

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JULY 19, 2021
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER NICHOLAS L. PIDEK

PLEDGE OF ALLEGIANCE: COUNCILMEMBER JEROME C. HABER

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 Mayor Pro-Tem Osika to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 6, 2021

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of July 6, 2021 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Ordinance Amendment – Addition of Article X, Off-Road Vehicles, to Chapter 33, Traffic and Motor Vehicles

The proposed amendment would govern the use of ORVs on City streets.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 33, Traffic and Motor Vehicles, the addition of Article X, *Off-Road Vehicles*.

Nathan Henne, City Manager detailed the difference between ORVs and ATVs and indicated the proposed ordinance amendment would not include ATVs.

The following people commented regarding the proposed amendment:

Mike Schutt, 307 Dimmick Street-He thanked the Council for putting this together and has high hopes responsible ORV owners will be enjoying the community in a new way. He noticed in Section 33-187 of the proposed ordinance that the hours ORVs may be operated did not match other local municipalities nor Shiawassee County's ordinances. If this isn't changed, there will be different operating times for ORVs and Golf Carts. He suggested to amend this section to say, "ORVs may be operated during daylight hours only; specifically not later than one-half hour after sunset and not earlier than one-half hour before sunrise." He also requested the addition of P) Equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.

Mayor Eveleth and Pro-Tem Osika inquired about safety issues and the difference between a quad and ORV.

Tom Manke, 2910 West M-21, said he thinks a person should be able to do what they want as long as they are not hurting others. It gives liberty to live life as they see fit.

Eddie Urban, 601 Glenwood, cautioned owners to be sure they put air in the tires to prevent rollovers.

Hearing no further comments, Mayor Eveleth closed the public hearing.

Mayor Eveleth verified Mr. Schutt's suggestions were the time of operation and the addition of a mirror.

Councilmember Teich inquired if the mirror was required for golf carts. He would like to see this added to the golf cart ordinance. It was noted there would need to be a public hearing to make additions.

Councilmember Osika visited Carts R Us to understand the safety of ORVs.

Councilmember Teich inquired if there is a speed governor on ORVs. It was noted some can travel up to 60mph.

Concerns raised included enforcement, speed, juvenile drivers, size of the community, accidents, those who do not follow rules.

Councilmember Law indicated he was against the ORVs, just as he was against Golf Carts. He said the lines between living in the city and the country are being blurred. He is concerned this will increase police interactions.

Councilmembers continued discussion with concerns about police enforcement, speed, the possibility of pulling permits from juveniles that break the rules, motorcycle noise, and being bound by speed limits.

Councilmembers Fear and Pidek commended all for speaking on the issue, giving a more well-rounded discussion.

Whereas, the Council, after due and legal notice, has heard all interested parties, a motion made by Councilmember Pidek that the following ordinance be adopted, as amended:

ORDINANCE NO. 820

AUTHORIZING THE ADDITION OF ARTICLE X, *OFF-ROAD RECREATION VEHICLES*, TO CHAPTER 33, *TRAFFIC AND MOTOR VEHICLES*, OF THE CODE OF ORDINANCES TO GOVERN THE USE OF ORVS IN THE CITY

WHEREAS, the City of Owosso, Shiawassee County, Michigan, does not have an ordinance for the operation of Off-Road Vehicles on city streets; and

WHEREAS, Public Act 491 of 2014 recently amended Public Act 300 of 1949, commonly known as the Michigan Vehicle Code, being MCL 257.1 through MCL 257.923; and,

WHEREAS, Public Act 491 of 2014 created a new section to the Michigan Vehicle Code which allows for the limited and regulated use of Off-Road Vehicles on public streets and highways, which is found at MCL 257.657a; and,

WHEREAS, under the amended Michigan Vehicle Code, local units of government may allow for the limited and regulated use of Off-Road Vehicles on their streets and highways under the terms and conditions specified in MCL 257.657a via the adoption of an Ordinance; and,

WHEREAS, the City of Owosso desires to allow for the limited use of Off-Road Vehicles on its streets and highways as permitted and regulated by MCL 257.657a; and,

WHEREAS, a public hearing has been held and all interested parties have been heard.

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

SECTION 1. ADDITION. That Article X, *Off-road Recreation Vehicles*, be added to Chapter 33, Traffic and Motor Vehicles, of the Code of Ordinances of the City of Owosso as follows:

ARTICLE X. – OFF-ROAD RECREATION VEHICLES

Sec. 33-186. - Definitions.

As used in this section:

ATV means a vehicle with three or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

Operate means to ride in or on, and be in actual physical control of, the operation of an ORV.

Operator means an individual who operates or is in actual physical control of the operation of an ORV.

ORV or *vehicle* means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, a side-saddle four-wheel vehicle or other means of transportation deriving motive power from a source other than muscle or wind. ORV or vehicle does not include a golf cart, registered snowmobile, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related two-wheel, three-wheel or six-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. [MCL 324.81101 (o)]

Street means a city major street or city local street as described in section 9 or 1951 PA 51, MCL 247.659, or a segment thereof.

Sec. 33-187. - Operation of off-road recreation vehicles (ORVs) on city streets.

Except as set forth herein or otherwise provided by law, an individual may operate an ORV on city streets subject to the following restrictions:

- a) ~~ORVs may be operated from May 1 to October 31 during the hours of 6:00 a.m. to 9:00 p.m., and from November 1 to April 30 during the hours of 8:00 a.m. to 5:00 p.m.~~ **ORVs may be operated during daylight hours only; specifically not later than one-half hour after sunset and not earlier than one-half hour before sunrise.**
- b) No person under 12 years of age shall operate an ORV.
- c) A person under the age of 18 years of age shall not operate an ORV unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to Part 811 of the Michigan Natural Resources and Protection Act or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. These requirements are in addition to any applicable requirements of state law in MCL 324.81129, as may be amended.
- d) All ORV operators 18 years of age or older shall have in their immediate possession a valid driver license.
- e) A person shall not operate an ORV at a speed greater than 25 miles per hour or a lower posted ORV speed limit or in a manner that interferes with traffic on the street. In no event shall a person operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner, having due regard for conditions then existing.
- f) Unless the person possesses a valid driver license pursuant to MCL 257.25, as amended, a person shall not operate an ORV if the ORV is registered as a motor vehicle and either is more than 65 inches wide or has three wheels.
- g) ORVs shall travel single file except that an ORV may travel abreast of another ORV when it is overtaking or passing, or being overtaken and passed by, another ORV.
- h) ORVs shall display a lighted headlight and lighted taillight at all times.
- i) A person shall operate an ORV with the flow of traffic on the far right of the maintained portion of the street, in a manner that does not interfere with traffic on the street.
- j) Operation of ORVs is not allowed on the James Miner Trail or the Riverwalk Trail.
- k) A person shall not transport any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.
- l) A person shall not operate an ORV unless the vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of one-half hour after sunset and one-half hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- m) An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States department of transportation. This subsection does not apply to an individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States department of transportation standards for a crash helmet.
- n) An ORV shall not be operated on any state trunkline (i.e., M-52, M-21 and M-71) right-of-way, except that the operator of a vehicle may cross a street, county road, or highway, other than a limited access highway, at right angles, for the purpose of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a street, county road, or highway, and shall yield the right-of-way to oncoming traffic.

- o) These requirements are in addition to any applicable requirements of state law in Part 811 of Act 451 of 1994, the Natural Resources and Environmental Protection Act, as may be amended.
- p) **Equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.**

It is lawful for city employees or city contractors to operate a city-owned ORV for any purposes within the scope of city operations.

Sec. 33-188. – Responsibility.

- a) The operator of an ORV involved in any accident resulting in any property damage, personal injury, or death shall report such accident to the local police immediately.
- b) The operator of the vehicle is liable for damages to private property caused by operation of the vehicle under this chapter, including, but not limited to, damage to trees, shrubs, or growing crops, injury to other living creatures, or erosive or other ecological damage. The owner of the private property may recover from the individual responsible nominal damages of not less than the amount of damage or injury.

Sec. 33-189. – Penalties.

- a) A person who violates this section is responsible for a civil infraction and subject to a fine of not more than \$500.00 and/or impoundment of the vehicle. In the event an ORV is impounded, the owner of the ORV must pay the cost of transportation, towing, storage, and prove ownership of the ORV before it is released to that owner.
- b) In addition to the fine provided for herein, a court shall order violators of this section to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation pursuant to MCL 324.81131(17).
- c) The city treasurer shall deposit fines and damages collected for violations of this section into a fund to be designated as the "ORV Fund." City council shall appropriate revenue in the ORV Fund as follows:
 - 1) Fifty percent to the Owosso Police Department for ORV enforcement and training.
 - 2) Fifty percent to the Owosso Public Works Department to be used for repairing damage to streets and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether streets are open or closed to the operation of ORVs under this section.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective August 9, 2021.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilmember Haber.

Roll Call Vote.

AYES: Councilmember Fear, Pidek, Haber, Mayor Eveleth.

NAYS: Councilmember Law, Pro-Tem Osika, Councilmember Teich.

Ordinance Amendment – Addition of Division 2, Water Street Exchange, to Article III, Service Charge in Lieu of Taxes for Certain Housing Developments to Chapter 32, Taxation.

The proposed amendment would establish a PILOT for the proposed Water Street Exchange Project.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 32, Taxation, the addition of Division 2, Water Street Exchange to Article III, *Service Charge in Lieu of Taxes for Certain Housing Developments*.

CJ Felton of The Community Housing Network explained an issue with a flood way issue that is holding up the timeline for purchasing the property. It is expected renovations will begin late 2022-early 2023.

Mayor Eveleth was concerned about the execution of an easement for the Amphitheater. It was noted an easement would be completed once The Community Housing Network had obtained all necessary financing and closed on the property. City Manager Henne reassured Council they have worked together in the past and never had any issues obtaining the necessary easements, an example being the James Miner Trail.

Justin Horvath, 818 S Washington Street compared this development to Lincoln House. The developer is different, but the concept is similar and assured Council it's a long, complicated process for the developer. He expects this will have a positive impact on downtown business traffic and the Farmer's Market.

Eddie Urban, 601 Glenwood, noted the Amphitheater would provide free entertainment next door.

Hearing no further comments, Mayor Eveleth closed the public hearing.

Motion by Pro-Tem Osika to approve the ordinance amendment as proposed:

ORDINANCE NO. 821

AUTHORIZING THE ADDITION OF DIVISION 2, *WATER STREET EXCHANGE*, TO CHAPTER 32, TAXATION, OF THE CODE OF ORDINANCES TO ESTABLISH A PILOT AGREEMENT FOR THE WATER STREET EXCHANGE DEVELOPMENT

WHEREAS, the Owosso Public Schools have recently agreed to sell the former middle school building to Community Network Housing, Inc. of Troy, Michigan; and

WHEREAS, Community Network Housing, Inc. plans to convert the building into a mixed use development with residential spaces catering to people with low incomes funded in part by low-income housing tax credits; and

WHEREAS, the City of Owosso agrees to forego property tax payments on the property to assist in the financial feasibility of the project; and

WHEREAS, the City of Owosso is authorized to establish a service charge in lieu of property taxes for such developments; and

WHEREAS, said service charges are instituted by the adoption of an ordinance; and

WHEREAS, a public hearing was held and all interested parties have been heard.

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

SECTION 1. ADDITION. That Division 2, Water Street Exchange, be added to Article III, *Service Charge in Lieu of Taxes for Certain Housing Developments*, of Chapter 32, Taxation, of the Code of Ordinances of the City of Owosso as follows:

ARTICLE III. - SERVICE CHARGE IN LIEU OF TAXES FOR CERTAIN HOUSING DEVELOPMENTS

Secs. 32-44—32-49.-Reserved.

DIVISION 2. – WATER STREET EXCHANGE

Sec. 32-50. - Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL 125.1401 et seq.). The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act.

It is further acknowledged that such housing for persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this article for tax exemption and the service charge in lieu of taxes during the periods contemplated in this article are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such ordinance and service charge.

The City further acknowledges that Community Housing Network, a nonprofit corporation (a sponsor), has offered subject to receipt of a mortgage loan from the authority, to erect and/or reuse an existing structure, own and operate a housing development identified as Water Street Exchange on certain property located at (see legal description on file with the City Clerk) in the City to serve persons of low income, and that the sponsor has offered to pay the City on account of the development an annual service charge for public services in lieu of all taxes.

The City further acknowledges that Community Housing Network, a nonprofit corporation, has offered subject to receipt of low income housing tax credits from the authority, to erect, own and operate a housing development to the required standards of SHPO, identified as the Water Street Exchange on certain property located at 219 N. Water Street in the City, hereinafter referred to as the "Site" and further described as:

COM 70' S OF NE CORNER BLK 38 TH W 143.8' TH S 62' TH W 334.7' TH S TO SHIA RIVER TH SE'LY TO PT 6" N OF THE PT WHERE N LN OF EXCHANGE ST IF EXT'D W'LY WOULD INTERSECT E BANK OF SD RIVER TH ON A LN PAR'L WITH N LN OF EXCHANGE ST SO EXT'D TO A PT 126' W OF W LN OF WATER ST TH N 2' TH E'LY ON A LN PAR'L WITH THE N LN OF EXCHANGE ST SO EXT'D 38' TH S 2'6" TO N LN EXCHANGE ST SO EXT'D TH E ON LINE OF EXCHANGE ST SO EXT'D 88' TO THE W LN OF WATER ST TH N TO BEG BLK 38 ORIGINAL PLAT

Parcel Number: 050-470-038-002-00

to persons of low income, and that the sponsor has offered to pay the City on account of the development an annual service charge for public services in lieu of all taxes.

Sec. 32-51. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

Annual shelter rents means the total collections during an agreed annual period from all occupants of a housing development representing rents or occupancy charges exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

Authority means the Michigan State Housing Development Authority.

Contract rents are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended.

Housing development means a development which contains a significant element of housing for elderly persons of low income or persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.

HUD means the Department of Housing and Urban Development of the United States Government.

Mortgage loan means a loan to be made by the authority or Farmers Home Administration or the Department of Housing and Urban Development to a sponsor for the construction and permanent financing of a housing development or a mortgage loan insured by HUD or a federally aided mortgage as otherwise defined by the Act.

Persons of low income means persons and families eligible to move into a housing development; families and persons who cannot afford to pay the amounts at which private enterprise, without federally-aided mortgages or loans from the authority, is providing a substantial supply of decent, safe, and sanitary housing and who fall within income limitations set in this act or by the authority in its rules. Among low income or moderate income persons, preference shall be given to the elderly and those displaced by urban renewal, slum clearance, or other governmental action.

Sponsor means persons or entities which have applied to either the authority for a mortgage loan to finance a housing development or to another governmental entity or is a federally-aided mortgage, as otherwise defined by the Act.

State Historic Preservation Office means The Michigan State Historic Preservation Office (SHPO) helps property owners, developers, and local and state agencies recognize and seize opportunities to maintain and rehabilitate structures that define communities and define Michigan. The SHPO encourages the rehabilitation of historic buildings so they can continue to enrich communities where people want to live and visit. Through the protection of historic and archaeological sites and other cultural resources, preservation provides a record of Michigan's history and creates a link between Michigan's residents: past, present and future.

Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the housing development.

Sec. 32-52. - Class of housing developments.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for persons of low income which are financed or assisted by the authority or which have a federally aided mortgage, as defined in the Act. It is determined that Water Street Exchange is of this class.

Sec. 32-53. - Establishment of annual service charge for Water Street Exchange.

The housing development identified as Water Street Exchange and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and

operate the housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charges shall be equal to four (4) percent of the difference between contract rents actually collected and utilities.

Sec. 32-54. - Payment of service charge.

The service charge in lieu of taxes as determined under this article shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before March 31 of each year.

Sec. 32-55. - Duration.

The tax exempt status of a housing development approved for such status by the City council shall remain in effect and shall not terminate so long as the mortgage loan for such housing development remains outstanding and unpaid, as long as the property is subject to restrictive rents in compliance with the low income housing tax credit program administered by MSHDA, or for such period as the authority or other governmental entity has any interest in the property; provided, the construction of such housing development commences within two (2) years from the effective date the City council approves the housing development for tax exempt status as provided in this article.

Sec. 32-56. - Contractual effect.

Notwithstanding the provisions of section 15a(5) of the Act (MCL 125.1415a(5)), to the contrary, a contract between the City and the sponsor with the authority as third part beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of this article.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective August 9, 2021.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Kim White, Director of the Shiawassee District Library introduced herself. She appeared to thank Councilmember Teich for his 20 years of service to the library as an advocate for library service in the County. There are plans to improve library service and encourages all to bring any concerns to her attention.

Eddie Urban, 601 Glenwood, spoke about motorcycles, slow moving vehicles and motor accidents.

Tom Manke, 2910 West M-21, asked what was to be the fate of the Skate Park near Allendale Avenue now that the new park was built. He wanted to encourage the City to leave the old so residents in that area could use it.

Mike Schutt, 307 Dimmick, thanked Council for the ORV ordinance passage. He suggested rules be passed out when they receive their sticker. He feels people will obey the rules and respect their equipment and only use them to enjoy the City streets.

It was noted the Parks and Recreation Commission will make a recommendation regarding the skate park. Councilmember Teich requested the recommendation come to Council.

Councilmember Law wanted to go on record that he voted no on the golf cart ordinance and all the people that said they would obey the rules drove their golf carts to the meeting that evening before it was legal.

Pro-Tem Osika spoke about the brick ribbons in the downtown sidewalks sinking, causing tripping hazards especially by Cutting Edge Salon, Mootzie's and Gilbert's. City Manager Henne noted we typically bid these types of things in the winter and research will need to be done to fix the problem. Councilmember Fear inquired if they fall under the Downtown Development Authority or the City. It was noted it may need to be a partnership in order to accommodate businesses.

Karen Mead-Elford of The Independent Newspaper inquired as to when those sidewalks were put in.

Mayor Eveleth estimated the sidewalks were installed 2000-2010 with a grant. He encouraged Councilmembers and staff to see the repairs that were done in front of the Wesener building.

Tom Manke stated many businesses were against it when they were installed.

CONSENT AGENDA

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

Special Assessment District No. 2021-02. Authorize Resolution No. 4 setting a public hearing for Monday, August 2, 2021 to receive citizen comment regarding Special Assessment District No. 2021-02 for Glenwood Avenue, from Farr Street to the south end for resurfacing.

RESOLUTION NO. 122-2021

SPECIAL ASSESSMENT RESOLUTION NO. 4

SETTING A PUBLIC HEARING

TO RECEIVE COMMENT REGARDING

SPECIAL ASSESSMENT DISTRICT NO. 2021-02

GLENWOOD AVENUE, A PUBLIC STREET, FROM SOUTH END TO FARR AVENUE

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, August 2, 2021 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Glenwood Avenue, a Public Street, from south end to Farr Avenue

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 2, 2021 for the purpose of reviewing said special

assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2021-03. Authorize Resolution No. 4 setting a public hearing for Monday, August 2, 2021 to receive citizen comment regarding Special Assessment District No. 2021-03 for Garfield Avenue, from Corunna Avenue to the south end for resurfacing.

RESOLUTION NO. 123-2021

**SPECIAL ASSESSMENT RESOLUTION NO. 4
SETTING A PUBLIC HEARING
TO RECEIVE COMMENT REGARDING
SPECIAL ASSESSMENT DISTRICT NO. 2021-03
GARFIELD AVENUE, A PUBLIC STREET, FROM SOUTH END TO CORUNNA AVENUE**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, August 2, 2021 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Garfield Avenue, a Public Street, from south end to Corunna Avenue

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 2, 2021 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2021-04. Authorize Resolution No. 4 setting a public hearing for Monday, August 2, 2021 to receive citizen comment regarding Special Assessment District No. 2021-04 for Lincoln Avenue, from Farr Street to Monroe Street for resurfacing.

RESOLUTION NO. 124-2021

**SPECIAL ASSESSMENT RESOLUTION NO. 4
SETTING A PUBLIC HEARING
TO RECEIVE COMMENT REGARDING
SPECIAL ASSESSMENT DISTRICT NO. 2021-04
LINCOLN AVENUE, A PUBLIC STREET, FROM FARR AVENUE TO MONROE STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, August 2, 2021 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Lincoln Avenue, a Public Street, from Farr Avenue to Monroe Street

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 2, 2021 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2021-05. Authorize Resolution No. 4 setting a public hearing for Monday, August 2, 2021 to receive citizen comment regarding Special Assessment District No. 2021-05 for McMillan Avenue, from Industrial Drive to the south end for resurfacing.

RESOLUTION NO. 125-2021

**SPECIAL ASSESSMENT RESOLUTION NO. 4
SETTING A PUBLIC HEARING
TO RECEIVE COMMENT REGARDING
SPECIAL ASSESSMENT DISTRICT NO. 2021-05
MCMILLAN AVENUE, A PUBLIC STREET, FROM SOUTH END TO INDUSTRIAL DRIVE**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, August 2, 2021 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

McMillan Avenue, a Public Street, from south end to Industrial Drive

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 2, 2021 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2021-06. Authorize Resolution No. 4 setting a public hearing for Monday, August 2, 2021 to receive citizen comment regarding Special Assessment District No. 2021-06 for Park Street, from Harper Street to Ridge Street for resurfacing.

RESOLUTION NO. 126-2021

**SPECIAL ASSESSMENT RESOLUTION NO. 4
SETTING A PUBLIC HEARING
TO RECEIVE COMMENT REGARDING
SPECIAL ASSESSMENT DISTRICT NO. 2021-06
PARK STREET, A PUBLIC STREET, FROM HARPER STREET TO RIDGE STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, August 2, 2021 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Park Street, a Public Street, from Harper Street to Ridge Street

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 2, 2021 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2021-07. Authorize Resolution No. 4 setting a public hearing for Monday, August 2, 2021 to receive citizen comment regarding Special Assessment District No. 2021-07 for Pearce Street, from South Street to Francis Street for resurfacing.

RESOLUTION NO. 127-2021

**SPECIAL ASSESSMENT RESOLUTION NO. 4
SETTING A PUBLIC HEARING
TO RECEIVE COMMENT REGARDING
SPECIAL ASSESSMENT DISTRICT NO. 2021-07
PEARCE STREET, A PUBLIC STREET, FROM SOUTH STREET TO FRANCIS STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, August 2, 2021 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Pearce Street, a Public Street, from South Street to Francis Street

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 2, 2021 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Change Order – 2021 Water Service Line Replacement Project Contract. Authorize Change Order No. 1 to the 2021 Water Service Line Replacement Project Contract adding three additional replacements in the amount of \$17,748.00 to the contract and further authorized payment to the contractor up to contract amount plus Change Order No. 1.

RESOLUTION NO. 128-2021

**AUTHORIZING CHANGE ORDER NO. 1
TO THE CONTRACT BETWEEN THE CITY OF OWOSSO AND
W.T. STEVENS CONSTRUCTION, INC.
FOR THE 2021 WATER SERVICE LINE REPLACEMENT PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with W.T. Stevens Construction, Inc. on June 7, 2021 for water service line replacements on various streets throughout the city; and

WHEREAS, the discovery of three additional non-compliant water service lines in the 600 block of Lincoln Avenue has resulted in the need for additional water service line replacements; and

WHEREAS, W.T. Stevens Construction, Inc. has agreed to complete these additional water service line replacements on Lincoln Avenue in the amount of \$17,748.00, and a change order is necessary to increase the contract amount.

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 amend the 2021 Water Service Line Replacement contract with W.T. Stevens Construction, Inc. to increase the contract amount to complete additional water service line replacements.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 1 in the amount of

\$17,748.00; an increase to the Contract for Services between the city of Owosso and W.T. Stevens Construction, Inc., revising the total current contract amount from \$136,738.00 to \$154,486.00.

THIRD: The accounts payable department is authorized to pay W.T. Stevens Construction, Inc. for work satisfactorily completed up to the revised contract amount of \$154,486.00.

FOURTH: The above expenses shall be paid from Water Fund Account 591-552-818.000-LSLREPLACE.

Sole Source Purchase – Tasers. Waived competitive bidding requirements and approved the sole source purchase of 8 Taser-7 units and related accessories from Axon Enterprise, Inc. in the amount of \$26,904.00 to be paid over a period of five years.

RESOLUTION NO. 129-2021

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF OWOSSO AND AXON ENTERPRISE, INC. FOR THE PURCHASE OF TASERS FOR THE POLICE DEPARTMENT

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

WHEREAS, Tasers used by officers are essential pieces of equipment; and

WHEREAS, Axon Enterprise, Inc. is a sole source provider for this product in the state of Michigan.

WHEREAS, staff recommends awarding a contract with Axon for the purchase of eight (8) Taser 7 units for a total expenditure not to exceed \$ 26,904.00, payable over five (5) years.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase eight (8) Taser 7 units with accessories for a total expenditure not to exceed \$26, 904.00, payable over five (5) years.

SECOND: The money for this purchase was approved in the 2021-2022 budget.

THIRD: The Mayor and City Clerk are hereby authorized to the sign the agreement entitled Q-291180-44267.929LY, as attached.

FOURTH: The City of Owosso authorizes five yearly payments for the following amounts:

2021-2022: \$5,928.00
2022-2023: \$5,244.00
2023-2024: \$5,244.00
2024-2025: \$5,244.00
2025-2026: \$5,244.00

Bid Award – Water Main Replacement. Waived formal bidding requirements and accepted the bid from ETNA Distributors, LLC dba ETNA Supply for water main replacement components for Maple Street in the amount of \$15,131.00, authorized a contingency of \$3,500.00, and further authorized payment to the vendor upon satisfactory completion of the work satisfactory delivery of said components.

RESOLUTION NO. 130-2021

AUTHORIZING PURCHASE OF MATERIAL AND PAYMENT TO ETNA DISTRIBUTORS, LLC DBA ETNA SUPPLY FOR MAPLE STREET WATER DISTRIBUTION SYSTEM UPGRADES

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Water Replacement Fund for the replacement of water mains and water distribution system components, and

WHEREAS, the existing water distribution system infrastructure components along Maple Street from Corunna Avenue to the north end are in need of upgrades and replacement prior to street rehabilitation, and

WHEREAS, the Director of Public Services & Utilities has reviewed the quotes of materials and verified the replacement components needed to upgrade and restore water distribution system piping to full operating capacity, for compliance with AWWA product standards and MDEQ regulations, and recommends authorizing ETNA Supply to provide materials in the amount of \$15,131.00, plus contingency components of up to \$3,500.00.

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 contract with ETNA Distributors, LLC dba ETNA Supply for the purchase of water distribution system components to be used on Maple Street, and to waive purchasing policy formal bid requirements, in order to initiate immediate procurement upon approval and authorization.
- SECOND: The accounts payable department is authorized to submit payment to ETNA Supply for purchased materials in the amount of \$15,131.00, plus contingency in the amount of \$3,500.00, to be supplier specified at time of need, for a total of \$18,631.00.
- THIRD: The above expenses shall be paid from Account No. 591-901-972.000.

Professional Services Agreement – Water/Sewer Rate Consultant. Authorized engagement letter agreement with Baker Tilly Municipal Advisors, LLC for a water and sewer rate study in the amount of \$31,500.00 and further authorized payment to the consultant upon completion of the work or portion thereof.

RESOLUTION NO. 131-2021

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAKER TILLY MUNICIPAL ADVISORS, LLC TO CONDUCT THE 2021 WATER AND SEWER UTILITY RATE STUDY

WHEREAS, the city of Owosso, Shiawassee County, adjusts water and sewer utility rates annually, and

WHEREAS, the city relies on staff to calculate and recommend rate adjustments on an annual basis, and

WHEREAS, new state rules regarding drinking water and increased urgency to replace aging utility infrastructure require the special consideration offered by a professional rate study, and

WHEREAS, the city of Owosso and the Director of Public Services & Utilities desire to enter into a professional services agreement with Baker Tilly Municipal Advisors, LLC, for advisory services related to the city's 2021 utility rate study and adjustment.

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 an agreement with Baker Tilly Municipal Advisors, LLC for the provision of a water and sewer utility rate study and recommendation.
- SECOND: The accounts payable department is authorized to submit payment to Baker Tilly Municipal Advisors, LLC in an amount not to exceed \$31,500.00.
- THIRD: The above expenses shall be paid for from the FY 2021-2022:
- Water Fund Account 591-200-801.000
 - Sewer Fund Account 590-200-801.000
 - Wastewater Fund Account 599-548-801.000

Check Register – June 2021. Affirmed check disbursements totaling \$1,182,740.09 for June 2021.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Special Assessment Deferment Policy Amendment

Consider amending the Special Assessment Deferment Policy & Guidelines to reflect the State's ending of their program to pay special assessments on behalf of low-income senior citizens and totally/permanently disabled persons.

City Manager Henne noted this is an update due to the fact the State no longer has a deferment program.

Motion by Councilmember Pidek to approve the updated policy as presented:

SPECIAL ASSESSMENT DEFERMENT POLICY AND GUIDELINES

POLICY

The City of Owosso may postpone payment of special assessments by persons who are unable to contribute toward the cost of public improvement by reason of poverty. (Section 28-28. Owosso City Ordinances).

The applicant must apply for deferment annually before April 1st.

The special assessment payment schedule will not be deferred for a period of more than three years.

The applicant will be required to submit an application provided by the Assessor. The Assessor and Council will apply guidelines as adopted by the City without prejudice to all applicants and shall not deviate from the adopted guidelines without substantial and compelling reasons.

The applicant will execute a lien to the City according to Section 28-28 of the Owosso City Ordinance.

GUIDELINES

The applicant must be the owner and occupant of the homestead property for which a deferral is applied for.

The applicant must supply a copy of the most recently filed federal and state income tax returns for all persons residing in the homestead.

The applicant will provide proof of income for the most recent one month period for all household members (current pay stubs, benefit statement, etc.).

The applicant will provide proof of residency and/or identification if requested by the Assessor or Council.

The applicant's income shall not exceed the federal poverty income thresholds as defined and determined annually by the U.S. Department of Commerce or 40% of the median income for Shiawassee County as provided by the State of Michigan Housing Development Authority, whichever threshold is higher. The most recent available income guidelines will be used.

Applicants may be required to be present at the Council meeting to respond to questions.

Applicants who will be increasing their income beyond the qualified limits during the year in which the special assessment payment schedule will commence will not be eligible.

The special assessment is payable in full with interest when the homestead or any part thereof is sold or transferred to another party.

~~Application will be denied if applicant is eligible for deferment by PA 1976 No. 225. (Senior citizen deferment available from the State of Michigan.)~~

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Set Special Meeting

Discussion regarding setting a date and time for a special meeting in Council Chambers with Patrice Martin as facilitator for the purpose of strategic planning.

Closed Session

Consider holding a closed session after the last Citizen Comments & Questions period for the purpose of consulting with an attorney regarding trial or settlement strategy in connection with specific pending litigation.

Motion by Councilmember Pidek to approve holding a Closed Session to consult with the City Attorney regarding trial or settlement strategy in connect with specific pending litigation.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

N. Bradley Hissong, Building Official. June 2021 Building Department Report.
N. Bradley Hissong Building Official. June 2021 Code Violations Report.
N. Bradley Hissong Building Official. June 2021 Inspections Report.
N. Bradley Hissong Building Official. June 2021 Certificates Issued Report.
Kevin D. Lenkart, Public Safety Director. June 2021 Police Report.
Kevin D. Lenkart, Public Safety Director. June 2021 Fire Report.
Downtown Development Authority. Minutes of June 15, 2021.
Historic District Commission. Minutes of June 30, 2021.

NEXT MEETING

Monday, August 02, 2021

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – term expires June 30, 2022
Building Board of Appeals – Alternate - term expires June 30, 2022
Building Board of Appeals – Alternate - term expires June 30, 2024
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
Parks & Recreation Commission-term expires June 30, 2022
Parks & Recreation Commission-term expires June 30, 2023
Zoning Board of Appeals – Alternate – term expires June 30, 2024
Zoning Board of Appeals – term expires June 30, 2023

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood, asked for details about the tasers on the agenda. He would like to see Public Safety have those, if they are good ones.

Mayor Pro-Tem Osika encouraged Councilmembers, staff and public to attend the open house for Capital Sports and Sideline Sports Bar on Wednesday, July 28, 2021.

ADJOURNED TO CLOSED SESSION AT 8:57 P.M.

RETURNED FROM CLOSED SESSION AT 9:02 P.M.

APPROVAL OF THE MINUTES OF CLOSED SESSION OF JULY 6, 2021

Motion by Pro-Tem Osika to approve the Minutes of the Closed Session of July 6, 2021 as presented.

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

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 9:03 p.m.

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

Christopher T. Eveleth, Mayor

Carrie A. Farr, Deputy City Clerk