

CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, JUNE 01, 2015
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 MAY 18, 2015:

ADDRESSING THE CITY COUNCIL

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

1. "Making a Difference". Presentation by Owosso 2nd grade student Claire Hilliker the current Miss Michigan American US Pageant Princes.

PUBLIC HEARINGS

1. Ordinance Amendment - Feral/Stray Cat Trap-Neuter-Return Ordinance. Conduct a public hearing to receive citizen comment regarding the proposed addition of Chapter 5, Animals, Article III, Feral Cat Trap-Neuter-Return Program, to the Code of Ordinances of the City of Owosso.

CITIZEN COMMENTS AND QUESTIONS

CITY MANAGER REPORT



Project Status Report

CONSENT AGENDA

1. First Reading and Set Public Hearing - Rezoning Request. Conduct first reading and set a public hearing for June 15, 2015 to receive citizen comment regarding request to rezone the 7 parcels bound by Clinton, Shiawassee, Genesee, and Elm Streets, from I-1 Light Industrial District to B-1 Local Business District.

2. First Reading and Set Public Hearing – General Industrial Zoning District Ordinance Amendment. Conduct first reading and set a public hearing for June 15, 2015 to receive citizen comment regarding the proposed amendment to Section 38-312, Principal uses permitted, of Article XIV, *I-2 General Industrial Districts*, Chapter 38, Zoning, of the Code of Ordinances of the City of Owosso to better reflect the current land use and impose limitations on certain uses by requiring a special use permit.
3. Contract Renewal – General Engineering Services. Approve the required annual renewal of the General Engineering Services contracts with Spicer Group Inc., Fishbeck, Thompson Carr & Huber, Inc., and Fleis & Vandenbrink, Inc. to provide engineering services through June 30, 2016.
4. Professional Services Agreement – Gould Street Resurfacing Project Engineering Services. Approve professional services agreement with Fleis & Vandenbrink, Inc. for design engineering and construction administration services related to the Gould Street Resurfacing Project in the amount of \$73,7300.00 and authorize payment up to the contract amount as terms of the contract are fulfilled.
5. Warrant No. 503. Authorize Warrant No. 503 as follows:

Vendor	Description	Fund	Amount
Waste Management	Disposal charges- May 1, 2015 – May 15, 2015	WWTP	\$ 5,014.60

ITEMS OF BUSINESS

1. FOIA Policy Update. Consider adoption of a new FOIA Policy reflecting recent changes in the Michigan Freedom of Information Act, to take effect July 1, 2015.
2. Police Command Contract. Approve contract with the Police Officers Labor Council – Command Unit for a three year contract beginning July 1, 2015 and ending June 30, 2018.
3. Police Patrol Contract. Approve contract with the Police Officers Labor Council – Patrol Unit for a three year contract beginning July 1, 2015 and ending June 30, 2018.
4. Downtown Development Authority General Appropriations Resolution. Adopt the General Appropriations Resolution to authorize the levy of the Downtown Development Authority millage for the 2015-2016 fiscal year.
5. City Budget Adoption. Adopt General Appropriations Resolution approving the 2015-2016 City Budget.

COMMUNICATIONS

1. Downtown Development Authority/Main Street. Minutes of April 1, 2015.
2. Downtown Historic District Commission. Minutes of April 15, 2015.
3. Downtown Development Authority/Main Street. Minutes of April 28, 2015.

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, June 15, 2015

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, expires December 31, 2017
 Planning Commission, expires June 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
REGULAR MEETING**

MAY 18, 2015

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND RAY STRAWSER
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

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 Bandkau and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 30, 2015

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Special Meeting of April 30, 2015 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 4, 2015

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Special Meeting of May 4, 2015 as presented.

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

STUDENT REPRESENTATIVE REPORT

OWOSSO HIGH SCHOOL STUDENT REPRESENTATIVE REPORT

No one from the High School was in attendance to present the report.

PROCLAMATIONS / SPECIAL PRESENTATIONS

SWEARING-IN CEREMONY - FIRE DEPARTMENT EMPLOYEES C. KINGSBURY & L. LITTLE

Mayor Frederick and Public Safety Director Lenkart led a ceremony to swear in the City's newest firefighters: Connor Kingsbury and Layne Little. Family members for both men were present to observe the ceremony and pin badges on their loved ones.

FIREFIGHTER PROMOTION – R. BREWBAKER

Mayor Frederick and Public Safety Director Lenkart led a ceremony honoring firefighter Richard Brewbaker for his promotion to Lieutenant. Lieutenant Brewbaker's family was on hand to observe the honor and apply his badge.

WAYFINDING PROJECT UPDATE

Gordon Pennington gave a brief presentation detailing progress on the development of a wayfinding system, branding, and civic signage for the city. He noted that a fully integrated design concept is ready to go and could be used to raise awareness of our local assets. He said he was looking for feedback from Council as to next steps.

The meeting briefly recessed from 8:03 p.m. to 8:07 p.m. to allow the presentation set-up to be dismantled.

PUBLIC HEARINGS

2015-16 PROPOSED CITY BUDGET

The Public Hearing was conducted pursuant to Chapter 8 of the City Charter to receive citizen comment regarding proposed 2015-2016 City Budget.

There were no citizen comments.

Councilpersons Bandkau indicated he would like information on the fund balances and water rates prior to consideration of adoption of the budget.

Councilperson Fox asked for information regarding the replacement of water mains and the waste water treatment plant.

The proposed budget is scheduled for adoption at the June 1, 2015 meeting.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, indicated he would like to the City invest more money in its park system.

Mayor Frederick applauded the Shiawassee Community Mental Health Authority on the celebration of their 50th anniversary, saying they were the 3rd such organization in the state and they should be commended for all of the work they do for the community.

CITY MANAGER REPORT

City Manager Donald D. Crawford indicated he had nothing to report at the current time.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the Mayoral Boards and Commissions appointment of Janae Fear to the Planning Commission, filling the unexpired term of T. Kurtz expiring June, 30, 2019.

Warrant No. 502. Approve Warrant No. 502 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering support – April 2015	Various	\$10,192.00
William C. Brown, P.C.	Professional services – April 14, 2015 – May 10, 2015	General	\$10,481.82
B S & A Software	Annual service and support fees- May 1, 2015 – May 1, 2016 Building Department Delinquent Personal Property Internet services	General	\$ 8,078.00

*Check Register— April 2015. Affirm check disbursements totaling \$ 490,474.72 for the month of April 2015.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

ITEMS OF BUSINESS

FIRST READING AND SET PUBLIC HEARING - FERAL/STRAY CAT TRAP-NEUTER-RETURN ORDINANCE

City Attorney William C. Brown distributed his revision of the proposed ordinance. He also distributed a resolution naming a “cat care organization”. He indicated that should the Council choose to adopt the TNR ordinance the resolution would be utilized to formally name the cat care organization authorized to assist in the care of stray/feral cats in the community.

Motion by Councilperson Fox to conduct the first reading of the ordinance set a public hearing for Monday, June 1, 2015 to receive citizen comment regarding the proposed addition of Chapter 5, Animals, Article III, Feral Cat Trap-Neuter-Return Program, to the Code of Ordinances of the City of Owosso as follows:

RESOLUTION NO. 41-2015

FIRST READING & SET PUBLIC HEARING FOR AN ORDINANCE TO ADD TO THE CODE OF ORDINANCES CHAPTER 5 ANIMALS ARTICLE III-FERAL/STRAY CAT TRAP-NEUTER-RETURN

WHEREAS, communities across the country (urban, suburban, rural) are faced with growing feral/stray cat populations; and

WHEREAS, a local law addressing community cats will reduce the population of free-roaming cats, positively affect potential disease and nuisance concerns, and improve the quality of life for the citizens of Owosso; and

WHEREAS, approaches like trap-and-euthanize have failed to solve the problem; and

WHEREAS an increasing number of communities are enacting local laws to regulate and support the practice of Trap-Neuter-Return (TNR) programs as a solution; and

WHEREAS, an ordinance authorizing TNR is needed due to other existing ordinances such as feeding bans, a maximum number of animals per household, requirements against cats being at large, etc. which effectively impede TNR efforts; and

WHEREAS, these provisions can make it difficult/impossible for caretakers, the individuals who manage colonies of cats, to do their work legally, making an ordinance allowing TNR and exempting caretakers from these other laws a prerequisite for the establishment of a community-wide TNR program; and

WHEREAS, it is in the community's best interest to identify colonies and their caretakers, and offer resources to care responsibly for the cats through TNR; and

WHEREAS, the goal is to establish reasonable standards for performing TNR by providing protections to caretakers who adhere to the ordinance's terms and conditions and by clearly defining the duties of all involved parties, including caretakers, animal welfare organizations, animal control agencies and the city; and

WHEREAS, it is in the best interest of the city of Owosso to protect the health, safety and welfare of residents through managed care of community cats by setting the following standards.

NOW THEREFORE BE IT ORDAINED by the city council of the city of Owosso, Michigan, Shiawassee County, Michigan that the Code of Ordinances be amended as follows:

SECTION 1: ADDITION. Adding to Chapter 5 Animals an Article III, Feral/Stray Cat Trap-Neuter-Return

ARTICLE III. – FERAL/STRAY CAT TRAP-NEUTER-RETURN

Sec. 5-40 Purpose.

The purpose of this article is to set the following standards for management of feral and community cats.

Sec. 5-41 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning.

Caretaker means any person who regularly provides food /water/shelter to a feral cat colony.

Cat care organization means the organization recognized by the city to oversee a trap-neuter-return (TNR) program to reduce the feral cat population, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of feral/stray cats.

Eartip means a mark identifying a feral or stray cat as having been sterilized, specifically, the removal of the tip of the cat's left ear while the cat is anesthetized.

Feral cat means a cat that is free roaming, not socialized to people and not an owned cat.

Feral cat colony and **colony** mean a group of feral or stray cats that congregate, more or less, together as a unit and share a common food source.

Foster home means a household in which cat(s)/kitten(s) are temporarily placed for providing shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Kitten means a member of the species *felis catus* under the age of 10 weeks.

Nuisance means conduct by feral or stray cat that disturbs the peace, including (a) habitually or continually howling or making loud noises and (b) destroying property and as defined in Section 18-1 of this Code.

Owned cat means a cat that is a companion to a person, is regularly fed and is sheltered in that same person's habitation.

Shelter means a structure that provides feral/stray cats with protection from weather-related elements and natural enemies.

Sterilize means to spay or neuter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as trap-neuter-return.

TNR program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, and returned to the location where they were captured and provided with long-term care by a caretaker.

Sec. 5-42 Management of feral cat colonies.

A TNR program shall be permitted and caretakers shall be entitled to maintain feral cat colonies according to the terms and conditions of this Article.

Sec. 5-43 Caretaker requirements.

It shall be the responsibility of a caretaker to:

- (a) register all feral cat colonies managed by the caretaker with the cat care organization pursuant to the requirements of Sec. 5-44;
- (b) make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies and eartipped by a licensed veterinarian;
- (c) provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats;
- (d) make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- (e) make reasonable efforts to remove, socialize, and find permanent adoptive homes or foster homes for kittens born to colony cats; and
- (f) make reasonable efforts to work with the city and the cat care organization to resolve any complaints concerning the colony of cats managed by the caretaker.

Sec. 5-44 Feral cat colony registration.

Upon registration of a feral cat colony, the caretaker shall provide the cat care organization with:

- (a) address, telephone number and, if applicable, email address of the caretaker;
- (b) location of the colony; and

- (c) approximate number of cats in the colony and the number currently sterilized/vaccinated.
- (d) the cat care organization shall provide the Clerk of the City of Owosso with current listings of all registered feral cat colonies.

Sec. 5-45 Change of caretaker.

If a caretaker is unable or unwilling to continue in that role, the caretaker shall notify the cat care organization and shall make reasonable efforts to secure a replacement caretaker. The cat care organization shall advise the Clerk of the City of Owosso whenever a caretaker ceases to function as such.

Sec. 5-46 Ordinance enforcement.

Nothing in this Article shall interfere with the right of the city to:

- (a) investigate nuisance complaints allegedly caused by a feral or stray cat or feral cat colony. If a cat/cats belonging to a registered feral cat colony is causing a nuisance, the city shall give the caretaker written notice delineating the nuisance and location of the cat or cats with specificity, including the person making the complaint. The caretaker shall have thirty (30) days from the date that written notice was provided to alleviate the nuisance. If the caretaker fails to effectively address the nuisance after thirty (30) days, the city shall have the right to remove the offending cat or cats;
- (b) seize and remove a registered feral cat colony if the caretaker regularly fails to comply with the requirements of Sec. 5-43 and the caretaker does not correct the situation within thirty (30) days of being given written notice by the city delineating the failures with specificity;
- (c) a caretaker in compliance with this Article shall be exempt from all provisions of this code that impose requirements on cats that are owned, kept, harbored, or in the custody of a person.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect twenty (20) days after its passage.

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

SECTION 5. PUBLIC HEARING. A public hearing is set for Monday, June 1, 2015 at 7:30p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

PROPERTY SALE – FORMER SUGAR BEET FACTORY PROPERTY -TWENTY ONE DAY POSTING

City Manager Crawford noted that the issue of road access still needs to be addressed and a small parcel of property located in Owosso Charter Township will need to be annexed to complete the sale. He also explained that the final price will be on a per acre basis dependent on the actual acreage that is sold.

Council expressed their excitement about the prospective economic development opportunity presented by the sale of the property.

Motion by Mayor Pro-Tem Eveleth to authorize twenty-one (21) day posting period for sale of city owned property located at 1509 West Oliver Street (former Sugar Beet Factory property) to Cargill, Incorporated for approximately \$75,000 as follows:

RESOLUTION NO. 42-2015

**AUTHORIZING 21-DAY POSTING FOR
A PROPERTY SALE CONTRACT
WITH CARGILL, INCORPORATED**

WHEREAS, the city of Owosso, Michigan ("city") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Owosso City Charter adopted April 6, 1964, as amended ("charter"); and

WHEREAS, the city owns certain vacant industrial-zoned property known as 1509 W. Oliver, commonly known as part of the sugar beet property; and

WHEREAS, the city is not currently utilizing the land and desires to sell the land for industrial purposes and an offer has been received and a contract prepared for sale of the property; and

WHEREAS, a sale contract has been made between the city of Owosso and Cargill, Incorporated, a Delaware Corporation for sale of the property which is attached hereto; and

WHEREAS, Charter Section 14.3 (b)(2) provides for a twenty-one-day (21) posting period to allow public inspection of the proposed purchase contract.

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

FIRST: the city of Owosso is the owner of property that is suitable for industrial development and a sale contract has been proposed with Cargill Corporation for industrial purposes.

SECOND: the city council approves the posting of said sale contract for a period of at least 21 days to allow for public inspection.*

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

COMMUNICATIONS

T. Kurtz, Planning Commission. Letter of Resignation.
Richard C. Williams, Finance Director. Revenue & Expenditure Report – April 2015.
Charles P. Rau, Building Official. April 2015 Building Department Report.
Charles P. Rau, Building Official. April 2015 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. April 2015 Police Report.
Kevin D. Lenkart, Public Safety Director. April 2015 Fire Report.
Parks & Recreation Commission. Minutes of April 27, 2015.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, welcomed Cargill to the community. He also inquired what other property the City had available for sale offering to get the word out in an attempt to help sell the property. It was noted the City had a map showing all City-owned parcels as well as a policy for the sale of said parcels. The SEDP is aware of all the parcels with marketable potential and actively markets them where appropriate.

Councilperson Fox noted that Eagle Scout candidate Zack Matusek had collected enough funds to complete the second phase of his project to install playground equipment in Adams Park.

Mayor Frederick noted his appreciation for the grass-roots efforts of individuals and groups to improve the City's parks during this time of economic hardship.

Councilperson Bandkau announced that he and his wife are in the process of purchasing a new home located outside the City limits and intends to move from the City by the end of June. He said it had been a distinct pleasure to serve the residents in the City and intends to stay on until he is no longer a resident. Congratulations to Mr. Bandkau and his family was offered as they open this new chapter in their lives.

NEXT MEETING

Monday, June 01, 2015

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, expires December 31, 2017
Parks & Recreation Commission, expires June 30, 2017
Planning Commission, expires June 30, 2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:26 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

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

ORDINANCE NO.

**AN ORDINANCE TO ADD TO THE CODE OF ORDINANCES
CHAPTER 5 ANIMALS ARTICLE IV-FERAL/STRAY CAT TRAP-NEUTER-RETURN**

WHEREAS, communities across the country (urban, suburban, rural) are faced with growing feral/stray cat populations; and

WHEREAS, a local law addressing community cats will reduce the population of free-roaming cats, positively affect potential disease and nuisance concerns, and improve the quality of life for the citizens of Owosso; and

WHEREAS, approaches like trap-and-euthanize have failed to solve the problem; and

WHEREAS an increasing number of communities are enacting local laws to regulate and support the practice of Trap-Neuter-Return (TNR) programs as a solution; and

WHEREAS, an ordinance authorizing TNR is needed due to other existing ordinances such as feeding bans, a maximum number of animals per household, requirements against cats being at large, etc. which effectively impede TNR efforts; and

WHEREAS, these provisions can make it difficult/impossible for caretakers, the individuals who manage colonies of cats, to do their work legally, making an ordinance allowing TNR and exempting caretakers from these other laws a prerequisite for the establishment of a community-wide TNR program; and

WHEREAS, it is in the community's best interest to identify colonies and their caretakers, and offer resources to care responsibly for the cats through TNR; and

WHEREAS, the goal is to establish reasonable standards for performing TNR by providing protections to caretakers who adhere to the ordinance's terms and conditions and by clearly defining the duties of all involved parties, including caretakers, animal welfare organizations, animal control agencies and the city; and

WHEREAS, it is in the best interest of the city of Owosso to protect the health, safety and welfare of residents through managed care of community cats by setting the following standards.

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ARTICLE III. – FERAL/STRAY CAT TRAP-NEUTER-RETURN PROGRAM

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Eartip means a mark identifying a feral or stray cat as having been sterilized, specifically, the removal of the tip of the cat's left ear while the cat is anesthetized.

Feral cat means a cat that is free roaming, not socialized to people and not an owned cat.

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Foster home means a household in which cat(s)/kitten(s) are temporarily placed for providing shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Kitten means a member of the species *felis catus* under the age of 10 weeks.

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Owned cat means a cat that is a companion to a person, is regularly fed and is sheltered in that same person's habitation.

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TNR program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, and returned to the location where they were captured and provided with long-term care by a caretaker.

Sec. 5-42 Management of feral cat colonies.

A TNR program shall be permitted and caretakers shall be entitled to maintain feral cat colonies according to the terms and conditions of this Article.

Sec. 5-43 Caretaker requirements.

It shall be the responsibility of a caretaker to:

- (a) register all feral cat colonies managed by the caretaker with the cat care organization pursuant to the requirements of Sec. 5-44;
- (b) make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies and eartipped by a licensed veterinarian;
- (c) provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats;

- (d) make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- (e) make reasonable efforts to remove, socialize, and find permanent adoptive homes or foster homes for kittens born to colony cats; and
- (f) make reasonable efforts to work with the city and the cat care organization to resolve any complaints concerning the colony of cats managed by the caretaker.

Sec. 5-44 Feral cat colony registration.

Upon registration of a feral cat colony, the caretaker shall provide the cat care organization with:

- (a) address, telephone number and, if applicable, email address of the caretaker;
- (b) location of the colony; and
- (c) approximate number of cats in the colony and the number currently sterilized/vaccinated.
- (d) the cat care organization shall provide the Clerk of the City of Owosso with current listings of all registered feral cat colonies.

Sec. 5-45 Change of caretaker.

If a caretaker is unable or unwilling to continue in that role, the caretaker shall notify the cat care organization and shall make reasonable efforts to secure a replacement caretaker. The cat care organization shall advise the Clerk of the City of Owosso whenever a caretaker ceases to function as such.

Sec. 5-46 Ordinance enforcement.

Nothing in this Article shall interfere with the right of the city to:

- (a) investigate nuisance complaints allegedly caused by a feral or stray cat or feral cat colony. If a cat/cats belonging to a registered feral cat colony is causing a nuisance, the city shall give the caretaker written notice delineating the nuisance and location of the cat or cats with specificity, including the person making the complaint. The caretaker shall have thirty (30) days from the date that written notice was provided to alleviate the nuisance. If the caretaker fails to effectively address the nuisance after thirty (30) days, the city shall have the right to remove the offending cat or cats;
- (b) seize and remove a registered feral cat colony if the caretaker regularly fails to comply with the requirements of Sec. 5-43 and the caretaker does not correct the situation within thirty (30) days of being given written notice by the city delineating the failures with specificity;
- (c) a caretaker in compliance with this Article shall be exempt from all provisions of this code that impose requirements on cats that are owned, kept, harbored, or in the custody of a person.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect June 22, 2015.

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

RESOLUTION NO.

**RESOLUTION NAMING THE CAT CARE ORGANIZATION FOR THE
FERAL/STRAY CAT TRAP-NEUTER-RETURN PROGRAM**

WHEREAS the City of Owosso has adopted an ordinance for feral/stray cat trap-neuter-return program;
and

WHEREAS it is beneficial to the City of Owosso to recognize a cat care organization as defined by the
Owosso City Code Section 5-40 et seq.

NOW, THEREFORE, BE IT RESOLVED THAT the Community Cats organization is recognized by the
City of Owosso as a cat care organization with the responsibility stated in Owosso City Code Section 5-40
et seq.

BE IT FURTHER RESOLVED THAT Lori Bailey shall be the contact person for said organization.



MEMORANDUM

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

DATE: May 28, 2015
TO: City Council
FROM: Susan Montenegro, Asst. City Manager/Community Development Director
SUBJECT: Rezoning of seven (7) parcels along S. Shiawassee Street

RECOMMENDATION:

The Planning Commission recommends the following zoning changes for the following parcels from an I-1 light industrial district to a B-1 local business district.

PROPERTY ADDRESS:	202 S. Shiawassee	(parcel 050-660-021-001-00)
	206 S. Shiawassee	(parcel 050-660-021-003-00)
	210 S. Shiawassee	(parcel 050-660-021-004-00)
	214 S. Shiawassee	(parcel 050-660-021-005-00)
	511 Clinton	(parcel 050-660-021-002-00)
	502 Genesee	(parcel 050-660-021-006-00)
	508 Genesee	(parcel 050-660-021-007-00)

BACKGROUND:

Dollar General is in the process of purchasing the properties listed above and will construct a new building on the site. The current store will be relocated to this new site within the following year. They came to the regularly scheduled planning commission meeting on May 26, 2015 and petitioned for rezoning of the property to meet their proposed needs.

FISCAL IMPACTS:

No fiscal impacts.

Document originated by: Susan Montenegro

RESOLUTION NO.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES
TO REZONE PARCELS OF REAL PROPERTY ALONG
SOUTH SHIAWASSEE STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from Midwest V, LLC on behalf of the owner of real property identified as Lots 1-4 AL & BO WILLIAMS ADDITION, to rezone the parcels from I-1 Light Industrial District to B-1 Local Business 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 recognizes the value in rezoning the seven (7) parcels along S. Shiawassee Street for economic development and growth; and

WHEREAS, the Planning Commission finds that the proposed rezoning meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of the following parcels:

Parcel Address	Current Zoning	Amended Zoning
202 S. Shiawassee	I-1	B-1
206 S. Shiawassee	I-1	B-1
210 S. Shiawassee	I-1	B-1
214 S. Shiawassee	I-1	B-1
511 Clinton	I-1	B-1
502 Genesee	I-1	B-1
508 Genesee	I-1	B-1

and

WHEREAS, the item must now be considered by City Council and a public hearing by the Council is required before any such ordinance amendment can be acted upon.

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

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
202 S. Shiawassee	050-660-021-001-00	I-1	B-1
206 S. Shiawassee	050-660-021-003-00	I-1	B-1
210 S. Shiawassee	050-660-021-004-00	I-1	B-1
214 S. Shiawassee	050-660-021-005-00	I-1	B-1
511 Clinton	050-660-021-002-00	I-1	B-1
502 Genesee	050-660-021-006-00	I-1	B-1
508 Genesee	050-660-021-007-00	I-1	B-1

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, June 15, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

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

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

210 S Shiawassee



0 65 130 260 390 520

Feet

City Parcels 2013 Edition
 Tax ID

May 15, 2015

April 20, 2015

Ms. Susan Montenegro
Community Development Director
City of Owosso
301 West Main
Owosso, MI 48867

Re: Dollar General Site
S. Shiawasee & Clinton Street

Dear Ms. Monenegro:

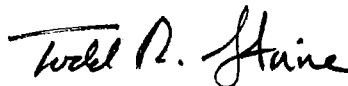
Enclosed is the following information for the proposed rezoning of the Dollar General site from I Industrial to B-1 Local Business.

1. Rezoning Application, Rezoning narrative, and addresses.
2. ALTA Survey of the site (3 Copies)
3. \$300 Fee
4. Owner authorization letter

Please process this request for consideration at the May 26th Planning Commission meeting.

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

Sincerely,



Todd R. Stuve, P.E.
tstuive@exxelengineering.com

301 W. Main Street, Owosso, Michigan 48867, TX 989-725-0540, FX 989-723-8854

1. In order that this application may be processed, the applicant must completely fill in the application and make a non-refundable payment of Three Hundred Dollars (\$300) to the Treasurer's Office, to cover costs associated with the processing.
2. The applicant or his/her representative must be present at the Planning Commission and City Council public hearings for action to be taken on this request.

1. PROPERTY TO BE REZONED: Street Address Please see attached Exhibit "A"
Description: (lot, block or metes and bounds) Lots 1-4, Al & Bo Williams Addition to the City of Owosso, Michigan
Frontage in Feet 264 Depth in Feet 132

2. PROPERTY OWNERSHIP: (Name, Address, and Phone Number)
Henry Family LLC, 603 Clark Avenue, Owosso, MI 48867

3. ZONING REQUEST Current Zoning I-Industrial Requested Zoning B-1 Local Business
Proposed Use of the Property Retail Store

PLEASE SEE NARRATIVE - ATTACHED

Action Taken



RE-ZONING NARRATIVE

Existing site is zoned "I" Industrial, however the site is currently used for residential purposes. Six (6) small single family rental homes exist on the overall property. The property is surrounded by B-4 General Business to the north, I-Industrial to the west and south, and RM2 - Residential across Shiawassee Street to the east. The entire block of properties is proposed to be combined for a single commercial development, retail store. The proposed zoning is B-1-Local business which is the most restrictive commercial zone. This zone is best suited to service the needs of the local neighborhoods. The proposed zoning and use will have less potential impact to the community than the existing Industrial zoning.

Exhibit "A"

202 S. Shiawassee St	Tax Id# -	050-660-021-001-00
206 S. Shiawassee St	Tax Id# -	050-660-021-003-00
210 S. Shiawassee St	Tax Id# -	050-660-021-004-00
214 S. Shiawassee St	Tax Id# -	050-660-021-005-00
511 Clinton St	Tax Id# -	050-660-021-002-00
502 S. Genessee St	Tax Id# -	050-660-021-006-00
508 S. Genessee St	Tax Id# -	050-660-021-007-00

AUTHORIZATION LETTER

Owner: Rosalyn Henry
508/502 Genesee St.

Property: 511 Clinton St. 202/206/210/214 S. Shiduassee St.

Date: 1/26/15

To Whom It May Concern:

Midwest V, LLC ("Buyer"), 403 Oak Street, Spring Lake, MI 49456, is hereby authorized to act on our behalf in connection with the items listed below as it pertains to the development of our above-referenced Property pursuant to a Purchase and Sale Agreement.

Due diligence – soil testing, geo-technical drilling, surveying, engineering and environmental studies (phase I, phase II and/or BEA).

Permitting – Applications and filings with applicable municipalities for all entitlements, including, but not limited to, site plan approval, rezoning, variances, building permits, and any required construction permits.

Unless otherwise agreed in the Purchase and Sale Agreement, any and all of the foregoing work shall be completed by Buyer at its sole cost and expense. Buyer will return the property to substantially the same condition prior to their work.

Sincerely,

Rosalyn Henry Owner

Buyer Contact Information:

Attn: Peter Oleszczuk

403 Oak Street

Spring Lake, MI 49456

Phone: 616-842-2030 ext. 106

Fax: 616-842-1950

PTO



MEMORANDUM

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

DATE: May 28, 2015
TO: City Council
FROM: Susan Montenegro, Asst. City Manager/Dir. of Community Development
SUBJECT: Amending the I-2 General Industrial Zoning Language

RECOMMENDATION:

The planning commission voted at their regularly scheduled meeting on May 26, 2015 to change the zoning language in Section 38-312 for the I-2 general industrial zoning district. The recommendation is that city council amends the zoning language of section 38-312 by adopting the suggested changes.

BACKGROUND:

Planning commission has diligently worked to revise the language within Section 38-312 of the Code of Ordinances to reflect current land use and impose stricter limitations on certain types of use by requiring a special use permit.

FISCAL IMPACTS:

None

Document originated by: Susan Montenegro

RESOLUTION NO.

**FIRST READING & SET PUBLIC HEARING FOR
AN ORDINANCE AMENDING SECTION 38-312, PRINCIPAL USES PERMITTED,
OF THE OWOSSO CITY ZONING CODE REGARDING
I-2 GENERAL INDUSTRIAL ZONING**

WHEREAS, the City of Owosso Zoning Code Section 38-312, Principal uses permitted, outlines specific uses allowed in the I-2, General Industrial District, zoning designation; and

WHEREAS, the uses permitted within the I-2 zoning district need modification to meet current use needs while imposing stricter limitations on certain types of land use by requiring a special use permit.

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

SECTION 1. AMENDMENT. That existing Section 38-312, Principal uses permitted, of the Owosso City Code be amended to read:

Sec. 38-312. - Principal uses permitted.

In an I-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an I-1 district;
- ~~(2) Grain elevators;~~
- (2) **Onsite** heating and electric power generating plants, ~~and all necessary uses using conventional fuels or renewable resources;~~
- (3) Gasoline or petroleum storage;
- (4) Railroad yards;
- (5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - ~~a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;~~
 - ~~b. Blast furnace, steel furnace, blooming or rolling mill;~~
 - ~~c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;~~
 - ~~d. Petroleum or other inflammable liquids, production or refining;~~
 - ~~e. Smelting of copper, iron or zinc ore;~~
 - ~~f.~~
 - a. Junkyards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that one property line abuts a railroad right-of-way.
- (6) **Foundry operations within a closed building.**
- (7) Any other use which shall be determined by the council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this section. The council may impose any required setbacks and/or performance standards so as to insure public health, safety and general welfare;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

Additional uses allowed by special use permit:

- (1) Grain elevators;**
- (2) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:**
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;**
 - b. Blast furnace, steel furnace, blooming or rolling mill;**
 - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;**
 - d. Petroleum or other inflammable liquids, production or refining;**
 - e. Smelting of copper, iron or zinc ore;**

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 20 days after approval.

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

SECTION 6. PUBLIC HEARING. A public hearing is set for Monday, June 15, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.



MEMORANDUM

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

DATE: June 1, 2015

TO: Owosso City Council

FROM: Mark Sedlak, Director of Public Service Department

SUBJECT: General Engineering Services Agreements

RECOMMENDATION:

I recommend renewal and approval of the three General Engineering Service Agreements for a period ending June 30, 2016. Specifically, it is recommended that City Council approve renewals with:

1. Spicer Group, Inc. (St Johns, MI)
2. Fishbeck, Thompson, Carr & Huber, Inc. (Lansing, MI)
3. Fleis & Vandenbrink Engineering, Inc. (Grand Blanc, MI)

BACKGROUND:

On March 17, 2014, City Council approved Agreements for Professional Engineering Services with Spicer Group, Inc., Fishbeck, Thompson Carr & Huber, Inc., and Fleis & Vandenbrink, Inc. These agreements are to be renewed annually through June 30, 2017. These services are necessary to support engineering staff in carrying out the duties and responsibilities of the Engineering Division whenever workload demands the addition of the consultant's staff and expertise. All three firms have satisfactorily performed services for the city in the past.

FISCAL IMPACTS:

City staff will request individual quotes from the three firms whenever there is a need for a specific service. These quotes will be evaluated and administered in accordance with the city of Owosso's Purchasing Policy to determine which firm will be awarded the contract.

RESOLUTION NO.

**AUTHORIZING THE RENEWAL OF AGREEMENTS
FOR PROFESSIONAL ENGINEERING SERVICES WITH
SPICER GROUP, INC.
FISHBECK, THOMPSON, CARR & HUBER, INC.
FLEIS & VANDENBRINK ENGINEERING, INC.**

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to contract for professional engineering services for various public improvement projects in the city; and

WHEREAS, in March 2014 Council approved a series of three-year contracts with engineering firms Spicer Group, Inc., Fishbeck, Thompson, Carr & Huber Inc., and Fleis & Vandenbrink Engineering Inc. which require renewal on an annual basis; and

WHEREAS, Spicer Group, Inc., Fishbeck, Thompson, Carr & Huber Inc., and Fleis & Vandenbrink Engineering Inc., have provided the City with satisfactory services to date and renewal of their respective agreements is recommended.

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

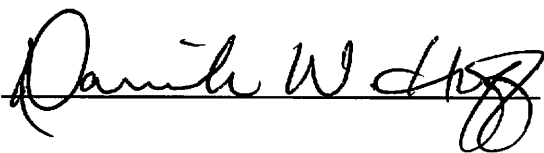
- FIRST: that the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to renew the contracts with the firms of Spicer Group, Inc., Fishbeck, Thompson, Carr, & Huber Inc., and Fleis & Vandenbrink Engineering Inc., to provide professional engineering services for future engineering projects.
- SECOND: that the mayor and city clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-SG, Renewal of Agreement for Professional Engineering Services with Spicer Group, Inc..
- THIRD that the mayor and city clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-FTCH, Renewal of Agreement for Professional Engineering Services with Fishbeck, Thompson, Carr & Huber Inc..
- FOURTH that the mayor and city clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-FV, Renewal of Agreement for Professional Engineering Services with Fleis & Vandenbrink Engineering, Inc..
- FIFTH that the city manager of the city of Owosso is hereby instructed to receive cost proposals from each of these three firms for future projects and make recommendation to City Council for acceptance and award in accordance with the city of Owosso Purchasing Policy for the period renewed through June 30, 2016.

EXHIBIT C-SG
RENEWAL OF
AGREEMENT FOR
PROFESSIONAL ENGINEERING SERVICES WITH
SPICER GROUP, INC.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date noted, renewing the contract "Agreement for Professional Engineering Services with Spicer Group, Inc." for the term of July 1, 2015 through June 30, 2016.

For the engineer:
Spicer Group, Inc.

For the owner:
City of Owosso, Michigan

By: 

By: _____
Benjamin R. Frederick
Mayor

By: 

By: _____
Amy K. Kirkland
City Clerk

Executed: APRIL 27, 2015

Executed: _____, 2015

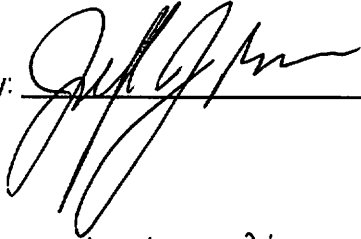
EXHIBIT C-FTCH

**RENEWAL OF
AGREEMENT FOR
PROFESSIONAL ENGINEERING SERVICES WITH
FISHBECK THOMPSON CARR & HUBER INC.**

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date noted, renewing the contract "Agreement for Professional Engineering Services with Fishbeck Thompson Carr & Huber Inc." for the term of July 1, 2015 through June 30, 2016.

For the engineer:
Fishbeck Thompson Carr & Huber Inc.

For the owner:
City of Owosso, Michigan

By:  _____

By: _____
Benjamin R. Frederick
Mayor

By:  _____

By: _____
Amy K. Kirkland
City Clerk

Executed: _____, 2015

Executed: _____, 2015

EXHIBIT C-FV

RENEWAL OF
AGREEMENT FOR
PROFESSIONAL ENGINEERING SERVICES WITH
FLEIS & VANDENBRINK ENGINEERING, INC.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date noted, renewing the contract "Agreement for Professional Engineering Services with Fleis & Vandenbrink Engineering, Inc." for the term of July 1, 2015 through June 30, 2016.

For the engineer:
Fleis & Vandenbrink Engineering, Inc.

For the owner:
City of Owosso, Michigan

By: _____


Gary M. M.

By: _____

Benjamin R. Frederick
Mayor

By: _____

By: _____

Amy K. Kirkland
City Clerk

Executed: 4.30.15, 2015

Executed: _____, 2015



MEMORANDUM

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

DATE: June 1, 2015

TO: Owosso City Council

FROM: Mark Sedlak, Director of Public Services

SUBJECT: Professional Engineering Services for Gould Street Resurfacing Project

RECOMMENDATION:

I recommend City Council accept the proposal from Fleis & Vandenbrink, Inc. and award a contract to them in the amount of \$73,700.00 for the Gould Street Resurfacing Project. Funds for this service will be issued from the street bonds.

BACKGROUND:

On February 24, 2015, the City was awarded a Transportation Economic Development Fund-Category F grant to resurface Gould Street, from M-71 (Corunna Ave.) to M-21 (Main St.). MDOT requires that the City furnish professional engineering services to perform design engineering and construction administration for the project. City administration requested quotes from its three QBS selected firms. All three firms responded and Fleis & Vandenbrink, Inc. is considered the most qualified firm to perform these services. A copy of Fleis & Vandenbrink's proposal is included in the meeting packet.

FISCAL IMPACTS:

This is a required service of MDOT to utilize the TEDF-F program funds.

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES WITH
FLEIS & VANDENBRINK, INC.
FOR THE GOULD STREET RESURFACING PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary resurfacing of Gould Street, from M-71 (Corunna Ave.) to M-21 (Main St.); and

WHEREAS, this project requires the services of a professional engineering firm; and

WHEREAS, the City sought proposals from its QBS list of firms to perform such work; and

WHEREAS, Fleis & Vandenbrink, Inc. is selected as the most qualified firm to perform such work and offers to complete full design and construction administration services of said project in return for compensation in an amount not to exceed of \$73,700.00.

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 employ the firm of Fleis & Vandenbrink, Inc. to provide professional engineering services for the Gould Street Resurfacing Project.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum to an Agreement for Professional Engineering Services between the City of Owosso, Michigan and Fleis & Vandenbrink, Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$73,700.00 to Fleis & Vandenbrink, Inc. upon successful completion of stated work.
- FOURTH: The above expenses shall be paid from the street bonds.

**ADDENDUM TO AN AGREEMENT
FOR
PROFESSIONAL ENGINEERING SERVICES
WITH
FLEIS & VANDENBRINK, INC.**

This addendum is attached and made part of the agreement for professional engineering services dated July 1, 2014 between the City of Owosso, Michigan (owner) and Fleis & VandenBrink, Inc. (Engineer) for providing professional services.

**PROJECT NAME
GOULD STREET RESURFACING**


PROJECT SCOPE OF WORK
The project scope of work is attached as **FULL DESIGN ENGINEERING AND FULL CONSTRUCTION ADMINISTRATION SERVICES.**

SCHEDULE
The schedule for the project is attached as Addenda: Schedule and Budget Control shown **begin by June 8, 2015 and be completed by December 31, 2016.**

COMPENSATION
The cost proposal of the engineer for the project is attached as Addenda: Full Design Engineering services which total \$29,800 and Construction Administration services which totals \$43,900. The total Contract shall be in the Not-To-Exceed total amount of \$73,700.00. The engineer shall submit for payment based on monthly progress of the work.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date first above written.

Approved: _____
Month Day Year
For ENGINEER:
FLEIS & VANDENBRINK, INC.

By: 

Gary O. Bartow
Principal in Charge

By: 
Geric L. Rose
Project Manager

Executed: May 25, 2015

For OWNER:
CITY OF OWOSSO

For

By: _____
Benjamin R. Frederick
Mayor

By: _____
Amy Kirkland
City Clerk

Executed: _____, 2015



WARRANT 503
May 26, 2015

Vendor	Description	Fund	Amount
Waste Management	Disposal charges- May 1, 2015 – May 15, 2015	WWTP	\$ 5,014.60
		TOTAL	\$ 5,014.60



MEMORANDUM

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

DATE: May 28, 2015

TO: Mayor Frederick and the Owosso City Council

FROM: Kevin D. Lenkart, Chief of Public Safety

SUBJECT: Update to FOIA Policy

The State of Michigan has recently enacted changes to the Michigan Freedom of Information Act, which will take effect on July 1, 2015, and include significant new requirements for all public bodies in Michigan. The changes to the FOIA procedure and requirements were adopted pursuant to 2014 PA 563, to be effective July 1, 2015.

The City of Owosso current FOIA policy will be replaced by the new document effective 7-1-15. The fees for FOIA will be determined by the cost associated in the research and production of the document. The information on each FOIA request will be presented to each requestor and the policy and guideline will be posted on the city's website.

RESOLUTION NO.

**ADOPTING CITY OF OWOSSO
FOIA POLICY
PROCEDURES AND GUIDELINES**

WHEREAS, the City of Owosso, County of Shiawassee, State of Michigan is a public body within meaning of the Michigan Freedom of Information Act (FOIA) ; and

WHEREAS, in its capacity as a public body, the City of Owosso receives Freedom of Information Act requests; and

WHEREAS, these requests must be responded to in adherence with the FOIA act, being MCL 15.231, *et seq* (the "Act"); and

WHEREAS, the City previously adopted a policy to ensure that FOIA requests are addressed in an efficient and consistent manner pursuant to established published procedures and guidelines and to implement charges for responding to FOIA requests; and

WHEREAS, the State Legislature made significant changes in the FOIA procedures and requirements (2014 PA 563), to be effective July 1, 2015.

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

FIRST: The FOIA Policy, Procedures and Guidelines dated June 1, 2015 is hereby adopted.

SECOND: The City of Owosso has determined that the fees associated with FOIA will be determined by the FOIA Policy.

THIRD: The FOIA Policy, Procedures and Guidelines will become effective July 1, 2015.

City of Owosso FOIA Policy Procedures and Guidelines

Preamble: Statement of Principles

It is the policy of the City of Owosso that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The city's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The city acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The city acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The city of Owosso will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City's policy is to disclose public records consistent with and in compliance with State law.

The City of Owosso has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The City of Owosso, acting pursuant to the authority at MCL 15.236, designates the Public Safety Director as the FOIA Coordinator. He or she is authorized to designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review City spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with City Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect City systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The City is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other City staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves. The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of at least one year.

The City will make this Procedures and Guidelines document and the written Public Summary publicly available without charge. If it does not, the City cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the City's written Public Summary must be publicly available by providing free copies both in the City's response to a written request and upon request by visitors at the City's office.

This Procedures and Guidelines document and the City's written Public Summary will be maintained on the City's website at: www.ci.owosso.mi.us, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City may be submitted on the City's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by the City on the City's FOIA Request Form.

If a person makes a verbal, non-written request for information believed to be available on the City's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the City of Owosso on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the City will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The City will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the City's website.

When a request is granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the written Public Summary will be provided to the requestor free of charge with the response to a written request for public records*, provided however, that because these Procedures and Guidelines, and the written Public Summary are maintained on the City's website at: www.ci.owosso.mi.us, a link to the Procedures and Guidelines and the written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the City will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a request is denied or denied in part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; or

- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the City Manager or seek judicial review in the Shiawassee County Circuit Court;
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

The City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the City in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the City's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the City; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.
-

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the City;
- The City is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the City.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.

A fee will **not** be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the city’s usual FOIA requests, not compared to the city’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the City:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether the public records are from more than one City department or whether various City offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the City to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the City.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the City.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the city’s website if you ask for the city to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the city’s website if you ask for the city to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

- The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The City will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the City's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The City will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the City must:

- Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if *any* of the following applies:
 - The City's late response was willful and intentional,
 - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
 - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public.

Section 7: Discounted Fees

Indigence

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the City twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
 - Is made directly on behalf of the organization or its clients.
 - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
 - Is accompanied by documentation of its designation by the state, if requested by the public body.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the City of Owosso by filing an appeal of the denial with the office of the City Manager.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The City FOIA Appeal Form (To Appeal a Denial of Records), may be used.

Within 10 business days of receiving the appeal the City manager will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City Manager shall respond to the written appeal. The City Manager shall not issue more than 1 notice of extension for a particular written appeal.

If the City Manager fails to respond to a written appeal, or if the City Manager upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the City Council, he or she may file a civil action in Shiawassee County Circuit Court within 180 days after the City's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the City of Owosso to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or City of Owosso prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the City of Owosso has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the City to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the City Manager by submitting a written appeal for a fee reduction to the office of the City Manager.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The City FOIA Appeal Form (To Appeal an Excess Fee) may be used.

Within 10 business days after receiving the appeal, the City Manager will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Council will respond to the written appeal. The City Council shall not issue more than 1 notice of extension for a particular written appeal.

Where the City Manager reduces or upholds the fee, the determination must include a certification from the City Manager that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the City Council's determination of an appeal, the requesting person may commence a civil action in Shiawassee County Circuit Court for a fee reduction.

If a civil action is commenced against the City for an excess fee, the City is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

- The City does not provide for appeals of fees,
- The City Council failed to respond to a written appeal as required, or
- The City Council issued a determination to a written appeal.

If a court determines that the City required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the City has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the City to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City of Owosso or the City Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the City Manager or the City Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the City Council or the City Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the City Manager of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

Section 11: Appendix of City of Owosso FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

City of Owosso: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

____ City, _____ County

Detailed Cost Itemization

Phone: _____

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA Policies and Guidelines.

1. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in ____-minute time increments as set by the City board (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: ____%
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: _____, divide by ____-minute increments, and round down.
Enter below:

Number of increments

x _____ =

1. Labor Cost

\$ _____

2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** _____

The City will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in ____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: ____%
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: _____, divide by ____-minute increments, and round down.
Enter below:

Number of increments

x _____ =

2. Labor Cost

\$ _____

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a City employee. If contracted, use No. 3b instead).

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a **City employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **City's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in ____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: ____%
(*up to 50% of the hourly wage*) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*:
____, divide by ____-minute increments, and round down.
Enter below:

Number of increments

x _____ =

3a.
Labor Cost

\$ _____

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

As this City does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of ____ (*currently \$8.15*).

Name of contracted person or firm: _____

These costs will be estimated and charged in ____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

To figure the number of increments, take the *number of minutes*:
____, divide by ____-minute increments, and round down to: ____ increments.
Enter below:

Number of increments

x _____ =

3b.
Labor Cost

\$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 ½ x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 ½ x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A City **must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of
Sheets:

x _____ = \$ _____
x _____ = \$ _____

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

Costs:

4. Total
Copy Cost
\$ _____

5. Mailing Cost:

The City will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The City **may** charge for the least expensive form of postal delivery confirmation.
- The City **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
\$ _____ per pound
\$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

Number of
Envelopes or
Packages:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

Costs:

5. Total
Mailing Cost
\$ _____

☐ * Requestor has requested expedited shipping or insurance

6a. Copying/Duplicating Cost for Records Already on City's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the City will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 ½ x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 ½ x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- *Circle applicable:* Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

☐ Requestor has stipulated that some / all of the requested records that are already available on the City's website be provided in a paper or non-paper physical digital medium.

Number of
Sheets:

x _____ = \$ _____
x _____ = \$ _____

Costs:

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

6a. Web
Copy Cost

\$ _____

6b. Labor Cost for Copying/Duplicating Records Already on City's Website:

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in _____-minute time increments (*i.e.: 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____

OR

Charge per increment: \$ _____

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: _____%
and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

The City may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

☐ Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of
increments

x _____ = \$ _____

6b. Web
Labor Cost

6c. Mailing Cost for Records Already on City's Website:

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

☐ * Requestor has requested expedited shipping or insurance

Number:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

Costs:

6c. Web
Mailing Cost

\$ _____

<p><u>Subtotal Fees Before Waivers, Discounts or Deposits:</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Estimated Time Frame to Provide Records:</p> <p>_____ (days or date)</p> <p>The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve the township from any of the other requirements of this act.</p> </div>	<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <input type="checkbox"/> Cost estimate <input type="checkbox"/> Bill </div>	<div style="display: flex; flex-direction: column; gap: 5px;"> <div>1. Labor Cost for Copying: \$ _____</div> <div>2. Labor Cost to Locate: \$ _____</div> <div>3a. Labor Cost to Redact: \$ _____</div> <div>3b. Contract Labor Cost to Redact: \$ _____</div> <div>4. Copying/Duplication Cost: \$ _____</div> <div>5. Mailing Cost: \$ _____</div> <div>6a. Copying/Duplication of Records on Website: \$ _____</div> <div>6b. Labor Cost for Copying Records on Website: \$ _____</div> <div>6c. Mailing Costs for Records on Website: \$ _____</div> </div>
Subtotal Fees: \$ _____		
<p><u>Waiver: Public Interest</u></p> <p>A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the City determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.</p> <p style="text-align: center;"> <input type="checkbox"/> All fees are waived <u>OR</u> <input type="checkbox"/> All fees are reduced by: _____ % </p>	<p>Subtotal Fees After Waiver:</p>	<p>\$ _____</p>
<p><u>Discount: Indigence</u></p> <p>A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR</p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:</p> <p style="margin-left: 40px;">(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR</p> <p style="margin-left: 40px;">(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.</p> <p style="text-align: center;"><input type="checkbox"/> Eligible for Indigence Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p><u>Discount: Nonprofit Organization</u></p> <p>A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:</p> <p style="margin-left: 40px;">(i) Is made directly on behalf of the organization or its clients.</p> <p style="margin-left: 40px;">(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p style="margin-left: 40px;">(iii) Is accompanied by documentation of its designation by the state, if requested by the City.</p> <p style="text-align: center;"><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>

<p>Deposit: Good Faith</p> <p>The City may require a good-faith deposit <u>before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00</u>, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%</p>	<p>Date Paid:</p> <p>_____</p>	<p>Deposit Amount Required:</p> <p>\$ _____</p>
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</p> <p>After a City has granted and fulfilled a written request from an individual under this act, if the City has not been paid in full the total amount of fees for the copies of public records that the City made available to the individual as a result of that written request, the City may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the City's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the City. (f) The City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A City can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the City, OR (b) The City is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the City.</p>	<p>Date Paid:</p> <p>_____</p>	<p>Percent Deposit Required:</p> <p>_____%</p> <p>Deposit Required:</p> <p>\$ _____</p>
<p>Late Response Labor Costs Reduction</p> <p>If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Number of Days Over Required Response Time:</p> <p>_____</p> <p>Multiply by 5%</p> <p>= Total Percent Reduction:</p> <p>_____</p>	<p>Total Labor Costs</p> <p>\$ _____</p> <p>Minus Reduction</p> <p>\$ _____</p> <p>= Reduced Total Labor Costs</p> <p>\$ _____</p>
<p>The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from:</p> <p>Website: _____ Email: _____</p> <p>Phone: _____ Address: _____</p> <p style="text-align: right;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	<p>Date Paid:</p> <p>_____</p>	<p>Total Balance Due:</p> <p>\$ _____</p>

(Form created by Michigan Citys Association, April 2015)



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

MEMORANDUM

DATE: May 28, 2015

TO: City Council

FROM: Jessica B. Unangst, Director of HR & Administrative Services

RE: Police Officers Labor Council (POLC) – Non-supervisory & Supervisory Contracts

Over the last three months we have been in negotiations with both of the POLC unions (non-supervisory and supervisory). The union members ratified both tentative settlement agreement last week. I am now bringing the tentative settlement agreements to you for council approval. They are both three year contracts starting July 1, 2015 through June 30, 2018.

The POLC – non-supervisory agreement includes:

1. Added language for the appointment of a Financial Manager as required under section 15(7) of the Public Employment Relations Act.
2. Added language for an afternoon shift.
3. Updated flexible spending account language to reflect the current requirements under the IRS code.
4. Took out all of the language referencing the 8 hour shifts, which were eliminated with the last contract agreement.
5. Added language referencing the city's drug/alcohol policy.
6. Changed the effective date of the contract (July 1, 2015 through June 30, 2018).
7. Increased the amount the city will contribute towards dental coverage.
8. Increased life insurance amounts.
9. Removed the residency requirement.
10. Updated the dates under termination and modification, that the contract is effective through June 30, 2018.
11. Under holidays, switched Washington's birthday for President's day and added MLK day.
12. Updated language under medical (clean-up).
13. Increased the amounts the city will be responsible for contributing to the pension plan.
14. Wage increase of 2.5% effective July 1, 2015; 2% effective July 1, 2016; and 2% effective July 1, 2017
15. Under holidays, added language for minimum hours worked to get paid for the holiday.

The estimated costs for implementation the first year is \$56,713 (see the spreadsheet below analyzing costs). The second and third year of the contract are unknown given the pension contributions. It is without hesitation that I recommend approval of the POLC – non-supervisory settlement agreement.

Number	Change	Cost to City 1st year	Cost to City 2nd year	Cost to City 3rd year
1	Appointment of Financial Manager language added	\$ -	\$ -	\$ -
2	Added an afternoon shift	\$ -	\$ -	\$ -
3	Updated flexible spending acct language	\$ -	\$ -	\$ -
4	Eliminated reverting back to 8 hr shift language	\$ -	\$ -	\$ -
5	Added language referencing drug/alcohol policy	\$ -	\$ -	\$ -
6	Date change	\$ -	\$ -	\$ -
7	Dental coverage	\$ 1,733.88	\$ 1,768.56	\$ 1,803.93
8	Life insurance - increasing amounts	\$ -	\$ -	\$ -
9	Residency - removed	\$ -	\$ -	\$ -
10	Termination & Modification	\$ -	\$ -	\$ -
11	Added an additional holiday	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00
12	Updated language on medical	\$ -	\$ -	\$ -
13	Retirement - city contributing more	\$ 13,537.78	Unknown	Unknown
14	Wage increase	\$ 40,391.99	\$ 35,484.10	\$ 25,848.05
15	Holiday - added language for minimum hours worked	\$ -	\$ -	\$ -
		\$ 56,713.65	\$ 38,302.66	\$ 28,701.98

The POLC – supervisory agreement is similar and includes:

1. Added language for the appointment of a Financial Manager as required under section 15(7) of the Public Employment Relations Act.
2. Added language defining the work shift for the lieutenant.
3. Removed language requiring a separate check for uniform reimbursement.
4. Updated flexible spending account language to reflect the current requirements under the IRS code.
5. Took out all of the language referencing the 8 hour shifts, which were eliminated with the last contract agreement.
6. Added language referencing the city's drug/alcohol policy.
7. Changed the effective date of the contract (July 1, 2015 through June 30, 2018).
8. Increased the amount the city will contribute towards dental coverage.
9. Increased life insurance amounts.
10. Removed the residency requirement.
11. Updated the dates under termination and modification, that the contract is effective through June 30, 2018.
12. Under holidays, switched Washington's birthday for President's day and added MLK day.
13. Updated language under medical (clean-up).
14. Increased the amounts the city will be responsible for contributing to the pension plan.
15. Wage increase of 2.5% effective July 1, 2015; 2% effective July 1, 2016; and 2% effective July 1, 2017.
16. Under holidays, added language for minimum hours worked to get paid for the holiday.

The estimated costs for implementation the first year is estimated at \$60,622 (see the spreadsheet below analyzing costs). The second and third year of the contract are again unknown given the pension contributions. It is without hesitation that I recommend approval of the POLC – supervisory settlement agreement.

Number	Change	Cost to City 1st year	Cost to City 2nd year	Cost to City 3rd year
1	Appointment of Financial Manager language added	\$ -	\$ -	\$ -
2	Added language for the shift of the lieutenant	\$ -	\$ -	\$ -
3	Uniforms - removed separate checks	\$ -	\$ -	\$ -
4	Updated flexible spending acct language	\$ -	\$ -	\$ -
5	Eliminated reverting back to 8 hr shift language	\$ -	\$ -	\$ -
6	Added language referencing drug/alcohol policy	\$ -	\$ -	\$ -
7	Date change	\$ -	\$ -	\$ -
8	Dental coverage	\$ 1,019.88	\$1,040.28	\$1,060.68
9	Life insurance - increasing amounts	\$ -	\$ -	\$ -
10	Residency - removed	\$ -	\$ -	\$ -
11	Termination & Modification	\$ -	\$ -	\$ -
12	Added an additional holiday	\$ 350.00	\$ 350.00	\$ 350.00
13	Updated language on medical	\$ -	\$ -	\$ -
14	Retirement - city contributing more	\$ 30,663.58	Unknown	Unknown
15	Wage increase	\$ 28,588.56	\$7,491.12	\$6,333.60
16	Holiday - added language for minimum hours worked	\$ -	\$ -	\$ -
		\$ 60,622.02	\$8,881.40	\$7,744.28

RESOLUTION NO.

**GENERAL APPROPRIATIONS RESOLUTION FOR
DOWNTOWN DEVELOPMENT AUTHORITY - 2015-16**

WHEREAS, the Authority board met to consider a proposed budget for fiscal year 2015-16, and after deliberations and public input approved a budget; and

WHEREAS, the Owosso City Council held a public hearing on the proposed budget on May 18, 2015; and,

WHEREAS, it is the intent of the Downtown Development Authority to levy a tax for general operating purposes pursuant to Public Act 197 of 1975 based on the budget summary attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically MCL 211.34(d) provide for an annual compound millage reduction calculation applied to the maximum millage rate of two mills authorized by MCL 125.1662; and

WHEREAS, the millage reduction commonly known as the "Headlee" rollback results in a maximum operating millage rate of 1.9484 for which the Authority is authorized to levy.

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2015 shall be the rate of 1.9484 per \$1,000 of taxable value of the 2015 assessment roll for the district as approved by the Board of Review.

The levy will generate a revenue yield for operating purposes as follows:

GENERAL OPERATING	1.9484 MILLS	\$26,942
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RESOLUTION NO.

GENERAL APPROPRIATIONS RESOLUTION - 2015-16

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter, the City Council has received the proposed budget for the fiscal year beginning July 1, 2015 and held a public hearing on May 18, 2015; and

WHEREAS, it is the intent of the City Council to levy ad valorem and specific property taxes for general operating purposes of the City; for payment of principal and interest on voted indebtedness; and for special voted millage to support public transportation, based on the budget summary for fiscal year 2015-16 attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically, MCL 211.34(d) provide for a compound millage reduction calculation applied to the City Charter maximum authorized operating millage rate of fifteen mills per thousand of taxable value; and

WHEREAS, this millage reduction commonly known as the Headlee rollback results in a maximum operating millage rate of 13.0370 for which the City is authorized to levy; and

WHEREAS, the Garbage Disposal Plants Act, MCL 123.261, allows the City to levy up to three mills on all taxable property to provide for the collection and disposal of certain solid wastes; and

WHEREAS, it has been determined that a levy of one mill per \$1,000 of taxable value is required to operate a solid waste recycling program; and

WHEREAS, the voters approved, by a majority, in an election held on August 7, 2012, a millage, not to exceed .3333 mills per \$1,000 of taxable value to support public transportation; and

WHEREAS, the board of the Shiawassee Area Transportation Authority has requested funding from the City equating to a millage of .3285 mills per thousand of taxable value for which the City is authorized to levy; and

WHEREAS, it has been determined that a millage rate of .4973 mills per thousand of taxable value is required for the annual debt service on unlimited tax general obligations bonds.

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2015 shall be the rate of 14.8628 per \$1,000 of taxable value of the 2015 assessment roll as approved by the Board of Review; and

The total levy shall be composed of the constituent rates for purposes and with revenue yields described as follows:

GENERAL OPERATING	13.0370	\$3,120,755
GARBAGE DISPOSAL	1.0000	\$239,376
DEBT SERVICE	.4973	\$119,044
SATA	<u>.3285</u>	<u>\$78,637</u>
	14.8628	\$3,557,812

POLICE 101-300

SERVICE DESCRIPTION	OPERATIONAL PLAN 2015-2016			
*Patrol - Suppress illegal activity, enforce state and city laws	<div>The goal of the Owosso Public Safety Department is to provide impartial police, fire and EMS service to the citizens of Owosso. During the 2015-2016 budget year we will continue with the goalsof community policing.</div> <div>The following four pages show the changes to the 2015-16 Budget should Council approve the Police Command & Patrol contracts.</div>			
*Traffic - enforce traffic codes, accident investigation, and traffic flow				
*Continue officer education				
*Investigate crimes within city limits				
* Records management and retention	CAPITAL OUTLAY			
*Community relations and crime prevention	2015-16	2016-17	2017-18	
*Court administration duties				
*School crossing guard program				
*Parking enforcement				
Total	0	0	0	
STAFFING SUMMARY				
	CURRENT		PROPOSED	
	2014-15		2015-16	
Director	0.5		0.5	
Lieutenant	0		1	
Sergeants	3		2	
Patrolmen	12		11	
Detectives	2		2	
Clerical	1.5		2.1	
P.T. Code/Parking Enfrcmnt.	0.6		0.6	
Janitor	0.5		0.5	
P.T. Reserves	0		0	
P.T. Cross/Guards	19		19	
MAGNET Officer	1		1	
Total	40.1		39.7	
BUDGET SUMMARY				
	ACTUAL	ADOPTED	AMENDED	PROPOSED
	2013-14	2014-15	2014-15	2015-16
Personnel	1,493,668	1,581,225		1,612,075
Supplies	67,824	69,500		75,000
Other	137,409	146,100		121,850
COL	89,999	23,100		0
Total	1,788,900	1,819,925	0	1,808,925

GL NUMBER	DESCRIPTION	2013-14 ACTUAL	2014-15 AMENDED BUDGET	2014-15 ACTIVITY THRU 01/31/15	2015-16 PROPOSED BUDGET
Dept 300-POLICE					
101-300-702.100	SALARIES	962,608	1,000,500	545,316	1,024,900
101-300-702.110	SALARIES-DARE	0	0	0	59,500
101-300-702.120	SALARIES-MAGNET	54,535	53,700	34,066	0
101-300-702.200	WAGES	13,176	10,500	5,031	38,250
101-300-702.300	OVERTIME	33,295	38,000	18,959	40,000
101-300-702.400	WAGES - TEMPORARY	6,401	10,800	6,163	0
101-300-702.600	UNIFORMS	1,325	2,600	1,450	1,700
101-300-702.800	ACCRUED SICK LEAVE	4,078	4,725	6,159	6,500
101-300-703.000	CROSSING GUARDS	42,576	47,000	23,155	47,000
101-300-715.000	SOCIAL SECURITY (FICA)	22,725	26,800	13,740	21,725
101-300-716.100	HEALTH INSURANCE	217,054	253,750	106,077	196,550
101-300-716.200	DENTAL INSURANCE	8,676	8,350	4,737	11,175
101-300-716.300	OPTICAL INSURANCE	1,073	600	513	1,250
101-300-716.400	LIFE INSURANCE	1,336	1,275	665	1,250
101-300-716.500	DISABILITY INSURANCE	2,117	2,900	1,369	3,725
101-300-716.600	PHYSICALS	472	0	0	500
101-300-717.000	UNEMPLOYMENT INSURANCE	8,265	7,150	3,621	450
101-300-718.000	RETIREMENT	31,722	38,825	20,251	48,750
101-300-718.100	MUNICIPAL EMPLOYEES RETIREM	56,068	50,175	26,299	84,550
101-300-718.200	DEFINED CONTRIBUTION	1,731	1,800	1,113	2,350
101-300-719.000	WORKERS' COMPENSATION	24,438	21,775	11,510	21,950
101-300-728.000	OPERATING SUPPLIES	9,996	15,000	5,556	24,000
101-300-741.000	UNIFORMS & CLEANING	15,296	11,000	5,967	11,000
101-300-751.000	GAS & OIL	42,531	43,500	18,726	40,000
101-300-804.000	WITNESS JURY FEES	31	300	12	300
101-300-813.000	WRECKER SERVICE	60	200	0	200
101-300-818.000	CONTRACTUAL SERVICES	84,694	91,900	38,748	68,000
101-300-820.100	ELECTRICITY	9,381	9,450	3,884	9,600
101-300-820.200	GAS	10,959	8,000	2,162	11,000
101-300-820.300	TELEPHONE	5,819	3,200	3,360	5,200
101-300-820.400	WATER & SEWER	2,471	2,700	1,235	2,700
101-300-820.500	REFUSE	414	500	248	500
101-300-831.000	BUILDING MAINTENANCE	7,585	5,000	549	1,500
101-300-833.000	EQUIPMENT MAINTENANCE	0	0	253	1,000
101-300-833.400	EQUIP MAINT - MOBILE	13,616	20,000	3,660	17,000
101-300-856.000	MISCELLANEOUS	227	250	78	250
101-300-858.000	MEMBERSHIPS & DUES	430	500	35	600
101-300-860.000	EDUCATION & TRAINING	1,723	4,100	2,017	4,000
101-300-976.000	BUILDING ADD & IMPROVEMENT	8,428	0	0	0
101-300-978.000	EQUIPMENT	81,572	23,100	28,585	0
Totals for dept 300-POLICE		1,788,904	1,819,925	945,269	1,808,925

DEPARTMENT DESCRIPTION	2013-14 ACTUAL	2014-15 AMENDED BUDGET	2014-15 ACTIVITY THRU 01/31/15	2015-16 PROPOSED BUDGET
Fund 101 - GENERAL FUND				
Function: GENERAL SERVICES				
101 CITY COUNCIL	3,396	4,100	2,388	4,300
171 CITY MANAGER	134,560	137,800	70,532	135,425
201 FINANCE	148,210	147,200	76,702	157,250
209 ASSESSING	105,536	118,975	61,945	117,550
210 CITY ATTORNEY	106,137	112,000	74,506	139,000
215 CLERK	186,339	224,800	129,387	216,950
226 HUMAN RESOURCES	185,673	184,550	96,395	191,300
253 TREASURY	233,410	234,875	127,582	232,425
258 INFORMATION & TECHNOLOGY	155,912	135,775	77,569	169,775
285 CABLE COMMISSION	17	20,000	0	1,800
299 GENERAL ADMIN	347,287	426,350	444,125	301,650
Total - Function GENERAL SERVICES	1,606,477	1,746,425	1,161,131	1,667,425
Function: PUBLIC WORKS				
265 BUILDING & GROUNDS	147,642	147,675	61,426	117,900
441 PUBLIC WORKS	431,876	472,725	451,113	504,325
528 LEAF AND BRUSH COLLECTION	275,485	210,650	149,158	275,600
585 PARKING	113,121	95,700	6,445	36,200
Total - Function PUBLIC WORKS	968,124	926,750	668,142	934,025
Function: PUBLIC SAFETY				
300 POLICE	1,788,904	1,819,925	945,269	1,808,925
335 FIRE	1,595,961	1,774,525	920,713	1,896,425
Total - Function PUBLIC SAFETY	3,384,865	3,594,450	1,865,982	3,705,350
Function: COMMUNITY DEVELOPMENT				
370 BUILDING AND SAFETY	163,212	158,350	83,138	162,050
728 COMMUNITY DEVELOPMENT	119,353	115,200	64,850	115,325
Total - Function COMMUNITY DEVELOPMENT	282,565	273,550	147,988	277,375
Function: RECREATION				
756 PARKS	368,083	213,100	119,053	228,400
Total - Function RECREATION	368,083	213,100	119,053	228,400
Function: TRANSFERS				
966 TRANSFERS OUT	96,205	119,050	28,454	129,300
Total - Function TRANSFERS	96,205	119,050	28,454	129,300
NET OF REVENUES/APPROPRIATIONS - FUND 101	6,706,319	6,873,325	3,990,750	6,941,875

GL NUMBER	DESCRIPTION	2013-14 ACTUAL	2014-15 AMENDED BUDGET	2014-15 ACTIVITY THRU 01/31/15	2015-16 PROPOSED BUDGET
101-000-671.677	DONATIONS-SMOKE HOUSE	50	0	0	0
101-000-671.687	INSURANCE REFUNDS	149,944	0	194,336	0
101-000-671.692	RECOVERY OF BAD DEBTS	2,565	2,000	1,777	4,500
101-000-671.694	MISCELLANEOUS	2,942	2,500	619	2,500
101-000-695.676	WASTEWATER UTIL. ADMIN REIMB	171,465	171,700	94,407	171,700
101-000-695.677	CITY UTILITIES ADMIN REIMB	269,000	270,000	158,840	270,000
101-000-695.678	DDA/OBRA REIMBURSEMENT	2,725	3,550	0	10,200
101-000-695.695	ACT 51 ADMIN REIMBURSEMENT	116,137	99,500	63,473	102,300
101-000-695.698	OTHER FINANCING SOURCES	57,223	198,000	0	133,900
101-000-695.699	APPROPRIATION OF FUND BALANCE	0	23,000	0	108,675
Totals for dept 000-		6,799,964	6,873,325	5,701,793	6,941,875
NET OF REVENUES/APPROPRIATIONS - FUND 101		6,799,964	6,873,325	5,701,793	6,941,875

REGULAR MEETING MINUTES
OWOSSO DDA / MAIN STREET
Council Chambers, City Hall
April 1, 2015 – 7:30 am.

MEETING CALLED TO ORDER at 7:52 a.m. by Alaina Kraus.

ROLL CALL was taken by Secretary Alaina Kraus.

MEMBERS PRESENT:, Authority Members Ken Cushman, Dawn Gonyou, Lance Omer, Kevin Wiles and Secretary Alaina Kraus

MEMBERS ABSENT: Chairman Dave Acton & Authority Members Benjamin Frederick, Meredith Landino, Bill Gilbert,

OTHERS PRESENT: Susan Montenegro, City of Owosso; Helen Granger, press; Carol Flayer, Kiwanis

AGENDA:

MOTION BY AUTHORITY MEMBER CUSHMAN SUPPORTED BY AUTHORITY MEMBER GONYOU TO APPROVE THE AGENDA FOR APRIL 1, 2015.

YEAS ALL. MOTION CARRIED.

MINUTES:

MOTION BY AUTHORITY MEMBER GONYOU, SUPPORTED BY AUTHORITY MEMBER CUSHMAN TO APPROVE THE MINUTES FOR THE MEETING OF MARCH 4, 2014.

YEAS ALL. MOTION CARRIED.

PUBLIC / BOARD / STAFF COMMENTS:

Carol Flayer of Kiwanis. Kiwanis One Day clean-up us April 11th and will be continuing to clean the James S. Miner trail. Community involvement is encouraged and will be dry. Lunch will be provided at the end of the work period. One Day is an international day. Meetings are Tuesday evenings in the Mitchell Auditorium at Memorial Healthcare. The trail tending will stay on the north side of the river.

COMMITTEE UPDATES

Included later in agenda.

ITEMS OF BUSINESS:

1. CHECK REGISTER APPROVAL.

SEE BOARD PACKET FOR CHECK REGISTER

MOTION BY AUTHORITY MEMBER CUSHMAN, SUPPORTED BY AUTHORITY MEMBER OMER TO APPROVE THE CHECK REGISTER FOR MARCH 2014 AS PRESENTED.

YEAS ALL. MOTION CARRIED.

2. BUDGET REPORT

Any applicable 2015/2016 fundraising information will be added from work plans as needed.

3. 2015/2016 WORK PLAN APPROVAL

Organization - Kraus

Brittany from Michigan Main Street visited the meeting to make sure all was in line with remediation proceedings and to give a state perspective.

Party in the Plaza: a party to recognize volunteers and encourage ongoing involvement

Volunteer Recruitment & Retention Plan: Improve volunteer database, hours tracking, communication and engagement

Website & Facebook Campaign 2015/2016: Continue improving website and building community on Facebook

Decorate Downtown: prep downtown for the winter holidays

Expo 2016: Offering a downtown area, potentially looking like a street down one aisle of the expo

Fundraising Plan: focusing on organization of fundraising efforts first and then moving on to other ways to generate them as time allows

OMS Newsletter: a bi-monthly newsletter reborn

Design - Montenegro

Bike Racks: Finish bike racks, contacting Baker to find and complete original plans

Facade: work with business owners to improve appearances

Historical drinking glasses: going well

Flower plan: money has decreased bringing it more in line with other budgets and will still look good

I Spy: architectural pictures that can be put in a booklet and online for kids & families

Wayfinding: 6 of 12 signs spoken for and money coming in waiting for the ground to thaw

Promotions - Kraus

Continuation of annual events cycle - GLOW Owosso, ArtWalk, Second Fridays, Tour Our Town, Sidewalk Sales/Sidewalk Chalk, Downtown Clean-up, Owossopalooza

Also, the promotion of success stories downtown.

Dates need to be updated for the 2015/2016 year.

ER - Omer

Consolidated to five plans to satisfy our needs and those of the state.

Business Visitation: support team visits to local businesses

Mentoring: sharing market study and identifying other needs

Property Owner: connecting with property owners

Retail Recruitment Team: to recruit to fill empty spaces

Window Decals: to beautify empty spaces

MOTION BY AUTHORITY MEMBER WILES, SUPPORTED BY AUTHORITY MEMBER CUSHMAN TO APPROVE THE WORK PLANS WITH THE DATES AMENDED FOR PROMOTIONS.

YEAS ALL. MOTION CARRIED.

4. WESENER DEVELOPMENT UPDATE

Going through the documents again and will call a special meeting once it is complete. Language has been added to protect the City and Adams. Montenegro pointed out using the Lebowsky as an inspiration for this project.

PUBLIC / BOARD / STAFF COMMENTS:

Michigan AACTfest was in Owosso last weekend bringing in competing teams from Escanaba, South Haven, Holland, Rosedale, Farmington, Lansing, Midland, and Tawas. Each theatre had 10 minutes to set up, 60 minutes to perform, 10 minutes to tear down, and a 10x10 square their set had to fit into. Visiting teams stayed at the Comstock and were positive about their experience and visiting Owosso.

MOTION MADE BY GONYOU, SUPPORTED BY AUTHORITY MEMBER CUSHMAN TO ADJOURN AT 8:27 AM.

YEAS ALL. MOTION CARRIED.

Alaina Kraus, Secretary

MINUTES FOR the REGULAR MEETING
OWOSSO HISTORIC DISTRICT COMMISSION
WEDNESDAY, APRIL 15, 2015, 6:00 p.m.
COUNCIL CHAMBERS

MEETING CALLED TO ORDER at 6:01 pm by Chairman Newman.

ROLL CALL was taken by Recording Secretary Marty Stinson.

PRESENT: Chairman Scott Newman; Vice-Chairman Vincent Gonyou; Commissioners Lance Omer, Matthew Van Epps and Gary Wilson.

ABSENT: Commissioner Phillip Hathaway; vacancy.

OTHERS IN ATTENDANCE: Mr. Josh Adams, Owosso Main Street Manager; Ms. Susan Montenegro, Assistant City Manager / Director of Community Development; Mr. Adam Voss, Smith & Voss, 112 W. Main Street; and Mr. Robert Dedic, 202 W. Exchange Street.

AGENDA APPROVAL: Motion by Commissioner Wilson, supported by Commissioner Omer to approve the agenda for April 15, 2015 as presented.
Yeas all. Motion was passed.

MINUTES APPROVAL: Motion by Commissioner Van Epps, supported by Commissioner Gonyou to approve the minutes of the meeting for November 19, 2014 as presented.
Yeas all. Motion was passed.

Communications:

1. Staff Memorandum
2. Meeting minutes of November 19, 2014

Public / Commission Comments: None

Committee Reports: None

Public Hearings: None

Items of Business:

1) 112 W. Main St. – Sign Application

Mr. Adam Voss (one of the owners of this business) was in attendance. The Mootzie sign is still in place with his vinyl sign stretched over it which is intended to be temporary. He is waiting for Don Marrah to remove the Mootzie sign before they can put up their permanent sign. He is preparing to purchase his sign. When he gets the materials for the sign, they will remove their sign and Mootzie's lettering, and attach to the sign with white and gold letters.

Mr. Voss said the new sign would have 19" raised letters. When the temperature is above 70 degrees, he will stretch out the current sign to remove the wrinkles.

Commissioner Wilson noted that the Commission suggests that the material should be wood or metal; not plastic. The light should come from the exterior, but not the interior. We have no control over written content.

Motion by Commissioner Van Epps supported by Commissioner Omer that the Owosso Downtown Historic District Commission grant Smith & Voss a Notice to Proceed at 112 W. Main Street with authority for a temporary sign not to exceed six months with an option to come back and renew.

Yeas all. Motion carried.

Mr. Voss stated that when he comes back in four to six months he will show them materials, size, and lighting. Discussion followed about lighting from behind and the perimeter.

2. 202 W. Exchange Street – Parge Application

Mr. Robert Dedic, building owner, was in attendance. He had been to other meetings about façade changes. He had also spoken with Mr. Adam Zettel and didn't get a clear answer about blasting or stripping, so he decided to put on textured paint.

Chairman Newman said that parge is like a cement that is spread over the bricks. Mr. Dedic said it was rolled on. The brick was not real good at the top of the building. Brick was coming apart. He wanted to paint it a taupe color. It is a thick looking paint and was applied with a textured roller with nap. Commissioner Wilson was online and said the product is described as a stucco wall system.

Mr. Dedic said you can still see the lines of the brick through it. Mr. Wilson said it obscures the original façade. You should have come before this Commission before the application was made.

Mr. Dedic said he talked to Mr. Zettel and asked what can I do. Paint? He decided to use a thick paint to bury the nasty brick. I asked Mr. Zettel about blasting or stripping. He said that the chemicals going down in the water system was a problem. We just didn't talk about it anymore. I just thought I'm going to put something on it because it was needed.

The Commission agreed that he doesn't qualify for a façade grant any longer. Commissioner Van Epps said that we have denied others who didn't fit the criteria. You have put us in a bad position. I guess I'd like to see what other proposals exist. This is probably incredibly impossible to remove. We could request that you remove all the brick, but that's incredibly punitive or we can ask you to put on another façade.

Commissioner Wilson asked if we still have other façade consultations through SHPO. Mr. Josh Adams, Owosso Main Street Manager, said yes they are coming out to look at the J&S Firestone building. Maybe they can look at this building to see what could be acceptable to the standards.

Mr. Dedic asked what about the Sobak building. Commissioner Van Epps responded that they came to us just as we began. There was no façade and it was a noncontributing building. Yours is a contributing building. We don't want to make an example out of you, nor do we want to let it pass as an open invitation for anyone to plead innocent and be allowed to violate the standards.

Chairman Newman noted that we have a contributing building with irreparable damage to 100 year old brick. Now we are not able to remove it. Maybe we can reach out to the manufacturer of the parge to see what they recommend. Per Commissioner Wilson, you have to remove all the mortar down 1.5 inches which Mr. Dedic didn't do.

Chairman Newman said as a Commission, we can pass the matter on to a city attorney which results in a fine up to \$5,000; plus a requirement that the bricks be put back to restoration. We

hope that we all want what is best for the historic building. He really likes the idea of contacting the manufacturer about its removal. He would like keep it within the Commission.

Mr. Dedic doesn't want to do this alone. He wants the help of the Commission. Chairman Newman asked him if he picked the material. Yes, Mr. Dedic did.

Motion by Commissioner Wilson, supported by Commissioner Van Epps to postpone any action by the Commission at this time; contact Mr. Adam Zettel for his comments; contact the lead officers of state preservation; and to contact the producers of the product for their advice on the removal of the product.

Yeas all. Motion carried.

It was discussed to revisit this issue at the next regularly scheduled meeting on May 20th. The Commission wants to work together with Mr. Dedic. We can't just let someone take actions on a contributing building without taking further actions. We want to come up with something that works for everybody.

Motion by Commissioner Wilson that the city resends the information about the standards in the district and the secretary standards to all building owners in the district.

Discussion about sharing e-mail addresses that Mr. Adams seems to have. Send notices to business owners also regarding signs.

Support by Commissioner Van Epps.

Yeas all. Motion carried

Mr. Adams suggest that a notice go out twice a year.

ADJOURNMENT:

Chairman Newman adjourned the meeting at 6:47 p.m. until May 20, 2015 at 6 p.m.

Phil Hathaway, Secretary

mms

SPECIAL MEETING MINUTES
OWOSSO DDA / MAIN STREET
Council Chambers, City Hall
April 27, 2015 – 7:30 am.

MEETING CALLED TO ORDER at 7:40 a.m. by Bill Gilbert.

Josh Adams introduced Char Haskins as a new board member. A formal introduction will be at the regular board meeting.

ROLL CALL was taken by Secretary Alaina Kraus.

MEMBERS PRESENT: Authority Members Ken Cushman, Dawn Gonyou, Bill Gilbert, Kevin Wiles, Benjamin Frederick (7:44) and Secretary Alaina Kraus

MEMBERS ABSENT: Chairman Dave Acton & Authority Member Lance Omer

OTHERS PRESENT: Susan Montenegro, City of Owosso; Josh Adams, Main Street Manager; Bill Brown, City Attorney

PUBLIC / BOARD / STAFF COMMENTS:
None

ITEMS OF BUSINESS:

1. WESENER DEVELOPMENT (104-108 N WASHINGTON)

The property owner, Rock Solid Associates LLC, was advanced \$50,000 in 2007 for on-site demolition, blight removal, etc. as a result of the fire earlier that year. This debt was assumed by Wesener Building in 2013 with the purchase of the building.

This began compounding interest on December 31, 2013, to be paid annually on December 1st over the course of 10 years. The first payment made out of pocket by the owner for the 2014 year.

The subordination agreement says that the \$50,000 can't be closed until the 1.2 million loan to Bank of Holland is paid as it would take precedence. Brown said he has never seen a provision quite like this before, but it would not make sense for the owner to foreclose on our debt with the much larger debt already incurred.

This would not stop payments from being made, but permission will have to be given by Bank of Holland for payments to be made and debt ratio must be maintained. There is no reason to believe this will be a problem.

MOTION BY AUTHORITY MEMBER CUSHMAN SUPPORTED BY AUTHORITY MEMBER WILES TO APPROVE THE RESOLUTION TO ENTER INTO THIS AGREEMENT AS PRESENTED.
YEAS ALL. MOTION CARRIED.

PUBLIC / BOARD / STAFF COMMENTS:

None

MOTION MADE BY KRAUS, SUPPORTED BY AUTHORITY MEMBER FREDERICK TO
ADJOURN AT 7:52 AM.

YEAS ALL. MOTION CARRIED.

Alaina Kraus, Secretary