

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF SEPTEMBER 4, 2018
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: THOMAS MANKE

PLEDGE OF ALLEGIANCE: PUBLIC SAFETY DIRECTOR KEVIN D. LENKART

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey, Elaine M. Greenway, Linda L. Robertson, and Robert J. Teich, Jr.

ABSENT: Councilmember Daniel A. Law.

APPROVE AGENDA

Motion by Mayor Pro-Tem Osika to approve the agenda with the following addition to the Consent Agenda:

5. Homeless Angels Silent Auction Permission.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 20, 2018

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of August 20, 2018 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Owosso Township resident, asked that in the future the DDA be brought in to consult on downtown issues (like the proposed ordinance amendment for downtown parking fines on tonight's agenda). He also reported his concerns with code enforcement in the downtown saying it seemed to be getting heavy handed, with downtown business owners feeling harassed.

Jeff Apsey, Caledonia Township resident, introduced himself as a candidate for County Road Commissioner. He said he worked for the Road Commission for 24 years and understands the challenges of running the organization. He went on to say that he wants the County Road Commission to be a leader in its field and he would be honored to serve as a Commissioner.

CITY MANAGER REPORT

City Manager Nathan R. Henne detailed for Council the latest Project Status Report.

Councilmember Teich asked the City Manager to look into the development of Phase II of the Osburn Lakes development. Mr. Henne agreed to do so.

Councilmember Robertson inquired how the properties will be chosen for participation in the lead water line replacement project. It was noted that some lines will be replaced as a part of upcoming street projects. Staff will also be investigating properties on a list of home owners that have expressed an interest in participating in the program. Councilmember Bailey asked that the City advertise this information again for the benefit of the public.

CONSENT AGENDA

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

First Reading & Set Public Hearing – Downtown Parking Fines. Conduct first reading and set a public hearing for Monday, September 17, 2018 to receive citizen comment on the proposal to amend Chapter 33, Traffic and Motor Vehicles, Article III, *Parking, Stopping and Standing*, Division 2, Parking Violations Bureau, Section 33-53, *Schedule of fines*, to clarify that parking fines are established by resolution as follows:

RESOLUTION NO. 138-2018

**FIRST READING & SET A PUBLIC HEARING FOR
AN ORDINANCE AMENDING SECTION 33-53, SCHEDULE OF FINES,
OF THE CODE OF ORDINANCES TO CLARIFY
PARKING FINES ARE SET BY RESOLUTION**

WHEREAS, the City of Owosso adopted the 2018 Fee Schedule on June 6, 2018, which, in part, establishes fines for various parking violations; and

WHEREAS, the City of Owosso also has an ordinance on its books establishing fines for parking violations, leading to confusion; and

WHEREAS, City of Owosso staff recommends the ordinance be changed to clarify the fines are set by resolution.

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

SECTION 1. AMENDMENT. That Section 33-53, *Schedule of fines*, of Chapter 33, Traffic and Motor Vehicles, Article III, *Parking, Stopping and Standing*, Division 2, Parking Violations Bureau, of the Code of Ordinances is hereby amended to read:

Sec. 33-53. - Schedule of fines.

~~The following fines shall be paid to the parking violations bureau.~~ **Fines for the following violations shall be established by resolution and paid to the parking violations bureau.** An additional penalty may be assigned if it is necessary to issue a warrant for the alleged violator's arrest.

Violation No.	If Paid Within 72 Hrs.	If Paid After 72 Hrs.
(1) Expired parking meter	\$ 1.00	\$ 3.00
(2) Parking over legal limit in areas other than business districts defined in section 33-37	3.00	3.00
(3) Parking over legal limit in business districts defined in section 33-37, third and subsequent violations in each calendar year	5.00	10.00
(4) Moving to evade time limitations	5.00	10.00
(5) Parking in prohibited zone	10.00	15.00
(6) Parking in loading zone	3.00	5.00
(7) Parking on sidewalk or crosswalk	10.00	15.00
(8) Parking at yellow curb	3.00	5.00
(9) Overtime parking in 3:00 a.m. to 6:00 a.m. zone	3.00	5.00
(10) Parking within fifteen (15) feet of fire hydrant	10.00	15.00
(11) Parking in handicapped zone	50.00	100.00
(12) Double parking	10.00	15.00
(13) Parked facing wrong way	10.00	15.00
(14) Blocking driveway	10.00	15.00
(15) Across parking line	3.00	5.00
(16) Blocking alley	10.00	15.00
(17) Blocking traffic	10.00	15.00
(18) Parking over twelve (12) inches from curb	10.00	15.00
(19) Abandoned car	10.00	15.00
(20) Parking of a truck or commercial vehicle with a gross weight in excess of five (5) tons or in excess of twenty-two (22) feet in length in violation of the provisions of section 5.61 of the Uniform Traffic Code	25.00	50.00

(21) Other parking violation	40.00	20.00
(22) Fifth violation of any above violation within a thirty-day period	400.00	100.00

SECTION 2. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 3. 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 4. PUBLIC HEARING. A public hearing is set for Monday, September 17, 2018 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

Special Assessment District No. 2019-14. Authorize Resolution No. 2 setting a public hearing for Monday, September 17, 2018 for proposed Special Assessment District No. 2019-14 for Williams Street from Shiawassee Street to Washington Avenue for street rehabilitation (this district was formerly known as District No. 2018-08 when it was originally introduced in March 2018) as shown below:

RESOLUTION NO. 139-2018

**WILLIAMS STREET
FROM SHIAWASSEE STREET TO WASHINGTON STREET
SPECIAL ASSESSMENT RESOLUTION NO. 2**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Williams Street, A Public Street, rom Shiawassee Street to Washington Street;
Street Rehabilitation**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$684,826.26 and determines that \$104,923.90 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$579,902.36 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, September 17, 2018 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Williams Street, a Public Street, from Shiawassee Street to Washington Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Rehabilitation.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, September 17, 2018 for the purpose of hearing any person to be affected by the proposed public improvement.

2018 Baker Challenge 5K Run/Walk Permission. Approve application of Brian Steel on behalf of Baker College of Owosso for the partial closure of the following streets on Saturday, September 8, 2018 from 9:00am – 12:00noon for the 2018 Baker Challenge 5K Run/Walk, waive the insurance requirement, and authorize Traffic Control Order No. 1403 formalizing permission: Hopkins Lake Drive, from origin to Palmer Street; Palmer Street, from Hopkins Lake Drive to Gute Street; Gute Street, from Palmer Street to Washington Street; and Washington Street, from Gute Street to College Lane.

Bid Award - Sale of Used Fire Truck. Approve bid award to Brian Reed for the purchase of one 1986 Pierce Pumper, VIN # S29RT6FD4GC423862, in the amount of \$5,000.00 as follows:

RESOLUTION NO. 140-2018

**AUTHORIZING THE EXECUTION OF SALE
OF 1986 PIERCE PUMPER FIRE TRUCK
TO BRIAN REED**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, established a purchasing cycle to maintain a healthy fire vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, bid solicitations were advertised for one 1986 Pierce Pumper Fire Truck and the most responsive bid was received from Brian Reed.

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 sell one 1986 Pierce Pumper Fire Truck, VIN# reading: S29RT6FD4GC423862, in the amount of \$5,000.00.

SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership to Brian Reed upon the remittance of \$5,000.00.

Homeless Angels Silent Auction Permission. (This item was added to the agenda.) Approve the application of Rob Wagner on behalf of the Korner Pub and Homeless Angles for the closure of State Street from Main Street to the south end of the Korner Pub building on Saturday, September 8, 2018 from 2:00 pm – 11:00 pm for the Homeless Angels Silent Auction, and authorize Traffic Control Order No. 1404 formalizing permission.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Law.

ITEMS OF BUSINESS

Osburn Lakes - Waiver of Reversionary Clause - Lot 60

Motion by Councilmember Teich to approve the following agreement waiving the “reversionary clause” for Lot 60 of the Osburn Lakes Residential Site Condominium development:

**WAIVER OF REVERSIONARY CLAUSE: LOT 60
OSBURN LAKES RESIDENTIAL SITE CONDOMINIUM DEVELOPMENT**

This Waiver of Reversionary Clause is entered into 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 Keith and Karen Stites wish to purchase Lots 60 and 61 of the Osburn Lakes development upon which a residence will be built on Lot 61, and said Lot 60 of Osburn Lakes is contiguous to Lot 61; and

WHEREAS Keith and Karen Stites have offered to purchase Lots 60 and 61 but do not intend to construct any buildings on Lot 60; 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 Lot 60.

NOW, THEREFORE, THE CITY OF OWOSSO hereby waives its right pursuant to Article VII, paragraph F. of the Master Deed to repurchase Lot 60 of the Osburn Lakes subdivision for failure to commence construction of a residence.

Provided further, that nothing herein bars any owner of Lot 60 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 Lot 60 may construct or cause to be constructed any accessory building or other non-residential structure thereon unless a residence is constructed on Lot 60.

Motion supported by Councilmember Robertson.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Law.

COMMUNICATIONS

- A. Ludington, Historical Commission. Letter of Resignation.
- Zoning Board of Appeals. Minutes of June 19, 2018.
- Historical Commission. Minutes of July 9, 2018.
- Historical Commission. Minutes of August 13, 2018.
- Zoning Board of Appeals. Minutes of August 21, 2018.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Owosso Township resident, said he felt the cost estimates developed for the lead service line replacement project were too high and the work should be done in-house to save money.

Mike Cline, 204 Stratford Drive, inquired about the City's plans for the old skate park.

In response to Mr. Manke's comment City Manager Henne acknowledged the estimates were on the higher side but that was done for budgeting purposes. He went on to say that the City did not own the equipment necessary to investigate underground lines without significant surface invasiveness and as such sought estimates from a contractor with the proper equipment.

City Manager Henne addressed Mr. Cline's inquiry saying all efforts had been concentrated on moving forward with the new skate park that there hadn't been much talk of what to do with the old equipment.

Councilmember Bailey invited everyone to the K-9 5K Run and Woofstock events at Fortitude on September 15th benefitting the Shiawassee Humane Society.

Councilmember Robertson inquired about the status of the fire hydrant at the corner of Washington and King Streets. It was indicated the hydrant was moved up on the maintenance list and would hopefully be attended to soon.

There was a brief discussion regarding selling the old skate park equipment and who will own the new skate park (the City).

Mayor Pro-Tem Osika invited everyone to enjoy the ArtWalk and the Farmers' Market downtown this Saturday.

NEXT MEETING

Monday, September 17, 2018

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2019

Building Board of Appeals – Alternate - term expires June 30, 2021

Historical Commission – 2 terms, expiring December 31, 2020

Zoning Board of Appeals – term expires June 30, 2021

ADJOURNMENT

Motion by Councilmember Bailey for adjournment at 7:56 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk