

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 5, 2021
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER NICHOLAS L. PIDEK

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM SUSAN J. OSIKA

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Law to approve the agenda with the following additions:

PROCLAMATIONS/SPECIAL PRESENTATIONS

1. Firefighter Thank You.
2. Citizen Thank You.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 15, 2021

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of March 15, 2021 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MARCH 29, 2021

Motion by Councilmember Pidek to approve the Minutes of the Special Meeting of March 29, 2021 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Firefighter Thank You

Mayor Christopher T. Eveleth, State Representative Benjamin R. Frederick, and Public Safety Director Kevin D. Lenkart gave a formal thank you to firefighters from the City of Owosso Fire Department, Owosso Township Fire Department, Corunna-Caledonia Fire Department, and the City of Perry Fire Department for their invaluable efforts in fighting the fire at the former Jumbo's Restaurant. On hand to receive the honors on behalf of their respective departments were: Captain Ray Murawa – Corunna-Caledonia Fire Department, Assistant Chief Mike Thornburg – Owosso Township Fire Department, Captain Rick Brewbaker – City of Owosso Fire Department, and incident commander Lieutenant Brian Matthies – City of Owosso Fire Department.

Citizen Thank You

Mayor Eveleth, State Representative Ben Frederick, and Public Safety Director Lenkart gave a formal thank you to Owosso citizens Nicole Miller and Heather Scollon for personally purchasing enough food and beverages to feed all four fire departments working on the Jumbo's fire. Ms. Miller and Ms. Scollon were present to receive their letters of commendation.

PUBLIC HEARINGS

USDA Grant – Police Cruiser

A public hearing was conducted to receive citizen comment regarding the proposal to apply for grant funding from the USDA to go toward the purchase of a new police vehicle. There were no citizen comments made prior to, or during the meeting.

Motion by Councilmember Law to approve the application for grant funding from the USDA for the purchase of a new police vehicle as follows:

RESOLUTION NO. 52-2021

PUBLIC HEARING TO RECEIVE CITIZEN COMMENT ON APPLYING FOR GRANT MONEY FROM THE USDA FOR THE PURCHASE OF A NEW POLICE VEHICLE

WHEREAS, the City of Owosso, Shiawassee County, Michigan has a police department requiring the use of police vehicles; and

WHEREAS, the USDA has a grant program that provides funding for police vehicles and this grant program requires a public hearing to allow for public comment on accepting grant monies; and

WHEREAS, the City of Owosso is eligible for up to 35% federal assistance in the purchase of a police cruiser with a purchase cap of \$50,000.00. The grant would be capped at \$17,500.00 for the City of Owosso. The remaining funding would be covered by the City of Owosso; and

WHEREAS, a public hearing was held on this application on Monday, April 5, 2021 in which no comments were received / all interested parties were heard.

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

FIRST: it has theretofore determined that it is advisable, necessary and in the public interest to authorize city staff to submit the completed application for grant funding toward the purchase of a new police vehicle to the USDA.

SECOND: the City further commits to the terms of the grant as noted above.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Kregger, 622 N. Ball Street, inquired if someone from the Department of Public Safety could speak to his neighbors about proper outdoor burning. He said the neighbors on either side of his house regularly violate the open burning ordinance. It was noted that someone from the Department would be visiting his neighbors this evening.

Mayor Eveleth welcomed Councilmember Teich back to the Council Chambers after an extended time away from in-person meetings.

Councilmember Law thanked the DPW for the very timely brush pickup.

Mayor Eveleth thanked City employee Don Luft and the Water Treatment Plant employees for all they did assisting with the fire at Jumbo's.

City Manager Nathan R. Henne thanked City network engineer Jeff Kish for his help after City Hall lost power due to the fire, for his assistance in the restart of all IT equipment while he was on vacation.

Mayor Eveleth thanked the City Manager for all of his efforts over the weekend of the fire.

CONSENT AGENDA

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

Traffic Control Order No. 1442 Amendment. Approve Traffic Control Order No. 1442.1 amending TCO 1442, extending the expiration date through April 30, 2021.

Downtown Owosso Farmers' Market Permission. Consider request from Tracy Peltier-Executive Director of the Downtown Owosso Farmers' Market to close Exchange Street from Water Street to Washington Street, Ball Street from Main Street to Mason Street, and Water Street from Exchange Street to Mason Street every Saturday from May 1, 2021 to October 30, 2021 from 7:00 a.m. until 2:00 p.m. for the annual farmers' market, and approve Traffic Control Order No. 1444 formalizing the request.

Emergency Purchase Authorization – WTP Sludge Valves. Authorize emergency purchase of four Rotork valves and one Rotork valve actuator for the Water Treatment Plant from Systems Specialties Company in the amount of \$11,753.00 plus shipping and handling and further authorize payment to the vendor upon satisfactory receipt of said equipment as detailed below:

RESOLUTION NO. 53-2021

AUTHORIZING EMERGENCY PURCHASE OF ROTORK ISOLATION VALVES AND ACTUATOR FROM SYSTEMS SPECIALTIES COMPANY OF BLOOMFIELD HILLS, MICHIGAN FOR USE AT THE WATER TREATMENT PLANT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to maintain a constant supply of water to its city and regional customers in accordance with state and federal regulatory requirements, and

WHEREAS, the ability to pump and discharge water treatment sediments and sludge to waste lagoons is necessary to maintain water treatment process operations, and

WHEREAS, sediment and sludge generated from clarifier treatment process requires the necessary valves and valve actuators to isolate and discharge wasted sediments and sludge to lagoons, and

WHEREAS, the City Director of Public Services and Utilities has reviewed the necessity for the purchase and replacement of four (4) Rotork isolation valves and one (1) valve actuator, to restore proper sludge waste discharging, and recommends authorizing Systems Specialties to provide original equipment replacement equipment in the amount of \$11,753.00.

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 enter into a purchased agreement with Systems Specialties of Bloomfield, Michigan for a replacement of four (4) Rotork isolation valves and one (1) valve actuator, and to waive the competitive solicitation process as normally required by the city purchasing policy.
- SECOND: The accounts payable department is authorized to submit payment to Systems Specialties Company in the amount not to exceed \$11,753.00, plus shipping and handling charges.
- THIRD: The above expenses shall be paid from account no. 591-553-833.000.

Bid Award - Chip Seal – Contract No. 1. Approve bid award to Highway Maintenance and Construction Company for the 2021 Chip Seal Program – Contract No. 1 in the amount of \$147,026.20, plus a contingency of \$8,000.00, and further approve payment to the contractor up to the contract amount plus the contingency as follows:

RESOLUTION NO. 54-2021

AUTHORIZING THE EXECUTION OF A CONTRACT WITH HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY FOR THE 2021 CHIP SEAL PROGRAM – CONTRACT 1

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to perform surface improvements along portions of selected streets as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its major and local street maintenance funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2021 Chip Seal Project – Contract 1, and a bid was received from Highway Maintenance and Construction Company and it is hereby determined that Highway Maintenance and Construction Company is qualified to provide such services and that it has submitted the lowest responsible and responsive bid.

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 employ Highway Maintenance and Construction Company for the 2021 Chip Seal Project – Contract 1.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document Attachment (2), as contract for services between the city of Owosso, Michigan and Highway Maintenance and Construction Company.
- THIRD: The accounts payable department is authorized to pay Highway Maintenance and Construction Company for work satisfactorily completed on the project up to the Contract amount of \$147,026.20, plus contingency in the amount of \$8,000.00 for a total of \$155,026.20.
- FOURTH: The above expenses shall be paid from the major and local street maintenance account nos. 202-463-818.000 and 203-463-818.000.

Bid Award - Chip Seal – Contract No. 2. Approve bid award to Highway Maintenance and Construction Company for the 2021 Chip Seal Program – Contract No. 2 in the amount of \$151,006.00, plus a contingency of \$10,000.00, and further approve payment to the contractor up to the contract amount plus the contingency as follows:

RESOLUTION NO. 55-2021

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
HIGHWAY MAINTENANCE AND CONSTRUCTION COMPANY FOR
THE 2021 CHIP SEAL PROGRAM – CONTRACT 2**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to perform surface improvements along portions of selected streets as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its major and local street maintenance funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2021 Chip Seal Project – Contract 2, and a bid was received from Highway Maintenance and Construction Company and it is hereby determined that Highway Maintenance and Construction Company is qualified to provide such services and that it has submitted the lowest responsible and responsive bid.

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 employ Highway Maintenance and Construction Company for the 2021 Chip Seal Project – Contract 2.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document Attachment (2) as contract for services between the city of Owosso, Michigan and Highway Maintenance and Construction Company.
- THIRD: The accounts payable department is authorized to pay Highway Maintenance and Construction Company for work satisfactorily completed on the project up to the Contract amount of \$151,006.00, plus contingency in the amount of \$10,000.00 for a total of \$161,006.00.
- FOURTH: The above expenses shall be paid from the major and local street maintenance account nos. 202-463-818.000 and 203-463-818.000.

Bid Award – City Hall Retaining Wall. Approve bid award to Gordon Construction Services, Inc. for the 2021 Retaining Wall Project in the amount of \$220,937.20 and authorize payment to the contractor upon satisfactory completion of the project or portion thereof as detailed:

RESOLUTION NO. 56-2021

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
GORDON CONSTRUCTION SERVICES, INC. FOR
THE 2021 RETAINING WALL PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to reconstruct the retaining wall at Owosso City Hall as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its capital account – building improvement funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2021 Retaining Wall Project, and a bid was received from Gordon Construction Services and it is hereby determined that Gordon Construction Services is qualified to provide such services and that it has submitted the lowest responsible and responsive bid.

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 employ Gordon Construction Services, Inc. for the 2021 Retaining Wall Project.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and Gordon Construction Services, Inc. in an amount not to exceed the base bid of \$220,937.20.
- THIRD: The accounts payable department is authorized to pay Gordon Construction Services for work satisfactorily completed on the project up to the Contract amount of \$220,937.20.
- FOURTH: The above expenses shall be paid from the Capital Account No. 401-000-975.000.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Unpaid Utility Charges

City Manager Henne pointed out that the list of unpaid utilities is much larger than usual due to the pandemic and the moratorium on water shut-offs. He said that letters will be sent to residents offering them a payment plan as an alternative to having the charges placed on their taxes.

Mayor Pro-Tem Osika inquired if the City would once again be shutting off water for non-payment. City Manager Henne indicated the Governor's order has expired so water will be shut off again when necessary.

Councilmember Pidek asked how the utility charges are noted on the tax bill so that people know that their taxes didn't just go up. Councilmember Teich asked that the utilities charges be noted separately on the tax bill if they aren't already. Finance Director Cheryl A. Grice responded saying she would check into the matter and report back to Council.

Motion by Councilmember Pidek to authorize the Annual Notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

City Budget Amendment

Motion by Mayor Pro-Tem Osika to adopt Amendment No. 3 to the 2020-2021 Budget as follows:

CITY OF OWOSSO BUDGET AMENDMENTS Quarter Ending 3/31/21 To be Approved 4/5/21

REVISED

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGET	REQUESTED INCREASE (DECREASE)	AMENDED BUDGET	
To reflect spending, collections and labor changes					
General Fund			Expenditure (Revenue)		
1	101-000-401.403	Property Taxes	(3,485,000)	(95,000)	(3,580,000)
	101-171-716.100	City Manager Health Ins	25,416	4,500	29,916
	101-226-702.000	Human Resources Salaries	131,813	23,427	155,240
	101-226-716.100	Human Resources Health Ins	8,214	7,200	15,414
	101-215-706.000	Clerk Elections	42,000	15,450	57,450
	101-966-999-400	Transfer to Capital Improvement Fund	68,143	34,950	103,093
To adjust expectation of Property Tax Revenue and various personnel cost adjustments.					
To Record approval of fire equipment purchase per Council meeting 3-15-21					
Other Funds					
2	202-000-501.506	Grant-Federal Major Streets	-	75,000	75,000
	202-451-818.000	Contractual Services-Streets	1,462,386	75,000	1,537,386
To record 20% of Gould St grant and associated expenditures in Street Funds					
	202-000-539.569	Gas & Weight Tax-Major Streets	(1,155,529)	(128,400)	(1,283,929)
	202-000-695.699	Appropriation of Fund Balance	(697,331)	83,461	(613,870)
	202-482-999.101	Contribution-General Fund	115,553	12,839	128,392
	202-485-999.203	Transfer to Major Streets	288,882	32,100	320,982
	203-000-695.202	Major Street Transfer	(288,882)	(32,100)	(320,982)
	203-000-539.569	Gas & Weight Tax-Major Streets	(423,900)	(47,100)	(471,000)
	203-000-695.699	Appropriation of Fund Balance	(223,175)	(148,214)	(371,389)
	203-482-999.101	Contribution-General Fund	38,151	4,239	42,390
	203-451-818.000	Contractual Services	787,367	223,175	1,010,542
Update ACT 51-reinstate 10% reduction and adjust expenditures for activity in Street Funds					
3	208-000-401.403	General Property Tax Revenue	(139,042)	10,435	(128,607)
	208-000-539.573	Local Community Stabilization	-	(2,245)	(2,245)
	208-000-695.699	Appropriation of Fund Balance	(30,000)	(8,190)	(38,190)
	298-000-401.403	General Property Tax Revenue	(19,042)	10,345	(8,697)
	298-000-539.573	Local Community Stabilization	-	(2,245)	(2,245)
	298-000-695.699	Appropriation of Fund Balance	0	(8,190)	(8,190)
To adjust expectation of Property Tax Revenue and PPT Reimbursement Program in Millage Funds					
4	248-965-995.000	Other Financing Uses	-	15,178	15,178
	248-000-695.699	Appropriation of Fund Balance	-	(15,178)	(15,178)
To Finalize Façade Fund-Paid out balances					
5	277-000-539.529	State Sources	(17,093)	(222,907)	(240,000)
	277-901-965.000	Capital Contribution-Private	17,093	222,907	240,000
To Record Total Amount of J&H Oil State Grant and associated activity.					
6	283-000-401.407	Revenue-TiAL	(23,600)	(4,241)	(27,841)
	283-905-980.991	Debt Service	21,703	4,241	25,944
	292-000-401.407	Revenue-Woodard Loft	(112,160)	(8,154)	(120,314)
	292-964-969.000	Developer Reimbursement	111,160	8,154	119,314
Adjust Brownfields Tax Captures to Actual					
7	297-000-671.675	Donations-Private	(15,000)	12,941	(2,059)
	297-797-702.400	Wages Temporary-Historical	12,941	(12,941)	-
Correct duplication in wage budget and adjust revenue account					
8	401-000-699.101	Transfer in from General Fund	(68,143)	(34,950)	(103,093)
	401-000-980.000	Equipment	-	47,984	47,984
	401-000-695.699	Appropriation of Fund Balance	-	(13,034)	(13,034)
Transfer of funds for Fire Equipment approved 3-15-21 and purchase of high speed scanning unit approved in prior year					

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

2021 General Obligation Limited Tax Refunding Bonds

City Manager Henne explained that, depending on the final interest rate, refinancing the noted bonds could save the City well over \$1 million.

Motion by Councilmember Pidek to approve the issuance of 2021 General Obligation Limited Tax Refunding Bonds to refund the existing 2009 DDA General Obligation Limited Tax Bonds for interest savings as follows:

RESOLUTION NO. 57-2021

**City of Owosso
County of Shiawassee, State of Michigan**

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
GENERAL OBLIGATION LIMITED TAX REFUNDING BONDS**

A RESOLUTION TO APPROVE:

- Issuance of Bonds produce net present value savings through refunding the general obligation limited tax capital improvement bonds;
- Appointment of Robert W. Baird & Co. as Underwriter;
- Finance Director to sell Bonds without further Council action;
- Other matters necessary to sell and deliver the Bonds.

WHEREAS, the City of Owosso, County of Shiawassee, State of Michigan (the "City") has previously issued its 2009 General Obligation Limited Tax Bonds dated as of June 29, 2009 (the "Prior Bonds") for the purpose of paying costs to acquire, construct, furnish, and equip various capital improvements for use by the City; and

WHEREAS, Robert W. Baird & Co., Incorporated (the "Underwriter") has advised the City that it may be able to accomplish a net savings of debt service costs by refunding all or a portion of the outstanding Prior Bonds through the issuance of refunding bonds; and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") permits the City to issue refunding bonds for the purpose of refunding part of the funded indebtedness of the City, if the refunding would result in net present value savings; and

WHEREAS, the City Council wishes to authorize the Finance Director to sell and deliver and receive payment for the refunding bonds without the necessity of the City Council taking further action prior to sale and delivery of the refunding bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Bond Issuance.** If, upon the advice of the Underwriter, refunding all or a portion of the Prior Bonds would accomplish a net savings of debt service costs, then Bonds of the City shall be issued in the aggregate principal amount of not to exceed Six Hundred Thousand Dollars (\$600,000) (the "Bonds") for the purpose of paying costs of refunding all or a portion of the Prior Bonds including payment of legal, financial and other expenses incident thereto. The Bonds shall be designated as the GENERAL OBLIGATION LIMITED TAX REFUNDING BONDS, SERIES 2021 with any additional or revised designations as determined by the Finance Director to reflect the sequence and the year in which the Bonds will be sold or delivered, or to otherwise distinguish the Bonds from other bonds issued by the City.

2. **Bond Details.** The Bonds shall consist of Bonds in fully-registered form of the denomination of \$1,000, or integral multiples thereof, numbered as determined by the Transfer Agent (as hereinafter defined). The Bonds shall bear interest at the rates determined upon sale of the Bonds within the parameters provided by this resolution. The Bonds shall mature as serial or term bonds and be payable as to principal and interest at the times and in the manner as determined by the Finance Director at the time of sale of the Bonds. The Bonds shall be dated as of the date of delivery thereof, or such other date as determined by the Finance Director upon sale of the Bonds.

Principal of the Bonds shall be payable annually on May 1 or on such other date as determined by the Finance Director at the time of sale of the Bonds. The Bonds shall bear interest at the rates determined upon sale of the Bonds within the parameters provided by this

resolution, payable semiannually on November 1st and May 1st of each year, beginning on the date determined upon sale of the Bonds.

The Bonds may be subject to optional or mandatory redemption prior to maturity at the times and prices and in the manner as determined by the Finance Director at the time of sale of the Bonds.

The Finance Director is hereby authorized to select a bank or trust company as transfer agent for the Bonds (the "Transfer Agent") or, if the purchaser of the Bonds does not require a third party transfer agent, to appoint an officer of the City as Transfer Agent. The Finance Director is hereby authorized to execute an agreement with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

The Bonds may be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the Finance Director is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this resolution as may be required to accomplish the foregoing. If the Bonds are not held in book-entry from through DTC then, if acceptable to the purchaser of the Bonds, the Bonds may be issued in the form of a single fully-registered, nonconvertible bond of the denomination of the principal sum issued, and principal of and interest on the Bonds shall be payable by check drawn by Transfer Agent and mailed to the registered owner or by wire transfer or other method of payment determined by agreement with the purchaser of the Bonds. Otherwise, the principal of the Bonds shall be payable upon presentation and surrender at the designated office of the Transfer Agent, and interest on the Bonds shall be payable by check drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent, or other method of payment to the registered owner which conforms with market practice at the time of payment. Interest shall be payable to the person who is the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the Bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

If in the future the City calls Bonds for redemption prior to maturity, then official notice of redemption shall be given by the Transfer Agent on behalf of the City unless receipt of notice is waived by any registered owner of Bonds to be redeemed. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from either the Finance Director or the Treasurer of the City upon payment of the purchase price for the Bonds in accordance with the Bond Purchase Agreement for the Bonds. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

3. Limited Tax Full Faith and Credit Pledge. The City expressly and irrevocably pledges its full faith and credit for the prompt and timely payment of the principal of and interest on the Bonds. The Bonds shall be payable, as a first budget obligation, from the general fund of the City, and the City shall levy annually ad valorem taxes on all the taxable property in the City which, taking into consideration estimated delinquencies in tax collections, shall be fully sufficient

to pay the principal and interest on the Bonds, provided, however, that if at the time of making any such tax levy there shall be other legally available funds for the payment of principal of and interest on the Bonds, then credit therefor may be taken against the levy for payment of the Bonds. The levy shall be subject to constitutional, statutory and charter tax rate limitations.

4. Bond Form. The Bonds shall be substantially in the following form with such changes as may be necessary to conform the Bonds to the final terms of sale:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF SHIAWASSEE
CITY OF OWOSSO
GENERAL OBLIGATION LIMITED TAX REFUNDING BOND, SERIES 2021

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

The CITY OF OWOSSO, County of Shiawassee, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on [date] and semiannually thereafter. Principal of this bond is payable at the designated office of [transfer agent], Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner of record, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of [\$amount] for the purpose of refunding certain outstanding bonds of the City. This bond was issued under and in pursuance of the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a resolution adopted by the City Council of the City on [date].

The limited tax full faith, credit and resources of the City are pledged for the payment of the bonds of this issue, and the City has pledged that it shall pay the principal of and interest on the bonds of this issue as they mature as a first budget obligation from its general fund and, after taking into account funds which the City may have legally available for payment of principal of and interest on the bonds of this issue, shall levy annually ad valorem taxes on all taxable property in the City sufficient to pay the principal of and interest on the bonds of this issue subject to applicable constitutional, statutory and charter tax rate limitations.

Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing on or after [date] shall be subject to redemption prior to maturity without a premium, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date], at par plus accrued interest to the date fixed for redemption.

[INSERT MANDATORY REDEMPTION PROVISIONS
IF TERM BONDS ARE SOLD]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner of record as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the

unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the Registered Owner's duly authorized attorney or legal representative, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory, or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF OWOSSO
County of Shiawassee, State of Michigan

By [_____ signature _____]

Mayor

(Seal)
Countersigned:

By [_____ signature _____]
City Clerk

[STANDARD FORMS OF
TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION
AND ASSIGNMENT TO APPEAR IN COMPLETED BOND]

5. Debt Retirement Fund. The Finance Director or Treasurer is authorized and directed to open a separate depository or trust account with a bank or trust company to be designated as the GENERAL OBLIGATION LIMITED TAX BOND SERIES 2021 DEBT RETIREMENT FUND (the "Debt Retirement Fund"). The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law. An amount sufficient to assure timely payment of the principal of and interest on the Bonds shall be transferred each year from the general fund of the City or other funds legally available therefor into the Debt Retirement Fund. The moneys deposited in the Debt Retirement Fund shall be specifically earmarked and used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund except as otherwise provided in Section 7 of this Resolution.

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

6. Escrow Fund. The Finance Director shall designate a bank or trust company to serve as escrow trustee (the "Escrow Trustee"). In order to secure payment of the Prior Bonds being refunded, the City will enter into an Escrow Agreement with the Escrow Trustee (the

“Escrow Agreement”) which shall provide for the creation of a fund for the deposit of proceeds of the Bonds and other funds available to the City (the “Escrow Fund”). The Escrow Agreement shall irrevocably direct the Escrow Trustee to hold the Escrow Fund in trust for the payment of the principal of and interest on the portion of the Prior Bonds being paid from the Escrow Fund, and shall irrevocably direct the Escrow Trustee to take all necessary steps to call for redemption of any Prior Bonds specified by the Finance Director upon sale of the Bonds, including publication and mailing of redemption notices, on any date specified by the City on which the Prior Bonds may be called for redemption. The Finance Director is authorized to execute and deliver the Escrow Agreement.

The Finance Director is authorized to purchase, or cause to be purchased, escrow securities, including, but not limited to, United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund, and to retain a bidding agent to assist in the purchase of any escrow securities other than SLGS.

The Finance Director is authorized to transfer monies from the debt retirement fund for the Prior Bonds to the Escrow Fund, to be invested as provided in the Escrow Agreement and to be used to pay principal and interest on the Prior Bonds being refunded, and to transfer any amount necessary to enable the interest on the Bonds and Prior Bonds to be, or continue to be, excluded from gross income for federal income tax purposes as determined by bond counsel.

The Finance Director is hereby authorized, at her discretion, to select an independent certified public accountant to serve as verification agent to verify that the securities and cash to be deposited to the Escrow Fund will be sufficient to provide, at the times and in the amounts required, sufficient moneys to pay the principal of and interest on the Prior Bonds being refunded as they become due.

7. Deposit of Bond Proceeds. Upon receipt of the proceeds of sale of the Bonds, the accrued interest and premium, if any, shall be deposited in the Debt Retirement Fund and used to pay interest on the Bonds on the first interest payment date, provided, however, that at the discretion of the Finance Director, all or a portion of any premium received upon delivery of the Bonds may be deposited in the Escrow Fund.

Upon delivery of the Bonds, there shall be deposited to the Escrow Fund from Bond proceeds monies which may be invested as described in the Escrow Agreement and which shall be used by the Escrow Trustee solely to pay the principal of and interest on the Prior Bonds being refunded. The City shall deposit to the Escrow Fund from bond proceeds and other monies available to the City an amount which, together with the investment proceeds to be received thereon, will be sufficient, without reinvestment, to pay the principal of and interest on the Prior Bonds being refunded as they become due pursuant to maturity or the call for redemption.

At the option of the Finance Director, all or a portion of the costs of the issuance of the Bonds may be paid from funds established for that purpose in the Escrow Agreement. Any proceeds of the Bonds remaining after payment of costs of issuance and costs of refunding the Prior Bonds shall be transferred to the Debt Retirement Fund.

8. Tax Covenant. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds and Prior Bonds pursuant to the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”) in such a manner as to cause the Bonds or Prior Bonds to be “arbitrage bonds” within the meaning of the Internal Revenue Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exclusion of interest on the Bonds and Prior Bonds from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City on the date of delivery of the Bonds.

The Finance Director is authorized on behalf of the City to designate the Bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the Internal Revenue Code if the Bonds qualify under the Internal Revenue Code. Any such designation shall be evidenced by execution of the Non-Arbitrage and Tax Compliance Certificate or other document to be delivered by the Finance Director in connection with delivery of the Bonds.

9. Sale of Bonds to be Negotiated. The City Council hereby determines to sell the Bonds at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will permit the City to enter the market on short notice at a point in time which appears to be most advantageous, and thereby possibly obtain a lower rate of interest on the Bonds and the most favorable price for purchase of securities to be escrowed for payment of the Prior Bonds to be refunded.

10. Appointment of Underwriter. Robert W. Baird & Co. Incorporated is hereby named as senior managing underwriter for the Bonds. The City reserves the right to name additional co-managers and/or to develop a selling group. By adoption of this resolution the City

assumes no obligations or liability to the Underwriter for any loss or damage that may result to the Underwriter from the adoption of this resolution, and all costs and expenses incurred by the Underwriter in preparing for sale of the Bonds shall be paid from the proceeds of the Bonds, if the Bonds are issued, except as may be otherwise provided in the Bond Purchase Agreement to be signed by the City at the time of sale of the Bonds.

Alternatively, if the Finance Director determines that instead of selling the Bonds to an underwriter it is in the best interests of the City to solicit proposals through a negotiated sale or private placement with a qualified bank or other sophisticated institutional investor, then Robert W. Baird & Co. Incorporated is hereby named as placement agent.

11. Bond Counsel. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C. occasionally represents various municipal bond underwriters, banks, and financial institutions, any of which might offer to purchase the Bonds, in connection with matters unrelated to issuance of the Bonds by the City.

12. Municipal Bond Ratings or Insurance. The Finance Director is hereby authorized to apply for bond ratings from such municipal bond rating agencies as deemed appropriate, in consultation with the Underwriter. If the Underwriter recommends that the City consider purchase of municipal bond insurance, then the Finance Director is hereby authorized and directed to negotiate with insurers regarding acquisition of municipal bond insurance, and, in consultation with the Underwriter, to select an insurer and determine which Bonds, if any, shall be insured.

13. Preliminary Official Statement. The Finance Director is authorized to approve circulation of a Preliminary Official Statement describing the Bonds and to deem such Preliminary Official Statement "final" for purposes of compliance with Securities and Exchange Commission Rule 15c2-12 ("Rule 15c2-12"). If the Bonds are sold by private placement then the Authorized Officer is hereby authorized on behalf of the City to approve circulation to potential purchasers of a term sheet, request for bids, sales memorandum, offering circular or other document describing the City, the Bonds and the security for payment of the Bonds.

14. Sale of Bonds - Parameters. The Finance Director is hereby authorized, on behalf of the City, subject to the provisions and limitations of this resolution, to negotiate sale of the Bonds and to accept an offer to purchase the Bonds without further resolution of this City Council, and to sign a bond purchase agreement, bond placement agreement, or other document awarding sale of the Bonds. This authorization includes, but is not limited to, determination of original principal amount of the Bonds; the prices at which the Bonds are sold; the date of the Bonds; the schedule of principal maturities and whether the Bonds shall mature serially or as term bonds; the provisions for early redemption including mandatory redemption of term bonds, if any; and the interest rates and payment dates of the Bonds, application of the proceeds of the Bonds; transfer of balances, if any, from the debt retirement funds for the Prior Bonds to the Escrow Fund; and purchase of securities for the Escrow Fund.

The Bonds shall not be sold unless the net present value of the principal and interest to be paid on the Bonds, including the cost of issuance, is less than the net present value of the principal and interest to be paid on the Prior Bonds being refunded. The purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be less than 97.00% of the principal amount of the Bonds, plus accrued interest, if any. The underwriter's discount shall not exceed 1.25% of the par amount of the Bonds. In making such determinations the Finance Director is authorized to rely upon data and computer runs provided by the Underwriter or placement agent.

Approval of the matters delegated to the Finance Director under this resolution may be evidenced by execution of a sale order, bond purchase agreement, or official statement.

15. Final Official Statement; Continuing Disclosure Undertaking. After sale of the Bonds, the Finance Director is authorized to prepare, execute and deliver a final Official Statement describing the Bonds and a written continuing disclosure undertaking in order to enable the underwriters of the Bonds to comply with the requirements of Rule 15c2-12.

16. Actions by Officers of the City. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance and sale of the Bonds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient in accordance with this resolution, and to pay costs of issuance including but not limited to purchase of bond insurance, transfer agent fees, escrow trustee fees, verification agent fees, bidding agent fees, bond counsel fees, rating agency fees, costs of printing the Bonds and the preliminary and final official statements, and any other costs necessary to accomplish sale and delivery of the Bonds. In the event that the Finance Director is not available to undertake responsibilities delegated to her under this resolution, then the City Manager, or another person designated by the Finance Director or the City Manager, is authorized to take such actions.

17. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

2021 General Obligation Unlimited Tax Refunding Bonds

Motion by Councilmember Pidek to approve the issuance of 2021 General Obligation Unlimited Tax Refunding Bonds to refund the existing 2010 Unlimited Tax General Obligation Street Bonds, the 2013 Unlimited Tax General Obligation Street Bonds, the 2017 Unlimited Tax General Obligation Street Bonds, and the 2018 Unlimited Tax General Obligation Street Bonds for interest savings as follows:

RESOLUTION NO. 58-2021

**City of Owosso
County of Shiawassee, State of Michigan**

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS**

A RESOLUTION TO APPROVE:

- Issuance of Bonds produce net present value savings through refunding voted bonds issued to pay costs of street improvements;
- Appointment of Robert W. Baird & Co. as Underwriter;
- Finance Director to sell Bonds without further Council action;
- Other matters necessary to sell and deliver the Bonds.

WHEREAS, the City of Owosso, County of Shiawassee, State of Michigan (the "City") has previously issued bonds approved by the voters to pay costs of street improvements including the 2010 Unlimited Tax General Obligation Bonds dated September 29, 2010, the 2013 Unlimited Tax General Obligation Bonds dated December 27, 2013, the 2017 Unlimited Tax General Obligation Bonds dated June 30, 2017, and the 2018 Unlimited Tax General Obligation Bonds dated December 28, 2018 (collectively, the "Prior Bonds"); and

WHEREAS, Robert W. Baird & Co., Incorporated (the "Underwriter") has advised the City that it may be able to accomplish a net savings of debt service costs by refunding all or a portion of the outstanding Prior Bonds through the issuance of refunding bonds; and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") permits the City to issue refunding bonds for the purpose of refunding part of the funded indebtedness of the City, if the refunding would result in net present value savings; and

WHEREAS, the City Council wishes to authorize the Finance Director to sell and deliver and receive payment for the refunding bonds without the necessity of the City Council taking further action prior to sale and delivery of the refunding bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bond Issuance. If, upon the advice of the Underwriter, refunding all or a portion of the Prior Bonds would accomplish a net savings of debt service costs, then Bonds of the City shall be issued in one or more series in the aggregate principal amount of not to exceed Eleven Million Dollars (\$11,000,000) (the "Bonds") for the purpose of paying costs of refunding all or a portion of the Prior Bonds including payment of legal, financial and other expenses incident thereto. The Bonds shall be designated as the UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021 with any additional or revised designations as determined by the Finance Director to reflect the sequence and the year in which the Bonds will be sold or delivered, or to otherwise distinguish the Bonds from other series or other bonds issued by the City.

2. Bond Details. The Bonds shall consist of Bonds in fully-registered form of the denomination of \$5,000, or integral multiples thereof, numbered as determined by the Transfer Agent (as hereinafter defined). The Bonds shall bear interest at the rates determined upon sale of the Bonds within the parameters provided by this resolution. The Bonds shall mature as serial or term bonds and be payable as to principal and interest at the times and in the manner as determined by the Finance Director at the time of sale of the Bonds. The Bonds shall be dated as of the date of delivery thereof, or such other date as determined by the Finance Director upon sale of the Bonds.

Principal of the Bonds shall be payable annually on May 1 or on such other date as determined by the Finance Director at the time of sale of the Bonds. The Bonds shall bear interest at the rates determined upon sale of the Bonds within the parameters provided by this resolution, payable semiannually on November 1st and May 1st of each year, beginning on the date determined upon sale of the Bonds.

The Bonds may be subject to optional or mandatory redemption prior to maturity at the times and prices and in the manner as determined by the Finance Director at the time of sale of the Bonds.

The Finance Director is hereby authorized to select a bank or trust company as transfer agent for the Bonds (the "Transfer Agent") or, if the purchaser of the Bonds does not require a third party transfer agent, to appoint an officer of the City as Transfer Agent. The Finance Director is hereby authorized to execute an agreement with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

The Bonds may be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the Finance Director is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this resolution as may be required to accomplish the foregoing. If the Bonds are not held in book-entry form through DTC then, if acceptable to the purchaser of the Bonds, the Bonds may be issued in the form of a single fully-registered, nonconvertible bond of the denomination of the principal sum issued, and principal of and interest on the Bonds shall be payable by check drawn by Transfer Agent and mailed to the registered owner or by wire transfer or other method of payment determined by agreement with the purchaser of the Bonds. Otherwise, the principal of the Bonds shall be payable upon presentation and surrender at the designated office of the Transfer Agent, and interest on the Bonds shall be payable by check drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent, or other method of payment to the registered owner which conforms with market practice at the time of payment. Interest shall be payable to the person who is the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the Bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

If in the future the City calls Bonds for redemption prior to maturity, then official notice of redemption shall be given by the Transfer Agent on behalf of the City unless receipt of notice is waived by any registered owner of Bonds to be redeemed. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from either the Finance Director or the Treasurer of the City upon payment of the purchase price for the Bonds in accordance with the Bond Purchase Agreement for the Bonds. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

3. Unlimited Tax Full Faith and Credit Pledge. The City expressly and irrevocably pledges its unlimited tax full faith and credit for the prompt payment of the Bonds. The Bonds are payable out of the City's Debt Retirement Fund created under Section 5 of this resolution, and in order to make such payment, the City is required each year to levy taxes on all taxable property within the boundaries of the City for such payment, without limitation as to either rate or amount.

4. Bond Form. The Bonds shall be substantially in the following form with such changes as may be necessary to conform the Bonds to the final terms of sale:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF SHIAWASSEE
CITY OF OWOSSO
UNLIMITED TAX GENERAL OBLIGATION REFUNDING BOND, SERIES 2021

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
Registered Owner:			
Principal Amount:			

The CITY OF OWOSSO, County of Shiawassee, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on [date] and semiannually thereafter. Principal of this bond is payable at the designated office of [transfer agent], Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner of record, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of [\$amount] for the purpose of refunding certain outstanding bonds of the City. This bond was issued under and in pursuance of the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a resolution adopted by the City Council of the City on [date]. The bonds being refunded were issued for the purpose of paying costs of acquiring and constructing street improvements in pursuance of the vote of the qualified electors of the City voting thereon at the general elections held on November 4, 2008 and November 8, 2016.

For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged. This bond is payable out of the City's Debt Retirement Fund for this issue, and in order to make such payment, the City is required each year to levy taxes on all taxable property within the boundaries of the City for such payment, without limitation as to either rate or amount.

Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing on or after [date] shall be subject to redemption prior to maturity without a premium, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date], at par plus accrued interest to the date fixed for redemption.

[INSERT MANDATORY REDEMPTION PROVISIONS
IF TERM BONDS ARE SOLD]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner of record as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of

redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the Registered Owner's duly authorized attorney or legal representative, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory, or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF OWOSSO
County of Shiawassee, State of Michigan

By [_____ signature _____]
_____] Mayor

(Seal)
Countersigned:

By [_____ signature _____]
City Clerk

[STANDARD FORMS OF
TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION
AND ASSIGNMENT TO APPEAR IN COMPLETED BOND]

5. Debt Retirement Fund. The Finance Director or Treasurer is authorized and directed to open a separate depository or trust account with a bank or trust company to be designated as the UNLIMITED TAX GENERAL OBLIGATION BOND SERIES 2021 DEBT RETIREMENT FUND (the "Debt Retirement Fund"). Any monies in the debt retirement funds for the Prior Bonds which are not used to pay principal and interest on the Prior Bonds shall be transferred to the Debt Retirement Fund. The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law. The City hereby pledges its unlimited tax full faith and credit for the prompt payment of the Bonds. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the year 2021 there shall continue to be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund. The moneys deposited in the Debt Retirement Fund shall be specifically earmarked and used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund except as otherwise provided in Section 7 of this Resolution.

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

6. Escrow Fund. The Finance Director shall designate a bank or trust company to serve as escrow trustee (the "Escrow Trustee"). In order to secure payment of the Prior Bonds being refunded, the City will enter into an Escrow Agreement with the Escrow Trustee (the "Escrow Agreement") which shall provide for the creation of a fund for the deposit of proceeds of the Bonds and other funds available to the City (the "Escrow Fund"). The Escrow Agreement shall irrevocably direct the Escrow Trustee to hold the Escrow Fund in trust for the payment of the principal of and interest on the portion of the Prior Bonds being paid from the Escrow Fund, and shall irrevocably direct the Escrow Trustee to take all necessary steps to call for redemption of any Prior Bonds specified by the Finance Director upon sale of the Bonds, including publication and mailing of redemption notices, on any date specified by the City on which the Prior Bonds may be called for redemption. The Finance Director is authorized to execute and deliver the Escrow Agreement.

The Finance Director is authorized to purchase, or cause to be purchased, escrow securities, including, but not limited to, United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund, and to retain a bidding agent to assist in the purchase of any escrow securities other than SLGS.

The Finance Director is authorized to transfer monies from the debt retirement funds for the Prior Bonds to the Escrow Fund, to be invested as provided in the Escrow Agreement and to be used to pay principal and interest on the Prior Bonds being refunded, and to transfer any amount necessary to enable the interest on the Bonds and Prior Bonds to be, or continue to be, excluded from gross income for federal income tax purposes as determined by bond counsel.

The Finance Director is hereby authorized, at her discretion, to select an independent certified public accountant to serve as verification agent to verify that the securities and cash to be deposited to the Escrow Fund will be sufficient to provide, at the times and in the amounts required, sufficient moneys to pay the principal of and interest on the Prior Bonds being refunded as they become due.

7. Deposit of Bond Proceeds. Upon receipt of the proceeds of sale of the Bonds, the accrued interest and premium, if any, shall be deposited in the Debt Retirement Fund and used to pay interest on the Bonds on the first interest payment date, provided, however, that at the discretion of the Finance Director, all or a portion of any premium received upon delivery of the Bonds may be deposited in the Escrow Fund.

Upon delivery of the Bonds, there shall be deposited to the Escrow Fund from Bond proceeds monies which may be invested as described in the Escrow Agreement and which shall be used by the Escrow Trustee solely to pay the principal of and interest on the Prior Bonds being refunded. The City shall deposit to the Escrow Fund from bond proceeds and other monies available to the City an amount which, together with the investment proceeds to be received thereon, will be sufficient, without reinvestment, to pay the principal of and interest on the Prior Bonds being refunded as they become due pursuant to maturity or the call for redemption.

At the option of the Finance Director, all or a portion of the costs of the issuance of the Bonds may be paid from funds established for that purpose in the Escrow Agreement. Any proceeds of the Bonds remaining after payment of costs of issuance and costs of refunding the Prior Bonds shall be transferred to the Debt Retirement Fund.

8. Tax Covenant. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds and Prior Bonds pursuant to the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") in such a manner as to cause the Bonds or Prior Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exclusion of interest on the Bonds and Prior Bonds from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City on the date of delivery of the Bonds.

The Finance Director is authorized on behalf of the City to designate any series of the Bonds as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the Internal Revenue Code if the series of Bonds qualifies under the Internal Revenue Code. Any such designation shall be evidenced by execution of the Non-

Arbitrage and Tax Compliance Certificate or other document to be delivered by the Finance Director in connection with delivery of the Bonds.

9. Sale of Bonds to be Negotiated. The City Council hereby determines to sell the Bonds at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will permit the City to enter the market on short notice at a point in time which appears to be most advantageous, and thereby possibly obtain a lower rate of interest on the Bonds and the most favorable price for purchase of securities to be escrowed for payment of the Prior Bonds to be refunded.

10. Appointment of Underwriter. Robert W. Baird & Co. Incorporated is hereby named as senior managing underwriter for the Bonds. The City reserves the right to name additional co-managers and/or to develop a selling group. By adoption of this resolution the City assumes no obligations or liability to the Underwriter for any loss or damage that may result to the Underwriter from the adoption of this resolution, and all costs and expenses incurred by the Underwriter in preparing for sale of the Bonds shall be paid from the proceeds of the Bonds, if the Bonds are issued, except as may be otherwise provided in the Bond Purchase Agreement to be signed by the City at the time of sale of the Bonds.

Alternatively, if the Finance Director determines that instead of selling the Bonds to an underwriter it is in the best interests of the City to solicit proposals through a negotiated sale or private placement with a qualified bank or other sophisticated institutional investor, then Robert W. Baird & Co. Incorporated is hereby named as placement agent. If the Bonds are sold by private placement and the placement agent recommends that the City sell the Bonds without obtaining a rating, then the Finance Director is authorized to request any necessary waivers or approvals from the State of Michigan Department of Treasury.

11. Bond Counsel. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C. occasionally represents various municipal bond underwriters, banks, and financial institutions, any of which might offer to purchase the Bonds, in connection with matters unrelated to issuance of the Bonds by the City.

12. Municipal Bond Ratings or Insurance. The Finance Director is hereby authorized to apply for bond ratings from such municipal bond rating agencies as deemed appropriate, in consultation with the Underwriter. If the Underwriter recommends that the City consider purchase of municipal bond insurance, then the Finance Director is hereby authorized and directed to negotiate with insurers regarding acquisition of municipal bond insurance, and, in consultation with the Underwriter, to select an insurer and determine which Bonds, if any, shall be insured.

13. Preliminary Official Statement. The Finance Director is authorized to approve circulation of a Preliminary Official Statement describing the Bonds and to deem such Preliminary Official Statement "final" for purposes of compliance with Securities and Exchange Commission Rule 15c2-12 ("Rule 15c2-12"). If the Bonds are sold by private placement then the Authorized Officer is hereby authorized on behalf of the City to approve circulation to potential purchasers of a term sheet, request for bids, sales memorandum, offering circular or other document describing the City, the Bonds and the security for payment of the Bonds.

14. Sale of Bonds - Parameters. The Finance Director is hereby authorized, on behalf of the City, subject to the provisions and limitations of this resolution, to negotiate sale of the Bonds and to accept an offer to purchase the Bonds without further resolution of this City Council, and to sign a bond purchase agreement, bond placement agreement, or other document awarding sale of the Bonds. This authorization includes, but is not limited to, determination of original principal amount of the Bonds; the prices at which the Bonds are sold; the date of the Bonds; the schedule of principal maturities and whether the Bonds shall mature serially or as term bonds; the provisions for early redemption including mandatory redemption of term bonds, if any; and the interest rates and payment dates of the Bonds, application of the proceeds of the Bonds; transfer of balances, if any, from the debt retirement funds for the Prior Bonds to the Escrow Fund; and purchase of securities for the Escrow Fund.

The Bonds shall not be sold unless the net present value of the principal and interest to be paid on the Bonds, including the cost of issuance, is less than the net present value of the principal and interest to be paid on the Prior Bonds being refunded. The purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be less than 97.00% of the principal amount of the Bonds, plus accrued interest, if any. The underwriter's discount shall not exceed 1.25% of the par amount of the Bonds. In making such determinations the Finance Director is authorized to rely upon data and computer runs provided by the Underwriter or placement agent.

Approval of the matters delegated to the Finance Director under this resolution may be evidenced by execution of a sale order, bond purchase agreement, or official statement.

15. Final Official Statement; Continuing Disclosure Undertaking. After sale of the Bonds, the Finance Director is authorized to prepare, execute and deliver a final Official

Statement describing the Bonds and a written continuing disclosure undertaking in order to enable the underwriters of the Bonds to comply with the requirements of Rule 15c2-12.

16. Actions by Officers of the City. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance and sale of the Bonds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient in accordance with this resolution, and to pay costs of issuance including but not limited to purchase of bond insurance, transfer agent fees, escrow trustee fees, verification agent fees, bidding agent fees, bond counsel fees, rating agency fees, costs of printing the Bonds and the preliminary and final official statements, and any other costs necessary to accomplish sale and delivery of the Bonds. In the event that the Finance Director is not available to undertake responsibilities delegated to her under this resolution, then the City Manager, or another person designated by the Finance Director or the City Manager, is authorized to take such actions.

17. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Electric Vehicle Charger – Transformer Easement

Mayor Pro-Tem Osika asked whether the easement before the Council tonight was the hold up in the progress of the EV charging station. City Manager Henne indicated the easement had taken some time, but the project was now one step closer to fruition.

Mayor Pro-Tem Osika promised to ask again about the timeline for installation at the next DDA meeting.

Councilmember Pidek asked that local business owners be notified in a timely manner if power needs to be cut to install the new transformer. City Manager Henne encouraged him to reach out to Rafael Turner at Consumers Energy to let him know about his concerns.

Motion by Councilmember Pidek granting a utilities easement to Consumers Energy for the installation of a transformer for the new EV Charging station that will be installed in Main Street Plaza as follows:

RESOLUTION NO. 59-2021

RESOLUTION AUTHORIZING THE APPROVAL OF DOWNTOWN ELECTRIC VEHICLE CHARGING STATION EASEMENT

WHEREAS, in January 2020, OMS/DDA was awarded a 2020 Consumers PowerMIDrive grant to install a DC Fast Charging Electric Vehicle Charging Station. This grant covers over 80% of the purchase & installation costs. OMS/DDA via the City's Revolving Loan Fund has paid for the remaining 20% of project costs.

WHEREAS, Consumers Power is replacing the transformer near the location of the installation site (Main Street Plaza). This location currently holds the old/obsolete transformer that was used for the former hotel building that was on the corner of Washington & Main Streets. Consumers Power will be replacing the current transformer with a new one that can meet the needs for the charging

WHEREAS, the replacement of the transformer requires as easement for that location.

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

FIRST: The City of Owosso approves easement at 102 S. Washington Street for the installation of the transformer associated with the downtown electric vehicle charging stations.

SECOND: The Mayor and City Clerk are authorized to sign said easement.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

OMS/DDA Loan & Grant Manual Revisions

Motion by Councilmember Pidek to approve changing the eligibility requirements to qualify for a Fire Suppression grant for upper story housing developments as defined in the OMS/DDA Loan & Grant Manual governing the use of downtown revolving loan and grant funds as detailed below;

RESOLUTION NO. 60-2021

**RESOLUTION AUTHORIZING
THE APPROVAL OF OMS/DDA REVOLVING LOAN FUND MANUAL REVISIONS**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board.

WHEREAS, on Wednesday, March 3, 2021 during a Regular Board Meeting, the Owosso Main Street/DDA (OMS/DDA) Board of Directors voted to update the 2020/2021 Revolving Loan Fund Manual. The modification is as follows:

2020/2021 Revolving Loan Fund Manual Review & Modification:

- Change Item-D of the Upper Floor Housing Development - Fire Suppression Grant requirement to: *Fire Suppression is eligible for a grant of up to \$12,500 per unit for projects with upper floor residential units*

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

FIRST: The City of Owosso approves the modification to the OMS/DDA Loan & Grant Manual for the 2020/2021 Fiscal Year.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Public Services Employees COVID-19 Hazard Payment

Mayor Eveleth noted that this item was placed on the agenda at the March 15th meeting to allow for public comment.

Mayor Pro-Tem Osika wanted to know if the money for this one-time payment will come out of the marijuana money. City Manager Henne noted that AFSCME employees are paid out of several different funds, not just the general fund (where the marijuana money is deposited). He indicated that all the affected funds would be able to handle their respective portion of the one-time payment.

Motion by Councilmember Haber to approve giving each AFSCME Public Services Employee a \$1,000 COVID-19 Hazard Payment as follow:

RESOLUTION NO. 61-2021

**RESOLUTION AUTHORIZING PUBLIC SERVICES EMPLOYEE HAZARD PAY
PREMIUMS PAYMENTS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a \$1,000 per employee hazard payment at the July 20, 2021 regular council meeting for first responders; and

WHEREAS, these payments were refunded to the City of Owosso with the Federal CARES Act passed in March, 2020; and

WHEREAS, the City Council wishes to grant each AFSCME represented public works employee the same \$1,000 per employee for hazard pay for service during the COVID-19 pandemic; and

WHEREAS, the City of Owosso Public Services Department employs 31 employees that are eligible for this payment.

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 award a \$1,000 one-time payment to its 31 eligible AFSCME-represented public services employees for a cost to the City of Owosso of \$31,000 plus the required contributions to FICA and defined benefit retirement plans.

SECOND: The above expenses shall be paid from the General Fund, Local Street Fund, Major Street Fund, Fleet Fund, Water Fund, Wastewater Fund, and Sewer Fund allocated accordingly.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Library Lease

City Manager Henne noted that the original lease had been negotiated in 1996 and needed to be updated. Much of the contract remains the same, the bulk of the changes are to the cost share portion of the agreement.

Motion by Mayor Pro-Tem Osika to approve a lease agreement between the City of Owosso and the Shiawassee District Library for library building situated on City-owned property at 502 W. Main Street and authorize the Mayor and City Clerk to execute said document as detailed below:

RESOLUTION NO. 62-2021

RESOLUTION APPROVING LEASE AGREEMENT FOR SHIAWASSEE DISTRICT LIBRARY OWOSSO BRANCH BUILDING

WHEREAS, the City of Owosso, Shiawassee County, Michigan, leases the building at 502 West Main Street to the Shiawassee District Library; and

WHEREAS, the City of Owosso and the Owosso District Library have agreed to renegotiate the original 1996 lease agreement for said property.

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

FIRST: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Lease Agreement between the City of Owosso, Michigan and the Shiawassee District Library.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

Washington Park Water Main Easement

Motion by Councilmember Fear accepting a permanent easement from the Jerry S. Voight Trust for the construction and maintenance of a water main on parcel no. 050-535-000-001-00 to service the Washington Park development in the amount of \$1.00 as follows:

RESOLUTION NO. 63-2021

**AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
JERRY S VOIGHT, TRUST FOR PERMANENT WATER MAIN EASEMENT
AT PARCEL NUMBER 050-535-000-001-00
AT THE CORNER OF WESLEY DRIVE AND N WASHINGTON STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to construct and maintain a water main located under properties owned by Jerry S Voight, Trust; and

WHEREAS, maintenance of the water main will require permanent easements from the property owner; and

WHEREAS, Jerry S Voight, Trust, property owner, is willing to grant said permanent easements to the City of Owosso for the sum of one dollar (\$1.00).

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 agree to the terms set forth in the attached permanent easement documents between the City of Owosso, Michigan and Jerry S Voight, Trust, parcel number 050-535-000-001-00, Owosso, Michigan.
- SECOND: The City Clerk is instructed and authorized to file said easement documents with the Shiawassee County Register of Deeds.
- THIRD: The accounts payable department is authorized to pay Jerry S Voight, Trust in the amount of \$1.00 for necessary expenses as set forth in the permanent easement documents.
- FOURTH: The above expenses shall be paid from Water Account 591-552-818.000-WASHPARK21.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Paula Alexander, Parks & Recreation Board. Letter of Resignation.
Owosso Historic District Commission. Minutes of February 17, 2021.
Downtown Development Authority. Minutes of March 3, 2021.
Owosso Historical Commission. Minutes of March 8, 2021.
Owosso Historic District Commission. Minutes of March 12, 2021.
Planning Commission. Minutes of March 22, 2021.
Waste Water Treatment Plant Review Board. Minutes of March 23, 2021.
Parks & Recreation. Minutes of March 24, 2021.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Mayor Eveleth offered his thanks to Public Safety Director Lenkart for his work during the Jumbo's fire.

Mayor Eveleth went on to encourage everyone to consider getting a COVID vaccination as the side effects from the virus can be life changing.

Mayor Pro-Tem Osika thanked Amy Fuller and the Parks & Recreation Commission for their work bringing the new dock at Hopkins Lake to fruition.

Councilmember Haber thanked the Mayor for being a part of student statesmanship activities at the schools.

Councilmember Fear pointed out the survey included with this quarter's utility bills and encouraged everyone to complete it. She also asked if the castle is open. It was noted it would be opening the following day.

Councilmember Fear also requested an update on the Matthews Building. City Attorney Gould indicated that the owners had complied with the terms of the City's order so the lawsuit was dropped. They now have a little over a year to complete more permanent repairs.

Councilmember Pidek invited everyone to sign up for volunteer opportunities in the community this Saturday from 9:00 to 1:00 at Foster Coffee.

Mayor Pro-Tem Osika asked Public Safety Director Lenkart for a quick recap of the Jumbo's fire. He gave a brief recount of the incident noting that the fire burned so hot that firefighters were not allowed inside the building to fight the fire and it took four departments several hours to put out the fire.

NEXT MEETING

Monday, April 19, 2021

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – term expires June 30, 2026
Building Board of Appeals – Alternate - term expires June 30, 2022
Building Board of Appeals – Alternate - term expires June 30, 2021
Downtown Development Authority – 2 terms expire June 30, 2021
Owosso Historical Commission – 2 terms expire December 31, 2021
Owosso Historical Commission – term expires December 31, 2022
Owosso Historical Commission – term expires December 31, 2023
Zoning Board of Appeals – Alternate – term expires June 30, 2021
Zoning Board of Appeals – term expires June 30, 2023

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 8:41 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk