection |
|-----------------|----------------------------|--------------------------|----------------------------------|--------------------------|--|--------------------|------------------------|
| SDM | 187691-2013 | Shell Food Mart | Wakeland Oil Company | 109 Corunna Ave | Sunday Sales (AM), Gas Pumps | 09/13 | 09/16 |
| CLS C | 7303-2013 | Sir Pizza/Chip's Place | Blahe & Blackburn, Inc. | 715 South Chipman St | Sunday Sale (PM), Specific Purpose Permit (Food) | 09/13 | 09/16 |
| BH RES | 39432-2013 | Tanglewood Restaurant | Tanglewood Development Co. | 300 East Main St | Sunday Sales (PM), OD-serv, Danc-Ent, AddBar, Specific Purpose Permit (Food) | 09/13 | 09/16 |
| CLUB SDM | 20994-2013 6305-2013 | VFW Post 9455 | VFW Post 9455 | 519 South Chipman St | Sunday Sales (PM), OD-Serv, Secific Purpose Permit (Food), Danc-Ent | 09/13 | 09/16 |
| CLS C SDM | 170374-2013 178439-2013 | Wrought Iron Grill | Woodard Lofts, LLC | 317 South Elm St | Sunday Sales (PM), AddBar, Danc-Ent, Dir-Con-1, OffPrem, OD-Serv, Specific Purpose Permit (Food) | 09/13 | 09/16 |
| SDD SDM | 216367-2013 216368-2013 | Kings Corner Market | Kiranbilla, Inc. | 701 N Washington St | Sunday Sales (PM), Sunday Sales (AM) | 09/13 | 09/16 |
| CC RES | 40670-2013 | Fortune House Restaurant | Szechaun Gardens of Owosso, Inc. | 212 West Main St | Sunday Sales (PM), Dir-Con-2, Dance | 09/13 | 09/16 |
| SDD SDM | 188559-2013 188560-2013 | Freddie's Party Store | Freddie's Party Store, LLC | 116 South Washington St | Sunday Sales (PM), Sunday Sales (AM) | 09/13 | 09/16 |

PUBLIC HEARING

LIQUOR LICENSE RULES AND REGULATIONS

A Public Hearing was held to receive citizen comment regarding proposed Liquor License Rules and Regulations. City Manager Gregg Guetschow introduced the proposed rules and regulations for discussion.

The following people addressed the City Council regarding the proposed rules and regulations:

Debbie Law, 1221 Willow Street, owner-Rainbow Bar
Mayor Davis, on behalf of Andy Kenney, manager-Jumbo's Bar
Al Fowler, Corunna
Doug Allie, 625 North Ball Street
Jack Ott, 1955 South Morrice Road

There was general City Council discussion.

Motion by Mayor Pro-Tem Heavilin to adopt the rules and regulations as follows:

**LIQUOR LICENSES AND PERMITS
RULES AND REGULATIONS**

1. **PURPOSE.** The purpose of these rules and regulations is to delineate specific procedures to be followed by City Council and administrative staff members in processing applications for, renewing and revoking liquor licenses and/or associated permits. These rules and regulations are intended to supplement existing statutes, rules and ordinances related to the granting of liquor licenses and permits.
2. **APPLICATION FOR NEW LICENSE OR PERMIT.** When the City Clerk receives an application from the Liquor Control Commission for a new liquor license or permit, s/he shall forward copies of said application to the Police Chief, Fire Chief and Building Official. The Police Chief, Fire Chief and Building Official shall conduct inspections of the premises to assure that they comply with applicable ordinances, statutes and regulations. If the premises are found to be in compliance, the Police Chief, Fire Chief and Building Official shall notify the City Clerk in writing utilizing such form or forms which s/he shall designate. If the premises are found not to be in compliance, the applicant shall be notified that no further action will be taken in processing the application until compliance is achieved and the premises are reinspected. Following such reinspection, the receipt by the Clerk of the compliance report, the payment by the applicant of reinspection fees of \$100.00 per reinspection and the completion of any investigations or inspections required by the Liquor Control Commission, the City Clerk shall forward the application to the City Council for its consideration.
3. **RENEWAL OF LICENSE AND PERMITS.** The City Manager shall implement the provisions of this paragraph in such a manner as to provide for investigating each licensed establishment once every three years. Not less than one hundred twenty days prior to the renewal by the Liquor Control Commission of a liquor license and its permits, the City Manager shall cause to be conducted an investigation in accordance with paragraph 6 below. A written report of the results of the investigation shall be forwarded to the City Council. Following its review of the report, the City Council shall determine whether there is sufficient cause to request that the Liquor Control Commission not renew the license. If so, the City Council shall schedule and conduct a public hearing pursuant to paragraph 7.
4. **REVOCAION OF LICENSE AND PERMITS.** The City Council may request that the Liquor Control Commission revoke a liquor license and/or its associated permits at any time during the term of that license if, following an investigation and a public hearing held pursuant to paragraph 7, it finds that the licensee has failed to comply with the standards set forth in paragraph 8.

5. **TRANSFER OF LICENSE AND PERMITS.** The City may approve the transfer of an existing liquor license and its associated permits pursuant to the procedures described in paragraph 2. In addition to any inspections required by the provisions of paragraph 2, the City Manager shall cause to be performed an investigation in accordance with the provisions of paragraph 6.
6. **INVESTIGATION.** When these rules and regulations require an investigation, it shall include the following:
 - (a) An inspection of the premises to determine whether the operations conducted by the licensee and the general condition of the premises, both interior and exterior, are in compliance with all applicable city ordinances and state statutes and regulations. All inspection reports for the prior 12-month period from the county health department shall be obtained for review;
 - (b) An inspection of the premises to determine that the licensee is in compliance with the license itself, its approved site plan and plan of operation as well as any conditions imposed by the city or the Liquor Control Commission at the time of issuance or transfer of the license;
 - (c) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.
7. **PUBLIC HEARING.** If the City Council holds a public hearing to consider objecting to the renewal of a liquor license and/or its associated permits or requesting revocation of a liquor license and/or its associated permits, the hearing shall be conducted as follows:
 - (a) The City Council may consider the investigation and other materials prepared by the City Manager, or his designee, pursuant to paragraph 6, which materials shall be made available to the licensee. The City Council may also hear from members of the City administration, other governmental agencies or the public, and licensee shall be afforded an opportunity to question those who present information or other evidence to the City Council;
 - (b) The licensee shall have the opportunity to present written information or oral evidence s/he believes relevant to the issues before the City Council;
 - (c) The public shall be afforded a reasonable opportunity to comment upon the issues before the City Council;
 - (d) If the City Council determines to object to the renewal of a liquor license and/or its associated permits or to request revocation of a liquor license and/or its associated permits, it shall state the reasons upon which the decision is based. A certified copy of an extract of the minutes of the public hearing containing the decision shall be sent to the licensee and to the Liquor Control Commission and must be received by the Liquor Control Commission not later than fifteen days following the decision.
8. **STANDARDS.** The City Council may object to the renewal of a liquor license and/or its associated permits or request revocation of a liquor license and/or its associated permits for one or more of the following reasons:
 - (a) Licensee's failure to comply with all applicable city and state laws, rules, and regulations concerning health, safety, moral conduct or public welfare;
 - (b) Licensee's repeated violations of state liquor laws, rules or regulations;
 - (c) Licensee's maintenance of a continuing nuisance upon or in connection with the licensed premises, including but not limited to any of the following:

- i) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - ii) A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - iii) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - iv) Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - v) Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
- (d) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of City code;
- (e) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the City Council or the Liquor Control Commission at the time of issuance or transfer of the license;
- (f) Licensee's failure to comply with all standards and plans established and approved by the City Council at the time of original approval or transfer of the license.

Motion supported by Councilperson Smith.


Roll Call Vote.

AYES: Mayor Pro-Tem Heavilin, Councilperson Crutts, Smith, and Mayor Davis.

NAYS: Councilpersons Anderson, Hanna and Stechschulte.

**MOTION TO APPROVE THE "LIQUOR LICENSES AND PERMITS RULES AND REGULATIONS"
PASSED ON A 4-3 AFFIRMATIVE VOTE.**

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of December 21, 1998.



 Amy K. Kirkland, City Clerk

DRAFT

Minutes of the **December 9, 2013**, regular meeting
of the **Owosso Historical Commission** held
at the Curwood Castle, 7:00 p.m.

Members Present: Director Mitchell Speers, Chairperson Joni Forster, and members Kerry Baker, Shaffer Fox, Elaine Greenway, Scott Newman, and Lorraine Weckwert

Members Absent: Gary Wilson (2 vacancies)

Guests Present: Jennifer Baker

The meeting was called to order at 7:00 p.m. by Chairperson Forster.

Baker moved agenda approval, supported by Newman and carried.

Citizen Comments: Acknowledgement and welcome by Chairperson Forster was given to the guest in attendance.

The communications were brought to member's attention.

Motion to amend, accept and place on file minutes of November 12, 2013, was made by Newman, seconded by Greenway and accepted.

Weckwert arrived at 7:07 p.m.

Baker reported her research into the purchasing a refrigerator for Curwood Castle and measurements were taken of the stairway to assure that any refrigerator purchased could be delivered to the basement. Members agreed to revisit this issue and Baker agreed to look into further price estimates.

Weckwert reported on the events held at Curwood Castle Park during Glow Owosso and Chairperson Forster reported on an event at the Gould House the same night.

Chairperson Forster noted that press releases and media contacts were the responsibility of the Chair or with the approval of the Chair, per the bylaws. Forster also noted that media related issues could also be handled by Director Speers.

Newman spoke to the group about his years of service with the Historical Commission and his desire to see Curwood Castle become a museum dedicated to the life and legacy of James Oliver Curwood. Director Speers concurred with Newman's hope to see updates to the castle and to see it restored and preserved.

Director Speers informed the group that the Owosso Historical Commission was now a member of the Michigan Museum Association and that he had begun using the resources provided by the MMA. Speers noted that he had begun research into obtaining grants for upcoming projects.

Fox thanked Weckwert and Greenway for attending his acceptance of the Amos Gould Citizen of the Year Award. He also thanked Weckwert for writing the press release surrounding the Glow Owosso events in Curwood Castle Park, calling it a "masterpiece".

Director Speers gave an update of the castle flooring, noting the price had not changed since the April estimate was given and that Dick Martin was available to do the work in January. No action was taken.

Newman left at 8:11 p.m.

Director Speers also commented on an estimate for Curwood Castle security.

Chairperson Forster asked the group to begin putting together items to be placed on the 2014 budget, noting that it must be completed by February of 2014.

Director Speers discussed his review of museum inventory software programs and his desire to begin an inventory of OHC's assets in January, when Curwood Castle is closed to the public. Weckwert made a motion to approve the purchase of inventory software, with a dollar amount not to exceed \$800. Motion was seconded by Baker and approved.

Meeting adjourned by motion at 8:34 p.m. by Baker, supported by Greenway.

Respectfully submitted,

Mitchell Speers
Secretary/Treasurer

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
DECEMBER 17, 2013 at 9:30 AM
CITY COUNCIL CHAMBERS

The meeting was called to order by Chairman Randy Horton at 9:31 a.m.

Roll call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairperson Randy Horton, Secretary Daniel Jozwiak, Board Members Kent Telesz, William Wascher and Alternate Matt Grubb.

MEMBERS ABSENT: Vice-Chairperson Christopher Eveleth.

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; Petitioner Mr. Kirk T. Preston, 1227 Adams; Mr. Ronald Brooks, 1228 Adams Street; Mr. Charles P. Rau, Building Official; Mr. John Horvath, Alternate Board Member.

MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF THE MEETING OF SEPTEMBER 17, 2013.
YEAS: ALL. MOTION CARRIED.

AGENDA: IT WAS MOVED BY BOARD MEMBER WASCHER AND SUPPORTED BY ALTERNATE BOARD MEMBER GRUBB TO APPROVE THE AGENDA WITH THE ADDITIONAL TWO ATTACHMENTS DISTRIBUTED IMMEDIATELY BEFORE THE MEETING.
YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from September 17, 2013
3. Variance request materials – 1227 Adams Street
4. Site map
5. Affidavit of notice

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS: VARIANCE REQUEST – 1227 Adams Street, # 2013-04

Recent submission by William and Tamela Nielsen, 209 Osburn, and owners of properties of both sides of 1227 Adams Street was silently read by the board.

Public Hearing began at 9:40 am. Mr. Ron Brooks of 1228 Adams concurred with the applicant, Mr. Kirk Preston of 1227 Adams Street, about the fence, and because of the location there was no possibility of changes on N. M-52. It was wisely done.

Board Members and Mr. Preston discussed glare being more of a problem in the last three to five years, and that a handyman installed the fence.

Mr. Preston presented his variance as applied. Mr. Brooks noted there have been more police cars in recent years next door at the rental unit.

Public hearing ended at 9:55 a.m. Board members discussed several issues including that headlight glare is not usually a problem with six foot fences as can be seen all around the city; curvature of the driveway with headlights jumping may be more unique; screening could be done with vegetation without changing the height restriction; and the angle of these three houses and their driveways make this a unique situation.

Draft

**MOTION BY BOARD MEMBER JOZWIAK, SUPPORTED BY BOARD MEMBER GRUBB,
WHEREAS, THE OWOSSO ZONING BOARD OF APPEALS, AFTER REVIEWING THE CASE FOR
1227 ADAMS, PARCEL NUMBER 050-390-003-015-00 HEREBY MAKES THE FOLLOWING FINDING:**

- 1. THERE IS A UNIQUENESS OF THE PROPERTY WITH THE ANGLE OF THE HOUSES
AND THE DRIVEWAYS.**

**BASED ON THIS FINDING, THE OWOSSO ZBA HEREBY APPROVES THE PETITION TO PERMIT
THE FENCE VARIANCE WITH THE HEIGHT OF 86" AS DESCRIBED AND PHOTOGRAPHED IN THE
ATTACHED PETITION. ROLL CALL VOTE:
AYES: JOZWIAK, WASCHER, GRUBB, HORTON
NAYS: TELESZ
MOTION CARRIED.**

Mr. Zettel commented to Mr. Preston that he now needed to get a building permit for his fence.

COMMISSIONER/PUBLIC COMMENTS:

Chairman Horton thanked Mr. Zettel for his time with the Zoning Board of Appeals; that he has learned a lot about zoning from him. The board shared general agreement as Chairman Horton continued to express his appreciation for his service to the city. Applause ensued. Mr. Zettel introduced Ms. Susan Montenegro who will be taking his place. Mr. Zettel continued that this was the most fun group to work with. Chairman Horton wished everyone a Merry Christmas.

ADJOURNMENT:

**MOTION BY BOARD MEMBER TELESZ, SUPPORTED BY BOARD MEMBER WASCHER TO
ADJOURN AT 10:12 A.M.
YEAS: ALL. MOTION CARRIED.**

Dan Jozwiak, Secretary

m.m.s