

OWOSSO CITY COUNCIL

OCTOBER 6, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND RAY STRAWSER
MEMORIAL HOSPITAL HOSPICE CHAPLAIN

PLEDGE OF ALLEGIANCE: DAVID LAZAR
TREASURES RESTAURANT OWNER

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, and Elaine M. Greenway.

ABSENT: Councilperson Robert J. Teich, Jr.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 15, 2014

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of September 15, 2014 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 29, 2014

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of September 15, 2014 with correction to the comments by Councilperson Bailey clarifying the event on November 13th is a spay/neuter transport, not simply a meeting to discuss feral cats.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

PASSIONATELY PINK FOR THE CURE

Public Safety Director Kevin D. Lenkart and Owosso Fire Department Captain Steve Chapko were on-hand to encourage everyone to be brave enough to wear pink and participate in their sale of t-shirts and sweatshirts raising money for the Susan G. Komen Foundation of Mid-Michigan.

CIS TRAIL ANNOUNCEMENT

CIS Trail board members Terry McLeod & Rick Morris announced the completion of the CIS Trail and encouraged the City to continue to make improvements to the connector trail that meets the CIS Trail at Smith Road to encourage cycling tourists to enjoy the City.

THE ALICE PROJECT

Pastor Marlene Webster, of the HOPE Project, was on-hand to deliver a brief video presentation regarding the struggle of local community members to make ends meet.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – CHAPTER 38, ZONING

The proposed amendment would rezone the parcel located at 408 North Water Street from RM-1, Multi-Family Residential District, to OS-1, Office Service District.

A public hearing was conducted to receive citizen comment regarding the request to rezone the parcel located at 408 North Water Street from RM-1, Multi-Family Residential District, to OS-1, Office Service District.

There were no citizen comments regarding the rezoning request received prior to or during the meeting.

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

ORDINANCE NO. 757

**AMENDING CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES
TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY AT 408 N. WATER STREET
AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso received a request from Robert Zalokar owner of real property identified as 408 North Water Street, parcel 050-470-004-010-00, to rezone the parcel from RM-1 Multi-Family Residential District to OS-1 Office Service District; and

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

WHEREAS, the planning commission finds that the proposed ordinance meets the intent and criteria for a zoning amendment; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of the noted parcel at 408 N. Water Street, as indicated; and

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

WHEREAS, the city council finds that the zoning petition meets the intent and criteria for a zoning map amendment.

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

SECTION 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27, Zoning Districts and Map, reflect the changes as illustrated and attached to the record hereto as Exhibit A and filed with the city clerk.

SECTION 2. This amendment shall become effective October 26, 2014.

SECTION 3. 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.

EXHIBIT A

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
408 N. Water Street	050-470-004-010-00	RM-1	OS-1

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

CITIZEN COMMENTS AND QUESTIONS

Gene Peterson, 919 Grand Avenue, introduced himself as a former crossing guard, saying he was involved in an auto accident while on the job in 2012. He said that at the time he was told he would be able to get his job back once he was sufficiently recovered but he has not been hired back to date despite the fact the City has hired 4 other crossing guards in that time. He said he would like his job back and wanted to know why he was not getting it back.

Eddie Urban, 601 Glenwood Avenue, reported a number of items to Council, including a number of stop signs obscured by tree branches, his desire to trap stray cats near his home, the fact that 3 of his letters to the open forum in the newspaper have not been published, and his thought that 5th Monday meetings were not open to the public. Mayor Frederick noted that all meetings of the Council are open to the public, save for closed session.

Mike Selleck, Richard J. Selleck & Sons Agency, Inc., indicated he was coordinating the sale of the property at 109 North Washington Street and understands the deal has run into some road blocks. He said he understood that the two portions of the building in question needed to be sufficiently separated for fire protection but the Building Official's recommendation to build a block wall between the two was financially infeasible and asked that the City consider an alternative or variance to allow the sale to go through.

David Lazar, owner of 109 North Washington, indicated that plans to sell the pharmacy portion of the building to Health First had been in the works for many years but had not been executed for

unanticipated financial reasons. He further noted that the use of the building would not be changing as a result of the sale and as such should not be subject to the current building code. He said he would hate to lose the pharmacy as a downtown business if the sale was not able to be completed.

Drew Brown, owner of Health First Pharmacy, said he was sincerely hoping to purchase the portion of the building in which his business was located as he wanted to remain in the same location. He said moving the location would be detrimental to the business and he would appreciate any help the City could provide.

Mayor Frederick reminded everyone present that Owosso is hosting the Veteran's Day Parade this year and encouraged all to attend. He also highlighted the new Friends of Oakhill Cemetery that is forming to help maintain the historic cemetery, saying all participants are welcome.

Councilperson Bailey provided an update on the trap/neuter/return program saying she will be hosting a meeting Sunday, October 19th from 1-3 to talk about the program and what residents can do to help mitigate the feral cat problem. She also noted that the first round of cats will be taken in to the spay/neuter clinic on November 13th with significantly reduced pricing. Lastly, she noted that two areas with feral cats have already been addressed and the problem being remediated.

Councilperson Fox noted that he was not sure what the Council could do about Mr. Peterson's job issue, though he said he would like to know why he was not hired back if he was indeed told he would be.

Mayor Pro-Tem Eveleth thanked the Chamber of Commerce for the generous use of their building during the Farmers' Market season. He also reminded everyone of Oktoberfest this coming Saturday.

Mayor Frederick said he had heard lots of excitement about the musical groups coming to perform at Oktoberfest and that he hoped it would become an annual event.

Councilperson Greenway noted the Kiwanis Club will be selling brats at the event and Councilperson Fox noted Lance's Bakery would be selling homemade pretzels as well.

CITY MANAGER REPORT

City Manager Crawford distributed and briefly detailed the Project Status Report.

Councilperson Greenway inquired why trees were not being planted this fall. It was noted that the usual second planting was cancelled due to budgetary constraints and new trees would be planted in the spring.

Councilperson Fox inquired about the timeline for the repair of the manhole at the intersection of Bradley Street and Shiawassee Street. It was noted that repairs should begin within two weeks.

CONSENT AGENDA

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

Set Public Hearing – Industrial Facilities Tax Exemption. Set a public hearing for Monday, October 20, 2014 to receive public comment on the application from Machine Tool & Gear, Inc., 401 South Chestnut Street, for an IFT/New Personal Property Exemption for \$1,318,900 in new equipment as follows:

RESOLUTION NO. 148-2014

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, applications for Tax Abatement per City Abatement Policy and Industrial Facilities Tax Exemption for New Personal Property were received September 29, 2014 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.

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 October 20, 2014 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.

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

Set Public Hearing – New Personal Property Tax Exemption. Set a public hearing for Monday, October 20, 2014 to receive public comment on the application from TiAl Products, Inc., 450 South Shiawassee Street, for a New Personal Property Exemption for \$2,100,000 in new equipment as follows:

RESOLUTION NO. 149-2014

**SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR
AN EXEMPTION OF NEW PERSONAL PROPERTY
TIAL PRODUCTS, INC. - 450 S. SHIAWASSEE STREET**

WHEREAS, application was received September 29, 2014 from TiAl Products, Incorporated per the City of Owosso Tax Abatement Policy of June 7, 2010 for property at 450 S. Shiawassee Street and described as:

A L & B O WILLIAMS ADD LOTS 2 3 4 5 6 9 10 13 14 15 & S 1/2 LOTS 7 8 11 BLK 28, ALSO LOTS 2 3 4 5 6 7 8 9 BLK 27, ALSO A STRIP OF LAND OFF S SIDE LOT 6 & E 43 1/2' OFF S SIDE LOT 7 BLK 26 BEING 20' WIDE ON W END & 24' WIDE ON E END, ALSO A STRIP OF LAND LYING BETWEEN LOTS 7 8 9 10 11 BLK 26 & LOTS 2 3 4 5 BLK 27, ALSO A STRIP OF LAND LYING BETWEEN LOTS 6 7 8 9 BLK 27 & LOTS 2 3 4 5 BLK 28 , INCLUDES W 1/2 ADJ CLOSED ELM ST; and

WHEREAS, application was also received September 29, 2014, from TiAl Products, Incorporated for an Exemption of New Personal Property at the aforementioned property; and

WHEREAS, the applicants property is part of an Industrial Development District established October 1, 2001 and described as:

A L & B O WILLIAMS ADDITION LOTS 2, 3, 4, 5, 6, 9, 10, 13, 14, 15 & SOUTH 1/2 LOTS 7, 8, 11 BLOCK 28, ALSO LOTS 2, 3, 4, 5, 6, 7, 8, 9 BLOCK 27, ALSO LOT 11 & WEST 132' LOTS 7, 8, 9, 10 BLOCK 26, ALSO A STRIP OF LAND OFF SOUTH SIDE LOT 6 & EAST 43 1/2' OFF SOUTH SIDE LOT 7 BLOCK 26 BEING 20' WIDE ON WEST END & 24' WIDE ON EAST END, ALSO A STRIP OF LAND LYING BETWEEN LOTS 7, 8, 9, 10, 11 BLOCK 26 & LOTS 2, 3, 4, 5 BLOCK 27, ALSO A STRIP OF LAND LYING BETWEEN LOTS 6, 7, 8, 9 BLOCK 27 & LOTS 2, 3, 4, 5 BLOCK 28. ALSO, LOTS 2, 3, 4, 5, 6 & EAST 43 1/2' OF LOTS 7, 8, 9, 10 & SOUTH 1/2 LOT 13 BLOCK 26 A L & B O WILLIAMS ADDITION (EXCEPT SOUTH 20' LOT 7 & SOUTH 24' LOT 6 & RAILROAD RIGHT-OF-WAY LOT 2).; and

WHEREAS, P.A 328 of 1998 as amended by P.A. 20 of 1999 is available to the city of Owosso; and

WHEREAS, city of Owosso is an Eligible Local Assessing District and permits the city of Owosso to grant a New Personal Property Tax Exemption; and

WHEREAS, it was determined by city staff that the New Personal Property Tax Exemption 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.

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 October 20, 2014 at 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.

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

Oktoberfest Permission. Consider request from the Shiawassee Regional Chamber of Commerce for use of various downtown streets at various times throughout the weekend of October 10, 2014 through October 13, 2014 for Oktoberfest 2014 and approve Traffic Control Order No. 1319 formalizing the request.

Homeless for a Night Permission. Consider request from the Shiawassee County Homeless Coalition and the City for use of the Main Street Plaza on Saturday, October 11, 2014 from 8:00 pm until 8:00 am October 12, 2014 for an event to raise homelessness awareness in the community, waive the insurance requirement, and authorize Traffic Control Order No. 1320 formalizing the action.

Owossopalooza Permission. Approve the application of Owosso Main Street/DDA for use of Main Street Plaza, Town Square Park, and Comstock Street from Washington Street to the entrance to the Gilbert's parking lot from 4:00 p.m. to 7:00 p.m. Thursday, October 9, 2014 for the annual Owossopalooza event, waive the insurance requirement, and authorize Traffic Control Order No. 1321 formalizing the action.

Traffic Control Order No. 1322. Authorize Traffic Control Order No. 1322 for the installation of a stop sign on southbound West Street at West King Street.

Traffic Control Order No. 1323. Authorize Traffic Control Order No. 1323 for the installation of a stop sign on westbound Huron Street at Division Street.

Bid Award – Sale of Used Backhoes. Approve the sale of two used John Deere backhoes to Nolan's Farm Equipment, Inc. in the amount of \$42,100.00 as follows:

RESOLUTION NO. 150-2014

**RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTS
FOR THE SALE OF TWO (2) USED JOHN DEERE 310E BACKHOES
TO NOLAN'S FARM EQUIPMENT, INC.**

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

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

WHEREAS, the City of Owosso used the MITN online auction service to sell this equipment at a processing fee of 5% of the bid; and

WHEREAS, a bid solicitation for said used equipment was advertised and responsive bids were received from Joe Nolan of Nolan's Farm Equipment, Inc. in the amount of \$21,600.00 for one (1) 1999 John Deere Backhoe, #TO310EX855348; and \$20,500.00 for one (1) 1999 John Deere Backhoe, #TO310EX855279 – for a total of \$42,100.00.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to sell the named equipment to the high bidder as detailed above.

SECOND: The city clerk is instructed and authorized to execute appropriate documents to complete the sale of these items.

Bid Award – 2014 Tree Removal Program. Authorize contract with Advanced Tree Care Service, Inc. for the 2014 Tree Removal Program in the amount of \$41,655.00 and authorize payment up to the contract amount as follows:

RESOLUTION NO. 151-2014

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2014 TREE REMOVAL PROGRAM
WITH ADVANCED TREE CARE SERVICE, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the dead and diseased trees on many of the streets in the City need to be permanently removed to prevent property damage or injury, and that this tree removal is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids to remove dead and diseased trees, a bid was received from Advanced Tree Care Service, Inc. and it is hereby determined that Advanced Tree Care Service, Inc. is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Advanced Tree Care Service, Inc. for removal of dead and diseased trees in the city right of way as part of the 2014 Tree Removal Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and Advanced Tree Care Service, Inc. with a \$41,655.00 bid.
- THIRD: The accounts payable department is authorized to pay Advanced Tree Care Service, Inc. for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid from the 2014-2015 Major and Local Street Tree Trimming Fund.

Warrant No. 489. Approve Warrant No. 489 as follows:

Vendor	Description	Fund	Amount
Waste Management of Michigan	Landfill charges- September 1, 2014 – September 15, 2014	Streets/ WWTP	\$ 5,139.05
Michigan Municipal Risk Management Authority	Retention fund contribution	General	\$12,500.00

Motion supported by Councilperson Fox.

Roll Call Vote.

- AYES: Mayor Pro-Tem Eveleth, Councilpersons Greenway, Bailey, Fox, Bandkau, and Mayor Frederick.
- NAYS: None.
- ABSENT: Councilperson Teich.

ITEMS OF BUSINESS

LOT SPLIT AUTHORIZATION – 109 NORTH WASHINGTON STREET

The Council examined the request from David Lazar for the division of City lot under Michigan Subdivision Control Act for platted lot commonly known as 109 North Washington Street, parcel # 050-470-022-013-00. City Manager Crawford noted that the application was quite unusual in that the parties were requesting splitting a single building into two separate parcels. He went on to say that such a split would not be impossible if the property was set up as a condominium, but significant construction would have to take place to sufficiently separate the two areas.

There was significant discussion regarding whether a series of contracts could be drawn up to clearly delineate the duties of each property owner, whether the structure could be insured if the split takes place, whether the businesses have separate utilities, ensuring adequate fire protections are in place prior to approving the split, and how pre-existing buildings relate to the 2009 building code.

Motion by Councilperson Fox to postpone the request for lot split until the November 3, 2014 meeting to allow time to investigate insurance and building code questions.

Motion supported by Councilperson Greenway.

Roll Call Vote.

- AYES: Councilpersons Fox, Bailey, Greenway, Mayor Pro-Tem Eveleth, Councilperson Bandkau, and Mayor Frederick.
- NAYS: None.
- ABSENT: Councilperson Teich.

TAP GRANT APPLICATION

City Manager Crawford noted for the audience that the grant application applies to the Main Street bridge near City Hall and any potential grant funding would assist with a variety of issues related to the bridge.

Motion by Mayor Pro-Tem Eveleth to authorize application to the MDOT Transportation Alternatives Program for funds to reconstruct the James Miner Riverwalk underpass at Main Street and related approaches as follows:

RESOLUTION NO. 152-2014

**RESOLUTION AUTHORIZING APPLICATION FOR
TRANSPORTATION ALTERNATIVE PROGRAM FUNDS
FOR JAMES MINER RIVERWALK UNDERPASS IMPROVEMENTS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, possesses a walkway along the Shiawassee River that includes an area running under the Main Street bridge, known as the James Miner Riverwalk; and

WHEREAS, significant improvements must be made to the walkway underpass, its approaches, and adjacent retaining wall to repair damage caused by flooding and to bring the trail into compliance with current ADA standards; and

WHEREAS, the Michigan Department of Transportation offers special funding known as Transportation Alternative Program Funds for improvements to non-motorized route systems, such as the James Miner Riverwalk; and

WHEREAS, the City of Owosso is eligible to receive TAP funds as a municipality within a federal-aid small urbanized area; and

WHEREAS, the City of Owosso proposes to procure Transportation Alternative Program funds for the purpose of providing an 80 percent (80%) federal match to the City's Unlimited Tax General Bond Proceeds, as outlined in its application.

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 proceed with improvements to the James Miner Riverwalk in the area of the Main Street bridge.
- SECOND: The City of Owosso wishes to make application for Transportation Alternative Program funds to partially fund the necessary improvements to the James Miner Riverwalk and is willing to participate in this program.
- THIRD: The proper city officials are hereby authorized to sign the application documents and City staff is further authorized to obligate City funds as its match of the project cost.
- FOURTH: The above expenses shall be paid from the city's 2010 Unlimited Tax Bond Proceeds Fund.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

PROPERTY SALE – OSBURN LAKES PHASE 1 VACANT LOTS

Councilperson Bandkau inquired whether the current resolution incorporates any changes in the prices of the lots. It was noted it did not.

Motion by Mayor Pro-Tem Eveleth to authorize the potential sale of city owned property located in Phase 1 of the Osburn Lakes subdivision as follows:

RESOLUTION NO. 153-2014

**AUTHORIZING THE SALE OF CITY-OWNED PROPERTY
VARIOUS LOTS IN OSBURN LAKES CONDOMINIUM DEVELOPMENT**

WHEREAS the City owns thirty (30) vacant lots in the Osburn Lakes Condominium Development; and

WHEREAS the City intends to sell the lots for the sales prices listed on Exhibit A, the attached Resolution No. 39-2011 in the column entitled "New Price"; and

WHEREAS Section 14.3(b)(2) of the City Charter requires that the resolution authorizing the sale of real estate remain on file with the City Clerk for public inspection for twenty-one (21) days after its original introduction at a meeting of the City Council; and

WHEREAS it may be necessary to alter the boundaries and sizes of some lots; and

WHEREAS it will be cumbersome and interfere with the marketability of the lots to post for twenty-one (21) days a proposed sale of individual lots; and

WHEREAS on August 4, 2014, the City Council approved a twenty-one (21) day posting period for public inspection of this Resolution and no objection or competitive offers have been received for the lots.

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

- FIRST: The Council finds that it would be cumbersome and interfere with the marketability of the lots to post the sale of each individual lot for twenty-one (21) days.
- SECOND: Based on the advice of the City Attorney the instant Resolution will satisfy the requirements of Owosso City Charter Section 14.3(b)(2).
- THIRD: The lots shall be sold for the prices listed on the column entitled "New Price" on Exhibit A.
- FOURTH: If it is necessary to alter property lines of lots, the price of the altered lots shall be adjusted by adding or subtracting the square footage of the change based upon the sales prices listed on Exhibit A.
- FIFTH: The Mayor and City Clerk are instructed and authorized to execute appropriate documents to consummate said sales.

EXHIBIT 1

RESOLUTION NO. 39-2011

**ESTABLISHING SALE PRICES
FOR LOTS IN THE OSBURN LAKES SUBDIVISION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, previously determined that it was advisable, necessary and in the public interest to develop the Osburn Lakes Subdivision;

WHEREAS, the city of Owosso retains ownership of 30 lots which the city intends to sell;

WHEREAS, the development agreement provided a price schedule designed to allow the city to recoup development costs and other provisions pertaining to the sale of each lot; and

WHEREAS, the prices established are no longer reasonable in today's market following the real estate market collapse, a new schedule has been proposed;

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 establish the sale price of lots in the Osburn Lakes Subdivision as follows:

Area	Description	Lots	Initial price	New price*
A	60 foot frontage lots with 120-130' depth	16	\$14,600	\$10,040
B-1	Small corner lots and 68 and 69	5	\$15,310	\$10,525
B-2	Large corner lots	5	\$16,100	\$11,070
C-1	Small privacy lots north side of Jackson Drive	8	\$17,500	\$12,030
C-2	Larger privacy lots north side of Jackson Drive	6	\$19,400	\$13,340
D	Walk-out lots/small lots	6	\$22,700	\$15,600
E	Walk-out large privacy lots	11	\$23,250	\$15,980
F	Large basement window	14	\$24,000	\$16,500
G	Walk-out large lots	12	\$25,500	\$17,530

*if sidewalks were installed prior to sale the cost of installation will be added to the price of the lot

- SECOND: the city of Owosso will maintain all other sale conditions including but not limited to those requiring that construction begin within one year and that lots shall not be combined.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

COMMUNICATIONS

V. Teich, Shiawassee Council on Aging Board of Directors. Letter of resignation.

R. Williams, Finance Director. Revenue & Expenditure Reports – August 2014.

Downtown Development Authority/Main Street. Minutes of September 3, 2014.

Historical Commission. Minutes of September 8, 2014.

Parks & Recreation Commission. Minutes of September 22, 2014.

Planning Commission. Minutes of September 22, 2014.

CITIZEN COMMENTS AND QUESTIONS

Justin Horvath, president/CEO of the SEDP, encouraged Council to support the tax abatements that will be considered at the October 20th meeting saying both companies have been assets to the community.

Angela Rau, Prevention Specialist at Catholic Charities, was looking for donations for the Homeless for a Night event challenging Council members to pay \$100 or sleep outside for the evening.

Eddie Urban, 601 Glenwood Avenue, said he would like an application packet to participate in the Veterans' Day Parade. He also noted that his birthday is the day of the next Council meeting!

Councilperson Bailey noted that live traps were needed for the trap/neuter/release program and asked that those visiting second hand sale keep an eye out for them.

NEXT MEETING

Monday, October 20, 2014

BOARDS AND COMMISSIONS OPENINGS

Shiawassee Council on Aging Board of Directors, term expiring June 30, 2017

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:54 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk