

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MONDAY, FEBRUARY 01, 2016  
7:30 P.M.**

**Meeting to be held at City Hall  
301 West Main Street**

**AGENDA**

**OPENING PRAYER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OF THE AGENDA:**

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 19, 2016:**

**ADDRESSING THE CITY COUNCIL**

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

**CITY MANAGER REPORT**



1. Project Status Report

**CONSENT AGENDA**

1. Amend Traffic Control Order Nos. 903 & 904. Approve amendment to Traffic Control Order Nos. 903 & 904 moving the dedicated handicap parking spots east to either side of the walkway to the entrance of Bryant School.

2. Warrant No. 517. Authorize Warrant No. 517 as follows:

Vendor	Description	Fund	Amount
Huron & Eastern Railway Company Inc	Annual maintenance of active traffic control devises	Major Streets	\$ 8,254.00
Michigan Municipal League Workers' Compensation Fund	Workers' compensation insurance	Various	\$19,821.00

### **ITEMS OF BUSINESS**

1. Lot Split Authorization – VL South Gould Street. Consider authorizing the division of City lots under the Michigan Subdivision Control Act for vacant property on South Gould Street recently sold to Michael N. Cline.
2. Special Meeting Date Determination. Determine the date and time of a work session to discuss the process for the sale of City-owned land and the administration of a potential land auction to be held in June.
3. Property Sale Policy Discussion. Discuss the City's current policy for the sale of City-owned property.
4. Cargill Update/Discussion. An update of the status of the Cargill development will be presented, with a discussion of relevant concerns to follow.

### **COMMUNICATIONS**

1. Downtown Development Authority/Main Street. Minutes of January 6, 2016.
2. Zoning Board of Appeals. Minutes of January 19, 2016.

### **CITIZEN COMMENTS AND QUESTIONS**

### **NEXT MEETING**

Tuesday, February 16, 2016

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018  
Board of Review – term expires December 31, 2020

### **ADJOURNMENT**

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

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JANUARY 19, 2016  
7:30 P.M.**

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

**OPENING PRAYER:** PASTOR RAY STRAWSER  
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN

**PLEDGE OF ALLEGIANCE:** DEBRA ADAMS-MILLS  
CURWOOD FESTIVAL, PAST PRESIDENT

**PRESENT:** Mayor Benjamin R. Frederick, Councilpersons Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway, Michael J. O'Leary, and Robert J. Teich, Jr.

**ABSENT:** Mayor Pro-Tem Christopher T. Eveleth.

A moment of silence was held in memory of long-time Independent newspaper editor and overall Shiawassee County authority Bill Constine on the occasion of his passing. He will be missed.

**APPROVE AGENDA**

Motion by Councilperson Bailey to approve the agenda with the following change:

Move Consent 2. Equalizing Downtown Parking Times to Item of Business 5.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 4, 2016**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 4, 2016 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Curwood Festival Donation**

Curwood Festival Past President Debra Adams-Mills presented the City with the Curwood Festival's annual donation of \$1,000 for maintenance of Curwood Castle. Members of the Historical Commission were on hand to receive the donation.

**PUBLIC HEARINGS**

**Special Assessment District No. 2016-01 – Gould Street from Main Street to Corunna Avenue**

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2016-01 for Gould Street from Corunna Avenue to Main Street for street resurfacing.

The following people commented regarding the proposed project:

Kathryn Crooks, 712 Wright Avenue, via letter, stated that she could not afford a special assessment. Ed Beamish, 838 Grover Street, via telephone, stated that the street had been reconstructed poorly over the years and he wondered how many times it would be done at the expense of tax payers.

Tara Flanagan, 841 Comstock Street, wanted to know how the assessments are paid and when the debt would be assessed against her property. City Manager Donald D. Crawford indicated that payments could be spread out over a 10 year period and would be billed separately from taxes once per year.

Scott Cerveney, 716 Wright Avenue, wondered why he was being assessed if his address isn't on Gould Street. City Manager Crawford noted that special assessment rolls are spread based on which properties receive a benefit from the project, not necessarily the address of the property.

Councilperson Fox inquired about the chances of receiving money from Caledonia Charter Township for the project. City Manager Crawford indicated that in the past the township had contributed toward projects along its border with Corunna, but the City had not yet approached the township regarding the project.

City Manager Crawford went on to explain the rest of the special assessment process.

Motion by Councilperson Fox to adopt the following resolution:

#### **RESOLUTION NO. 02-2016**

#### **GOULD STREET RESURFACING PROJECT DETERMINATION OF NECESSITY**

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: **Gould Street from Corunna Avenue to Main Street.**
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$535,700.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$109,622.00 be paid by special assessment upon the properties specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: **Gould Street from Corunna Avenue to Main Street for Street Resurfacing.**
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each

such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, O'Leary, Fox, Greenway, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

### **CITIZEN COMMENTS AND QUESTIONS**

Michael Espich, Parks & Recreation Commission Chairman, invited everyone to participate in the Plunge for Parks/Winter Carnival being held February 27<sup>th</sup> at noon in Collamer Park.

Eddie Urban, 601 Glenwood Avenue, said he was sad to hear of Bill Constine's passing. He asked if South Gould Street near Corunna Avenue could be more clearly marked as it is hard to see in the dark.

Mayor Frederick announced that 2<sup>nd</sup> graders at Central School are collecting bottled water and donations for the residents of Flint affected by high lead levels in the drinking water.

Councilperson Bailey thanked everyone for their kind thoughts and generous donations after her mother's recent passing. She also announced a free cat shelter workshop to be held at City Hall Sunday, January 24<sup>th</sup>.

Councilperson Fox gave an update on the discussions held at the meeting of the county tax advisory committee. He said he would appreciate any input on the future county millage from citizens and council alike.

### **CITY MANAGER REPORT**

City Manager Crawford remarked that recent reports of trouble along the abandoned railroad tracks have brought to light a potential opportunity to seek donation of the property to the City for use as a trail, for merging with abutting properties, and/or for selling. He inquired if Council was interested in approaching the current owner of the property (Genesee & Wyoming RR) about the opportunity.

Motion by Councilperson Teich to request that staff contact the Genesee & Wyoming Railroad about donating their abandoned railroad property to the City and report back to Council on the status of the request within 60 days.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Greenway, Bailey, O'Leary, Teich, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

**CONSENT AGENDA**

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

**Boards and Commissions Appointment.** Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Theresa Trecha	Downtown Development Authority/ Main Street Board	06-30-2019

**Equalizing Downtown Parking Times.** (This item was moved to Items of Business.)

**Purchase Authorization — Water Filtration and Wastewater Fleet Pickup Trucks.** Authorize purchase of three Ford pickup trucks for use at the Water Filtration and Wastewater Plants from Signature Ford Lincoln Mercury in the amount of \$78,955.00 utilizing State Contract No. 071B1300009, and further authorize payment to the vendor upon satisfactory delivery of the vehicles as follows:

**RESOLUTION NO. 03-2016**

**RESOLUTION AUTHORIZING PURCHASE OF FLEET VEHICLES (PICKUPS)  
FROM OWOSSO MOTORS, INC. D/B/A SIGNATURE FORD LINCOLN MERCURY  
UTILIZING CONTRACT # 071B1300009**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Wastewater and Water Filtration Departments require the use of pickups; and

WHEREAS, these vehicles must be periodically replaced to ensure a mechanically sound and reliable fleet is available at all times; and

WHEREAS, the City of Owosso desires to purchase three new pickups at this time and staff has determined it is in the best interest of the City to utilize State of Michigan Contract No. 071B1300009, held by Owosso Motors, Inc. d/b/a Signature Ford Lincoln Mercury, for said purchase; and

WHEREAS, city ordinance section 2-345(3) provides for an exception to competitive bidding when the best interest of the city would be served by jointly purchasing with another governmental unit.

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 purchase the following vehicles from Signature Ford Lincoln Mercury using State of Michigan Contract No. 071B1300009:

1	4X2 Pickup	Water Filtration	\$22,261.00 ea
1	4X4 Pickup	Water Filtration	\$29,685.00 ea
1	4X4 Pickup	Wastewater	\$27,009.00 ea

SECOND: The Director of Utility Operations is hereby instructed and authorized to sign any necessary documents to complete said purchase.

THIRD: Payment is authorized to Signature Ford Lincoln Mercury in the total amount of \$78,955.00 upon delivery and acceptance of the vehicles. Payment shall be made for vehicles as they become available and accepted.

FOURTH: Said purchase shall be paid for using funds from the following accounts in the noted amounts:

Water Filtration	Acct. # 591-901-977000	\$51,946.00
Wastewater	Acct. # 599-901-977000	\$27,009.00

**Purchase Authorization – Snow Plows.** Authorize the purchase and installation of three truck-mounted snow plows from D & G Equipment, Inc. in the amount of \$15,300.00 and further authorize payment to the vendor upon satisfactory delivery and installation of said equipment as follows:

#### **RESOLUTION NO. 04-2016**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF SNOW PLOWS FOR CITY FLEET PICKUP TRUCKS FROM D & G EQUIPMENT, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, maintains a fleet of equipment to handle day to day operations; and the Department of Public Works and Water Filtration Departments require the use of pickup mounted snow plows; and

WHEREAS, the City of Owosso sought quotes for the purchase and installation of three snow plows; a competitive quote was received from D & G Equipment, Inc. and it is hereby determined that D & G Equipment, Inc. is qualified to provide and install such equipment and that it has submitted a responsible and responsive quote; and

WHEREAS, it is determined that the public interest is best served by making this purchase from a local vendor that is able to quickly attend to any service requests on the equipment.

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 three truck-mounted snow plows from D & G Equipment, Inc.

SECOND: City staff are instructed and authorized to carry out the purchase of the above named equipment from D & G Equipment, Inc. in the amount of \$15,300.00.

THIRD: The accounts payable department is authorized to pay D & G Equipment, Inc. up to the quote amount upon satisfactory delivery and installation of said equipment.

FOURTH: The above expenses shall be charged against the following accounts:

DPW	Acct# 661-901-979000	\$10,200.00
Water Filtration	Acct# 591-901-977000	\$ 5,100.00

**Warrant No. 516.** Authorize Warrant No. 516 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering services- December 2015	Various	\$ 6,272.00
William C. Brown, PC	Professional services- December 10, 2015-January 11, 2016	General	\$10,123.36

Owosso Charter Township	Owosso charter township 2011 water agreement payment- October 1, 2015-December 31, 2015	Water	\$ 9,602.46
Caledonia Charter Township	Caledonia utility fund payment- October 1, 2015-December 31, 2015	Water	\$20,132.77

\***Check Register – December 2015**. Affirm check disbursements totaling \$1,049,858.05 for the month of December 2015.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons O'Leary, Bailey, Teich, Greenway, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

### **ITEMS OF BUSINESS**

#### **Easement Agreement – Southwind Restaurants, LLC**

City Manager Crawford noted that while the request for an alley easement seems a bit counterintuitive when there is unrestricted access between the alley and the property, but this easement would ensure the property owners of continued access to the rear of the property even if the alley is closed at some point in the future.

Motion by Councilperson Fox to grant an easement to Southwind Restaurants, LLC to allow access to their property from the alley south of their property at 910 East Main Street as follows:

#### **RESOLUTION NO. 05-2016**

#### **AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SOUTHWIND RESTAURANTS, LLC FOR A PERMANENT EASEMENT ALONG THE ALLEY TO THE SOUTH OF 910 EAST MAIN STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to grant an ingress/egress easement over and across an alley which is adjacent to 910 East Main Street; and

WHEREAS, the alley is approximately 12' wide, running in an east-west direction between Oakwood Avenue and Gould Street; and

WHEREAS, the city of Owosso is willing to grant a permanent easement for that portion of the alley as described in Exhibit B of the easement agreement; and

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

FIRST: The city of Owosso has determined that it is advisable, necessary and in the public interest to grant a permanent easement as outlined by the terms set forth in the attached permanent easement document between the city of Owosso and



Southwind Restaurants, LLC, 109 East Broadway Street, Mount Pleasant, Michigan 48858.\*

SECOND: The City Clerk is instructed and authorized to file said easement documents with the Shiawassee County Register of Deeds.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilpersons Fox, Bailey, O'Leary, Greenway, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

**Waiver of Reversionary Clause – Osburn Lakes Lot 50**

(This item was postponed from December 21, 2015 meeting.)

There was general discussion regarding the fact that Council had previously discussed the sale of lots for side yards, the fact that a house could still be built on the lot in the future, and the fact the buyers will pay full price, install a sidewalk, and pay full HOA dues for the lot.

There was further discussion regarding creating a similar blanket agreement covering the entire subdivision and amending the Master Deed to remove the Reversionary Clause. City Attorney William C. Brown recommended the Council not make a blanker waiver but deal with this issue lot by lot. City Manager Crawford indicated that there are a number of changes that could be made to the Master Deed to facilitate sales, but he cautioned the Council that such changes would take time.

Motion by Councilperson Fox to approve the following agreement waiving the City's right to repurchase Lot 50 of the Osburn Lakes Residential Site Condominium development:

**WAIVER OF REVERSIONARY CLAUSE  
OSBURN LAKES LOT 50**

This Waiver of Reversionary Clause is entered into on the date stated below by the City of Owosso, a Michigan municipal corporation of 301 West Main Street, Owosso, Michigan 48867.

WHEREAS, the City of Owosso became the Developer of the Osburn Lakes Residential Site Condominium ("Osburn Lakes") as established in a Master Deed recorded October 22, 2004 in Liber 1069, Page 159 of the Shiawassee County Records; and

WHEREAS Article VII, paragraph F. of the Master Deed grants the Developer the right to repurchase a Unit if construction of the residence has not commenced within eighteen (18) months of an owner acquiring title to a Unit; and

WHEREAS Article VII paragraph B.(v)(c) of the Master Deed reserves to the Developer the power to make exceptions to the restrictions contained in the Master Deed; and

WHEREAS the economy of the State of Michigan and the housing market have changed since 2004; and

WHEREAS David A. and Pamela L. Walter currently own Unit 49 of the Osburn Lakes upon which is a residence and said Unit is contiguous to Unit 50 of Osburn Lakes; and

WHEREAS David A. and Pamela L. Walter have offered to purchase Unit 50 of Osburn Lakes but do not intend to construct any buildings on Unit 50; and

WHEREAS the City of Owosso finds that it is in its best interest and that of current property owners in Osburn Lakes to waive the right to repurchase Unit 50.

NOW, THEREFORE, THE CITY OF OWOSSO hereby waives its right pursuant to Article VII, paragraph F. of the Master Deed to repurchase Unit 50 of Osburn Lakes for failure to commence construction of a residence.

Provided further that nothing herein bars any owner of Unit 50 from constructing a residence thereon in compliance with the Master Deed and the Ordinances of the City of Owosso.

Provided further that no owner of Unit 50 may construct or cause to be constructed any accessory building or other non-residential structure thereon unless a residence is constructed on Unit 50.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Fox, Bailey, O'Leary, Greenway, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

Mayor Frederick invited the City's realtor for the Osburn Lakes subdivision, Kori Shook, to provide Council with periodic updates on the sale of lots at future meetings.

### **Property Sale – Vacant Land along Gould Street and Wright Avenue**

Councilperson Bailey inquired as to how the Council would make a counter-offer for the property saying she did not feel that \$1,000 was too low a price for the property in question. Councilperson Teich expressed his dislike for the process used for the sale of land saying there was no minimum bid established. Assistant City Manager Susan K. Montenegro explained how this point in the process was reached, and noted that the City has an established policy for the sale of land but the Council chose not to follow it in this case against the recommendations of staff. Councilperson Teich said it was clear that Council needed to be more clear in its direction to staff in the future. The conversation then turned with Councilperson Fox and Mayor Frederick noting the property has little real value, is located in the flood plain, no one has sought to develop it, and the prospective buyer would be relieving the City of the burden of maintaining the property as well as accepting responsibility for the charges that will be specially assessed against the property if the Gould Street resurfacing project moves forward.

Motion by Councilperson Fox to approve the sale of vacant property along Gould Street and Wright Avenue to Michael Cline for \$1,000.00 as follows:

### **RESOLUTION NO. 06-2016**

### **AUTHORIZING THE SALE OF CITY-OWNED PROPERTY BETWEEN GOULD STREET AND WRIGHT AVENUE**

WHEREAS, the city owns a several parcels of property along Gould Street, Allendale Avenue and Wright Avenue; and

WHEREAS, Michael N. Cline has expressed interest in purchasing a portion of these parcels described as follows;

DESCRIBED PROPERTY LOCATED IN THE CITY OF OWOSSO, COUNTY OF SHIAWASSEE, STATE OF MICHIGAN, BEING PART OF NORTHEAST ¼ SECTION 19, T7N-R3E, GEORGE T. ABREY'S WOODLAWN PARK ADDITION TO THE VILLAGE, NOW CITY, OF OWOSSO, DESCRIBED AS: LOTS 22 & 23 & SOUTH ½ LOT 24 INCLUDING EAST ½ OF ADJACENT CLOSED ALLEY. ALSO, LOTS 37 - 43, BLOCK 34, INCLUDING WEST ½ OF ADJACENT CLOSED ALLEY. ALSO LAND LYING BETWEEN WEST LINE OF LOTS 37-41 AND EAST LINE OF GOULD STREET, FORMERLY VACATED STANLEY AVENUE. (EXCEPT BEGINNING AT SW CORNER LOT 43, THEN NORTH 33' TO NW CORNER OF LOT 43, THEN SOUTHEASTERLY TO A POINT 9.83' EAST OF SW CORNER LOT 43, THEN WEST TO POINT OF BEGINNING, SAID POINT BEING EAST RIGHT OF WAY LINE OF GOULD STREET.

WHEREAS, the parcels in question are of no use to the City and the City desires their sale; and

WHEREAS, the land in question has a value of approximately \$10,000 as set by the city assessor and according to the city's Property Sale Policy; and

WHEREAS, Michael N. Cline approached the City offering to purchase the parcel described above, for One Thousand and NO/100 (\$1,000.00) Dollars; and

WHEREAS, the City Council authorized a 21-day posting period prior for the proposed sale at the meeting of December 21, 2015; and

WHEREAS, no citizen comments or other offers for the property were received during the posting period.

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

FIRST: the property be sold to Michael N. Cline for the price of \$1,000.00 in accordance with the terms included in the attached purchase agreement.\*

SECOND: the Mayor and City Clerk are instructed and authorized to execute appropriate documents to execute the sale.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Greenway, O'Leary, Fox, Teich, and Mayor Frederick.

NAYS: Councilperson Bailey.

ABSENT: Mayor Pro-Tem Eveleth.

### **MDOT Performance Resolution**

Motion by Councilperson Bailey to authorize the following resolution outlining the City's responsibilities in relation to the granting of permits by MDOT to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and/or under a State Highway right of way.

### **RESOLUTION NO. 07-2016**

### **MICHIGAN DEPARTMENT OF TRANSPORTATION PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES**

RESOLVED WHEREAS, the City of hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations; within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other

party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

<b>Name</b>	<b>Title</b>
Mark Sedlak	Director of Public Service
Randy Chesney	Engineer
Mark Mitchell	DPW Superintendent

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Bailey, O'Leary, Greenway, Fox, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

**Equalizing Downtown Parking Times** (This item was moved from the Consent Agenda.)

Mayor Frederick, speaking as the Council representative to the DDA, noted that after the recent change in allowed parking times in some downtown lots the DDA had received citizen comments regarding confusion as to how long a car could be parked in each lot. In response to this the DDA recommended Council increase the parking time to four hours for all downtown lots. Councilperson Fox expressed his concern with increasing the parking time in Lot 7 (Main and Park Streets) saying it could possibly damage business at Abiding in the Vine. Public Safety Director Kevin D. Lenkart noted that the parking attendant had indicated there is no congestion in either of the lots in question with all available spaces rarely full. Councilperson Fox sought assurances that the action could be reversed if the change is found to damage the nearby restaurant. It was noted it could.

Motion by Councilperson Fox to approve amendments to Traffic Control Order Nos. 1173.5 and 1208.1 to allow four (4) hour parking in Lots 7 and 13, bringing them in line with other downtown parking lots on the contingency the change does not adversely affect Abiding in the Vine.

Councilperson O'Leary indicated he could support the motion if the contingency was removed. Agreed to remove the contingency from the motion.

Motion, without the contingency, supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons O'Leary, Bailey, Greenway, Fox, Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Eveleth.

## **COMMUNICATIONS**

Michigan Liquor Control Commission. Liquor License Transfer – Niche Industries, LLC  
Charles P. Rau, Building Official. December 2015 Building Department Report.  
Charles P. Rau, Building Official. December 2015 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. December 2015 Police Report.  
Kevin D. Lenkart, Public Safety Director. December 2015 Fire Report.  
Historical Commission. Minutes of December 14, 2015.

## **CITIZEN COMMENTS AND QUESTIONS**

Tara Flanagan, 841 Comstock Street, was concerned that the easement granted to Southwind Restaurants would allow the company to block the alley, thereby prohibiting access to her home. It was noted the easement simply allows access to the rear of the property at 910 East Main Street, it does not permit the them to block or impede the alley in any way.

Mike Cline, 621 Wright Avenue, thanked Council for agreeing to sell him the vacant land on South Gould Street. He thanked Councilperson Teich for the points he brought up and said he thinks there is interest in other properties out there.

Eddie Urban, 601 Glenwood Avenue, spoke about his experiences when he lived along the abandoned railroad tracks.

There was discussion among Council regarding whether the land sale policy should be amended to require a minimum bid for each property the City offers for sale, what methods could be used to market any excess properties, and what properties may be offered for sale at an auction. Councilperson Teich asked to set a deadline of June for conduct of a land auction. The Council agreed to select a date at the next meeting for a work session to discuss the land auction and the process for selling land.

## **NEXT MEETING**

Monday, February 01, 2016

## **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018  
Board of Review – term expires December 31, 2020

## **ADJOURNMENT**

Motion by Councilperson Bailey for adjournment at 8:54 p.m.

Motion supported by Councilperson O'Leary 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.



## MEMORANDUM

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

**DATE:** January 28, 2016  
**TO:** Mayor Frederick and the Owosso City Council  
**FROM:** Kevin D. Lenkart, Public Safety Director  
**SUBJECT:** Amending Traffic Control Order Nos. 903 & 904

### RECOMMENDATION:

Recommend approval of TCO Nos. 903.1 & 904.1 moving the dedicated handicap parking spaces on Hampton Avenue east to a location closer to the entrance of Bryant School.

### BACKGROUND:

The City uses the three elementary schools and the school administration campus as polling locations on election day. All polling locations are required to be ADA compliant and a survey is conducted periodically to ensure they remain accessible. The results of the latest survey recommend moving the two handicap parking spaces in front of Bryant School to a location that is closer to the entrance of the school. Compliance with this recommendation requires amendment of TCO Nos. 903 & 904 which established the original location of the handicap parking spots on Hampton Avenue. Staff recommends moving one spot to the east of the walkway to the entrance and one to the west.

### FISCAL IMPACTS:

None.

Document originated by: Amy K. Kirkland, City Clerk

**CITY OF OWOSSO**

**TRAFFIC CONTROL ORDER**

*(SECTION 2.53 UNIFORM TRAFFIC CODE)*

ORDER NO.

DATE

TIME

903.1

01/26/16

9:09 AM

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Handicap Parking Only Sign

LOCATION OF CONTROL

South side of Hampton Avenue - immediately east of the walkway leading to the main entrance of Bryant School

EVENT

N/A

APPROVED BY COUNCIL

\_\_\_\_\_, 20 \_\_\_\_

REMARKS



**CITY OF OWOSSO**

**TRAFFIC CONTROL ORDER**

*(SECTION 2.53 UNIFORM TRAFFIC CODE)*

ORDER NO.

DATE

TIME

904.1

01/26/16

9:09 AM

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Handicap Parking Only Sign

LOCATION OF CONTROL

South side of Hampton Avenue - immediately west of the walkway leading to the main entrance of Bryant School

EVENT

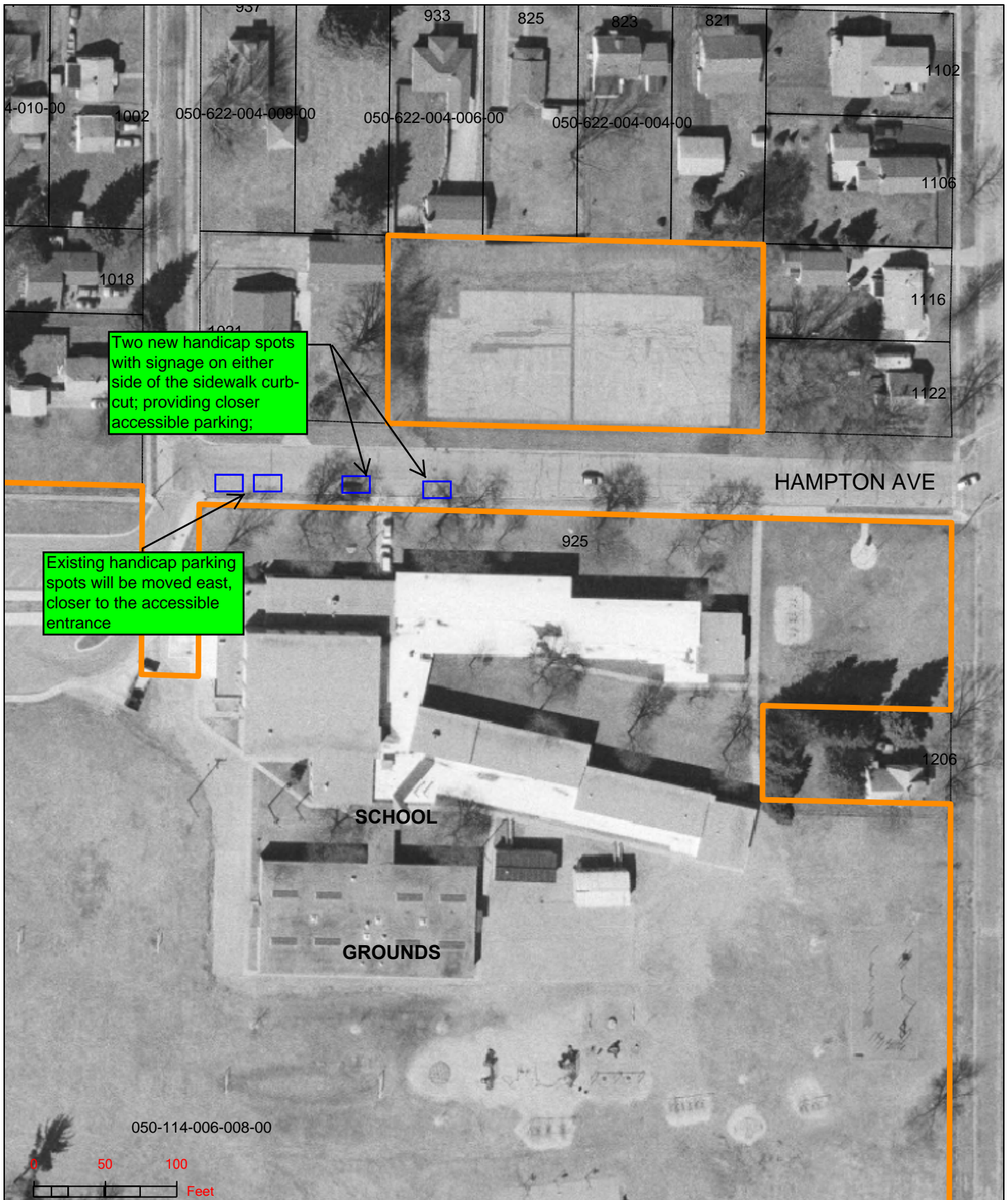
N/A

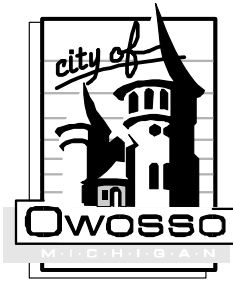
APPROVED BY COUNCIL

\_\_\_\_\_, 20 \_\_\_\_

REMARKS

# OWOSSO





WARRANT 517  
January 26, 2016

Vendor	Description	Fund	Amount
Huron & Eastern Railway Company Inc	Annual maintenance of active traffic control devises	Major Streets	\$ 8,254.00
Michigan Municipal League Workers' Compensation Fund	Workers' compensation insurance	Various	\$19,821.00
TOTAL			\$28,075.00



## MEMORANDUM

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**DATE:** January 28, 2016  
**TO:** Mayor Frederick and the Owosso City Council  
**FROM:** Gary Palmer, Interim Building Official  
**SUBJECT:** Lot Split Application – 600 Wright & VL North between Gould & Wright

**RECOMMENDATION:** I recommend approval of the application for lot split.

**BACKGROUND:** (See attached Legal Description)

The attached lot split request, received on January 21, 2016, from the City of Owosso, involves the vacant land on South Gould Street that was recently authorized for sale to Mike Cline. In order to complete the sale the property sold to Mr. Cline needs to be split from the larger parcel owned by the City. The application has been reviewed by relevant department heads within the City of Owosso. The proposed split will conform to present city ordinances.

Therefore, approval by the City Council for this lot split is recommended.

**FISCAL IMPACTS:** N/A

Document originated by: BAC

## **Land Division of Platted Lots**

City of Owosso

600 Wright Street and other VL along Gould Street

050-010-034-026-00

### **Current Description Entire Parcel**

LOTS 22 THRU 41 BLK 34 GEORGE T ABREY'S WOODLAWN PARK ADDN ALSO BEG 3.19 FT S OF NW COR LOT 31 OF SD BLK - N88\*55' W 157.52 FT PLL W/S LN ALLENDALE AVE - S01\*05' W 93.52 FT - N79\*25' E 160.884 FT TO W LN OF LOT 30 - N01\*05' E 64.8 FT ON W LN LOTS 30 & 31 TO POB, ALSO THAT PRT OF VAC STANLEY AVE N OF S LN LOT 41, ALSO ADJ VAC N/S ALLEY, EXC THE N 3.19 FT OF LOT 31 OF SD BLK, ALSO EXC GOULD ST ROW

### **New Description After Split, (600 Wright Av) 050-010-034-026-00**

LOTS 25 THRU 36 & N ½ LOT 24, BLK 34 GEORGE T ABREY'S WOODLAWN PARK ADDN ALSO BEG 3.19 FT S OF NW COR LOT 31 OF SD BLK - N88\*55' W 157.52 FT PLL W/S LN ALLENDALE AVE - S01\*05' W 93.52 FT - N79\*25' E 160.884 FT TO W LN OF LOT 30 - N01\*05' E 64.8 FT ON W LN LOTS 30 & 31 TO POB, ALSO THAT PRT OF VAC STANLEY AVE N OF S LN LOT 36, ALSO ADJ VAC N/S ALLEY, EXC THE N 3.19 FT OF LOT 31 OF SD BLK, ALSO EXC GOULD ST ROW

### **Description Split Parcel, (VL between Gould St & Wright Av) 050-010-034-027-00**

LOTS 22 & 23 & SOUTH ½ LOT 24 INCLUDING EAST ½ OF ADJACENT CLOSED ALLEY. ALSO, LOTS 37 - 41, BLOCK 34, INCLUDING WEST ½ OF ADJACENT CLOSED ALLEY. ALSO LAND LYING BETWEEN WEST LINE OF LOTS 37-41 AND EAST LINE OF GOULD STREET, FORMERLY VACATED STANLEY AVENUE.

CITY OF OWOSSO  
DIVISION OF PLATTED CITY LOTS  
DEPARTMENTAL REVIEW

PLEASE ROUTE THIS APPLICATION IN THE FOLLOWING SEQUENCE AND RETURN TO THE BUILDING DEPARTMENT AS SOON AS POSSIBLE.

INITIAL REVIEW BY BUILDING OFFICIAL:

*Kary Blum*

COMMENTS OK

\*\*\*ASSESSING: LARRY COOK

RECOMMEND APPROVAL X

DENIAL \_\_\_\_\_

WRITE NEW DESCRIPTIONS

AT THE END OF YEAR, CHECK WITH COUNTY FOR  
DELINQUENT TAXES: PAID \_\_\_\_\_ UNPAID \_\_\_\_\_

COMMENTS New Descriptions attached

No Tax implication until 2017.

\*\*\*COMMUNITY DEVELOPMENT:  
SUSAN MONTENEGRO

RECOMMEND APPROVAL X

DENIAL \_\_\_\_\_

COMMENTS Montenegro

\*\*\*PUBLIC UTILITIES:  
GLENN CHINAVARE

RECOMMEND APPROVAL X

DENIAL \_\_\_\_\_

COMMENTS NO CONCERNS/VACANT LAND

\*\*\*ENGINEERING:  
MARK SEDLAK

RECOMMEND APPROVAL X

DENIAL \_\_\_\_\_

COMMENTS Thda Sedlak

RETURN TO BUILDING OFFICIAL FOR WRITTEN RECOMMENDATION OR DENIAL

RETURN ALL MATERIALS TO BRIDGET CANNON

SEND COPY OF APPLICATION TO APPLICANT WITH DATE OF COUNCIL MEETING

PREPARE MEMO AND COPY (15) FOR COUNCIL MEETING; SUBMIT TO CLERK'S OFFICE

AFTER COUNCIL APPROVAL OR DENIAL, NOTIFY APPLICANT WITH COPY OF COMPLETED APPLICATION.

AFTER COUNCIL APPROVAL OR DENIAL, NOTIFY ASSESSOR WITH ORIGINAL OF COMPLETED APPLICATION.

AFTER COUNCIL APPROVAL OR DENIAL, COPY TO BLDG FILE



CITY OF OWOSSO  
APPLICATION TO DIVIDE  
PLATTED CITY LOTS

The State of Michigan Land Division Act and City of Owosso Subdivision Regulations prohibit the division of platted City lots without prior approval of the City Council. Attached to this application you should find a copy of Section 30-5 of the Owosso City Code describing the conditions that must be met to have division of platted lots permitted. If a copy of the Section 30-5 does not accompany this application, please request one from the office of the City Clerk or Building Department, phone 989-725-0540.

\*\*\*\*\*

INSTRUCTIONS

\$25 application fee must be paid when application is made.

PLEASE FILL OUT THIS APPLICATION COMPLETELY (EXCEPT FOR CITY STAFF PORTION AT BOTTOM) AND ATTACH ALL DOCUMENTATION REQUESTED ON THIS APPLICATION TO AVOID DELAY IN HAVING THE CITY COUNCIL REVIEW YOUR REQUEST.

ATTACH THE RESULTING DESCRIPTIONS OF ALL PROPERTIES AFFECTED BY THIS DIVISION.

ATTACH THE RESULTING PLOT PLAN OF ALL PROPERTIES AFFECTED BY THIS DIVISION. INCLUDE DIMENSIONS OF RESULTING LOTS, LOCATION OF ALL PUBLIC RIGHT-OF-WAYS, LOCATION OF ALL EASEMENTS, LOCATION OF ALL BUILDINGS ON THE PROPERTIES AND THE BUILDING DISTANCES FROM PROPERTY LINES. YOU MAY BE REQUIRED TO PROVIDE A PROFESSIONAL SURVEY OF THE RESULTING LOTS IF DEEMED NECESSARY BY THE ZONING ADMINISTRATOR.

ALL DELINQUENT TAXES MUST BE PAID ON ANY PARCEL BEFORE  
THE DESCRIPTION OF THE PARCEL CAN BE CHANGED.

\*\*\*\*\*

Address of lot to be split 600 Wright + 1/4 North Between Gould Date Wright 1-21-16

Name of applicant City of Owosso Phone ( 989 ) 725-0500

Address of applicant 301 W. Main Owosso

Applicant's relationship to property: ☐ Buyer ☒ Seller ☐ Representing buyer or seller

☐ Other (explain) \_\_\_\_\_

I (We) hereby request that the Owosso City Council approve the division of the platted lot(s) as specified in the description(s) attached hereto. The division of this lot(s) is proposed for the following reasons:

Sale approved by council 1-19-16

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed



\*\*\*\*\*

CITY STAFF TO COMPLETE BELOW

ZONING REVIEW: ZONING \_\_\_\_\_ ☐ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL

EXPLANATION OF RECOMMENDATION \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE SET FOR CITY COUNCIL REVIEW \_\_\_\_\_ NOTICE SENT TO APPLICANT \_\_\_\_\_

CITY COUNCIL ACTION: ☐ APPROVED AS SUBMITTED ☐ DENIED ☐ APPROVED WITH ATTACHED CONDITIONS

RESULTS SENT TO APPLICANT \_\_\_\_\_





ALLENDALE AVE.

City-owned parcel

Property M. Cline  
would like to buy

309.50'

172.3'

83'



S. GOULD ST.

ALLENDALE AVE.

010-036-001

490.3'

1111

60'

WRIGHT AVE.

125'

165'

607

125'

033-01

125'

033-02

66'

133'

033-02

66'

615

125'

033-02

621

125'

99'

131'

703

033-0

49.5'

703

033-0

125'

49.5'

707

033-02

033-0

711

125'

66'

033-0

33' 4

3

33' 2

164.2'

33' 1

33' 31

164.3'

30

29

28

164.3'

27

034-026

600

26

164.3'

25

24

164.3'

23

34

22

21

034-015

620

20

172.3'

19

034-013

700

18

034-012

702

17

034-011

704

16

034-010

708

15

034-009

710

14

034-008

712

13

164.3'

CLOSED 12-21-87

15.6'

104.1'

32

33

104.1'

34

35

36

104.1'

37

38

104.1'

39

40

104.1'

41

42

034-025

43

44

45

46

47

VACATED STANLEY AVE.

16

CLOSED 4-1-74

CLOSED 2-19-9

703

102.27'

44

45

46

47

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

111.52'

5

9.75

CLOSED 5-16-66

61.01'

119.5'



## MEMORANDUM

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**DATE:** January 28, 2016  
**TO:** Mayor Frederick and the Owosso City Council  
**FROM:** Amy K. Kirkland, City Clerk  
**SUBJECT:** Scheduling special meeting in March to discuss property auction

### RECOMMENDATION:

I recommend scheduling a time in mid-to-late March to discuss the auctioning of City-owned properties.

### BACKGROUND:

At the January 19<sup>th</sup> meeting Council discussed the idea of holding a special meeting to discuss, and potentially plan, holding an auction to sell City-owned properties. The 5<sup>th</sup> Monday in February was suggested as a possible meeting date but staff indicated that was not enough time to research the properties that may be eligible for sale, so the discussion turned to March. It was further noted that all plans for the auction would need to be in place by early May to allow sufficient marketing time for a June auction.

I've attached a calendar listing the City related meetings and other events scheduled to use the Council Chamber in the month of March. I've crossed out evenings in which there is a scheduling conflict with the room or with members of Council attending other meetings.

### FISCAL IMPACTS:

Fiscal impacts could be significant if the auction is planned and executed well.

# March 2016

March 2016							April 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	8	9
20	21	15	16	17	18	19	17	18	19	20	21	22	23
27	28	22	23	24	25	26	24	25	26	27	28	29	30

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb 28 - Mar 5	<b>Feb 28</b>	<b>29</b>	<b>Mar 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
				7:30am DDA/Main Street Board (Council Chambers) 6:00pm Curwood Meeting (Council Chambers)			
Mar 6 - 12	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
		7:30pm City Council (Council Chambers)	12:00pm AVCB (Conference Room) 3:00pm Board of Review Organization 5:00pm Election related 7:00pm SATA (SATA)				
Mar 13 - 19	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
		9:00am Board of Review (Council Chambers) 7:00pm Historical Commission Meeting (Gould Hou)	8:30am OMS Design Committee (Confere) 9:30am Zoning Board of Appeals (Council Review (Council Cha	8:00am OMS Organization Committee (Confere) 6:00pm Downtown Historic District Commission (Council			
Mar 20 - 26	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
		7:30pm City Council (Council Chambers)				Good Friday	
Mar 27 - Apr 2	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>Apr 1</b>	<b>2</b>
	Easter	6:00pm Parks & Recreation Commission (Council) 7:00pm Planning Commission (Council Chambers)					



## **MEMORANDUM**

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

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DATE: January 28, 2016

TO: City Council

FROM: City Manager

SUBJECT: Property sales

I am placing this matter on the agenda, however, you may want to postpone it until February 29.

The policy we adopted several years ago is being included. The policy follows closely what has been used in several cities and is time tested. Owosso is different from those communities in two ways, one is the 21 day posting period and two is being developer of a subdivision.

The 21-day posting period slows things down but theoretically allows an opportunity for those who want the city to retain ownership of the property to voice their concern. We have been able to address the lots in the subdivision by setting a realistic price and engaging a realtor.

There are slivers and undevelopable parcels here and there which we have agreed to attempt to give to the adjacent property owner or owners. In most cases, these are time consuming with the city only able to give up the city's interest with various clouds on the title remaining.

The current issue is how to dispose of about 20 parcels which have value and can be developed. The value has been set according to policy by the assessed value. There has been no attempt to market these parcels. The city hasn't even posted signs on the properties. On one parcel which we offered to sell at the assessed value of \$13,125 is now being sought at the reduced price of \$5,500 based upon the perception that the city policy is now to sell at any price.

Since the last meeting and the brief discussion it now appears that the city council wants to repeal the adopted policy and continue with disposing of the 20 parcels as quickly as possible. To do so, I propose engaging Sheridan Auction Service to sell the properties through an on-line property auction where there would be advertising and a 30 day open bidding period. There would remain a question whether there would be a minimum bid price established.

## **CITY OF OWOSSO POLICY FOR DISPOSITION OF CITY-OWNED REAL PROPERTY**

### **BACKGROUND**

The city of Owosso is or may become the owner of real property which is used for various municipal purposes, including land-banking. As public service needs change, the requirements for these properties maybe revised, and on occasion, certain parcels may be found greater than the city's current need. This requires reviewed of the site's potential for future public use and its potential economic benefit to the city.

### **PURPOSE**

It is the purpose of this policy to:

- A. establish a procedure by which unused or marginally used city-owned real estate is reviewed for its potential public use and for designating unneeded parcels for lease or sale; and
- B. provide guidance for the auction, negotiated sale, or exchange of city-owned real estate; and
- C. establish the conditions under which city-owned real property may be leased.

### **POLICY**

It is the city's policy to manage its real estate assets so that they may properly carry out municipal needs which rely on these assets. It is not the city's policy to speculate in real estate. The city council will review all city-owned real estate not adequately used for municipal purposes and determine the appropriate use of the property. Those properties needed for municipal purposes may be so designated. If a property is not needed for public use within the foreseeable future, it may be made available for lease or sale, or if it will be needed at a future time, it may be suitable for lease in the interim. Those properties not required for municipal use, including those acquired because the owner failed to pay taxes, or designated for lease may be designated for sale or reserved to be exchanged for other land the city needs. The city shall optimize the sale price or lease rent from city-owned real estate based on relevant factors including:

- A. an appraisal of the property which is no more than six months old at the time the sales agreement is presented to the city council,
- B. prevailing economic conditions and recent applicable trends, and
- C. any special benefits to accrue from the sale or lease.

Discounts will not be negotiated unless an extraordinary need or circumstance is recognized by city council resolution before negotiation, setting forth the amount of the discount and the justification for it. The purpose of this is to demonstrate to the community that the city is not making a gift of public assets.

The *Owosso City Charter* places limitations on the sale of property as follows:

Section 14.3(b). Limitations on Contractual Power.

- (b) The city shall not have power to purchase, sell, lease, or dispose of any real estate, unless:
  - (1) Such action is approved by the affirmative roll call vote of five or more members of the Council, and, unless;
  - (2) In the case of real estate owned by it, the resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on file with the Clerk for public inspection for twenty-one days after its

original introduction at a meeting of the Council before the final adoption or passage thereof and, unless;

- (3) When the proposition is to sell any park cemetery or any part thereof, except when such park is not required under an official master plan of the city, or any property bordering on a water front, the proposition to sell, lease, or dispose of the same shall also be approved by a three-fifths vote of the electors of the city voting thereon at any general or special election.

#### Section 15.5. Disposal of Municipal Utility Plants and Property.

The city shall not sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of any municipal public utility, unless the proposition to do so is approved by a three-fifths majority vote of the electors of the city voting on such proposition at a regular or special city election. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of any municipally owned public utility which are no longer useful or which are replaced by new machinery or equipment, or to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or interests in property

### **PROCEDURE**

#### A. Real estate review

All unused and marginally used city-owned real estate will be reviewed on a continuing basis to determine public facility needs and to implement the comprehensive plan on a timely basis. The following procedure will apply:

1. Review by appropriate city departments.
2. Review by any applicable city commission(s).
3. Review by the planning commission for consistency with the comprehensive plan and environmental impact.
4. The staff's recommendation and relevant comments along with those of the planning commission are submitted to the city council.
5. The city council then determines the designation to be applied to the property (e.g., public facility, open space, surplus, sale, or lease).

#### B. Comprehensive plan and rezoning.

Before marketing a parcel, staff will review the parcel for likely changes in density or intensity of use since the city acquired the property. If such changes are likely, then staff shall initiate a necessary rezoning and comprehensive plan amendment through the planning commission to enable marketing the property at its highest and best use. When different land-use classifications divide projects, staff will seek lot splits, lot mergers, or property-line adjustments to divide the property along use lines, to reserve rights-of-way for streets and utilities, and to be able to disclose the terms of development of the property.

#### C. Lease versus sale

City-owned real property not required for municipal uses may be designated for lease or sale using criteria listed below. At the time staff recommends whether the property should be sold, leased, or reserved for exchange purposes, council shall be provided with an appropriate analysis of the alternatives.

#### D. Sale of real estate

## 1. Auction

Unless otherwise directed by the city council, land which is readily marketable and unrestricted in its sale potential will be sold to the highest bidder at a public auction by either oral or sealed bid, provided that the highest bid equals or exceeds the minimum published price established by the city before bid opening, which price shall not be lower than the amount shown on the appraisal. Notice of the sale by bid shall be published in a newspaper of general circulation at least ten days before bid opening. If sealed bids are requested, a deposit must accompany each bid in the form of certified or cashiers' check made payable to the city in an amount equal to at least 10 percent of the bid amount. After sealed bids are opened, oral bids are permitted from bidders who can meet the 10 percent deposit requirement. The initial oral bid must be at least 5 percent higher than highest sealed bid. Subsequent oral bids must be in increments of not less than \$100.00. If the person whose bid is accepted fails to pay the total bid price within 60 days from acceptance of bid, the bidder's deposit is forfeited, and at the sole option of this city, property may be offered for sale to the next highest bidder on the same terms as granted the high bidder. The council shall be notified of bids received or, if applicable, the fact that no bids had been received. The council may reject any and all bids.

The minimum acceptable bid will usually be the appraised fair market value as determined by the city assessor or an independent Member of Appraisal Institute (MAI) appraiser. The intent of this procedure is to set a minimum bid which will ensure a fair return to the city for its property, while encouraging maximum participation in the bidding process.

The city council may determine that property should be developed in a specific manner and may issue a request for competitive proposals (RFP) based upon preestablished criteria, in which case the property would not be sold at auction but sold through public advertising and the solicitation of proposals which will be publicly examined. See appendix A.

## 2. Negotiated sales

If the property is to be developed in a manner that would satisfy a long-term objective of the city or no bids are received or no bids are deemed acceptable by the city council, the city may seek to sell land by one of the following:

*Marketing* - Competitive offers for lease or sale may be solicited from the open market. This may be accomplished through several marketing techniques, such as requests for proposals (RFPs), a marketing subscription system, direct advertising, exposure through real estate services, posting the property, and any other appropriate means.

*Direct marketing* - seeking to sell the property through direct contacts under the following circumstances:

- a. When the land is not readily marketable because of its odd shape, lack of sufficient area to meet minimum space requirements for building in the zone in which it is located, landlocked state, or other lack of sales potential, the land may be sold by taking offers or by negotiation with adjoining landowners, provided the purchase price agreed upon is within 10 percent of the appraisal or the land is exchanged for public improvements of equal or greater value that would otherwise be the obligation of the city.
- b. When the sale to a contiguous owner would correct a site deficiency or improve access to the other property in a manner desired by the city.
- c. When a fee interest in public right-of-way is no longer required, it may be sold to a contiguous owner or exchanged for public improvements of equal or greater value. A

restrictive easement of adequate width or other required easements may be reserved from said sale.

- d. When other governmental, public, and quasi-public agencies submit proposals to acquire city property, the city shall consider such requests before making the land available to the general public. Such sales shall be at fair market value, unless the council finds that selling at a lesser value is in the city's interest. Selling land at less than the appraised fair market value shall require a four-fifths vote of the city council to do so.
- e. When qualified, nonprofit institutional organizations offer to purchase city-owned land, a negotiated sale may be consummated at fair market value, providing there is (1) a development commitment and (2) a right to repurchase or a reversion upon a condition subsequent. Nonprofit and institutional organizations are required to develop under the city's conditional use permit procedure.
- f. When a property has been offered by public auction and no acceptable bids have been received, it may be sold on a negotiated basis to any applicant submitting an acceptable offer within six months following the date of auction. After six months, any offer must be based on an updated appraisal.
- g. When a property is to be developed in a manner that would satisfy a long term objective of the city, the sale may be negotiated as long as the objectives of the city are protected by the sale agreement.
- h. Real property exchanges may be consummated by direct negotiation; however, exchanges will be considered only when there is an advantage to the city, when it results in land needed for a public purpose, or to further the goals and objectives of the city's comprehensive plan.

#### E. Easements

Where the city or other governmental agency has paid for easements, rights-of-way, or access rights and requests to vacate such interests are received and approved, the city shall receive the current fair market value or equivalent compensation for the removal of the restriction. Easements may be exchanged for other easements or relocated to other locations without compensation.

#### F. Exchanges

When land is exchanged, it shall be done based on the fair market value of each property as determined by MAI appraisal. Any difference in value shall be made up by the party with the lower appraisal value.

#### G. Payment for city surplus property

Sales of real property shall be on an all cash-basis, with the following exceptions:

- 1. Upon written recommendation and approval by the council, a parcel of surplus real property may be sold on such credit terms as are deemed to be necessary in each case. After the required down payment has been made, the balance of the purchase price shall be secured by a note and deed of trust. The credit payment period shall not exceed five years from the date of execution of the trust deed. Interest shall be at the prevailing rate in the community, and the use of term payments shall be linked to job generation for the sale of commercial or industrial property.



2. Sales to nonprofits performing a public purpose may be in the form of a loan or residual receipts note at less than the prevailing interest rates and for more than five years, provided the note is tied to affordable housing.

#### H. Leasing

1. Rate of return. Except for the areas listed below, the city shall obtain a fair market rate of return on city-owned property being considered for lease and negotiate terms and conditions which will continue to sustain a fair rate of return through rent review, consumer price index adjustments, reappraisals, or the application of percentage rents to gross income. The rate of return shall be based upon the highest rate commensurate with the highest and best use of the property or a fair rate of return commensurate with the designated public use. Rental rates shall be established by the city council based on a current appraisal, comparative studies, or past rents received.
2. Long-term lease. A lease greater than one (1) year requires council approval.
3. Short-term lease. Unless there are special circumstances, the city manager without council approval may execute a lease term of less than one (1) year. A short-term lease may not be renewed without council approval.
4. Selection of lessee. Lease proposals shall be evaluated in terms of:
  - a. Consideration offered as rent,
  - b. Financial capability,
  - c. Expertise regarding the proposed leasehold development and operation,
  - d. Nature of proposed development,
  - e. Special public benefits to be derived (if any), and
  - f. Consistency of the intended use with the comprehensive plan and zoning.
5. Leasehold assignments. Requests for assignment of leasehold interest will be evaluated on the same basis as the criteria used in evaluating a leasehold proposal. The city manager may authorize assignments which do not require amendment of the master lease provisions and do not extend beyond the term of the lease.
6. Subleases. Requests for sublease approval will be considered on the merits of each individual transaction. No sublease shall be approved which would be detrimental to the city's rights under the master lease. The city manager may authorize subleases which meet this condition and which do not require amendment of the master lease or extend the term of the lease.
7. Amendments. Amendments of long-term leases require council authorization. Whenever there is a substantial amendment, staff shall provide the council an indication of the fair return for the leasehold. This can be accomplished by appraisals, a survey of the market rate of return, a combination of the above, or any other relevant information.
8. Updating lease terms. Lease terms shall be updated as often as practicable whenever there is a request for assignment or significant amendments or subleases are proposed.
9. Financial encumbrances. The city will generally not subordinate its fee interest to encumbrances placed against the leasehold by the lessee without specific authorization of the city council.
10. Tenant improvements. Improvements installed by the lessee will be removed at termination without cost to the city or they will revert to the city. In the event of removal, the property will be returned to "as was" condition. All leasehold improvements and

alterations require prior approval by the city manager or city council, depending on the term of the lease. Any improvements within a public right-of-way by a lessee shall be deeded to the city.

11. Lease term. Lease terms will be limited to the shortest practical time commensurate with capital investment in permanent improvements to be made by the lessee following state law.
12. Audits. The city may audit all percentage leases in the first year of operation to establish proper reporting procedures and at least once every three years afterwards. More frequent audits may be made if appropriate. The city shall reserve the right to audit all other leases and agreements if determined warranted by the director of finance or city manager. Absent a city audit, a lessee shall submit an annual report certified by a certified public accountant each year within 30 days of the anniversary date of the lease.
13. Cancellation clauses. Short-term leases shall not have cancellation clauses unless they are month-to-month leases.

#### I. Option agreements

1. Option to sell. When properties have been put up for sealed or oral bids and bids have not either been received or been rejected by the city, the city manager may enter an option agreement of up to 90 days with someone interested in purchasing surplus property. Any such option agreement shall be subject to the following minimum terms:
  - a. Shall not exceed 90 days without approval of the city council;
  - b. Shall provide time for the prospective buyer to perform due diligence to see if the property is feasible for his/her purposes;
  - c. Shall require a minimum non-refundable deposit of not less than 10 percent of the value of the property per month of the option agreement;
  - d. Shall require forfeiture of the deposit if the property is not placed in escrow within 90 days;
  - e. Shall set the minimum purchase price of the property at not less than the appraised fair market value, based on an appraisal prepared within six months of the date escrow was opened, and shall provide a non-refundable deposit in an amount agreed upon by the city council and set the length of escrow;
  - f. Shall disclose all realtors involved, if any; and
  - g. Shall disclose the name of the buyer and his/her intended use of the property.

#### J. Real estate listing

It will be the presumption that the city will act as its own agent and that any real estate agent or broker will represent the buyer. When it is determined that any real property owned by the city is to be disposed of by sale, the city council may authorize a written listing contract with a real estate broker licensed by the state of Michigan.

Selecting a real estate broker to provide real estate services will be accomplished through a competitive recruitment process based on the type of property to be marketed, relevant

experience, knowledge of the community, proposed commission, qualifications, necessary licenses in good standing, and demonstrated competence.

Absent a real estate listing, the council may still designate certain surplus property for sale or lease for which the city would pay a partial commission upon the successful conclusion of a sale or lease. The agent or broker that procures a buyer or lessee for the city would be eligible for a commission. A commission would not be paid for subleases and existing leases on city property.

While the city will allow agent or broker participation on designated properties in the sale and lease of land not covered by contract, inherent in this is the right of the city to solicit and obtain sales or leases through in-house capabilities. There will not be any discount in land values or lease rates due to the absence of a commission to real estate brokers.

#### K. Time of payment of a real estate commission for a sale

In the event an agent or broker covered by contract with the city gets a buyer who submits either the highest bid or an offer to purchase based on the fair market value of the parcel and the sale is made and completed in due course, the commission provided in the contract will be paid to the agent or broker by the escrow agent from the sales proceeds.

#### L. Real estate commissions

Unless there is a written contract between a real estate agent or broker and the city, the city shall represent itself and practice good business practices in all real estate transactions. The city may pay a real estate brokerage fee for qualified representation of a selected lessee or purchaser of city property. While the amount of rental or purchase price offered is a criterion for selecting a lessee or purchaser in competitive situations, the selection will be based on the highest net rental or net purchase price, without taking into account any brokerage fees involved in the competition.

#### M. Real estate agent or broker certification

For any sale or lease involving a real estate agent or broker not under contract to the city on designated properties, the city shall require the following:

1. That the buyer or lessee certify that the real estate agent or broker is his/her agent in the transaction and has performed a service and procured the sale or lease.
2. That the real estate agent or broker certify that he or she is not an employee of the lessee or buyer.

#### N. Use of proceeds

Unless otherwise directed by the city council, proceeds from sales or leases shall be assigned as follows:

1. To enterprise accounts, if the property was purchased using ratepayer funds.
2. To the general fund
3. To a program or grant that requires refunding if the land was purchased using a source of money with that type of restriction.

#### O. Costs to sell, lease, and market surplus properties

Unless otherwise directed, the costs to sell, lease, exchange, or market surplus properties will be charged to the fund to which the proceeds of a sale would go.

## APPENDIX A

Owosso from time to time will have parcels that are vital to community and economic development for which proposals should be sought and examined by preestablished criteria. This will normally involve redevelopment projects. In such circumstances, Owosso will follow a process similar to the following.

### 1. Preparation of a site development program

Illustrative development plans and guidelines are prepared by the city that reflect and address:

- economic parameters and feasibility
- community goals and design criteria
- physical capacity

There may be extensive public participation in the process to address critical issues such as height, orientation, parking, traffic, general design/materials, and community character. Open workshops or charettes may be held early in the process. Typically, this task includes the services of a planning/design firm, civil engineer, and traffic planners and often the services of a development advisor. The result should be a project that is economically feasible and physically reasonable and that meets the goals of Owosso.

Development guidelines will be crafted that give prospective developers direction but still allow the community to tap the creativity and resourcefulness of the private sector.

### 2. Address development readiness of the site

There must be realistic assessment of factors that may impede development and may be difficult for the developer to address. Issues may include ownership holdouts, demolition, environmental contamination, soil conditions, storm water requirements, infrastructure status and responsibility, title exceptions and other similar problems.

Who is in the best position to address these issues must be evaluated and action taken to resolve the issues. Decisions must be made as to the role the developer may have to play in their resolution. At the very least the key issues should be disclosed.

### 3. Prepare request for qualifications and proposals

A two-step process will usually be followed, first seeking qualifications (RFQ), then requesting proposals (RFP) from only a shortlist of not more than five qualified firms or teams. The request for qualifications provides full background information on the project and seeks the experience, track record, financial capacity, and references of development teams.

The two-step process is followed because Owosso wants to advertise sale of land and other development opportunities. This creates a “beauty contest” in the eyes of qualified developers. Firms may hire an architect to prepare attractive exhibits, whether or not they represent a feasible plan or the firm has the financial and development capability to deliver. As a result, many best qualified firms will avoid a request for full proposals that is open to all and for which they cannot reasonably assess the odds of success. The cost of a full proposal is too great to incur unless there is a reasonable chance of success.

### 4. Review qualifications and determine a short list

Qualifications will be reviewed and a short list selected. The review of qualifications will include assessing the relevance and depth of the background of each team, a confidential review of

financial capacity, and interviews of references. A short list will be made. This may require interviews and staff/ consultant review.

#### 5. Solicit/receive proposals from a short list

Meetings will be held with short-listed teams to provide additional background information and to answer questions that may arise. Other discussions also may occur during this period to help the developers fully understand the municipality's goals. The full proposals will include conceptual site and building plans, financial analysis, requests for city participation, and proposed payments to the city. Each developer will approach the project differently.

#### 6. Evaluate proposals

Proposals will be evaluated in terms of overall quality, financial proposal, responsiveness, level of commitment from financing sources and tenants, etc. This is sometimes a summary and comparison or may be more evaluative. In either case, this provides information for use in interviews of the teams.

#### 7. Interviews

Developers will publicly present their proposals to the city council.

#### 8. Selection

Results of the interviews and public comment, if any, then will be considered along with the evaluation of the proposal as for quality, character, track record, ease of working relationship, price offered, and other factors.

#### 9. Negotiation of redevelopment agreement

Following selection, Owosso will negotiate the business terms of the redevelopment agreement for the project. This includes both financial terms and the responsibilities of parties. City and special legal counsel may be involved. A redevelopment agreement is the basis for the public-private partnership that occurs. It will be far more than a land sale contract to ensure that Owosso gets what it wants. The typical redevelopment agreement will include:

- Approved development
- Time of performance
- Protection on undeveloped land
- Acceptable tenants
- Payments to city
- Excess profit sharing
- Financing terms and public financial role, if any
- Requirements for closing, such as full funding, in balance
- Review and monitoring provisions

This is the opportunity to provide for requirements that reflect the desire to steward the land and achieve key public goals. Some may impact the economics of the project and value of the land, but if they are affordable and acceptable, the redevelopment agreement and covenants that run with the land are the mechanisms to do so and must be done before transfer.

*I hereby certify that the foregoing document is a true copy of action taken by the Owosso City Council at the regular meeting of November 21, 2011.*

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



## MEMORANDUM

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

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DATE: January 28, 2016  
TO: City Council  
FROM: City Manager  
SUBJECT: Proposed Cargill project

The city council has agreed to sell a piece of city owned property to Cargill Incorporated. Cargill has shown the intent to construct a facility on the property if a number of things occur first. Many of these things will require action by the city by various boards, commissions and the city council.

I want to give an overview of the envisioned plan noting some decisions that must be made. Should the city council not be willing to continue in this direction I need to know now, so that the modifications can be made or the project called off before more time and costs are incurred.

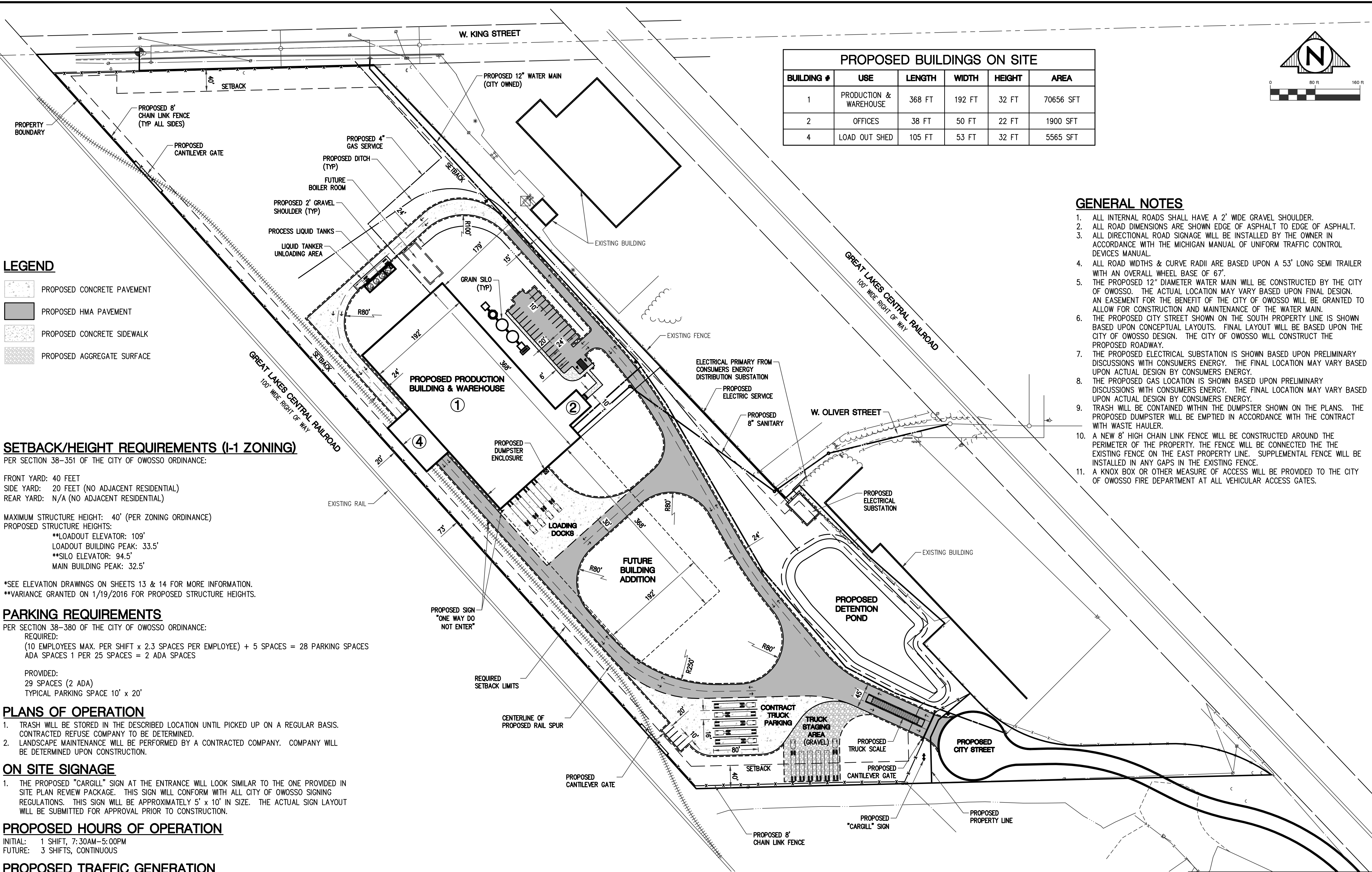
In 2002 the city established a brownfield tax increment financing district, including this property, and several adjacent properties to remove the contamination and to provide improvements to make things work for existing and new development. The contamination has been removed and the property has remained vacant with no sufficient increment to provide improvements. The initial plan proposed as improvements a roadway and watermain extensions.

These improvements now become necessary, which requires the following actions:

1. Acquiring property and easements from Sonoco for construction of the roadway and installation of the watermains.
2. Borrowing the necessary money to pay for the property and construction.
3. Paying back the borrowed money.

To make this all happen the following steps are being taken or proposed:

1. Cargill is working to obtain the necessary approvals including a height variance from the zoning board of appeals (completed) and approval of a site plan (scheduled for consideration February 2).
2. The city has prepared a preliminary layouts for the roadway and watermains.
3. The city is working to obtain property and easements from Sococo (proceeding and will require city council approval).
4. The city must obtain MEDC approval for school capture with state making school whole. (preliminaries complete and will require various approvals).
5. The city must amend the brownfield plan to extend tax capture period (will require the Owosso Brownfield Authority approval).
6. The city must issue a \$999,000 bond to be paid back from tax capture (will require city council approval).
7. The city must loan water fund money to be paid back from tax capture (will require city council approval).
8. The city must prepare plans for the roadway and watermain construction and bidding out the project (will require city council approval).
9. The city must award contracts for construction (will require city council approval).
10. The Roadway and watermain construction will take place.



PROPOSED BUILDINGS ON SITE					
BUILDING #	USE	LENGTH	WIDTH	HEIGHT	AREA
1	PRODUCTION & WAREHOUSE	368 FT	192 FT	32 FT	70656 SFT
2	OFFICES	38 FT	50 FT	22 FT	1900 SFT
4	LOAD OUT SHED	105 FT	53 FT	32 FT	5565 SFT

- GENERAL NOTES**
- ALL INTERNAL ROADS SHALL HAVE A 2' WIDE GRAVEL SHOULDER.
  - ALL ROAD DIMENSIONS ARE SHOWN EDGE OF ASPHALT TO EDGE OF ASPHALT.
  - ALL DIRECTIONAL ROAD SIGNAGE WILL BE INSTALLED BY THE OWNER IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES MANUAL.
  - ALL ROAD WIDTHS & CURVE RADII ARE BASED UPON A 53' LONG SEMI TRAILER WITH AN OVERALL WHEEL BASE OF 67'.
  - THE PROPOSED 12" DIAMETER WATER MAIN WILL BE CONSTRUCTED BY THE CITY OF OWOSSO. THE ACTUAL LOCATION MAY VARY BASED UPON FINAL DESIGN. AN EASEMENT FOR THE BENEFIT OF THE CITY OF OWOSSO WILL BE GRANTED TO ALLOW FOR CONSTRUCTION AND MAINTENANCE OF THE WATER MAIN.
  - THE PROPOSED CITY STREET SHOWN ON THE SOUTH PROPERTY LINE IS SHOWN BASED UPON CONCEPTUAL LAYOUTS. FINAL LAYOUT WILL BE BASED UPON THE CITY OF OWOSSO DESIGN. THE CITY OF OWOSSO WILL CONSTRUCT THE PROPOSED ROADWAY.
  - THE PROPOSED ELECTRICAL SUBSTATION IS SHOWN BASED UPON PRELIMINARY DISCUSSIONS WITH CONSUMERS ENERGY. THE FINAL LOCATION MAY VARY BASED UPON ACTUAL DESIGN BY CONSUMERS ENERGY.
  - THE PROPOSED GAS LOCATION IS SHOWN BASED UPON PRELIMINARY DISCUSSIONS WITH CONSUMERS ENERGY. THE FINAL LOCATION MAY VARY BASED UPON ACTUAL DESIGN BY CONSUMERS ENERGY.
  - TRASH WILL BE CONTAINED WITHIN THE DUMPSTER SHOWN ON THE PLANS. THE PROPOSED DUMPSTER WILL BE EMPTIED IN ACCORDANCE WITH THE CONTRACT WITH WASTE HAULER.
  - A NEW 8' HIGH CHAIN LINK FENCE WILL BE CONSTRUCTED AROUND THE PERIMETER OF THE PROPERTY. THE FENCE WILL BE CONNECTED THE THE EXISTING FENCE ON THE EAST PROPERTY LINE. SUPPLEMENTAL FENCE WILL BE INSTALLED IN ANY GAPS IN THE EXISTING FENCE.
  - A KNOX BOX OR OTHER MEASURE OF ACCESS WILL BE PROVIDED TO THE CITY OF OWOSSO FIRE DEPARTMENT AT ALL VEHICULAR ACCESS GATES.

**LEGEND**

- PROPOSED CONCRETE PAVEMENT
- PROPOSED HMA PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED AGGREGATE SURFACE

**SETBACK/HEIGHT REQUIREMENTS (I-1 ZONING)**

PER SECTION 38-351 OF THE CITY OF OWOSSO ORDINANCE:

FRONT YARD: 40 FEET  
SIDE YARD: 20 FEET (NO ADJACENT RESIDENTIAL)  
REAR YARD: N/A (NO ADJACENT RESIDENTIAL)

MAXIMUM STRUCTURE HEIGHT: 40' (PER ZONING ORDINANCE)  
PROPOSED STRUCTURE HEIGHTS:  
\*\*LOADOUT ELEVATOR: 109'  
LOADOUT BUILDING PEAK: 33.5'  
\*\*SILO ELEVATOR: 94.5'  
MAIN BUILDING PEAK: 32.5'

\*SEE ELEVATION DRAWINGS ON SHEETS 13 & 14 FOR MORE INFORMATION.  
\*\*VARIANCE GRANTED ON 1/19/2016 FOR PROPOSED STRUCTURE HEIGHTS.

**PARKING REQUIREMENTS**

PER SECTION 38-380 OF THE CITY OF OWOSSO ORDINANCE:

REQUIRED:  
(10 EMPLOYEES MAX. PER SHIFT x 2.3 SPACES PER EMPLOYEE) + 5 SPACES = 28 PARKING SPACES  
ADA SPACES 1 PER 25 SPACES = 2 ADA SPACES

PROVIDED:  
29 SPACES (2 ADA)  
TYPICAL PARKING SPACE 10' x 20'

**PLANS OF OPERATION**

- TRASH WILL BE STORED IN THE DESCRIBED LOCATION UNTIL PICKED UP ON A REGULAR BASIS. CONTRACTED REFUSE COMPANY TO BE DETERMINED.
- LANDSCAPE MAINTENANCE WILL BE PERFORMED BY A CONTRACTED COMPANY. COMPANY WILL BE DETERMINED UPON CONSTRUCTION.

**ON SITE SIGNAGE**

- THE PROPOSED "CARGILL" SIGN AT THE ENTRANCE WILL LOOK SIMILAR TO THE ONE PROVIDED IN SITE PLAN REVIEW PACKAGE. THIS SIGN WILL CONFORM WITH ALL CITY OF OWOSSO SIGNING REGULATIONS. THIS SIGN WILL BE APPROXIMATELY 5' x 10' IN SIZE. THE ACTUAL SIGN LAYOUT WILL BE SUBMITTED FOR APPROVAL PRIOR TO CONSTRUCTION.

**PROPOSED HOURS OF OPERATION**

INITIAL: 1 SHIFT, 7:30AM-5:00PM  
FUTURE: 3 SHIFTS, CONTINUOUS

**PROPOSED TRAFFIC GENERATION**

TRUCKS  
INITIAL: 18 TRUCKS/DAY  
FUTURE: 45 TRUCKS/DAY



REVISIONS			
NO.	DATE	DESCRIPTION	BY
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-

PLAN DATE: JANUARY 2016  
PROJECT MGR: DAS  
REVIEWER: JBM  
SCALE: 1" = 80'

**ROWE PROFESSIONAL SERVICES COMPANY**

**The ROWE Building**  
540 S. Saginaw St., Ste. 200  
Flint, MI 48502

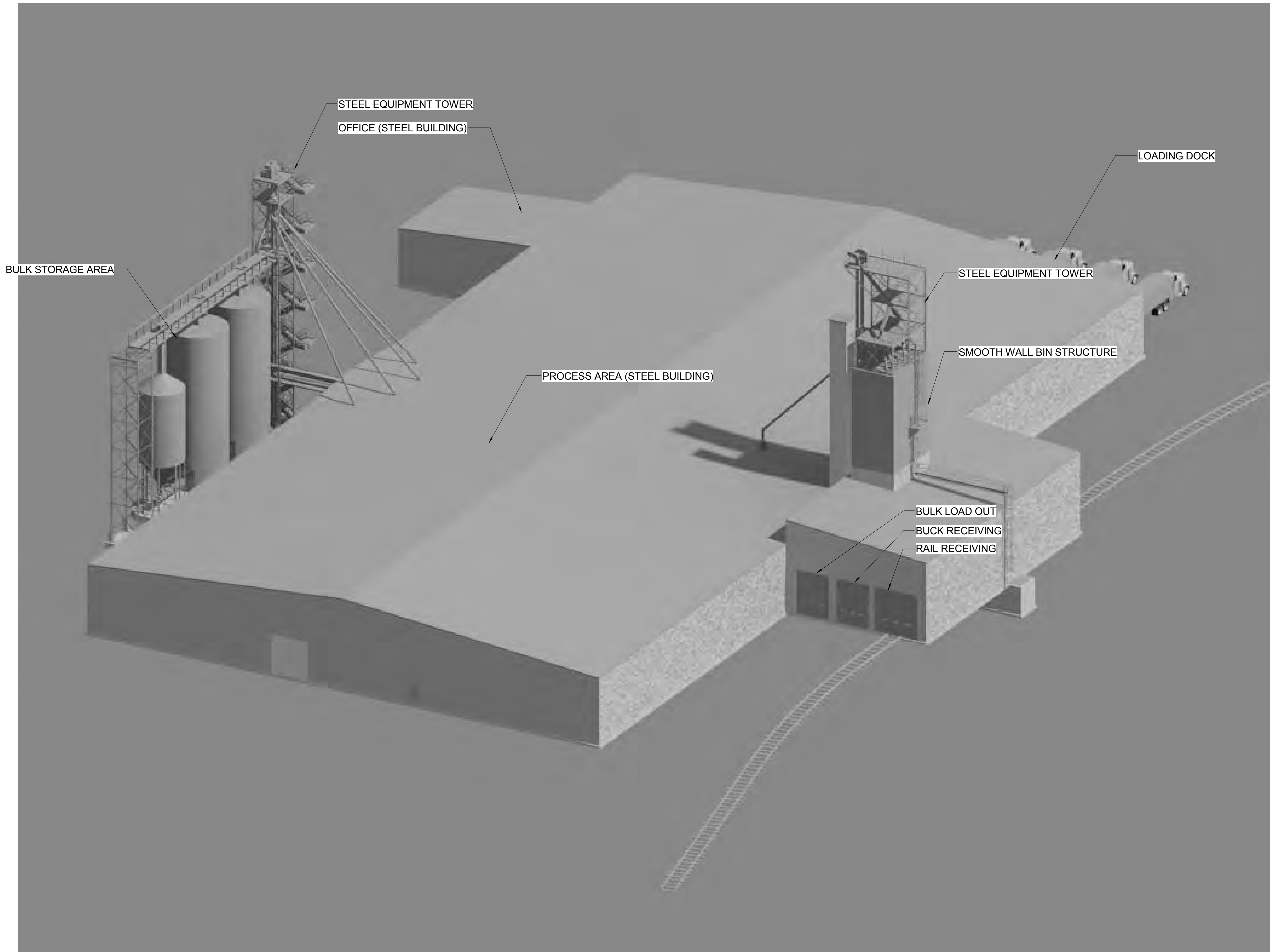
C: (810) 341-7500  
F: (810) 341-7573  
www.rowepsc.com

PREPARED FOR  
**CARGILL ANIMAL NUTRITION PROJECT SPARTAN**

SITE PLAN  
PROPOSED PLAN

REV: **C8**  
SHT# **8** OF **16**  
JOB No: 15C0179



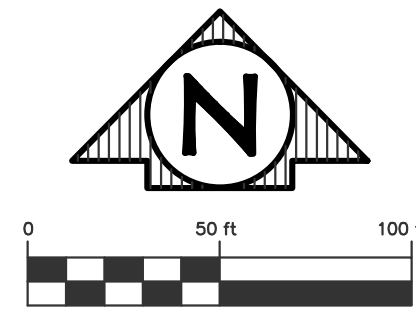
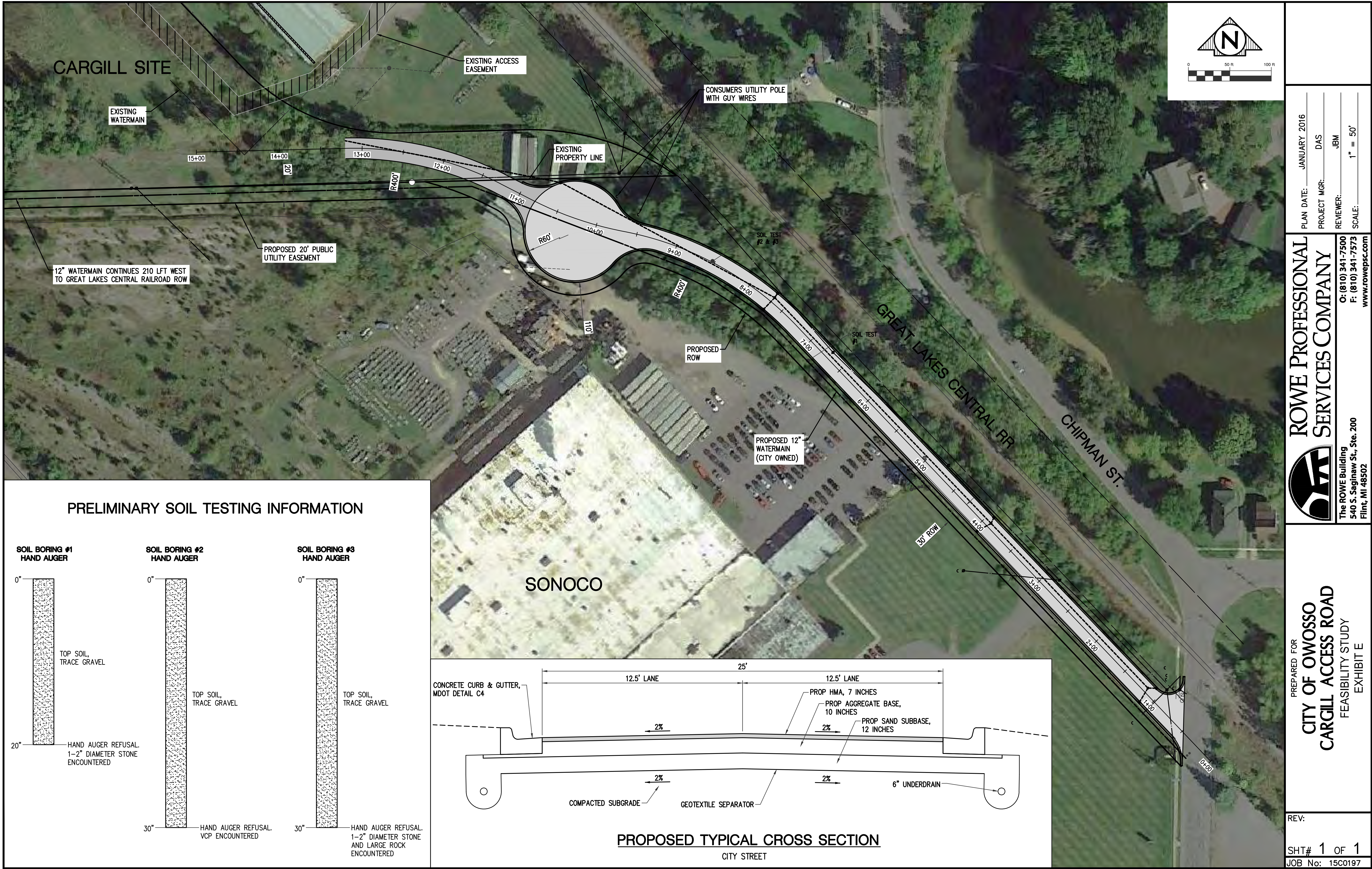


1  
G4.1 3D RENDERING  
12" = 1'-0"

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

					TITLE ISOMETRIC		
ISSUED FOR REVIEW					PROJECT 35 TPH DAIRY FEEDMILL		
ISSUED FOR REVIEW					DRAWN JMM	DATE 11/17/15	DRAWING NO. G4.1
ISSUED FOR REVIEW							
DESCRIPTION	REV.	DATE	BY	DIVISION/SUBSIDIARY CARGILL ANIMAL NUTRITION			
				PLANT OWOSSO, MICHIGAN			





PLAN DATE: JANUARY 2016  
PROJECT MGR: DAS  
REVIEWER: JBM  
SCALE: 1" = 50'

**ROWE PROFESSIONAL SERVICES COMPANY**

**CITY OF OWOSSO**

**CARGILL ACCESS ROAD**

**FEASIBILITY STUDY**

**EXHIBIT E**

PREPARED FOR

THE ROWE BUILDING  
540 S. SAGINAW ST., STE. 200  
FLINT, MI 48502

O: (810) 341-7500  
F: (810) 341-7573  
WWW.ROWEPS.COM

REV:

SHT# 1 OF 1

JOB No: 15C0197

R:\Projects\15C0197\City Construction Drawings\Exhibit E.dwg  
PLOTED: 1/21/2016 2:35 PM



REGULAR MEETING MINUTES  
OWOSSO DDA / MAIN STREET  
Council Chambers, City Hall  
January 6, 2016 – 7:30 am.

The meeting was never called to order as there was no quorum present.

---

Alaina Kraus, Secretary

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JANUARY 19, 2016 at 9:30 AM  
CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** The meeting was called to order by Randy Horton at 9:30 a.m.

**ROLL CALL:** Was taken by Recording Secretary Bridget Cannon.

**MEMBERS PRESENT:** Chairman Randy Horton, Secretary Dan Jozwiak, Board Member Kent Telesz Planning Commission Representative Thomas Taylor, Alternate John Horvath and Alternate Matthew Grubb

**MEMBERS ABSENT:** Vice-Chairman Christopher Eveleth

**OTHERS PRESENT:** Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Doug Scott, Rowe Professional Services Company; Justin Horvath, Shiawassee Economic Development Partnership; Graham Sturgeon, Independent Newspaper Group

**AGENDA: IT WAS MOVED BY BOARD MEMBER JOZWIAK, AND SUPPORTED BY BOARD MEMBER TELESZ TO APPROVE THE AGENDA OF JANUARY 19, 2016 AS PRESENTED.  
YEAS: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ, AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF OCTOBER 20, 2015 AS PRESENTED.  
YEAS: ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from October 20, 2015
3. Variance Request – 1509 W. Oliver Street – Cargill, Incorporated
4. Public Notice

**COMMISSIONER/PUBLIC COMMENTS:** None

**PUBLIC HEARINGS:**

**1. VARIANCE – 1509 W. OLIVER STREET – CARGILL, INCORPORATED**

Doug Scott, Rowe Professional Services Company – Cargill, Incorporated is proposing development on the 19.11 acre site for an agricultural grain processing facility. The petitioner is seeking a dimensional variance for height at the property. The property is currently zoned I-1 (light industrial) and has a maximum height of 40'. A site plan and elevation views of the proposed accessory structures have been provided. The proposed structure heights of a 109' elevator structure, a 56' storage silo, and a grain handling leg system, which services the silos, will have a height of 94.5' above the current site elevation. The proposed structures heights are crucial to the operation of the facility.

Susan Montenegro, Assistant City Manager & Director of Community Development - During construction, a temporary entrance will be off of Oliver Street. Oliver Street will not be used as point of access after November, 2016. City of Owosso has been in conversation with Sunoco to build a road that will allow access to the site off of N. Chipman.

Mr. Scott states Cargill, Incorporated is expecting to employ 11 full-time employees initially on site, and would eventually like to double the number employed based on sales, etc. Noise level for proposed development will predominantly be result of mechanical equipment, but will also include the loading & unloading of rail cars at site. Cargill is expecting 14 deliveries daily to start from semi-trucks. Delivery

numbers will eventually increase, but by that time the Chipman Street entrance will be in place. No flammable materials will be stored at site, or processed at site. Proposed factory is for mixing grain with molasses and other proteins.

Chairman Horton opens up the meeting to public comments

Jim Etchison – 1484 W. King Street – Owns property across the street from the proposed site. Initial concern included where the main entrance would be located, but board has discussed main entrance will be off of North Chipman. Mr. Etchison inquired how the current woods & wildlife on the property outskirts would be affected by this proposed development. Mr. Etchison has no objections to the proposed construction and believes it will be a good addition to the city of Owosso.

Mr. Scott explained the wooded area that borders King Street would remain. The natural buffers on the outskirts of this site are seen as advantageous to the developer and will remain, for the most part.

David Vaughn – 1210 W. Oliver Street – Mr. Vaughn's main concern was where the main entrance for the site would be located. He does not want to see an excess number of delivery vehicles and trucks using Oliver Street for deliveries. He does not want their adverse effects on the roads.

Mr. Scott explained Oliver Street will not be used as the main entrance for the site after November, 2016. The new drive will allow the trucks to maneuver and provide ease of deliverability to site.

Justin Horvath, Shiawassee Economic Development Partnership – Mr. Horvath contends this site was chosen for this agricultural development because it offers access to rail, water, power, and gas. It also has a natural buffering, a wooded area, on the outskirts of the property lines. This natural buffer will remain.

Board discusses rail traffic and expected number of rail cars that will be dropped off weekly. Cargill is expecting an average of eight rail cars to be dropped off once or twice a week.

**MOTION BY BOARD MEMBER TAYLOR, SUPPORTED BY BOARD MEMBER JOZWIAK AFTER REVIEWING THE CASE FOR 1509 W. OLIVER STREET (050-537-000-048-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION FOR A DIMENSIONAL VARIANCE AT THE PROPERTY LISTED ABOVE WITH THE FOLLOWING BASIC CONDITIONS BEING SATISFIED:**

1. Will not be contrary to the public interest or to the intent and purpose of this chapter;

*The dimensional variance request from Cargill, Incorporated will not be contrary to the public interest or to the intent and purpose of Owosso Code of Ordinances, Chapter 38.*

2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required;

*The proposed use (animal nutrition processing) is consistent with the uses permitted in the I-1 district - manufacturing, processing, and packaging of food products.*

3. Is one that is unique and not shared with other property owners;

*The proposed development is the only grain processing facility within the City of Owosso.*

4. Will relate only to property that is under control of the applicant;

*The proposed development will be entirely contained within the subject parcel. All property will be owned by the applicant.*

5. Is applicable whether compliance with the strict letter of the restrictions governing area, set-backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

*The 40 foot height limitation would prevent the construction of site amenities in question. Without these amenities, the proposed development would not be possible.*

6. Was not created by action of the applicant (i.e. that it was not self-created);

*Cargill, Incorporated is requesting a dimensional variance that would allow structures to be constructed that exceed the maximum 40' height allowed in I-1. Thus, it is self-created. However, without these structures, the property would be unsuitable for the proposed use.*

7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety;

*The proposed structures which exceed the height limitation are generally open truss type structures and do not impede the flow of air or light travel. The structures are contained within the site setbacks and do not impact congestion on public streets.*

8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located;

*The proposed development is consistent with surrounding properties and will not adversely impact the surrounding property values.*

9. Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

*The proposed structure heights are consistent with other similar facilities in the area (grain elevators) and are considered the minimum structure heights for the facility.*

**SPECIAL CONDITION CLEARLY DEMONSTRATED:**

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.

*The strict adherence to the maximum building height would render this property unsuitable for the proposed use. The proposed structures heights are crucial to the operation of the facility.*

**ROLL CALL VOTE: AYES ALL. MOTION CARRIED.**

**BUSINESS ITEMS: NONE**

**COMMISSIONER/PUBLIC COMMENTS:**

Board agrees the proposed agricultural facility is both exciting and good for the community. The site plan review will go before the Planning Commission in February, 2016.

**ADJOURNMENT:**  
**MOTION BY BOARD MEMBER GRUBB, SUPPORTED BY BOARD MEMBER HORVATH TO**  
**ADJOURN AT 10:12 A.M.**  
**YEAS ALL. MOTION CARRIED.**

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Dan Jozwiak, Secretary

b.a.c.