

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JANUARY 21, 2020  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR PRO-TEM SUSAN J. OSIKA

**OPENING PRAYER:** JOSHUA D. ADAMS  
DDA/MAIN STREET DIRECTOR

**PLEDGE OF ALLEGIANCE:** RICK HEBERT  
RUESSWOOD REI GROUP REPRESENTATIVE

**PRESENT:** Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek (arrived at 7:33 p.m.).

**ABSENT:** Mayor Christopher T. Eveleth.

**APPROVE AGENDA**

Motion by Councilmember Bailey to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 6, 2020**

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of January 6, 2020 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**Obsolete Property Rehabilitation Tax Exemption Certificate – 114-116 W. Main Street**

City Manager Nathan R. Henne explained this tax abatement request is for only the third floor of the Hit & Pitch building at 114-116 W. Main Street. The owner is planning to invest approximately \$813,000.00 to create 10 new apartments. He also noted one change that Council should be aware of prior to taking any action. This application is being considered under the new rules for tax abatements. These new rules include revisiting properties with tax abatements once per year to ensure they have fulfilled, and continue to fulfill, the promises they made when applying for the exemption. Mr. Henne expressed his concern that the development in question would not be able to generate three new full time jobs, saying the management of 10 apartments could most likely be handled by one person. Changing the number of FTEs from 3 to 1 on the application does not alter the calculation for the length of time the abatement will be in force and has been agreed to by the owner.

Rick Hebert, Ruesswood REI Group representative, was introduced to Council and made available for questions.

A public hearing was conducted to receive citizen comment regarding the application from Ruesswood REI Group, LLC for an Obsolete Property Rehabilitation Tax Exemption Certificate for the third floor of their property at 114-116 W. Main Street.

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

Councilmember Pidek said he was happy to put the new abatement rules into action. He went on to say that he fully supports the project and thinks it will be a great thing for the downtown.

Councilmember Bailey inquired about the size of the apartments, rent, and assigned parking. Mr. Hebert indicated the apartments are intended to be higher end in nature with rents around \$800-\$1,000 per month. There will be no downtown parking designated specifically for these tenants.

Motion by Councilmember Pidek to approve the following resolution authorizing an Obsolete Property Rehabilitation Tax Exemption for a period of twelve years:

**RESOLUTION NO. 05-2020**

**TO APPROVE THE APPLICATION FOR AN  
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE  
FROM RUESSWOOD REI GROUP, LLC  
FOR PROPERTY LOCATED AT  
114 W. MAIN ST, 3<sup>RD</sup> FLOOR**

WHEREAS, the City of Owosso is a Qualified Local Government Unit within the State of Michigan and is empowered to provide tax exemptions for increased value of rehabilitated facilities within the City; and

WHEREAS, after public notice and a public hearing on December 2, 2019, the City Council of the City of Owosso approved an Obsolete Property Rehabilitation District at 114 W. Main Street in Owosso, Michigan. As provided by section 4(2) of Public Act 146 of 2000, said property more particularly described as:

LOT 8 & W 2/3 OF LOT 7 BLK 22 OF ORIGINAL PLAT; and

WHEREAS, the City Clerk received an application, on December 5, 2019 from Randy Woodworth, President of Ruesswood REI, LLC, for an Obsolete Property Rehabilitation Exemption Certificate for the third floor only; and

WHEREAS, the application is complete, including items (a) through (f) described under "Instructions" on the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, notice of a public hearing concerning the application for an exemption certificate was provided to the Assessor of the City and the legislative body of each taxing unit that levies ad valorem property taxes in the City; and

WHEREAS, the City finds that the property meets the definition of an obsolete property as defined in section 2(h) of Public Act 146 of 2000 and the application for the exemption certificate is complete; and

WHEREAS, the City finds that the property relates to a rehabilitation program that when completed constitutes a "rehabilitated facility" within the meaning of P.A. 146 of 2000, and said property is located within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of PA 146 of 2000; and

WHEREAS, it has been found that the rehabilitation of the obsolete property is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase commercial activity, retain and create employment, and revitalize the downtown; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under PA 198 of 1974 does not exceed 5% of the total taxable value of the unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the rehabilitation work described in the application had not commenced prior to the establishment of the District.

NOW, THEREFORE, BE IT RESOLVED that, based on the findings above made at a public hearing held January 21, 2020, the City Council of the City of Owosso authorizes the application for an Obsolete Property Rehabilitation Exemption Certificate, for the third floor only, at 114 W. Main St. for a period of twelve years.

ALSO, BE IT RESOLVED that the rehabilitation shall be completed within eighteen (18) months from the date of approval of said application.

FURTHERMORE, BE IT RESOLVED that the application and resolution are authorized for submittal to the State Tax Commission for final review and authorization.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, asked why the house at 424 Grover Street was being demolished instead of being sold. He also noted the recent sewage overflow into the Shiawassee River and asked why Council isn't doing anything about it.

Eddie Urban, 601 Glenwood Avenue, said he didn't have an opportunity to work in his yard today but he did have the chance to visit several stores to obtain quotes for a new shed.

Mayor Pro-Tem Osika asked about the status of the Matthews Building. City Manager Henne indicated the City is working through the code enforcement process with the new owners now. A letter has been sent asking the owners to secure the building, enclose the area where the roof has collapsed, and fix all broken windows. The owners will have 30 days to start the said work.

Councilmember Bailey asked if there was any consideration of taking the building down. City Manager Henne said he had broached the idea with the new owner but they want to try and rehab the building before resorting to tearing it down.

City Manager Henne addressed Mr. Manke's question regarding the house at 424 Grover Street saying there is no opportunity for a sale as the house had been involved in a fire and was labeled a dangerous structure by the Building Official.

Councilmember Bailey said she loves the new entry signs for the City.

Councilmember Pidek asked the City Manager to address Mr. Manke's question regarding the recent sewage overflow. City Manager Henne explained that there are multiple reasons for the occasional overflows which the City is beginning to address. New screw pumps will be installed at the WWTP increasing the plant's ability to move more volume into the plant by 25%. The sewer interceptor responsible for a large majority of the overflows will be cleaned later this year. The City is also exploring the option of building a 2 million gallon storage tank to hold overflows until the WWTP can accept the volume. He noted that the long-term solution would be to start cracking down on illicit connections and footing drains, the difficulty is that these connections are often inside private homes and businesses.

Councilmember Bailey noted that there is some concern that the 2-million gallon tank would not be large enough. She encouraged the City to pursue a multi-pronged solution to the problem.

**CONSENT AGENDA**

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

**First Reading & Set Public Hearing – Recreational Marijuana Ordinance.** Conduct the first reading and set a public hearing for Monday, February 3, 2020 at 7:30 p.m. to receive citizen comment regarding the proposed addition of Chapter 16.6, Adult Use Marijuana Facilities Licensing – Police Power Ordinance, to the Code of Ordinances of the City of Owosso as follows:

**RESOLUTION NO. 06-2020**

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR THE PROPOSED ADDITION OF CHAPTER 16.6, ADULT USE MARIHUANA FACILITIES LICENSING – POLICE POWER ORDINANCE, TO THE CODE OF ORDINANCES TO GOVERN RECREATIONAL MARIHUANA FACILITIES IN THE CITY**

WHEREAS, the citizens of the city of Owosso and the greater state of Michigan legalized the use of marihuana for medicinal purposes through the passage of a citizen initiative in November 2008; and

WHEREAS, the Owosso City Council voted to approve the addition of Chapter 16.5, Medical Marihuana Facilities Licensing – Police Power Ordinance, to the Code of the City of Owosso on July 2, 2018 allowing the use, cultivation, and sale of medical marihuana within the City limits; and

WHEREAS, the citizens of the city of Owosso and the greater state of Michigan legalized the use of marihuana for recreational use through the passage of a citizen initiative in November of 2018; and

WHEREAS, the City Council sees fit to once again heed the will of the voters' by establishing rules allowing the use, cultivation, and sale of recreational marihuana within the City limits; and

WHEREAS, Chapter 16.6, Adult Use Marihuana Facilities Licensing – Police Power Ordinance, embodying said rules is being proposed for addition to the City of Owosso Code of Ordinances; and

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

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

SECTION 1. ADDITION. That Chapter 16.6, Adult Use Marihuana Facilities Licensing - Police Power Ordinance, be added to the Code of Ordinances as follows:

**Sec. 16.6-1. - Purpose.**

- (a) It is the intent of this chapter to authorize the establishment of certain types of adult use marihuana facilities in the City of Owosso ("City") and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of an adult use marihuana establishment in the City through imposition of an annual, nonrefundable fee as listed on the City's Fee Schedule. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. Further, the City does not intend that permitting and regulation under this chapter be construed as a finding that such facilities comply with any law.
- (b) Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.; and all other applicable rules promulgated by the state.
- (c) As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this chapter is intended to grant immunity from any criminal prosecution under federal laws.
- (d) All Adult Use Marihuana Establishment License holders must comply with all state building codes, including but not limited to plumbing, mechanical, electrical, building energy and fire codes which includes the City zoning ordinance, as applicable under law.

**Sec. 16.6-2. - Definitions.**

For the purposes of this chapter:

- (a) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.
- (b) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- (c) Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

*Cultivate* means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

*Department* means the Michigan Department of Licensing and Regulatory Affairs (LARA).

*Industrial hemp* means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

*Licensee* means a person holding a state license.

*Marihuana* means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (b) industrial hemp; or
- (c) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

*Marihuana accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

*Marihuana concentrate* means the resin extracted from any part of the plant of the genus cannabis.

*Marihuana establishment* means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

*Marihuana grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

*Marihuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

*Marihuana microbusiness* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

*Marihuana processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

*Marihuana retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

*Marihuana secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

*Marihuana safety compliance facility* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

*Municipal license* means a license issued by a municipality pursuant to section 16 of the Michigan Regulation and Taxation Act that allows a person to operate a marihuana establishment in that municipality.

*Municipality* means a city, village, or township.

*Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

*Process or Processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

*State license* means a license issued by the department that allows a person to operate a marihuana establishment.

*Unreasonably impracticable* means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

**Sec. 16.6-3. - Authorization of facilities and fee.**

- (a) The maximum number of each type of adult use marihuana establishment allowed in the city shall be as follows:

Establishment	Number
Grower	unlimited
Processor	unlimited
Retailer	4 (see Sec 16.6-3 (e))
Safety compliance facility	unlimited
Secure transporter	unlimited

- (b) Special Licenses Prohibited. Pursuant to the MRTMA, Section 6(1), the City elects to prohibit the licensing and operation of special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit as follows:

License Type	Number
Designated consumption establishment license	Prohibited

Excess marihuana grower license	Prohibited
Marihuana event organizer license	Prohibited
Temporary marihuana event license.	Prohibited
Marihuana microbusiness	Prohibited

- (c) Planning commission shall review the number of allowed adult use marihuana establishments at the one (1) year mark of implementation to re-evaluate and determine if the number allowed needs to be adjusted. From that point on, every three (3) years, City council shall review the maximum number of each type of marihuana establishment allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the City Council.
- (d) A nonrefundable fee shall be paid by each marihuana establishment licensed under this chapter in an annual amount as set by resolution of the City Council.
- (e) Not more than a total of 4 (four) marihuana retailers may be authorized in the City, so long as the total combined number of single locations of marihuana retailers authorized under this ordinance and marihuana provisioning centers authorized under the City's Medical Marihuana Facilities Ordinance does not exceed 4 (four) such authorized locations. By way of example, if 3 (three) marihuana provisioning centers under the Medical Marihuana Facilities Ordinance have been authorized at 3 (three) separate locations within the City, then only 1 (one) marihuana retailer may be authorized at a fourth (4th) separate location under this ordinance. However, up to 3 (three) additional marihuana retailers could be authorized under this ordinance, so long as they were co-located with the existing marihuana provisioning centers already authorized. Similarly, if 4 (four) marihuana provisioning centers have already been authorized under the Medical Marihuana Facilities Ordinance at four (4) separate locations, then no marihuana retailers may be authorized under this ordinance unless they are co-located with the existing marihuana provisioning centers.
- (f) All Adult Use Marihuana Establishments as permitted by this Chapter, shall be subject to the same zoning restrictions as the Medical Marihuana Facilities as set forth in Chapter 38 "Zoning" of the City's Code of Ordinances. Specifically:
  - 1) Adult Use Marihuana Growers shall be subject to the same zoning restrictions and requirements applicable to Medical Marihuana Growers;
  - 2) Adult Use Marihuana Processors shall be subject to the same zoning restrictions and requirements applicable to Medical Marihuana Processors;
  - 3) Adult Use Marihuana Retailers shall be subject to the same zoning restrictions and requirements applicable to Medical Marihuana Provisioning Centers;
  - 4) Adult Use Marihuana Safety Compliance Facility shall be subject to the same zoning restrictions and requirements applicable to Medical Marihuana Safety Compliance Facility;
  - 5) Adult Use Marihuana Secure Transporter shall be subject to the same zoning restrictions and requirements applicable to Medical Marihuana Secure Transporter.

**Sec. 16.6-4. - Requirements and procedure for issuing license.**

- (a) No person shall operate an adult use marihuana establishment in City of Owosso without a valid adult use marihuana establishment license issued by the City pursuant to the provisions of this chapter, and state law.
- (b) The license requirement in this chapter applies to all facilities whether operated for profit or not for profit.
- (c) Every applicant for a license to operate an adult use marihuana establishment shall file an application in the building department office upon a form provided by the City.
- (d) Applications to operate any adult use marihuana establishment shall include proof of a duly issued Adult Use Marihuana Establishment License by the State of Michigan. Any application delivered to the City without the aforementioned Adult Use Marihuana Establishment License will be deemed incomplete and shall be rejected. Any delay due to the filing of an incomplete application shall be deemed the fault of the applicant and not the City.
- (e) Upon an applicant's completion of said form and furnishing of all required information and documentation, City staff shall accept the application and assign it a sequential application number by establishment type, based on the date and time of acceptance. The City staff shall act to approve or deny an application not later than twenty (20) days from the date the application was accepted. If approved, the building department shall issue the applicant a conditional license.
- (f) A conditional license means only that the applicant has submitted a valid application for an adult use marihuana establishment license that has been considered and approved by

the City, and the applicant shall not locate or operate a marihuana establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City.

- (g) Applicant's receipt of a conditional license from the City shall provide for reasonable time, but not more than eight (8) months, to secure any and all subsequent and/or collateral permits as required by the state and/or City. Any applicant with a conditional license that has not completed every task as required by the state and/or the City, within eight (8) months after receipt of the conditional license from the City will result in revocation of applicant's City issued conditional license and denial of license.
  - (1) An extension of time may be granted upon applicant's written request and showing of good cause for delay. A request for an extension of time shall also include the estimated time to remedy the delay. Any extension of time shall be at the sole discretion of the City.
- (h) Within twenty (20) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, City staff shall approve or deny the marihuana establishment license. The building department shall issue marihuana establishment licenses in order of the sequential application number previously assigned.
- (i) Maintaining a valid adult use marihuana establishment license issued by the state is a condition for the issuance and maintenance of an adult use marihuana establishment license under this chapter and continued operation of any adult use marihuana establishment.
- (j) An adult use marihuana establishment license issued under this chapter is not transferable.
- (k) If the application is for a grower's license, the maximum number of plants that the applicant intends to grow will be included with the application.
- (l) The placement of restrictions by the state on a state operating license applies equally to an adult use marihuana establishment license issued by the City.

**Sec. 16.6-5. - License renewal.**

- (a) An adult use marihuana establishment license shall be valid for one (1) year from the date of issuance, unless revoked as provided by law.
- (b) A valid adult use marihuana establishment license may be renewed, on an annual basis, by submitting an application and payment of the annual license fee. Application to renew an adult use marihuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.
- (c) Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.
- (d) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to an adult use marihuana establishment license issued by the City.

**Sec. 16.6-6. - Applicability.**

The provisions of this chapter shall be applicable to all persons and establishments described herein, whether the operations or activities associated with an adult use marihuana establishment were established without authorization before the effective date of this chapter.

**Sec. 16.6-7. - Penalties and enforcement.**

- (a) Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- (b) Any person who violates any of the provisions of this chapter shall be responsible for a civil infraction, for which the punishment for a first violation shall be a fine of not less than \$100.00 and not more than \$500.00, in the discretion of the court. The punishment for a second or subsequent violation shall be a fine of not less than \$250.00 and not more than \$500.00, in the discretion of the court. For purposes of this section, "second or subsequent violation" means a violation of the provisions of this ordinance committed by the same person within 12 (twelve) months of a previous violation of the same provision of this ordinance for which said person pled or was adjudicated guilty. The foregoing penalties shall be in addition to the rights of the City to proceed at law or in equity with other appropriate and proper remedies.
- (c) This chapter shall be enforced and administered by the City official as may be designated from time to time by resolution of the City council.
- (d) A license issued under this chapter may be suspended or revoked for any of the following violations:

- (1) Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this chapter;
- (2) A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the City with any other false or misleading information related to the establishment;
- (3) Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;
- (4) Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;
- (5) The establishment is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the City or any other applicable state or local law, rule or regulation.
- (6) The City, the county, or any other governmental entity with jurisdiction, has closed the establishment temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety.
- (7) The establishment is determined by the City to have become a public nuisance.
- (8) The establishment's state operating license has been suspended or revoked.
- (9) Possession, sale or consumption of any form of alcohol upon the premises of any licensed adult use marihuana establishment.
- (10) A licensed adult use marihuana establishment emitting marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A licensed adult use marihuana establishment shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

**Sec. 16.6-8. - Severability.**

In the event that any one (1) or more sections, provisions, phrases or words of this chapter shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, February 3, 2020 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed addition to the Code of Ordinances.

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

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

**First Reading & Set Public Hearing – Retirement Board Ordinance Amendment.** Conduct the first reading and set a public hearing for Monday, February 3, 2020 at 7:30 p.m. to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article VII, Municipal Employees' Pensions, Sections 2-403 & 2-407, of the Code of Ordinances of the City of Owosso as follows:

**RESOLUTION NO. 07-2020**

**FIRST READING & SET A PUBLIC HEARING FOR  
AN ORDINANCE AMENDING SECTIONS 2-403 & 2-407  
OF THE CODE OF ORDINANCES  
TO REMOVE THE POLICE REPRESENTATIVE FROM THE RETIREMENT BOARD**

WHEREAS, the City of Owosso administers the City of Owosso Employees' Retirement System (Retirement System) for select employees; and

WHEREAS the Retirement System is governed by the Board of Trustees (Retirement Board) per Article VII, *Municipal Employees' Pensions*, of Chapter 2, Administration, of the Code of Ordinances of the City of Owosso, and a Police Officer Member to the Board is required by said ordinance; and



WHEREAS, the employees represented by the Police Officer Member have agreed in their latest labor agreement to the transfer of their division from the City's Retirement System to the Michigan Municipal Employees' Retirement System; and

WHEREAS, said employees have been transferred and police representation to the City's Retirement System is no longer warranted; and

WHEREAS, removal of said Police Officer Member to the Retirement Board may hinder the Board's ability to conduct its normal affairs due to the number of Retirement Board Trustees required for a quorum and decision making; and

WHEREAS, an ordinance amendment is necessary to adjust the membership of the Board and the corresponding rules for quorum and affirmative votes; and

WHEREAS, the Retirement Board recommends adoption of the following amendments to the Code of the City of Owosso to adjust the membership of the Board and the corresponding rules for quorum and affirmative votes; and

WHEREAS, the City Council must hold a public hearing to hear all interested persons regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. Section 2-403, Board of trustees, of Article VII, *Municipal Employees' Pensions*, of Chapter 2, Administration, of the Code of Ordinances is hereby amended to read:

**Sec. 2-403. - Board of trustees.**

(a) There is hereby created a board of trustees (the "board") in whom is vested the general administration, management, and responsibility for the proper operation of the retirement system and for making effective the provisions of this article. The board shall consist of six (6) trustees as follows:

- (1) The mayor or a councilman who is not eligible to participate in the retirement system as a member or retiree;
- (2) A second councilman who is not eligible to participate in the retirement system as a member or retiree;
- (3) A citizen who has the qualifications required by the Charter for holding an elective city office and who is not eligible to participate in the retirement system as a member or retiree, to be appointed by the council;

- (4) A firefighter member to be chosen by the firefighter members; and
- (5) Two (2) general city members: One (1) general city member to be chosen by non-unionized general city members and one (1) general city member to be chosen by the unionized general city members.
- (6) If there are no active members of the employee groups listed in subsections (4) and (5) above able or willing to serve, a retired member of the group may be elected by active and retired members of such group.

(b) The choosing of the trustees provided for in paragraphs (4) and (5) above, shall be held in the month of May in each year under such rules and regulations as the board shall, from time to time, adopt.

SECTION 2. AMENDMENT. Section 2-407, Quorum – Each trustee entitled to vote, of Article VII, *Municipal Employees' Pensions*, of Chapter 2, Administration, of the Code of Ordinances is hereby amended to read:

**Sec. 2-407. - Quorum—Each trustee entitled to vote.**

Four (4) trustees shall constitute a quorum at any meeting of the board. Each trustee shall be entitled to one (1) vote on each question before the board, at least four (4) concurring votes shall be necessary for a decision by the trustees.

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

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city 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, February 3, 2020 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendments.

**Special Assessment District No. 2020-03 – North Street.** Authorize Resolution No. 4 setting a public hearing for Monday, February 3, 2020 to receive citizen comment regarding Special Assessment District No. 2020-03 for North Street, from Hickory Street to Gould Street for street reconstruction as follows:

**RESOLUTION NO. 08-2020**

**SPECIAL ASSESSMENT DISTRICT NO. 2020-03  
NORTH STREET  
FROM HICKORY STREET TO GOULD STREET  
SPECIAL ASSESSMENT RESOLUTION NO. 4**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, February 3, 2020 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING  
TO REVIEW SPECIAL ASSESSMENT ROLL  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

NORTH STREET, A PUBLIC STREET, FROM HICKORY STREET TO GOULD STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RECONSTRUCTION

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, February 3, 2020 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**Special Assessment District No. 2020-04 – Summit Street.** Authorize Resolution No. 4 setting a public hearing for Monday, February 3, 2020 to receive citizen comment regarding Special

Assessment District No. 2020-04 for Summit Street, from Abbott Street to Rubelman Drive for street rehabilitation as detailed below:

**RESOLUTION NO. 09-2020**

**SPECIAL ASSESSMENT DISTRICT NO. 2020-04  
SUMMIT STREET  
FROM ABBOTT STREET TO RUBELMAN DRIVE  
SPECIAL ASSESSMENT RESOLUTION NO. 4**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, February 3, 2020 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING  
TO REVIEW SPECIAL ASSESSMENT ROLL  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

SUMMIT STREET, A PUBLIC STREET, FROM ABBOTT STREET TO RUBELMAN DRIVE

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RESURFACING

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, February 3, 2020 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**Memorial Healthcare Gala Permission.** Approve request from Owosso Community Players for the closure of South Park Street from Comstock Street to Main Street from 5:00 p.m. on Saturday, February 1, 2020 until 1:00 a.m. on Sunday, February 2, 2020 for handicap and valet parking for the annual Memorial Healthcare Gala, waive the insurance requirement, and approve Traffic Control Order No. 1433 formalizing the request.

**Contract Amendment – WTP Improvements Project Engineering Services Contract.\***

Approve Amendment No. 1 to the WTP Improvements Project Engineering Services Contract with OHM Advisors, adding \$49,100.00 for additional water treatment plant design and construction administration services, and authorize payment to the engineer up to the contract amount, including Amendment No. 1 as detailed:

**RESOLUTION NO. 10-2020**

**AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO  
ADDENDUM NO. 12, WTP IMPROVEMENT – ENGINEERING SERVICES CONTRACT  
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors for the provision of engineering services for the Water Treatment Plant Improvement Project by the adoption of Resolution No. 107-2019 on July 15, 2019; and

WHEREAS, the city and Director of Public Services & Utilities desires to expand the agreement to include additional engineering design and construction administration services for replacing an aged filter backwash pumping system at the Water Treatment Plant.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to expand the contract approved by Resolution No. 107-2019 on July 15, 2019 with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors to include additional services in the amount of \$49,100.00 for design and construction administration services for replacement and upgrade of Water Treatment Plant filter backwash pump system.
- SECOND: The accounts payable department is authorized to submit payment to OHM Advisors, in an amount not to exceed \$143,400.00, plus \$49,100.00, for total engineering services in the amount of \$192,500.00.
- THIRD: The additional expenses in the amount of \$49,100.00 shall be paid from FY2019-2020 Water Funds Account 591-901-972.000.

**Contract Amendment – 2020 Street Program Engineering Services Contract.\*** Approve Amendment No. 1 to the 2020 Street Program Engineering Services Contract with OHM Advisors, adding \$26,730.00 for additional water main construction administrative services, and authorize payment to the engineer up to the contract amount, including Amendment No. 1 as follows:

**RESOLUTION NO. 11-2020**

**AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO  
ADDENDUM NO. 10, 2020 STREET PROGRAM – ENGINEERING SERVICES CONTRACT  
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors for the provision of engineering services for the 2020 Street Program by the adoption of Resolution No. 101-2019 on July 1, 2019; and

WHEREAS, the city and Director of Public Services & Utilities desires to expand the contract to include additional services for providing water main administration services for water main replacements as defined in the Drinking Water Revolving Fund (DWRf) 2020 Project Plan.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to expand the contract approved by Resolution No. 101-2019 on July 1, 2019 with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors, to include additional services in the amount of \$26,730.00 for engineering administration for the DWRf 2020 Project Plan.
- SECOND: The accounts payable department is authorized to submit payment to OHM Advisors, in the amount of \$188,800.00, plus \$26,730.00, for a total of \$215,530.00 for 2020 water main and street construction engineering services.
- THIRD: The above additional services in the amount of \$26,730.00 shall be paid from the FY2020-2021 Water Funds Account 591-901-972.000.

**Change Order – Demolition of 424 Grover Street.\*** Approve Change Order No. 1 to the contract with SC Environmental Services, LLC for the demolition of the structures at 424 Grover Street, adding \$7,279.50 for asbestos removal, and further approve payment to the contractor upon satisfactory completion of the project or portion thereof as detailed below:

**RESOLUTION NO. 12-2020**

**AUTHORIZING CHANGE ORDER NO. 1  
TO THE CONTRACT BETWEEN THE CITY OF OWOSSO  
AND SC ENVIRONMENTAL SERVICES  
FOR THE DEMOLITION OF 424 GROVER STREET, OWOSSO, MI**

WHEREAS, the City Council, accepted and approved the low bid from SC Environmental Services, LLC for the demolition and removal of the house located at 424 Grover Street in the City of Owosso; and

WHEREAS, upon further examination of the exterior of the house it was found to have asbestos siding; and

WHEREAS, SC Environmental Services, LLC has since provided a Change Order for the removal of said asbestos siding, the change of regular demolition to an asbestos containing demolition at additional cost, and the cost of the ACM Survey.

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

- FIRST: It is advisable, necessary and in the public interest to amend the demolition of 424 Grover Street Contract with SC Environmental Services, LLC as described in Change Order No. 1.
- SECOND: The mayor and city clerk are instructed and authorized to approve the document attached as Change Order No. 1 in the amount of \$7,279.50; revising the total contract amount from \$11,219.00 to \$18,498.50.
- THIRD: The accounts payable department is authorized to pay SC Environmental Services, LLC for work satisfactorily completed up to the revised contract amount of \$18,835.07.

**Warrant No. 579.** Authorize Warrant No. 579 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund payment-10/1/819-12/31/19	Water	\$32,070.49
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment-10/1/19-12/31/19	Water	\$14,284.24

**Check Register – December 2019.\*** Affirm check disbursements totaling \$1,075,158.63 for December 2019.

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

**ITEMS OF BUSINESS**

None.

**COMMUNICATIONS**

- Cheryl A. Grice, Finance Director. Revenue & Expenditure Report – December 2019.
- N. Bradley Hissong, Building Official. December 2019 Building Department Report.
- N. Bradley Hissong Building Official. December 2019 Code Violations Report.
- N. Bradley Hissong Building Official. December 2019 Inspection Report.
- N. Bradley Hissong Building Official. December 2019 Certificates Issued Report.
- Kevin D. Lenkart, Public Safety Director. December 2019 Police Report.
- Kevin D. Lenkart, Public Safety Director. December 2019 Fire Report.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, thanked the Council and staff for answering his questions. He suggested a committee be formed to address the WWTP overflows, then asked what happens if the owners of the Matthews Building don't comply with the City's request.

Eddie Urban, 601 Glenwood Avenue, spoke about legal services available to Purple Heart recipients, his search for a new phone book, and ways to reduce sanitary sewer overflows.

Kevin Blair, attorney for Lume, announced that the Owosso Lume location will be opening the next day. He also put the Council on notice that at the February 3<sup>rd</sup> meeting his clients will be asking them to approve the proposed recreational marijuana facilities ordinance as an emergency ordinance so that they could begin recreational sales immediately rather than waiting the usual 20 days for the new ordinance to become effective. Lastly, he offered to arrange a tour for anyone wishing to see the facility.

Mayor Pro-Tem Osika noted that Mayor Eveleth is not present tonight because he is in Arizona on vacation.

Ms. Osika also announced that a job offer had been made by the Historical Commission to Albert Martenis for the OHC Director position.

**NEXT MEETING**

Monday, February 03, 2020

**BOARDS AND COMMISSIONS OPENINGS**

Brownfield Redevelopment Authority – County Representative – term expires 06-30-2020  
Building Board of Appeals – Alternate - term expires June 30, 2022  
Building Board of Appeals – Alternate - term expires June 30, 2021  
Brownfield Redevelopment Authority – term expires June 30, 2022  
Downtown Loan Committee – Bank Representative - term expires June 30, 2021  
Historical Commission – term expires December 31, 2022  
Historical Commission – 2 terms expire December 31, 2020  
Planning Commission – term expires June 30, 2020  
Planning Commission – term expires June 30, 2022

**ADJOURNMENT**

Motion by Councilmember Bailey for adjournment at 8:11 p.m.

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

\_\_\_\_\_  
Susan J. Osika, Mayor Pro-Tem

\_\_\_\_\_  
Amy K. Kirkland, City Clerk

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