

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF DECEMBER 7, 2015  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** MAJOR HENRY TEMPEL  
SALVATION ARMY

**PLEDGE OF ALLEGIANCE:** MAYOR PRO-TEM CHRISTOPHER T. EVELETH

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway, Michael J. O'Leary, and Robert J. Teich, Jr.

**ABSENT:** None.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 16, 2015**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of November 16, 2015 as presented.

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

**STUDENT REPRESENTATIVE REPORT**

**Owosso High School.** Student representative and Student Council Treasurer Natalie Taylor delivered a report of events at Owosso High School, including the annual canned food drive, a clothing drive, and a fund raiser held for the family of student Logan Turner who recently passed away from cancer.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Salvation Army Tribute.** Mayor Frederick delivered the following tribute to the Salvation Army on the occasion of their 150<sup>th</sup> year of service. Lieutenant Jonathan Tamayo, Captain Caleb Senn, and Major Henry Tempel were on hand to receive the honor:

**A PROCLAMATION OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO  
RECOGNIZING THE SALVATION ARMY  
ON THE OCCASION OF ITS  
150<sup>TH</sup> ANNIVERSARY**

**WHEREAS**, since its founding in Great Britain in 1865, the Salvation Army has provided humanitarian relief and spiritual guidance to people throughout the world. Its members assist wherever there is hunger, disease, destitution, or spiritual need; and

**WHEREAS**, working daily to feed the hungry, shelter the homeless, treat the addicted, and give hope to the hopeless, the Salvation Army has touched the lives of millions of men, women and children all over the world; and

**WHEREAS**, the Salvation Army's annual Red Kettle Campaign is a time-honored holiday tradition and its bell ringers always signal the beginning of the local Christmas season; and

**WHEREAS**, locally the Salvation Army responds to emergencies and non-emergencies alike distributing countless toys, coats and food baskets each year, making life warmer and brighter for needy families while also providing spiritual care and ministry; and

**WHEREAS**, year after year, the Salvation Army offers much needed community recreation programs, day care programs, emergency assistance, food and nutrition; and

**WHEREAS**, the Salvation Army is now in more than 120 countries, speaking more than 140 languages, following Christ's call to "love your neighbor as yourself"; and

**WHEREAS**, the Salvation Army should be commended for 150 years of dedication to helping meet the physical and spiritual needs of people across the nation and the world.

**NOW, THEREFORE**, I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of all local residents, do hereby acknowledge the Salvation Army Owosso Citadel officers and soldiers past and present for their many contributions to this community, this country, and the world on the occasion of their 150<sup>th</sup> Anniversary. I further encourage all residents to express their appreciation for the Salvation Army's good works and to follow their example of serving a cause greater than themselves.

Proclaimed this 7<sup>th</sup> day of November, 2015.

### **PUBLIC HEARINGS**

None.

### **CITIZEN COMMENTS AND QUESTIONS**

Rick Wheeler, 6420 East M21, updated the Council on the progress of the bronze statue of James Oliver Curwood that will be donated to the City. He asked what approvals would be needed for the statue to be placed in Curwood Castle Park.

Hayley Nellis, owner of Stretch Studio, encouraged everyone to attend the Ugly Christmas Sweater 5K they are hosting on Saturday.

Patrick Sherman, addiction therapist with an office at 510 South Washington Street, expressed his concern with the marijuana dispensary proposed for a location kitty-corner to their facility, saying that addiction rehabilitation centers should have been included in the list of locations dispensaries and grow operations must avoid (schools, churches, day care centers, etc.).

Tom Manke, Owosso Township resident, said he was concerned to discover that local company Trebor would be allowed to function without a fence on a property that abuts a residential area. He went on to threaten retaliation if Council allowed the company to continue to function. He also welcomed two new businesses to the downtown: Bellinger Specialty Meats and Foster Coffee Company. Lastly he noted the theater's new digital sign and inquired whether all businesses would be allowed to install such a sign. Mayor Frederick indicated such requests would be handled by the Historic District Commission.

The Mayor then responded to Mr. Sherman's concerns saying the City had struggled with where marijuana businesses can be located but did its best to put together a decent ordinance with the knowledge they had at the time. He noted his desire to revisit the ordinance for possible revision. Councilperson Fox echoed the Mayor's sentiments requesting the City Attorney research the topic. Assistant City Manager Susan Montenegro indicated the legislature was considering the implementation of much more onerous requirements for marijuana related facilities and that left the current discussion in a bit of limbo. Councilperson O'Leary suggested instituting a business licensing program to allow the City to keep track of marijuana related businesses and where they are located. Ms. Montenegro indicated that the Planning Commission will be following the progress of the proposed legislation and will be working on potential revisions to the current ordinance.

Councilperson Greenway said she was delighted to hear about the progress on the Curwood statue. There was a brief discussion as to how tall it would be and how it would be mounted.

### **CITY MANAGER REPORT**

City Manager Donald D. Crawford distributed the latest Project Status Report to the Council and detailed select items on the report.

He then introduced the City's new Utilities Director Glenn Chinavare.

Mayor Frederick commended the DPW crews and administrative staff for their efforts on this year's leaf program, saying the pickup, web messages, and yard signs were highly effective.

Councilperson Fox inquired about when the City would be embarking on another program to fix catch basins. It was noted the City has no such program but repairs them when time permits.

### **CONSENT AGENDA**

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

**Special Assessment District No. 2015-02 – Hazards and Nuisances.** Authorize Resolution No. 1 setting a public hearing for Monday, December 21, 2015 to receive citizen comment regarding Special Assessment District No. 2015-02, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances as follows:

**RESOLUTION NO. 109-2015**

**SPECIAL ASSESSMENT DISTRICT NO. 2015-02  
HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances 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, December 21, 2015 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.

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 – HAZARDS AND NUISANCES  
CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property.

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>TYPE OF NUISANCE</b>	<b>BALANCE</b>
050-115-002-003-00	1119 S SHIAWASSEE	PROPERTY CLEAN UP	\$ 183.68
050-320-011-003-00	119 ELIZABETH	MOW TALL GRASS/WEEDS	\$ 367.71
050-180-000-004-00	120 S OAK	PROPERTY CLEAN UP/MOWING	\$ 866.51
050-623-000-005-00	1210 MACK	PROPERTY CLEAN UP	\$ 234.31
050-536-000-034-00	1230 N SHIAWASSEE	MOW TALL GRASS/WEEDS	\$ 256.77
050-536-000-034-00	1230 N SHIAWASSEE	MOW TALL GRASS/WEEDS	\$ 594.55
050-537-000-040-00	1232 W MAIN	MOW TALL GRASS/WEEDS	\$ 547.72
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 456.14
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 789.03
050-040-000-026-00	1307 STATE	DEAD TREE REMOVAL	\$ 760.43
050-090-001-003-00	1408 W MAIN	CLEAR ICE/SNOW	\$ 201.59
050-090-001-004-00	1416 W MAIN	CLEAR ICE/SNOW	\$ 201.59
050-490-000-018-00	1636 W MAIN	CLEAR ICE/SNOW	\$ 201.59
050-570-000-026-00	1700 W STEWART	TRIMMING OF SHRUBS	\$ 776.76
050-602-007-005-00	1803 W STEWART	CLEAR ICE/SNOW	\$ 194.49
050-602-007-005-00	1803 W STEWART	MOW TALL GRASS/WEEDS	\$ 346.31
050-602-007-005-00	1803 W STEWART	MOW TALL GRASS/WEEDS	\$ 433.03
050-660-023-002-00	206 S HOWELL	PROPERTY CLEAN UP	\$ 697.15
050-050-000-043-00	214 S CEDAR	PROPERTY CLEAN UP	\$ 207.72
050-601-000-038-00	217 W STEWART	MOW TALL GRASS/WEEDS	\$ 182.11
050-601-000-038-00	217 W STEWART	MOW TALL GRASS/WEEDS	\$ 629.58
050-090-002-017-00	218 CARMODY	MOW TALL GRASS/WEEDS	\$ 168.75
050-100-001-015-00	221 S CHIPMAN	CLEAR ICE/SNOW	\$ 194.49
050-601-000-037-00	221 W STEWART	MOW TALL GRASS/WEEDS	\$ 182.13

PARCEL NUMBER	ADDRESS	TYPE OF NUISANCE	BALANCE
050-601-000-037-00	221 W STEWART	MOW TALL GRASS/WEEDS	\$ 447.46
050-160-000-008-00	301 STRATFORD	MOW TALL GRASS/WEEDS	\$ 263.43
050-470-009-002-00	316 E WILLIAMS	MOW TALL GRASS/WEEDS	\$ 264.18
050-180-004-018-00	322 S DEWEY	CLEAR ICE/SNOW	\$ 278.93
050-680-005-004-00	413 CORUNNA	MOW TALL GRASS/WEEDS	\$ 974.24
050-430-000-005-00	419 HAMBLIN	PROPERTY CLEAN UP/SECURE	\$ 572.07
050-270-000-147-00	508 HAMPTON	MOW TALL GRASS/WEEDS	\$ 264.18
050-250-000-050-00	514 PINE	PROPERTY CLEAN UP/MOWING	\$ 460.22
050-010-016-020-00	616 GLENWOOD	CLEAR ICE/SNOW	\$ 369.89
050-470-032-007-00	618 N WASHINGTON	CLEAR ICE/SNOW	\$ 194.49
050-010-017-024-00	621 WOODLAWN	MOW TALL GRASS/WEEDS	\$ 371.86
050-470-032-008-00	622 N WASHINGTON	CLEAR ICE/SNOW	\$ 194.49
050-660-001-005-00	623 N SHIAWASSEE	CLEAR ICE/SNOW	\$ 194.49
050-420-003-009-00	626 LINGLE	PROPERTY CLEAN UP	\$ 301.92
050-420-001-013-00	628 CORUNNA	MOW TALL GRASS/WEEDS	\$ 606.94
050-240-002-015-00	631 N HICKORY	MOW TALL GRASS/WEEDS	\$ 346.31
050-010-032-006-00	714 ABREY	PROPERTY CLEAN UP/MOWING	\$ 989.06
050-060-011-010-00	721 N WATER	MOW TALL GRASS/WEEDS	\$ 554.92
050-420-011-015-00	755 BROADWAY	MOW TALL GRASS/WEEDS	\$ 264.18
050-652-007-001-00	806 S SAGINAW	MOW TALL GRASS/WEEDS	\$ 264.18
050-652-007-009-00	813 S PARK	MOW TALL GRASS/WEEDS	\$ 168.30
050-710-001-012-00	915 CORUNNA	CLEAR ICE/SNOW	\$ 293.12
050-710-001-012-00	915 CORUNNA	MOW TALL GRASS/WEEDS	\$ 204.50
050-710-001-012-00	915 CORUNNA	MOW TALL GRASS/WEEDS	\$ 504.02
			\$ 19,021.52

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

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

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, December 21, 2015 for the purpose of reviewing said Special Assessment Roll-Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

**First Reading and Set Public Hearing – Play Structures.** Conduct first reading and set a public hearing for Monday, December 21, 2015 to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Section 38-5, *Definitions*, and Section 38-379, *Accessory buildings*, to add language defining play structures and where they may be located as follows:

**RESOLUTION NO. 110-2015**

**SETTING A PUBLIC HEARING TO CONSIDER AMENDING  
CHAPTER 3, ZONING, OF THE CODE OF ORDINANCES  
TO DEFINE AND REGULATE PLAY STRUCTURES**

WHEREAS, questions have arisen regarding how play structures are defined and where they can be located on private property, and the Code of Ordinances is mute on the topic of play structures; and

WHEREAS, the Planning Commission has worked diligently to examine the issues resulting from the lack of regulation and has determined the Zoning Ordinance should be amended to address play structures; and

WHEREAS, the Planning Commission deliberated at its regularly scheduled meeting on November 23, 2015, to define play structures and regulate where they can be located.

WHEREAS, the recommendation must now be considered by the 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 that Chapter 38, Zoning, Sections 38-5 and 38-379 of the Code of Ordinances of the City of Owosso, Michigan be amended as follows:

SECTION 1. ADDITION. That existing Section 38-5, *Definitions*, of Article I, In General, shall be amended to add a definition for "Play structure" as follows:

**Sec. 38-5. - Definitions.**

***Play structure.* A play structure is defined as a jungle gym, swing set, slide, platform or other similar unenclosed structure or device intended for the use of children's play.**

SECTION 2. ADDITION. That existing Section 38-379, *Accessory buildings*, of Article XVII, General provisions, shall be amended to add the permitted location(s) for play structures as follows:

**Sec. 38-379. - Accessory buildings.**

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building.
- (2) Accessory buildings shall not be located in any required yard, except a rear yard.
- (3) Accessory play structures shall not be located in any required yard, except a rear yard.**
- (4) An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s) exceed the ground floor area of the main building.
- (5) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (6) No detached accessory building in R-1, R-2, RT-1, RM-1, RM-2, OS-1, B-1 and P-1 districts shall exceed one (1) story or fourteen (14) feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to board of appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

- (7) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than nineteen (19) feet to a street right-of-way line.
- (8) On residential lots of less than seventeen thousand five hundred (17,500) square feet, only two (2) accessory buildings shall be permitted. On residential lots seventeen thousand five hundred (17,500) square feet or greater, only three (3) accessory buildings shall be permitted. These limits shall not apply to wind energy systems, satellite dishes, or dog pens.
- (9) All recreational vehicles, boats, snowmobiles, jet skis and comparable devices along with the trailers for these items stored on individual lots shall respect the requirements of this section applicable to accessory buildings, except that side yard storage is permitted against the wall of a principal structure when these items are beneath a legal conforming carport structure or are setback at least three (3) feet from the property line and eleven (11) feet from a principal building of an adjoining parcel. Storage in a driveway is permitted when the stored item can be placed entirely behind the front wall of the principal structure.
- (10) Regulations for dish-type satellite receiving antennae and similar structures (hereinafter referred to as satellite dishes):

- a. Ground mounted:
  1. In residential districts a satellite dish must be located in the rear yard. If a usable satellite signal cannot be obtained in a rear yard then a side yard location may be selected if all other provisions of this section are able to be enforced.
  2. In all commercial and industrial districts, a satellite dish may be located on a rear or side lot if all other conditions of the ordinance can be followed, and if the side yard of the commercial or industrial lot is not adjacent to a residential district or detached single family use.
  3. No satellite dish including its concrete base, slab, a similar substructure or projected portion shall be constructed less than eight (8) feet from any property line or easement of the rear or side yard, or be within twenty-five (25) feet from a right-of-way line of a public street.
  4. In residential districts no satellite dish shall be constructed without appropriate evergreen landscaping to reasonably conceal said satellite dish from view. The planting shall be completed prior to final approval by the building inspector. Vegetative screening shall not be required where reception of a usable satellite signal would be adversely affected.
  5. In residential districts a satellite dish shall not exceed a grade height of fourteen (14) feet. In all other districts the grade height limit is twenty (20) feet.
  6. All structural support shall be of corrosion resistant metal.
  7. A satellite dish shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
  8. The color of the satellite dish cannot be contrasting with its surroundings or setting. A contrasting color is one that does not blend with the background as defined by the normal senses.
  9. In residential districts a satellite dish cannot be used as a sign.
  10. The number of satellite dishes over four (4) feet in diameter is limited to one (1) on residential lots under one (1) acre in size.
  11. No satellite dish (ground or roof mounted) shall be linked physically or electronically to a receiver which is not located on the same lot, premises, or parcel of land as is the satellite dish.
  12. Wiring beneath a satellite dish and receiver shall be installed according to the specifications of the National Electrical Code.
  13. A satellite dish must be bonded to a grounding rod.
  14. Any driving motor exceeding fifty (50) volt power design shall require an electrical permit.
- b. Roof-mounted:
  1. In the event that a usable satellite signal cannot be obtained by locating the antennae in the rear or side yard, such antennae may be placed on the roof of a primary or accessory structure.
  2. Satellite dishes shall be mounted directly upon the roof of a primary or accessory structure or on a ground anchored pole projecting through an eave of the structure. Satellite dishes shall not be mounted upon appurtenances such as chimneys, trees, or spires.
  3. For residential uses, a satellite dish shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.
  4. In residential uses, a satellite dish shall not exceed eight (8) feet in diameter.
  5. A satellite dish shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
  6. Any driving motor exceeding fifty (50) volt power design shall require an electrical permit.
  7. A satellite dish must be bonded to a grounding rod.

**(11)** A small wind energy system shall be an accessory building in all zoning districts subject to the following requirements:

- a. Setbacks and location, as measured from the furthest outward extension of all moving parts.
  1. A STWES shall be set back a distance equal to its total height plus an additional five (5) feet from any occupied building, street or highway right-of-way; any overhead utility lines; all property lines; and any existing guy wire, anchor or small wind energy tower on the property.

2. A SSWES shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure.
  3. A SSWES shall not be affixed to the roof or wall of a structure facing a street.
  4. A STWES shall not be located in any front yard except for properties zoned and used for industrial purposes.
  5. The lowest extension of any blade or other exposed moving component of a WES shall be a least fifteen (15) feet above the ground as well as any outdoor surface intended for human use.
  6. Setbacks may be reduced to not less than twenty (20) feet if the applicant provides a registered engineer's certification that the WES is designed to collapse within a zone smaller than the height of the tower, yet still remain within the owner's property or the applicant acquires an easement to meet the required setback distance.
- b. Access.
    1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
  - c. Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
  - d. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
  - e. Appearance, color, and finish. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
  - f. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
  - g. Code compliance. A small wind energy system including wind tower shall comply with all applicable construction and electrical codes.
  - h. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the public service commission regulations.
  - i. Small wind energy systems may be attached to any building, including guy wires, provided the city approves the submittal of documentation sealed by an engineer licensed by the State of Michigan showing the proposed connection of the system to the structure and whether any additional reinforcing is required. The city may not be found liable for damage caused by noise or vibration created by the system.
  - j. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
  - k. Each property is eligible for two (2) small wind energy systems only, except properties of at least one (1) contiguous acre may be allowed one (1) additional system for each additional one-half ( $\frac{1}{2}$ ) acre or portion thereof.
  - l. A small wind energy system that is out-of-service for a continuous six-month period will be deemed to have been abandoned. The zoning administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within thirty (30) days from the date of the notice. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
  - m. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the wind tower at the owner's sole expense within ninety (90) days of the date of the notice of abandonment. If the owner fails to remove the wind generator from the wind tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense.

- o. Noise emanating from a small wind energy system shall not exceed fifty (50) dB(A) as measured from any offsite habitable structure or fifty-five (55) dB(A) to any lot line.
- p. Wind energy systems shall not interfere with communication systems such as radio, telephone, television, satellite, emergency communications, or Wi-Fi.
- q. Shadow flicker created by a STWES shall not exceed thirty (30) hours per year as observed on the windows or outdoor spaces (such as porches, patios, and decks) of any offsite building intended for human habitation or occupation. The zoning administrator may request a study to demonstrate the impact of a WES proposal.
- r. Public inquires and complaints by an aggrieved property owner that alleges that a STWES or SSWES does not meet noise or shadow flicker requirements shall be processed as follows:
  - 1. The property owner shall notify the city in writing regarding the concerns related to noise and/or shadow flicker.
  - 2. If the city zoning administrator or engineer deem the complaint sufficient to warrant an investigation, the city will request the aggrieved party to deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician and/or a shadow flicker study as performed by a professional.
  - 3. If the tests(s) show that the WES does not exceed the noise or shadow flicker requirements of this chapter, the city will use the deposit to pay for the test.
  - 4. If the WES is violating this chapter's noise requirements, the owner(s) shall reimburse the city for the testing and take immediate action to bring the WES into compliance, include ceasing operation of the WES till the violations are corrected. The city will refund the deposit to the aggrieved property owner.

SECTION 3. 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 4. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 5. PUBLIC HEARING. A public hearing is set for Monday, December 21, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 6. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the City.

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

SECTION 6. 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 and Set Public Hearing –Rezoning M71 Corridor.** Conduct first reading and set a public hearing for Monday, December 21, 2015 to receive citizen comment regarding the proposed rezoning of various parcels along the M71 corridor to reduce spot zoning and bring the zoning in line with the Master Plan as follows:

**RESOLUTION NO. 111-2015**

**AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE VARIOUS PARCELS OF REAL PROPERTY ALONG THE M-71 CORRIDOR AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso adopted a Master Plan in 2012 which includes a future land use plan; and

WHEREAS, the Planning Commission desires to carefully implement prudent changes suggested by the Master Plan; and

WHEREAS, the Planning Commission recommends the rezoning of select parcels in the area to reduce spot zoning and create an area with effective zoning for potential development and economic growth while land owners to maintain the current use of their property if they so desire; and



WHEREAS, the Planning Commission published and mailed notices for the rezoning, held a public hearing at its regular meeting on July 27, 2015, and deliberated on the rezoning; and

WHEREAS, the Planning Commission finds that the proposed rezonings meet 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	Parcel Number	Current Zoning	Proposed Zoning
424 Maple	050-710-000-001-00	R-2	R-1
416 Maple	050-710-000-003-00	R-2	R-1
637 Corunna Ave	050-710-000-002-00	R-2	R-1
633 Corunna Ave	050-542-000-019-00	R-2	R-1
706 Corunna Ave	050-542-000-032-00	RM-1	B-4
625 Huron	050-542-000-022-00	I-2	I-1
460 E. Howard	050-680-003-004-00	R-2	I-1
452 E. Howard	050-680-003-003-00	R-2	I-1
446 E. Howard	050-680-003-002-00	R-2	I-1
440 E. Howard	050-680-003-001-00	R-2	I-1
509 S. Saginaw	050-651-018-002-00	I-2	I-1
S. Washington	050-651-000-005-00	I-2	I-1

and

WHEREAS, the recommendation must be considered by City Council and a public hearing by the Council is required before any such ordinance amendment can be approved.

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 changes, to be noted on the official map and filed with the city clerk:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
424 Maple	050-710-000-001-00	R-2	R-1
416 Maple	050-710-000-003-00	R-2	R-1
637 Corunna Ave	050-710-000-002-00	R-2	R-1
633 Corunna Ave	050-542-000-019-00	R-2	R-1
706 Corunna Ave	050-542-000-032-00	RM-1	B-4
625 Huron	050-542-000-022-00	I-2	I-1
460 E. Howard	050-680-003-004-00	R-2	I-1
452 E. Howard	050-680-003-003-00	R-2	I-1
446 E. Howard	050-680-003-002-00	R-2	I-1
440 E. Howard	050-680-003-001-00	R-2	I-1
509 S. Saginaw	050-651-018-002-00	I-2	I-1
S. Washington	050-651-000-005-00	I-2	I-1

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, December 21, 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.

**First Reading and Set Public Hearing –Rezoning 401 Howard Street.** Conduct first reading and set a public hearing for Monday, December 21, 2015 to receive citizen comment regarding the request to rezone the property at 401 Howard Street from I-2, General Industrial District, to I-1, Light Industrial District as follows:

**RESOLUTION NO. 112-2015**

**SETTING A PUBLIC HEARING TO CONSIDER AMENDING  
CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES  
TO REZONE THE PARCEL OF REAL PROPERTY  
AT 401 E. HOWARD STREET  
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from the land owner of real property identified as 401 E. Howard Street, parcel 050-680-002-003-00, lots 7 8 9 BLK 2 (EX AARR R/W) WILLIAMS & LYONS ADD to rezone the parcel from I-2 General Industrial to I-1 Light Industrial; and

WHEREAS, the planning commission published notice of the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-680-002-003-00, 401 E. Howard Street from I-2 General Industrial to I-1 Light Industrial district; 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:

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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
401 E. Howard Street	050-680-002-003-00	I-2 General Industrial	I-1 Light Industrial

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, December 21, 2015 at or about 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.

**First Reading and Set Public Hearing –Rezoning 514 Division Street.** Conduct first reading and set a public hearing for Monday, December 21, 2015 to receive citizen comment regarding the request to rezone the property at 514 Division Street from I-2, General Industrial District, to I-1, Light Industrial District as follows:

**RESOLUTION NO. 113-2015**

**SETTING A PUBLIC HEARING TO CONSIDER AMENDING  
CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES  
TO REZONE THE PARCEL OF REAL PROPERTY  
AT 514 DIVISION STREET  
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from the land owner of real property identified as 514 Division Street, parcel 050-651-018-003-00, LOTS 5 & 8 BLK 18 A L WILLIAMS ADD INCLUDING 1/2 CLOSED ALLEY to rezone the parcel from I-2 General Industrial to I-1 Light Industrial; and

WHEREAS, the planning commission published notice of the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-651-018-003-00, 514 Division Street from I-2 General Industrial to I-1 Light Industrial district; 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:

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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
514 Division Street	050-651-018-003-00	I-2 General Industrial	I-1 Light Industrial

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, December 21, 2015 at or about 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.

**First Reading and Set Public Hearing –Rezoning 515 South Saginaw Street.** Conduct first reading and set a public hearing for Monday, December 21, 2015 to receive citizen comment regarding the request to rezone the property at 515 South Saginaw Street from I-2, General Industrial District, to I-1, Light Industrial District as follows:

**RESOLUTION NO. 114-2015**

**SETTING A PUBLIC HEARING TO CONSIDER AMENDING  
CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES  
TO REZONE THE PARCEL OF REAL PROPERTY  
AT 515 S. SAGINAW STREET  
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from the land owner of real property identified as 515 S. Saginaw Street, parcel 050-651-018-004-00, LOTS 7 BLK 18 A L WILLIAMS ADD INCLUDING 1/2 CLOSED ALLEY to rezone the parcel from I-2 General Industrial to I-1 Light Industrial; and

WHEREAS, the planning commission published notice of the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-651-018-004-00, 515 S. Saginaw Street from I-2 General Industrial to I-1 Light Industrial district; 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:

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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
515 S. Saginaw Street	050-651-018-004-00	I-2 General Industrial	I-1 Light Industrial

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, December 21, 2015 at or about 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.

**2016 Income Threshold Poverty Exemptions.** Adopt the 2016 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 as follows:

**2016 Federal Income Standards Poverty Threshold**

Number of persons residing in homestead	Annual allowable income
1 person	15,440
2 persons	17,640
3 persons	20,090
4 persons	24,250
5 persons	28,410
6 persons	32,570
7 persons	36,730
8 persons	40,890
Each additional person, add	4,160

**2016 Schedule of Meetings.** Adopt the following 2016 Boards and Commissions Meeting Schedule.

**CITY OF OWOSSO  
SCHEDULE OF REGULAR MEETINGS  
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2016**

**NOTICE IS HEREBY GIVEN**, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2016. The Board, dates, time and place of said regular meetings shall be as follows:

<b>CITY COUNCIL</b>					
The 1 <sup>st</sup> and 3 <sup>rd</sup> Monday of each month, except as noted – 7:30 p.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 04	MAR 07	MAY 02	JUL 05*	SEP 06*	NOV 07
JAN 19*	MAR 21	MAY 16	JUL 18	SEP 19	NOV 21
FEB 01	APR 04	JUN 06	AUG 01	OCT 03	DEC 05
FEB 16*	APR 18	JUN 20	AUG 15	OCT 17	DEC 19
<b>DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET</b>			<b>DOWNTOWN HISTORIC DISTRICT COMMISSION</b>		
The 1 <sup>st</sup> Wednesday of each month, except as noted – 7:30 a.m., local prevailing time			The 3 <sup>rd</sup> Wednesday of each month - 6:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 06	MAY 04	SEP 07	JAN 20	MAY 18	SEP 21
FEB 03	JUN 01	OCT 05	FEB 17	JUN 15	OCT 19
MAR 02	JUL 06	NOV 02	MAR 16	JUL 20	NOV 16
APR 06	AUG 03	DEC 07	APR 20	AUG 17	DEC 21
<b>EMPLOYEES RETIREMENT SYSTEM BOARD</b>			<b>OWOSSO HISTORICAL COMMISSION</b>		
The 4 <sup>th</sup> Wednesday of even months, except as noted - 7:15 a.m., local prevailing time			The 2 <sup>nd</sup> Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Curwood Castle, 226 Curwood Castle Drive		
FEB 24	JUN 22	OCT 26	JAN 11	MAY 09	SEP 12
APR 27	AUG 24	DEC 14*	FEB 08	JUN 13	OCT 11*
			MAR 14	JUL 11	NOV 14
			APR 11	AUG 08	DEC 12
<b>PARKS &amp; RECREATION COMMISSION</b>			<b>PLANNING COMMISSION</b>		
The 4 <sup>th</sup> Monday of each month, except as noted – 6:00 p.m., local prevailing time			The 4 <sup>th</sup> Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 25	MAY 23	SEP 26	JAN 25	MAY 23	SEP 26
FEB 22	JUN 27	OCT 24	FEB 22	JUN 27	OCT 24
MAR 28	JUL 25	NOV 28	MAR 28	JUL 25	NOV 28
APR 25	AUG 22	DEC 12*	APR 25	AUG 22	DEC 12*
<b>ZONING BOARD OF APPEALS</b>			* = Rescheduled due to legal holiday on regular meeting date or other scheduling conflict		
The 3 <sup>rd</sup> Tuesday of each month, except as noted – 9:30 a.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 19	MAY 17	SEP 20			
FEB 16	JUN 21	OCT 18			
MAR 15	JUL 19	NOV 15			
APR 19	AUG 16	DEC 20			

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

**Boards and Commissions Appointment.** Approve the appointment of Burton Fox to the Shiawassee County Operating Millage Proposal Advisory Committee.

**5K Fun Run Permission.** Approve request from The Stretch Studio for use of a single lane of various streets on December 12, 2015 from 11:30am – 1:00pm for a 5K Fun Run, waive the insurance requirement, and authorize Traffic Control Order No. 1340 formalizing the request.

**Living Nativity Scene Permission.** Approve request from First United Methodist Church for the use of Washington and Water Streets north of North Street for a Live Nativity Scene Saturday, December 12, 2015 from 5:30pm until 10:00pm, waiver of the insurance requirement, and authorization of Traffic Control Order No. 1341 formalizing the action.

**Change Order No. 1 – 2015 Street Patches Program, Part II.** Approve Change Order No. 1 to the 2015 Street Patches Program Contract, Part II with One-Way Asphalt Paving & Excavating, Inc. reducing the amount of the contract \$4,456.63 to \$39,578.62 as the result of the work completed by the first contractor as follows:

**RESOLUTION NO. 115-2015**

**AUTHORIZING CHANGE ORDER NO. 1  
TO THE CONTRACT WITH ONE-WAY ASPHALT PAVING & EXCAVATING,  
INC.  
FOR THE 2015 STREET PATCHES PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract to One-Way Asphalt Paving & Excavating, Inc. to finish the 2015 Street Patches Program on November 2, 2015; and

WHEREAS, some of the patches were completed by the previous contractor, resulting in a contract decrease of \$4,456.63.

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

- FIRST: The City of Owosso amends the contract with One-Way Asphalt Paving & Excavating, Inc. to reflect the above changes.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Amendment No. 1 to the Contract for services between the City of Owosso and One-Way Asphalt Paving & Excavating, Inc., changing the contract from \$44,035.25 to \$39,578.62.

**Change Order No. 2 – 2015 Street Patches Program, Part II.** Approve Change Order No. 2 to the 2015 Street Patches Program Contract, Part II with One-Way Asphalt Paving & Excavating, Inc. increasing the amount of the contract \$6,790.00 to \$46,368.62 for additional work along the sidewalk at Emerson School as detailed below:

**RESOLUTION NO. 116-2015**

**AUTHORIZING CHANGE ORDER NO. 2  
TO THE CONTRACT WITH ONE-WAY ASPHALT PAVING & EXCAVATING, INC.  
FOR THE 2015 STREET PATCH PROGRAM, PART II**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract to One-Way Asphalt Paving & Excavating, Inc. to finish the 2015 Street Patches Program on November 2, 2015; and

WHEREAS, the City requested additional work from One-Way Asphalt Paving & Excavating, Inc. for a street patch on Dewey Street at Emerson School.

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

- FIRST: The City of Owosso amends the contract with One-Way Asphalt Paving & Excavating, Inc. to add additional work to their contract in the amount of \$6,790.00.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit A, Amendment No. 2 to the Contract for services between the City of Owosso and One-Way Asphalt Paving & Excavating, Inc. increasing the total contract amount to \$46,368.62.

THIRD: The accounts payable department is authorized to pay One-Way Asphalt Paving & Excavating, Inc. for work satisfactorily completed on Change Order No. 2.

FOURTH: The above expenses shall be paid from General Fund Account No. 202- 463-818-000 major street maintenance fund.

**Change Order No. 2 - Westown Parking Lot Construction Project.** Approve Change Order No. 2 to the Westown Parking Lot Construction contract with Sumbera Excavating, Inc. increasing the amount of the contract \$4,973.01 for the completion of an asphalt drive approach and a street patch for the location where a storm sewer was installed for the lot, and further approve payment up to the change order amount upon satisfactory completion of the work as follows:

**RESOLUTION NO. 117-2015**

**AUTHORIZING CHANGE ORDER NO. 2  
TO THE CONTRACT WITH  
SUMBERA EXCAVATING, INC.  
FOR CONSTRUCTION OF THE WESTOWN PARKING LOT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract to Sumbera Excavating, Inc. on August 3, 2015 for construction of a new parking lot on South Lansing Street in Westown; and

WHEREAS, the City has requested additional work from Sumbera Excavating, Inc. to asphalt the driveway approach to the lot and a storm sewer street patch.

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

FIRST: The City of Owosso amends the contract with Sumbera Excavating, Inc. to add additional work to their contract.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit B, Contract Change Order No. 2-Final to the Contract for Services Between the City of Owosso and Sumbera Excavating, Inc. – Westown Parking Lot Construction increasing the total amount by \$4,973.01.

THIRD: The accounts payable department is authorized to pay Sumbera Excavating, Inc. for work satisfactorily completed up to amount of the contract including Change Order No. 2.

FOURTH: The above expenses shall be paid from General Fund Account No. 101-585-974.000 WESTOWNLOT.

**Bid Award – Automatic External Defibrillator.** Approve bid award to Bound Tree Medical, LLC for one Philips HeartStart MRx Monitor Defibrillator in the amount of \$25,833.11 and further approve payment up to the bid amount upon satisfactory delivery of the equipment as detailed below:

**RESOLUTION NO. 118-2015**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
PURCHASE OF PHILIPS HEARTSTART MRx MONITOR DEFIBRILLATOR**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has fire department requiring the use of a portable heart monitor/defibrillator; and

WHEREAS, bids were solicited and Bound Tree Medical, LLC responded with the lowest bid that fulfilled all the bid specifications.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase one (1) Philips HeartStart MRx Monitor Defibrillator at a price of \$25,833.11.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Equipment between the City of Owosso, Michigan and Bound Tree Medical, LLC.

THIRD: The above expenses shall be paid from the Fire Division Equipment fund 101-335-978.000.

FOURTH: Payment to Bound Tree Medical, LLC is authorized in an amount not to exceed \$25,833.11 upon satisfactory delivery of the defibrillator.

**Purchase Authorization – Public Safety Vehicle Equipment Changeover.** Waive competitive bidding requirements and authorize contract with Mid Michigan Emergency Equipment Sales and Service L.L.C. for the removal, supply, and installation of public safety equipment in the new police utility vehicle in the amount of \$6,782.12. as detailed below:

**RESOLUTION NO. 119-2015**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
REMOVAL, SUPPLY, AND INSTALLATION OF PUBLIC SAFETY EQUIPMENT  
IN A NEW POLICE VEHICLE  
WITH MID MICHIGAN EMERGENCY EQUIPMENT SALES AND SERVICE LLC**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has purchased a new police vehicle that needs to have equipment and DVR cameras installed in it; and

WHEREAS, the City will retire one current police vehicle which necessitates the removal of the public safety equipment installed on the vehicle; and

WHEREAS, said equipment is proposed for re-use in the new vehicles pending installation; and

WHEREAS, the new vehicles will require additional new public safety equipment to be properly outfitted for service; and

WHEREAS, the City of Owosso received a quote from Mid-Michigan Emergency Equipment Sales and Service LLC for the removal of the old equipment, supply of select pieces of new equipment, and the installation of all said equipment; and it is hereby determined that this company is qualified to perform the work requested; and

WHEREAS, a waiver of the bidding requirements is requested as professional services are exempt from competitive bidding.

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 contract with Mid-Michigan Emergency Equipment Sales and Service LLC for the removal, purchase, and installation of public safety equipment in City Police vehicles in the amount of \$6,782.12.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Mid-Michigan Emergency Equipment Sales and Service LLC.

THIRD: The Accounts Payable Department is hereby authorized to issue payment to Mid-Michigan Emergency Equipment Sales and Service LLC in the amount of \$6,782.12 upon delivery of the equipment and satisfactory completion of the work.

FOURTH: The above expenses shall be paid from the Police equipment fund 101-300-978.000.

**Warrant No. 513.** Approve Warrant No. 513 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Final installment for 7/1/15-6/30/16	General	\$142,275.00
Rehmann Robson	First progress billing for FY 14/15 audit	General	\$ 15,000.00

**Check Register – November 2015.** Affirm check disbursements totaling \$634,646.73 for the month of November 2015.\*

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

### **ITEMS OF BUSINESS**

#### **Gould Street Resurfacing Cost Sharing Agreement\***

Motion by Mayor Pro-Tem Eveleth to approve a cost sharing agreement with the Michigan Department of Transportation for the resurfacing of Gould Street from Corunna Avenue to Main Street in the amount of \$88,000.00 and further approve payment up to the contract amount upon presentation of an approved invoice(s) as follows:

#### **RESOLUTION NO. 120-2015**

#### **RESOLUTION AUTHORIZING EXECUTION OF MDOT COST AGREEMENT FOR RESURFACING OF GOULD STREET FROM M-71 to M-21**

WHEREAS, Gould Street from M-71 (Corunna Ave) to M-21 (Main Street) is part of the City's secondary all season road system; and

WHEREAS, the City is required to provide a safe and expedient road system for users which requires proper maintenance of the roadway; and

WHEREAS, this maintenance is costly and requires additional sources of funds beyond the state of Michigan's regular allocation of Public Act 51 funds; and

WHEREAS, the City has applied for, and is now approved to receive, MDOT Transportation Economic Development Fund, Category F Funds to assist in the resurfacing of this road; and

WHEREAS, after review, city staff recommends approval of MDOT Cost Agreement No. 15-5527 for the proposed resurfacing of Gould Street from Highway M-71 (Corunna Avenue) northerly to Highway M-21 (Main Street): altogether with necessary related work (also referred to as 'project'); and

WHEREAS, the Michigan Department of Transportation requires the City of Owosso adopt a resolution indicating its willingness to participate in the resurfacing of Gould Street as set forth in the agreement.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to approve MDOT Contract No. 15-5527 for the proposed resurfacing of Gould Street from Highway M-71 (Corunna Avenue) northerly to Highway M-21 (Main Street).

SECOND: That the City of Owosso is willing to participate in the project and cost as illustrated within said contract.

THIRD: That the Mayor and City Clerk are hereby authorized to sign the Agreement as attached.

FOURTH: The City Council hereby directs staff to allocate \$88,000.00 from the 2010 Unlimited Obligation Bond Proceeds fund and other funds as appropriate, and directs the City Manager to proceed with the project, in accordance with the contract.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

#### **Street Program Discussion**

City Manager Crawford noted the major street projects in 2016 & 2017 would be the resurfacing of Gould Street and the reconstruction of Oliver Street. East Monroe Street, South Street and Chestnut Street will be examined for potential grant funding opportunities. The City will also be conducting its annual chip sealing, crack sealing, and slurry sealing programs. Councilperson



Fox indicated the streets were not getting any better and the City needed to develop a plan to fix them despite the funding issues. He said he would like a plan put forward so that a bond/millage for road work could be placed on the ballot next year. There was discussion regarding the fact that Council had already tried that plan and it hadn't worked. Mayor Frederick suggested possibly using fund balance to get work underway while Council works on a more comprehensive plan. Councilperson Teich suggested that the amount of the reserve fund withdrawal be determined with the idea of executing a portion of the plan that was put forward with the last millage request. It was decided this topic will be included in the budget discussions once again.

### **Water Main Repair/Replacement Discussion**

City Manager Crawford indicated the City has several replacement projects in the planning phase, including Gould Street, Oliver Street, South Chestnut Street, and the Cargill project. There are also numerous smaller projects on the slate that would deal with problem sections of main.

### **COMMUNICATIONS**

City-Owned Property Inventory. Susan K. Montenegro, Community Development Director.  
Downtown Development Authority/Main Street. Minutes of November 4, 2015.  
Planning Commission. Minutes of November 23, 2015.

Mayor Frederick highlighted the City-owned Property Inventory listed in Communications and indicated he would like to see the sale to Mike Cline move forward.

Motion by Mayor Pro-Tem Eveleth to instruct staff to draw up a purchase agreement with Mike Cline for the properties located at 607 Wright Avenue, vacant land on Wright Avenue, and 703 S. Gould Street, to be presented at the December 21, 2015 meeting for potential action to commence the 21-day posting period.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

Mayor Frederick indicated he was also interested in preparing Parcel #4 of the list for future sale.

Motion by Councilperson Fox to instruct staff to draw up a purchase agreement for auction of the vacant property located on South Gould Street to be presented at the December 21, 2015 meeting for potential action to commence the 21-day posting period.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

### **CITIZEN COMMENTS AND QUESTIONS**

Rick Wheeler inquired why the roads in other states are so much better than Michigan's roads.

Tom Manke, Owosso Township resident, took Council to task for not answering his questions regarding the new sign at the Lebowsky Center and the fencing of Trebor property. He also suggested the City return some streets to gravel to induce voters to vote yes for a road bond/millage.

Mayor Frederick indicated the Historic District Commission would have made the decision on the sign at the Lebowsky Center and he would look into how they reached the decision to permit the sign.

Assistant City Manager Montenegro responded to the Trebor inquiry saying the Planning Commission had the authority to determine the necessity of fencing in an industrial area, it had deliberated on the details of the situation and reached a determination that the terrain of the parcel made fencing difficult and due to the property configuration fencing would prohibit the loading and unloading of trucks on the property. She went on to say that the Commission

required bollards be installed to clearly mark the property lines. She also noted that some of the adjacent residential will be fenced by the company to provide some privacy for residents.

**NEXT MEETING**

Monday, December 21, 2015

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:08 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk

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