

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF FEBRUARY 19, 2019
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER JEROME C. HABER

PLEDGE OF ALLEGIANCE: MS. MAYLINN SMITH

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: None.

A moment of silence was held in observance of the passing of Caledonia Charter Township Supervisor Joe DeCaire.

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 4, 2019

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of February 4, 2019 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Special Assessment District No. 2019-09 – Palmer Avenue

Prior to the opening of the floor for citizen comments City Manager Nathan R. Henne gave a presentation detailing the special assessment process, including how street conditions are rated and how assessments are calculated.

He also provided a breakdown of the assessments for the project. He noted that the cost of the Palmer Avenue project had increased significantly after the scope of the project was approved. Because of the scope of the project had already been approved the City will be picking up the extra cost.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-09 for Palmer Avenue, from Gute Street to Prindle Street for street resurfacing.

The following people commented in regard to the proposed special assessment roll: Margaret Sowle, 231 W. Williams Street, sought clarification on whether the project was a resurfacing or a rehabilitation. It was noted it is now a rehabilitation due to the changes mentioned above.

Motion by Councilmember Bailey to approve the following resolution:

RESOLUTION NO. 29-2019

**DISTRICT NO. 2019-09
PALMER AVENUE FROM GUTE STREET TO PRINDLE STREET
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

PALMER AVENUE FROM GUTE STREET TO PRINDLE STREET
STREET REHABILITATION

and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$17,351.37 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-09.
2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

Special Assessment District No. 2019-14 – Williams Street

City Manager Henne provided the details of the Williams Street project noting that the street will be separated into four sections according to the type and scope of the work required. The water line along this section of street is expected to last approximately another 40 years and is not planned for replacement, though a larger storm sewer line will be installed to improve drainage in the area. The City will bear a larger portion of the cost for the overall project due to the storm sewer line replacement.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-14 for Williams Street, from Shiawassee Street to Washington Street for street rehabilitation.

The following people commented in regard to the proposed special assessment roll:

Lee Sowle, 321 W. Williams Street, said he has had a long-standing problem with sewer gas getting into his house when city workers use the vac truck at the nearby sewer access. He said the access point is close enough to his house that when the vac truck is used it sucks all of the water out of the drain traps and allows sewer gas into the house. He said he was told by City workers that the sewer line in that area does not angle properly causing the need to suck the excess out at the access. He asked if this problem would be resolved by the project.

Rick Finley, 1103 Hintz Road, introduced himself saying he had just purchased the "Hoddy block" in February with the aim to own and operate the properties as a retirement project. He expressed a desire to do what is best for the block, not simply flip the properties. He went on to say that he does not disagree with the work the City is trying to accomplish but the timing was terrible as all of his money is tied up in the property. He asked if there was something the City could do to help him out.

In response to Mr. Sowle, City Manager Henne noted that some sanitary sewer work will be done as a part of the project and if there is a negative angle in the sewer he wants to see it addressed.

Motion by Mayor Pro-Tem Osika to approve the following resolution:

RESOLUTION NO. 30-2019

**DISTRICT NO. 2019-14
WILLIAMS STREET FROM SHIAWASSEE STREET TO WASHINGTON STREET
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

WILLIAMS STREET FROM SHIAWASSEE STREET TO WASHINGTON STREET
STREET REHABILITATION

and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$113,982.02 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-14.
2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

District 6 County Commissioner Cindy Garber introduced herself and indicated that if anyone has any questions for her she would be happy to answer them.

Steven Goff, representative of Nature's ReLeaf, Inc. and resident of White Lake, Michigan, indicated the company is looking to cultivate and process medical and recreational marijuana in the City and they have a couple of properties that are currently under contract. He said they were anxious to become a part of the community and were looking to find out when the lottery for provisioning centers will be held.

CITY MANAGER REPORT

None.

CONSENT AGENDA

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

Warrant No. 566. Authorize Warrant No. 566 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund payment- 10/1/18 - 12/31/18	Water	\$34,034.85

Warrant No. 566 continued

Vendor	Description	Fund	Amount
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment-10/1/18 - 12/31/18	Water	\$12,922.02
Michigan Municipal League Workers' Compensation Fund Inc	Worker's Compensation Insurance- 4 of 4 for FY 18/19	Various	\$20,229.00

Check Register – January 2019.* Affirm check disbursements totaling \$3,343,992.32 for January 2019.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Property Lease – Tillable Acreage

City Manager Henne indicated this item is the renewal of a farm lease for a parcel of land-locked property owned by the City.

Motion by Councilmember Bailey to approve a lease for approximately 10 acres of city owned tillable land near Hopkins Lake to Shawnee Creek Farms for \$500.00 for the 2019 farming season as follows:

RESOLUTION NO. 31-2019

**AUTHORIZING A CROP FARMING CASH RENT AGREEMENT
WITH MATT DUTCHER AND KEVIN DUTCHER D/B/A SHAWNEE CREEK FARMS**

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, Matt and Kevin Dutcher, doing-business-as Shawnee Creek Farms, have expressed an interest in leasing certain tillable acreage near Hopkins Lake for a one-year period; and

WHEREAS, the twenty-one day posting period required by Charter Section 14.3(b)(2) has expired without comment or counter-offer; 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.

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 as owner of property that is suitable for farming that a cash rent agreement for such land be leased to Matt Dutcher and Kevin Dutcher d/b/a Shawnee Creek Farms which farms adjacent land.

SECOND: the city council approves a farming agreement with Matt Dutcher and Kevin Dutcher d/b/a Shawnee Creek Farms, attached as Exhibit A, which provides for \$500.00 rent for the 2019 crop year.

THIRD: that the mayor and the city clerk are hereby instructed and authorized to sign the document attached as Exhibit A, on behalf of the city of Owosso.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

Closed Session

Motion by Mayor Pro-Tem Osika to approve holding closed session after the last session of Citizen Comments and Questions to consider the purchase or lease of real property.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

- Cheryl A. Grice, Finance Director. January 2019 Financial Report.
- N. Bradley Hissong, Building Official. January 2019 Building Department Report.
- N. Bradley Hissong Building Official. January 2019 Code Violations Report.
- N. Bradley Hissong Building Official. January 2019 Certificates Issued Report.
- N. Bradley Hissong Building Official. January 2019 Inspections Report.
- Kevin D. Lenkart, Public Safety Director. January 2019 Police Report.
- Kevin D. Lenkart, Public Safety Director. January 2019 Fire Report.
- Parks & Recreation Commission. Minutes of December 19, 2018.
- Parks & Recreation Commission. Minutes of January 23, 2019.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Mayor Pro-Tem Osika said the Chocolate Walk last weekend was a success despite the winter weather. And she reminded everyone that this weekend is the opening for Tarzan at the Lebowsky Center.

Councilmember Fear noted that the Y is kicking off their Strong Kids Campaign with a breakfast tomorrow at the hospital. All are invited to attend.

Councilmember Bailey announced a spaghetti dinner fund raiser for Community Cats at the VFW on Sunday, March 10th from 5:00 until 7:00.

COUNCIL ADJOURNED TO CLOSED SESSION AT 8:09 P.M.

COUNCIL RETURNED TO OPEN SESSION AT 8:35 P.M.

Minutes Approval – February 5, 2018

Motion by Councilmember Law to approve the Minutes of the Closed Session of February 4, 2019 as presented.

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

Minutes Approval – November 5, 2018

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Closed Session of February 4, 2019 as presented.

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

NEXT MEETING

Monday, March 04, 2019

BOARDS AND COMMISSIONS OPENINGS

- Building Board of Appeals – Alternate - term expires June 30, 2019
- Building Board of Appeals – Alternate - term expires June 30, 2021
- Brownfield Redevelopment Authority – term expires June 30, 2022
- Historical Commission – term expires December 31, 2020
- Historical Commission – 2 terms expire December 31, 2021
- Parks & Recreation Commission – term expires June 30, 2019
- Zoning Board of Appeals - Alternate – term expires June 30, 2021

ADJOURNMENT

Motion by Councilmember Law for adjournment at 8:36 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk