

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF DECEMBER 5, 2016  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**OPENING PRAYER:** PASTOR CHRIS HIGGINS  
FIRST CHURCH OF CHRIST

**PLEDGE OF ALLEGIANCE:** BENJAMIN R. FREDERICK  
STATE REPRESENTATIVE ELECT FOR THE 85<sup>TH</sup> DISTRICT

**PRESENT:** Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,  
Councilmembers Loreen F. Bailey, Burton D. Fox, Elaine M.  
Greenway, Daniel A. Law, and Robert J. Teich, Jr.

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Councilmember Fox to approve the agenda with the following changes: Move Consent item #1 to Items of Business # 5 and move Consent Item #5 to Items of Business # 6

Motion supported by Pro-Tem Osika and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF ORGANIZATIONAL MEETING OF NOVEMBER 21, 2016**

Motion by Councilmember Greenway to approve the Minutes of the Organizational Meeting of November 21, 2016 as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 21, 2016**

Motion by Council Member Bailey to approve the minutes of the regular meeting of November 21, 2016.

Motion supported by Pro-Tem Osika and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

Mayor Eveleth read the aloud the following proclamation honoring out-going Mayor Benjamin Frederick.

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF  
BENJAMIN R. FREDERICK**

WHEREAS, Benjamin Frederick was first elected to City Council in November of 2007 and served on the Council until November of 2016; and

WHEREAS, in November of 2009, at the age of 27, he rose to the rank of Mayor, becoming the youngest chief elected official in Owosso's history; and continued serving in that capacity for the next seven years; and

WHEREAS, Ben never forgot his humble beginnings or the friends and neighbors that voted him into office and he strove to do whatever he could to make life better for Owosso's residents, including efforts to rehabilitate residential neighborhoods, protect low income families from predatory practices, and revitalize Owosso's park system; and

WHEREAS, Ben believed in honest, open communication listening diligently to citizen comments and questions, sharing the City's goals and achievements, and conducting meetings in a fair and efficient manner; and

WHEREAS, throughout his tenure Ben worked tirelessly to assist local businesses and manufacturers by building a friendly environment for job creation; helping to revitalize and breathe new life into the downtown; ensuring a healthy, balanced budget; maintaining and rebuilding City infrastructure; and to finding creative ways for the City to increase revenue without increasing the tax burden on Owosso citizens; and

WHEREAS, under Ben's leadership the Council created and fostered an environment that has led to the redevelopment of several obsolete properties including the Wesener Building, the new Qdoba plaza, the Lincoln House Project, and the Applebee Oil Propane Station; and

WHEREAS, through his service on the Downtown Development Authority and the Brownfield Redevelopment Authority Ben has nurtured other redevelopments that are on the horizon such as the Matthews Building, the former Dollar General Store, the former Sugar Beet Site, and the Armory; and

WHEREAS, through the years Ben has consistently demonstrated the dedication, resourcefulness and integrity necessary to be an exceptional elected official, and the residents of the State's 85<sup>th</sup> District saw fit to elevate him to a position in the Michigan House of Representatives in November of this year; and

WHEREAS, it is the intent of this Office that Ben's Honorable and Distinguished Public Service to the City of Owosso be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Christopher T. Eveleth, Mayor of the City of Owosso, on behalf of the City Council and the Citizens of Owosso, hereby recognize and thank Ben for his years of dedicated service to the Owosso community and further express our sincere wishes to Ben and his family as he embarks on the newest chapter in his life.

Proclaimed this 5<sup>h</sup> day of December, 2016.

Benjamin Frederick shared his thoughts on running for council and serving the public. He stated he has been blessed to work with very good councils. He encouraged the current council. He thanked everyone for letting him serve on council and as the mayor and for everyone's support.

Mayor Eveleth called for a 5 minute recess for picture taking.

Mayor Eveleth called the meeting back to order at 7:49 p.m.

## **PUBLIC HEARINGS**

### **Ordinance Amendment – Historical Commission Board Adjustment**

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

Councilmember Fox asked what area (city limits or township) the at-large members of the commission represented. City Manager Donald D. Crawford said a few years ago the council changed the make-up of the commission so that members do not have to be a citizen of the City of Owosso. Councilmember Fox shared that he thought it should be made up of a majority of citizen residents. City Manager Crawford pointed out the mayor would still appoint people to the board.

Motion by Pro-Tem Osika to authorize the following resolution to amend the ordinance in order to raise the number of Historical Commission Members from 8 to 10.

### **ORDINANCE NO. 780**

#### **AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS & COMMISSIONS, DIVISION 2, HISTORICAL COMMISSION, SECTION 2-228 – MEMBERS; APPOINTMENT, TERMS, ETC. TO INCREASE THE SIZE OF THE HISTORICAL COMMISSION**

WHEREAS, the Owosso Historical Commission currently consists of one (1) member from the City Council and eight (8) members at large appointed for three year terms; and

WHEREAS, the Owosso Historical Commission wishes to raise the number from eight (8) members at large to ten (10) members at large; and

WHEREAS, this increase in membership will allow the Historical Commission the flexibility to meet and exceed the needs of the community; and

WHEREAS, the City Council held a public hearing December 5, 2016 on the proposed amendment, heard all interested persons, and deliberated on the proposed amendment resolve as follows.

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

SECTION 1. AMENDMENT. That existing Chapter 2, Administration, Article IV, Boards & Commissions; Division 2, Historical Commission; section 2-228 – Members; appointment, terms, etc., be amended to read:

**Sec. 2-228. - Members; appointment, terms, etc.**

The members of the historical commission shall be appointed by the city council. Membership shall consist of one (1) member from the council and ten (10) members at large appointed for three-year terms. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.

SECTION 2. AVAILABILITY. The ordinance may be purchased or inspected in the City Clerk's Office, Monday through Friday between the hours of 9:00 a.m. and 5 p.m.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective December 26, 2016.

Motion supported by Councilmember Bailey

Roll Call Vote.

AYES: Councilmembers Teich, Greenway, Law, Bailey, Pro-Tem Osika and Mayor Eveleth.

NAYS: Councilmember Fox.

**Ordinance Amendment – Retirement System Board Adjustment**

Motion by Councilmember Greenway to authorize the following ordinance amendment to allow retirees to serve on the Retirement System Board of Trustees.

**ORDINANCE NO. 781**

**AMENDING OWOSSO CITY CODE SECTION 2-403, BOARD OF TRUSTEES,  
TO ALLOW RETIREES TO SERVE  
ON THE RETIREMENT SYSTEM BOARD OF TRUSTEES**

WHEREAS, the City of Owosso has a pension system designed to provide a defined benefit to City employees after they retire; and

WHEREAS, the pension system is administered by a Board of Trustees, comprised in part of current City employees elected to represent the various groups that make up the staff; and

WHEREAS, cost reduction measures have led to the closure of the system to new members of some employee groups; and

WHEREAS, the continued retirement of employees that are members of the system has resulted in an ever-smaller pool of employees qualified to serve on the board; and

WHEREAS, it is vital to maintain the board's oversight of the system consistent with the City Charter provisions that originally created the pension system in 1964; and

WHEREAS, the current Board of Trustees has carefully considered the options available and recommends that the ordinance that now governs the pension system be amended to allow City of Owosso retirees to serve on the board of trustees; and

WHEREAS, the City Council held a public hearing December 5, 2016 on the proposed amendment, heard all interested persons, and deliberated on the proposed amendment resolve as follows.

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

SECTION 1. ADDITION. That Section 2-403(a)(7) be added to Section 2-403, Board of trustees, of Chapter 2, Administration, Article VII, *Municipal Employees' Pensions*, of the Code of the City of Owosso to read:

**Sec. 2-403. – Board of trustees.**

(a) There is hereby created a board of trustees (the "board") in whom is vested the general administration, management, and responsibility for the proper operation of the retirement system and for making effective the provisions of this article. The board shall consist of seven (7) trustees as follows:

- (1) The mayor or a councilman who is not eligible to participate in the retirement system as a member or retirant;
- (2) A second councilman who is not eligible to participate in the retirement system as a member or retirant;

- (3) A citizen who has the qualifications required by the Charter for holding an elective city office and who is not eligible to participate in the retirement system as a member or retirant, to be appointed by the council;
  - (4) A police officer member to be chosen by the police officer members;
  - (5) A firefighter member to be chosen by the firefighter members; and
  - (6) Two (2) general city members: One (1) general city member to be chosen by non-unionized general city members and one (1) general city member to be chosen by the unionized general city members.
  - (7) If there are no active members of the employee groups listed in sub-paragraphs (4) (5) and (6) above able or willing to serve, a retired member of the group may be elected by active and retired members of such group.
- (b) The choosing of the trustees provided for in paragraphs (4), (5), and (6), above, shall be held in the month of May in each year under such rules and regulations as the board shall, from time to time, adopt.

SECTION 2. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective December 26, 2016.

Supported by Councilmember Fox.

Roll Call Vote.

AYES: Councilmembers Greenway, Fox, Law, Bailey, Pro-Tem Osika, Councilmember Teich, and Mayor Eveleth.

NAYS: None.

**CITIZENS COMMENTS AND QUESTIONS**

Albert Martenis III, 718 North Washington Street was at the meeting representing Diane and Dave Acton, owners of the Wesner Building. Currently there are 6 spaces allotted for the Wesner Building. He is asking the council to allow 6 permanent parking spaces for the Wesner tenant's.

Rob Lepley, 1786 South Morrice Road, He asked if the City of Owosso still uses the impound sheet and if there is a no-preference tow on an arrest can anyone tow the vehicle?

Councilperson Bailey would like to thank Mark Sedlak for all his years of service to the city.

Mayor Eveleth also echoed Councilmember Bailey's sentiments regarding Mark Sedlak's employment with the city.

Councilmember Fox wanted to discuss the parking situation for the Wesner Building tenants. After a lengthy discussion, regarding the parking situation, council decided to allow a 30-day temporary permit. The permit will allow the Wesner Building tenants to use the 6 parking spaces in order to give the parking committee time to work on a permanent solution.

Councilmember Fox made a motion to allow the tenants to use 6 parking spaces in Lot #7 with no time restriction for 30 days.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmember Law, Pro-Tem Osika, Councilmembers Fox, Teich, Bailey, Greenway and Mayor Eveleth.

NAYS: None.

**CITY MANAGER REPORT**

City Manager Crawford detailed the latest Project Status Report.

**CONSENT AGENDA**

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

**Special Assessment District No. 2016-01— Hazards and Nuisances.** (This item was moved to Items of Business.)

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

Name	Board/Commission	Term Expires
Michael O’Leary	Board of Review – effective January 1, 2017 (filling provisional appointment of T. Kemp)	12-31-2020
Jerry Jones*	Board of Review	12-31-2021
Elaine Greenway*	City Employees’ Retirement System Board of Trustees – Council Rep	11-13-2018
Carol Vaughn	Historical Commission	12-31-2019
Susan Osika	Historical Commission – Council Rep	11-09-2020
Jennifer Mahoney*	Historical Commission	12-31-2019
Carolyn Ebert*	Historical Commission	12-31-2019

\*indicates reappointment

**2017 Income Threshold Poverty Exemptions.** Adopt the 2017 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 as follows:

**2017 Federal Income Standards Poverty Threshold**

Number of persons residing in homestead	Annual allowable income
1 person	14,840
2 persons	16,920
3 persons	20,160
4 persons	24,300
5 persons	28,440
6 persons	32,580
7 persons	36,730
8 persons	40,890
Each additional person, add	5,200

**2017 Schedule of Meetings.** Adopt the 2017 Boards and Commissions Meeting Schedule.

**CITY OF OWOSSO  
SCHEDULE OF REGULAR MEETINGS  
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2017**

**NOTICE IS HEREBY GIVEN,** pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2017. The Board, dates, time and place of said regular meetings shall be as follows:

CITY COUNCIL					
The 1 <sup>st</sup> and 3 <sup>rd</sup> Monday of each month, except as noted – 7:30 p.m., local prevailing time					
<i>Dates in italic text denote a 5<sup>th</sup> Monday meeting</i>					
Owosso City Hall, Council Chambers					
JAN 03*	MAR 06	MAY 01	JUL 03	SEP 05*	NOV 06
JAN 17*	MAR 20	MAY 15	JUL 17	SEP 18	NOV 20
<i>JAN 30</i>	APR 03	JUN 05	<i>JUL 31</i>	OCT 02	DEC 04
FEB 06	APR 17	JUN 19	AUG 07	OCT 16	DEC 18
FEB 21*			AUG 21	OCT 30	
DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET			DOWNTOWN HISTORIC DISTRICT COMMISSION		
The 1 <sup>st</sup> Wednesday of each month, except as noted – 7:30 a.m., local prevailing time			The 3 <sup>rd</sup> Wednesday of each month - 6:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 04	MAY 03	SEP 06	JAN 18	MAY 17	SEP 20
FEB 01	JUN 07	OCT 04	FEB 15	JUN 21	OCT 18
MAR 01	JUL 05	NOV 01	MAR 15	JUL 19	NOV 15
APR 05	AUG 02	DEC 06	APR 19	AUG 16	DEC 20
EMPLOYEES RETIREMENT SYSTEM BOARD			OWOSSO HISTORICAL COMMISSION		
The 4 <sup>th</sup> Wednesday of even months, except as noted - 7:15 a.m., local prevailing time			The 2 <sup>nd</sup> Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Curwood Castle, 226 Curwood Castle Drive		
FEB 22	JUN 28	OCT 25	JAN 09	MAY 08	SEP 11
APR 26	AUG 23	DEC 13*	FEB 13	JUN 12	OCT 10*
			MAR 13	JUL 10	NOV 13
			APR 10	AUG 14	DEC 11

PARKS & RECREATION COMMISSION			PLANNING COMMISSION		
The 4th Tuesday of each month, except as noted – 7:30 p.m., local prevailing time			The 4 <sup>th</sup> Monday of each month, except as noted – 6:30 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 24	MAY 23	SEP 26	JAN 23	MAY 22	SEP 25
FEB 28	JUN 27	OCT 24	FEB 27	JUN 26	OCT 23
MAR 28	JUL 25	NOV 28	MAR 27	JUL 24	NOV 27
APR 25	AUG 22	DEC 12*	APR 24	AUG 28	DEC 11*
ZONING BOARD OF APPEALS			* = Rescheduled due to legal holiday on regular meeting date or other scheduling conflict		
The 3 <sup>rd</sup> Tuesday of each month, except as noted – 9:30 a.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 17	MAY 16	SEP 19			
FEB 21	JUN 20	OCT 17			
MAR 21	JUL 18	NOV 21			
APR 18	AUG 15	DEC 19			

**Designation of Street Administrator.** (This item was moved to Items of Business.)

**Change Order Nos. 2 & 3 – Professional Engineering Services Agreement for Oliver Street Reconstruction Project.** Authorize Change Order Nos. 2 & 3 to the Professional Engineering Services Agreement with Spicer Group, Inc. for the Oliver Street Reconstruction Project, increasing the contract by \$14,906.00 for additional fire protection infrastructure for Emerson School and to incorporate traffic calming techniques and bike lanes into the plan at the request of Oliver Street residents, and further authorize payment of the additional amount upon satisfactory completion of the work as follows:

**RESOLUTION NO. 142-2016**

**AUTHORIZING CHANGE ORDER NOS. 2 & 3  
TO THE CONTRACT FOR THE OLIVER STREET RECONSTRUCTION PROJECT  
WITH SPICER GROUP, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Spicer Group, Inc. on May 2, 2016 for Professional Engineering Services for the Oliver Street Reconstruction Project; and

WHEREAS, the City has requested additional work from Spicer Group, Inc. as set forth within the documents labeled Change Order No. 2 and Change Order No. 3 to provide additional fire protection for Emerson School and to incorporate bike lanes and traffic calming techniques as requested by the residents of Oliver Street.

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

- FIRST: The City of Owosso amends the contract with Spicer Group, Inc. for additional professional engineering services as detailed above.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 2 to Addendum 2016-01 to an Agreement for Professional Engineering Services between the City of Owosso and Spicer Group, Inc., increasing the total amount by \$2,200.00.
- THIRD: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 3 to Addendum 2016-01 to an Agreement for Professional Engineering Services between the City of Owosso and Spicer Group, Inc., increasing the total amount by \$12,706.00.
- FOURTH: The accounts payable department is authorized to pay Spicer Group, Inc. for work satisfactorily completed up to the amount of the contract including Change Order Nos. 2 and 3.
- FIFTH: The above expenses shall be paid from a combination of City Major Streets Fund, Water Fund, and other funds as appropriated.

**Warrant No. 533.** Authorize Warrant No. 533 as follows:

Vendor	Description	Fund	Amount
Orchard Hiltz & McCliment Inc.	Engineering services for Cargill project payment	OBRA #8	\$5,758.00
Orchard Hiltz & McCliment Inc.	Water reliability study payment	Water	\$5,571.50
Shiawassee County Clerk	Election charges	General	\$5,950.17

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Law, Teich, Greenway, Bailey, Fox, and Mayor Eveleth.

NAYS: None.

**ITEMS OF BUSINESS**

**Resolution Amendment – Plant Rehabilitation District Establishment**

Motion by Councilmember Teich to authorize amending Resolution No. 97-2016 establishing a Plant Rehabilitation District at 300 W. Main Street to clarify specific details at the request of the State of Michigan as detailed below:

**RESOLUTION NO. 97.1-2016**

**ESTABLISHING A PLANT REHABILITATION DISTRICT  
FOR THE PROPERTY AT 300 W. MAIN STREET  
CITY OF OWOSSO, MICHIGAN**

WHEREAS, a request was received July 21, 2016 for an Industrial Facilities Tax Exemption Certificate from Owosso REI Group, LLC; and

WHEREAS, a Plant Rehabilitation District must be established to meet the requirements for an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, pursuant to PA 198 of 1974, as amended, the Owosso City Council has the authority to establish "Plant Rehabilitation Districts" within the City of Owosso and the property for the proposed district is located within the city limits of the City of Owosso, County of Shiawassee; and

WHEREAS, the property description of proposed district is:

*PART OF ORIGINAL PLAT OF THE VILLAGE, NOW CITY OF OWOSSO DESCRIBED AS; SOUTH 1/2 OF BLOCK 24 & SOUTH 10 FEET OF NORTH 1/2 BLOCK 24, ALSO ADJACENT RESERVE 1, LYING BETWEEN EAST BANK OF SHIAWASSEE RIVER AND SAID DESCRIPTION; and*

WHEREAS, construction, acquisition, alteration, or installation of the proposed facility had not commenced at the time of filing of the request to establish the district; and

WHEREAS, written notice was given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in The Argus Press and posting of the hearing on the City's web page; and

WHEREAS, on September 6, 2016 a public hearing was held at which all owners of real property within the proposed Plant Rehabilitation District and all residents and taxpayers of the City of Owosso were afforded an opportunity to be heard thereon; and

WHEREAS, it is determined that establishing the district would be beneficial to the city of Owosso, as well as the local and regional economy; and

WHEREAS, it is further determined that the property, comprising not less than 50% of the state equalized valuate of the property within the proposed Plant Rehabilitation District, is obsolete.

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Owosso, Shiawassee County, Michigan that the Plant Rehabilitation District described above is approved, pursuant to the provisions of PA 198 of 1974, as amended.

Supported by Councilmember Fox.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Law, Teich, Greenway, Bailey, Fox, and Mayor Eveleth.

NAYS: None.

**Natural Gas Supply Contract Change**

Motion by Councilmember Bailey to approve cancellation of a Commercial Natural Gas Supply Contract with Volunteer Energy Services, Inc. and approve a contract for the provision of natural gas with Consumers Energy.

**RESOLUTION NO. 143-2016**

**CANCELING A COMMERCIAL NATURAL GAS SUPPLY CONTRACT WITH VOLUNTEER ENERGY SERVICES, INC. AND AUTHORIZING THE PURCHASE OF NATURAL GAS FROM CONSUMERS ENERGY**

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

WHEREAS, Charter Section 14.1 (a) provides that the power to make and to authorize the making of contracts on behalf of the city is vested in the city council and shall be exercised according to the provisions of law; and

WHEREAS, on November 5, 2012 the city council authorized an agreement for the provision of natural gas from Volunteer Energy which could be canceled upon 30-days notice; and

WHEREAS, the pricing structure has changed making it advantageous to cancel the contract with Volunteer Energy and to purchase natural gas from Consumers Energy.

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

- FIRST: The city of Owosso has hereto determined that obtaining natural gas from Consumers Energy will reduce the cost from that currently being paid is advisable, necessary and in the public interest.
- SECOND: The city council approves canceling the Commercial Natural Gas Supply Contract with Volunteer Energy Services, Inc. dated November 8, 2012.
- THIRD: That the city manager is authorized to execute the documents necessary to make the changes.

Motion supported by Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Fox, Teich, Pro-Tem Osika, Bailey, Councilmembers Fox, and Mayor Eveleth.

NAYS: None.

**Discussion of the status of the No-Preference Towing Contract**

Public Safety Director Kevin Lenkert reported that a bid request for wrecker service went out earlier in the year and city staff chose Dick's and Reeve's as the two no-preference wrecker services. That contract is still in effect today. He also reported that tows have been averaging about 1 tow every 4 days. He stated that there has been sufficient coverage with the 2 wrecker services and doesn't see a need to amend the contract at this time.

Director Lenkart also responded to Mr. Lepley's question from earlier in the evening. He explained that they try to avoid tows at all. If they do call for a tow they do an impound sheet. If someone requests a certain wrecker service that is who is called and if they have no preference they will follow the contract.

Councilperson Fox asked what Reeves hours are. Mr. Lenkart stated there isn't any mention of hours in the contract. He stated that he had spoken with the owner of Reeves and they are still in business from 8 a.m. – 5 p.m.

Mayor Eveleth asked council if there were any objections to moving on without any action on the item. There were none.

**Reconsideration of Property Return/Refund - 1281 Holly Court.**

City Manager Crawford gave a history of the purchase of the property. The buyers could not build the house they wanted on the property. The buyers were not aware of the wetlands.

The original developer and the home owner's association had an agreement that if the purchaser of property did not develop it for 18 months the developer had the right to buy the property back. The city manager stated he thought that the developer had not purchased any property back. The Rapphun's have waited the 18 months and now have approached the city to purchase the property back.

Kori Shook said all the information is there and it is a "Buyer Beware State." Bryan Smith, president of the HOA, stated that the HOA didn't have a position on it; however, he purchased a property and a buyer needs to be responsible. Mr. Smith also stated he can't see the city buying back the property. Jack Rapphun pointed out that there were never any wetlands signs put up, saying it was never surveyed.

Councilmember Fox stated the original developer was supposed to put up signs for the wetlands and they never did. He also stated the original developer went bankrupt and now the city (the current developer) has not put up the signs as of this date. Councilmember Fox said the city is in violation of the Master Deed and the city has a responsibility in this. He feels the city should purchase the property back from the Rapphun's. Councilmember Fox asked the city attorney for his opinion. The city attorney stated he thought council should go into executive session to discuss the matter.

Motion by Pro-Tem Osika to go into closed session after the regular Items of Business.

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmember Fox, Pro-Tem Osika, Councilmembers Teich, Law, Bailey, Greenway, and Mayor Eveleth.

NAYS: None.

#### **Special Assessment District No. 2016-01— Hazards and Nuisances**

Councilmember Fox pulled this item from the consent agenda. He had questions about the duplications and wondered if the landlords had been notified. City Manager explained the owners would both be notified if it is a rental property.

Pro-Tem Osika if the properties were all rentals. City Manager Crawford explained that most of them were not rentals.

Motion by Councilmember Fox authorizing Resolution No. 1 setting a public hearing for Monday, December 19, 2016 to receive citizen comment regarding Special Assessment District No. 2016-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances as detailed:

#### **RESOLUTION NO. 144-2016**

#### **SPECIAL ASSESSMENT DISTRICT NO. 2016-01 HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, December 19, 2016 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW  
SPECIAL ASSESSMENT ROLL – HAZARDS AND NUISANCES  
CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

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

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>TYPE OF NUISANCE</b>	<b>BALANCE</b>
050-010-016-020-00	616 GLENWOOD	MOW TALL GRASS/WEEDS	\$ 247.66
050-010-016-020-00	616 GLENWOOD	MOW TALL GRASS/WEEDS	\$ 178.54
050-040-000-028-00	1301 STATE	MOW TALL GRASS/WEEDS	\$ 257.31
050-050-000-033-00	209 S LANSING	MOW TALL GRASS/WEEDS	\$ 178.66
050-050-000-033-00	209 S LANSING	PROPERTY CLEAN UP	\$ 174.99
050-060-010-003-00	418 W KING	CLEAR ICE/SNOW	\$ 177.97
050-070-001-012-00	530 AMENT	MOW TALL GRASS/WEEDS	\$ 178.66
050-100-002-006-00	312 STATE	PROPERTY CLEAN UP	\$ 496.69
050-113-010-004-00	1408 W STEWART	PROPERTY CLEAN UP	\$ 220.13
050-113-014-008-00	134 S CHIPMAN	MAJOR STREET REPAIRS	\$ 323.50
050-113-014-008-00	134 S CHIPMAN	MOW TALL GRASS/WEEDS	\$ 225.64
050-113-014-008-00	134 S CHIPMAN	PROPERTY CLEAN UP	\$ 714.06
050-113-016-006-00	1407 YOUNG	MOW TALL GRASS/WEEDS	\$ 259.41
050-113-018-012-00	410 S CHIPMAN	MOW TALL GRASS/WEEDS	\$ 303.78
050-114-002-004-00	821 STATE	MOW TALL GRASS/WEEDS	\$ 257.31
050-115-001-016-00	921 S SHIAWASSEE	MOW TALL GRASS/WEEDS	\$ 210.59
050-115-001-016-00	921 S SHIAWASSEE	PROPERTY CLEAN UP	\$ 1,296.33
050-115-002-003-00	1119 S SHIAWASSEE	PROPERTY CLEAN UP	\$ 555.70
050-320-011-003-00	119 ELIZABETH	MOW TALL GRASS/WEEDS	\$ 181.05
050-320-011-003-00	119 ELIZABETH	MOW TALL GRASS/WEEDS	\$ 203.23
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 143.51
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 208.04
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 149.53
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 178.66
050-390-004-012-00	1260 ADAMS	MOW TALL GRASS/WEEDS	\$ 257.31
050-390-005-030-00	1101 N BALL	MOW TALL GRASS/WEEDS	\$ 257.12
050-420-002-013-00	630 GRAND	MOW TALL GRASS/WEEDS	\$ 149.53
050-420-011-015-00	755 BROADWAY	MOW TALL GRASS/WEEDS	\$ 262.24
050-420-011-015-00	755 BROADWAY	MOW TALL GRASS/WEEDS	\$ 204.70
050-420-011-015-00	755 BROADWAY	PROPERTY CLEAN UP	\$ 429.82
050-490-000-018-00	1636 W MAIN	MOW TALL GRASS/WEEDS	\$ 358.56
050-537-000-034-00	397 N CHIPMAN	PROPERTY CLEAN UP	\$ 239.02
050-537-000-040-00	1232 W MAIN	MOW TALL GRASS/WEEDS	\$ 264.92
050-537-000-040-00	1232 W MAIN	MOW TALL GRASS/WEEDS	\$ 207.38
050-537-000-040-00	1232 W MAIN	MOW TALL GRASS/WEEDS	\$ 183.09
050-541-000-027-00	702 N DEWEY	CLEAR ICE/SNOW	\$ 177.97
050-601-000-037-00	221 W STEWART	MOW TALL GRASS/WEEDS	\$ 178.35
050-602-007-005-00	1803 W STEWART	CLEAR ICE/SNOW	\$ 188.80
050-651-021-004-00	102 CORUNNA	MOW TALL GRASS/WEEDS	\$ 246.95
050-652-007-009-00	813 S PARK	MOW TALL GRASS/WEEDS	\$ 200.77
050-652-007-009-00	813 S PARK	MOW TALL GRASS/WEEDS	\$ 201.15
050-652-007-009-00	813 S PARK	MOW TALL GRASS/WEEDS	\$ 181.02
050-652-010-004-00	910 S SAGINAW	MOW TALL GRASS/WEEDS	\$ 264.44
050-652-011-004-00	924 S PARK	MOW TALL GRASS/WEEDS	\$ 262.72
050-660-011-011-00	216 N LANSING	MOW TALL GRASS/WEEDS	\$ 226.59
050-660-012-016-00	214 N CEDAR	PROPERTY CLEAN UP	\$ 1,405.98
050-673-004-022-00	620 S SHIAWASSEE	MOW TALL GRASS/WEEDS	\$ 127.10
050-690-006-006-00	902 N CHIPMAN	PROPERTY CLEAN UP	\$ 177.24
050-710-000-006-00	400 MAPLE	MOW TALL GRASS/WEEDS	\$ 290.91
050-710-000-006-00	400 MAPLE	MOW TALL GRASS/WEEDS	\$ 414.10
050-720-000-017-00	1455 W KING	CLEAR ICE/SNOW	\$ 188.80
<b>TOTAL</b>			<b>\$ 14,867.53</b>

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

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, December 19, 2016 for the purpose of reviewing said Special Assessment Roll-Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmembers Fox, Pro-Tem Osika, Councilmembers Law, Teich, Bailey, Greenway and Mayor Eveleth.

NAYS: None.

#### **Designation of Street Administrator**

Councilmember Fox pulled this item from the consent agenda. He questioned if someone was going to be hired to replace Mark Sedlak. City Manager Crawford explained that Utilities Director Glenn Chinavare was going to take over Mr. Sedlak's duties. Mr. Chinavare shared that he had performed similar duties for 10 years for the City of Jackson.

Motion by Councilmember Fox authorizing the following resolution designating Utilities Director Glenn Chinavare as Street Administrator to represent the City in transactions with the State Transportation Department pursuant to Act 51.

#### **RESOLUTION NO. 145-2016**

#### **FOR DESIGNATION OF STREET ADMINISTRATOR FOR THE CITY OF OWOSSO PURSUANT TO SECTION 13(9) OF ACT 51, PUBLIC ACTS OF 1951**

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 requires that the city council by resolution designate one person as the street administrator; and

WHEREAS, the Michigan Department of Transportation has provided the following resolution; and

WHEREAS, Section 13(7) Act 51 provided that each incorporated city or village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions, with the State Transportation Department pursuant to this act."

NOW, THEREFORE, BE IT RESOLVED, that this Honorable Body designates Glenn M. Chinavare as the single street administrator for the city of Owosso in all transactions with the State Transportation Department as provided in Section 13 of the Act.

BE IT FURTHER RESOLVED, that the city clerk prepare, certify and submit a copy of the resolution on the form provided by the Michigan Department of Transportation to the Michigan Department of Transportation.

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmembers Greenway, Bailey, Law, Fox, Teich, Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

The City Attorney apologized to council and stated that he needed to put his opinion in writing, so the closed session would have to be at the next meeting.

Motion by Pro-Tem Osika to amend her original motion to go into closed session after Regular Items of Business changing it to go into closed session after Regular Items of Business on December 19, 2016.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmembers Bailey, Greenway, Law, Fox, Pro-Tem Osika, Councilmember Teich and Mayor Eveleth.

NAYS: None.

### **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, asked who pays for the recount and what will it cost taxpayers for the recount. He thought maybe it was time to put in a parking ramp in downtown. He also shared that his followers on Facebook felt the city should purchase the Rapphun's property back. He reminded the council again that the wetlands need to be marked.

Kori Shook stated as the city's realtor she doesn't care what the city does but as a tax paying citizen she would not be happy if the city buys the lot back. She also pointed out that Facebook members do not represent all city taxpayers.

Jack Rapphun explained that he and his wife wanted to build a 2500 square foot house because they had already paid for the plans. He said they were not told about wetlands until after they bought the property. He and his wife would not have bought the lot if they knew they couldn't build the house they wanted on it.

### **NEXT MEETING**

Monday, December 19, 2016

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate - term expires June 30, 2018  
Historical Commission – 2 terms expire December 31, 2017

### **ADJOURNMENT**

Motion by Councilmember Teich for adjournment at 9:07 p.m.

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

---

Christopher T. Eveleth, Mayor

---

Roxane K. Cramer, Deputy City Clerk