

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF OCTOBER 4, 2021
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR PRO-TEM SUSAN J. OSIKA

OPENING PRAYER: COUNCILMEMBER NICHOLAS L. PIDEK

PLEDGE OF ALLEGIANCE: DOWNTOWN HISTORIC DISTRICT CHAIRMAN STEVEN TEICH

PRESENT: 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: Mayor Christopher T. Eveleth.

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 20, 2021

Motion by Councilmember Haber to approve the Minutes of the Regular Meeting of September 20, 2021 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF SEPTEMBER 28, 2021

Motion by Councilmember Pidek to approve the Minutes of the Special Meeting of September 28, 2021 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Ordinance Amendment – OHC Membership

The proposed amendment would amend the number of Historical Commission members to seven.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article IV, Boards and Commissions, Division 2, Historical Commission, Sec. 2-228, Members; appointment, terms, etc.

There were no citizen comments made prior to, or during the meeting.

Mayor Pro-Tem Osika, Council Representative to the Historical Commission, indicated that the Commission supported the proposed change.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilmember Pidek that the following ordinance be adopted:

ORDINANCE NO. 822

**AMENDING CHAPTER 2, ADMINISTRATION,
ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 2, HISTORICAL COMMISSION,
SEC. 2-228, MEMBERS; APPOINTMENT, TERMS, ETC., OF THE CODE OF ORDINANCES
TO AMEND THE NUMBER OF HISTORICAL COMMISSION MEMBERS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan has an Historical Commission, established by ordinance, to recognize, preserve and bring public attention to the city's historical treasures; and

WHEREAS, the membership of the Historical Commission was increased to nine members in 2014 and again in 2016 to eleven members; and

WHEREAS, it has become apparent that the community is unable to sustain an Historical Commission of the current size, with a number of commission vacancies going unfilled for a number of months; and

WHEREAS, it is reasonable to amend the ordinance reducing the number of members to seven, as originally established; and

WHEREAS, the City Council held a public hearing on the proposed amendment October 4, 2021, heard all interested persons, and deliberated on the request.

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

SECTION 1. AMENDMENT. That Chapter 2, Administration, Article IV, Boards and Commissions, Division 2, Historical Commission, Sec. 2-228, Members; appointment, terms, etc., of the Code of Ordinances of the City of Owosso be amended as follows:

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

The members of the historical commission shall be appointed by the city council. Membership shall consist of one (1) member from the council and seven (7) members at large appointed for three-year terms. No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.

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

SECTION 3. EFFECTIVE DATE. This amendment shall become effective October 25, 2021.

Motion supported by Councilmember Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

CITIZEN COMMENTS AND QUESTIONS

County Commissioner Marlene Webster, District 1, gave an update on recent Commission actions at the County. She said the Commission agreed to provide ARPA bonuses for select employees in light of the fact that a judge's orders had forced some to give up their previous bonuses. She went on to note that they had recently taken action to privatize the food service at the jail. Lastly, she noted that it has become apparent that the County needs to offer better incentives to get their employees to stay for the long haul.

Eddie Urban, 601 Glenwood Avenue, said he supported the purchase of another police vehicle. He also noted that he brought more informational booklets on various topics that were free to anyone interested.

Tom Manke, 2910 W. M-21, said he felt it wasn't fair for the City to make plans to demolish 216 S. Elm Street without a court order. He further stated that previous owners of the building had been allowed to use the building in its dilapidated state and the City was unfairly targeting the new owner.

CONSENT AGENDA

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

Set Public Hearing – USDA Grant Application.

Master Plan Implementation Goals: 3.2

Set required Public Hearing pursuant to USDA Grant guidelines for Monday, October 18, 2021 at 7:30 p.m. to receive citizen comment regarding accepting grant monies towards the purchase of a police vehicle as follows:

RESOLUTION NO. 174-2021

SET A PUBLIC HEARING TO HEAR CITIZEN COMMENT ON THE APPLICATION FOR GRANT MONEY FROM THE USDA

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 applying for grant money; and

WHEREAS, the item must now be considered by the city council and a public hearing by the council is required before any such final approval can be acted upon; and

WHEREAS, the City of Owosso is eligible for up to 35% in federal assistance toward the purchase of a police vehicle and corresponding accessories. Any remaining funding would be covered by the City of Owosso.

NOW THEREFOR BE IT RESOLVED THAT:

FIRST: a public hearing is set for Monday, October 18, 2021 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the application for a grant from the USDA for the purchase of one police vehicle.

First Reading & Set Public Hearing – Ordinance Amendment – Excess Marihuana Grower License. Master Plan Implementation Goals: 1.17, 7.4

Conduct first reading and set a public hearing for Monday, October 18, 2021 at 7:30 p.m. to receive citizen comment regarding the proposed amendment to Chapter 16.6, Adult Use Marihuana Establishments Licensing – Police Power Ordinance, Sec. 16.6-3, *Authorization of facilities and fee*, to allow Excess Marihuana Grower licenses as follows:

RESOLUTION NO. 175-2021

AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO SECTION 16.6-3, AUTHORIZATION OF FACILITIES AND FEE, OF CHAPTER 16.6, ADULT USE MARIHUANA ESTABLISHMENTS LICENSING – POLICE POWER ORDINANCE, OF THE CODE OF ORDINANCES TO ALLOW EXCESS MARIHUANA GROWER LICENSES

WHEREAS, the City of Owosso, Shiawassee County, Michigan, permits certain adult use marihuana establishments within the City; and

WHEREAS, the Planning Commission recommended, at its September 27, 2021 meeting, addition of the Excess Marihuana Grower License to the list of permitted establishments; and

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Chapter 16.6, Adult Use Marihuana Establishments Licensing – Police Power Ordinance, Sec. 16.6-3, *Authorization of facilities and fee*, of the Code of Ordinances of the City of Owosso be amended as follows:

Sec. 16.6-3. - Authorization of facilities and fee.

(a) The maximum number of each type of adult use marihuana establishment allowed in the city shall be as follows:

Establishment	Number
Grower	Unlimited
Processor	Unlimited
Retailer	4 (see Sec 16.6-3(e))
Safety compliance facility	Unlimited
Secure transporter	Unlimited
Excess Marihuana Grower	Unlimited

- (b) *Special licenses prohibited.* Pursuant to the MRTMA, section 6(1), the city elects to prohibit the licensing and operation of **SPECIFIC** special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit as follows:

License Type	Number
Designated consumption establishment license	Prohibited
Excess marihuana grower license	Prohibited
Marihuana event organizer license	Prohibited
Temporary marihuana event license	Prohibited
Marihuana microbusiness	Prohibited

- (c) Planning commission shall review the number of allowed adult use marihuana establishments at the one (1) year mark of implementation to re-evaluate and determine if the number allowed needs to be adjusted. From that point on, every three (3) years, city council shall review the maximum number of each type of marihuana establishment allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the city council.
- (d) A nonrefundable fee shall be paid by each marihuana establishment licensed under this chapter in an annual amount as set by resolution of the city council.
- (e) Not more than a total of four (4) marihuana retailers may be authorized in the city, so long as the total combined number of single locations of marihuana retailers authorized under this chapter and marihuana provisioning centers authorized under the city's medical marihuana facilities ordinance does not exceed four (4) such authorized locations. By way of example, if three (3) marihuana provisioning centers under the medical marihuana facilities ordinance have been authorized at three (3) separate locations within the city, then only one (1) marihuana retailer may be authorized at a fourth separate location under this chapter. However, up to three (3) additional marihuana retailers could be authorized under this chapter, so long as they were co-located with the existing marihuana provisioning centers already authorized. Similarly, if four (4) marihuana provisioning centers have already been authorized under the medical marihuana facilities ordinance at four (4) separate locations, then no marihuana retailers may be authorized under this chapter unless they are co-located with the existing marihuana provisioning centers.
- (f) All adult use marihuana establishments as permitted by this chapter, shall be subject to the same zoning restrictions as the medical marihuana facilities as set forth in chapter 38 "zoning" of the City's Code of Ordinances. Specifically:
- (1) Adult use marihuana growers **and excess marihuana growers** shall be subject to the same zoning restrictions and requirements applicable to medical marihuana growers;
 - (2) Adult use marihuana processors shall be subject to the same zoning restrictions and requirements applicable to medical marihuana processors;
 - (3) Adult use marihuana retailers shall be subject to the same zoning restrictions and requirements applicable to medical marihuana provisioning centers;
 - (4) Adult use marihuana safety compliance facility shall be subject to the same zoning restrictions and requirements applicable to medical marihuana safety compliance facility;
 - (5) Adult use marihuana secure transporter shall be subject to the same zoning restrictions and requirements applicable to medical marihuana secure transporter.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, October 18, 2021 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed addition to the Code of Ordinances.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 4. 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.

Proposed Special Assessment District No. 2021-01 - Hazards and Nuisances.

Master Plan Implementation Goals: 1.1, 1.10, 1.12

Authorize Resolution No. 1 setting a public hearing for Monday, October 18, 2021 at 7:30 p.m. to receive citizen comment regarding proposed Special Assessment District No. 2021-01, Hazards

and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances as follows:

RESOLUTION NO. 176-2021

**SPECIAL ASSESSMENT DISTRICT NO. 2021-01
HAZARDS AND NUISANCES**

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, October 18, 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.

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

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

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

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

PARCEL#	SERVICE ADDRESS	TYPE	AMOUNT
050-651-003-010-00	419 CLINTON	CLEAN	\$ 2,757.72
050-113-018-011-00	402 S CHIPMAN	CLEAN	\$ 227.16
050-666-000-025-00	443 E MAIN	CLEAN	\$ 199.73
050-651-039-008-00	925 S BALL	CLEAN	\$ 591.57
050-250-000-040-00	624 PINE	CLEAN	\$ 235.78
050-420-006-001-00	703 GRAND	CLEAN	\$ 250.46
050-666-000-036-00	500 E EXCHANGE	CLEAN	\$ 227.41
050-140-000-005-00	1017 N DEWEY	CLEAN	\$ 227.41
050-010-015-001-00	667 GLENWOOD	CLEAN	\$ 225.78
050-660-023-006-00	729 CLINTON	CLEAN	\$ 209.88
050-310-002-003-00	900 ADA	CLEAN	\$ 157.46
050-310-002-003-00	900 ADA	CLEAN	\$ 215.42
050-310-002-003-00	900 ADA	CLEAN	\$ 325.01
050-420-005-007-00	725 DIVISION	CLEAN	\$ 204.88
050-673-005-005-00	607 FLETCHER	CLEAN	\$ 232.13
050-114-006-001-00	1122 S CEDAR	CLEAN	\$ 2,281.46
050-430-000-005-00	419 HAMBLIN	CLEAN	\$ 1,085.57
050-601-000-002-00	417 GRACE	CLEAN	\$ 204.88
050-430-000-005-00	419 HAMBLIN	CLEAN	\$ 539.93
050-390-004-012-00	1260 ADAMS	MISC	\$ 229.21
050-010-033-006-00	1115 CORUNNA	MISC	\$ 237.83
050-420-005-009-00	755 DIVISION	MISC	\$ 199.35
050-250-000-008-00	602 N SHIAWASSEE	MISC	\$ 283.68
050-310-002-003-00	900 ADA	MISC	\$ 263.45
050-390-004-012-00	1260 ADAMS	MISC	\$ 237.83
050-011-021-001-00	918 CORUNNA	MISC	\$ 196.48

PARCEL#	SERVICE ADDRESS	TYPE	AMOUNT
050-390-004-012-00	1260 ADAMS	MISC	\$ 237.83
050-250-000-008-00	602 N SHIAWASSEE	MISC	\$ 148.83
050-010-033-006-00	115 CORUNNA	MISC	\$ 163.60
050-310-002-003-00	900 ADA	MISC	\$ 237.83
050-011-021-001-00	918 CORUNNA	MISC	\$ 231.76
050-470-007-002-00	208 E OLIVER	MISC	\$ 128.49
050-390-004-012-00	1260 ADAMS	MISC	\$ 190.69
050-310-002-003-00	900 ADA	MISC	\$ 515.88
050-652-010-024-00	917 S PARK	MISC	\$ 200.64
050-270-000-056-00	1046 PEARCE	SNOW	\$ 324.62
050-580-000-099-00	834 E COMSTOCK	SNOW	\$ 231.98
050-390-004-012-00	1260 ADAMS	WEEDS	\$ 132.00
050-470-027-003-00	200 E MAIN	WEEDS	\$ 162.00
050-113-003-005-00	827 MILWAUKEE	WEEDS	\$ 147.00
050-420-004-001-00	MONROE ST	WEEDS	\$ 162.00
050-651-000-020-91	524 S WASHINGTON	WEEDS	\$ 162.00
050-651-003-010-00	419 CLINTON	WEEDS	\$ 132.00
050-546-000-014-00	1443 LYNN	WEEDS	\$ 132.00
050-621-002-006-00	321 STATE	WEEDS	\$ 132.00
			<u>\$ 15,820.62</u>

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

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

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessment 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, October 18, 2021 for the purpose of reviewing said Special Assessment Roll-Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

As a point of information, the following hazards and nuisances consist of unpaid invoices that are unable to be leined and must be written off due to the State of Michigan tax sale process:

INVOICE #	PARCEL NUMBER	ADDRESS	AMOUNT
5228	050-180-004-020-00	326 S DEWEY	\$ 168.93
5240	050-180-004-020-00	326 S DEWEY	\$ 231.06
5632	050-180-004-020-00	326 S DEWEY	\$ 147.00
5635	050-180-005-007-00	312 S OAK	\$ 132.00
5687	050-180-004-020-00	326 S DEWEY	\$ 151.17
5688	050-430-000-010-00	402 HUGGINS	\$ 206.54
5731	050-180-005-007-00	312 S OAK	\$ 132.00
5732	050-180-004-002-00	326 S DEWEY	\$ 147.00
5739	050-180-004-002-00	326 S DEWEY	\$ 147.00
5750	050-180-005-007-00	312 S OAK	\$ 132.00
			<u>\$ 1,594.70</u>

First Reading and Set Public Hearing – Rezoning 715, 703, 801 South Washington and 702 South Park Streets.

Master Plan Implementation Goals: A.6, 1.3, 4.8

Conduct first reading and set a public hearing for Monday, November 1, 2021 at 7:30 p.m. to receive citizen comment regarding the request from Jayne Sutton to rezone the properties at 715, 703, 801 South Washington Street and 702 South Park Street from the current zoning designations to RM-1, Multi-Family Residential District as follows:

RESOLUTION NO. 177-2021

AUTHORIZING FIRST READING & SETTING PUBLIC HEARING FOR A PROPOSED ORDINANCE AMENDMENT TO CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES TO REZONE FOUR PARCELS OF REAL PROPERTY AND AMEND THE ZONING MAP

WHEREAS, the City of Owosso adopted a Master Plan in 2021 which includes a future land use plan; and

WHEREAS, the Planning Commission desires to carefully implement prudent changes suggested by the Master Plan; and

WHEREAS, the Planning Commission recommends the rezoning of select parcels in question to reduce spot zoning and create an area with effective zoning for potential redevelopment and economic growth; and

WHEREAS, the Planning Commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the Planning Commission finds that the proposed rezonings meet the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of the following parcels:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
715 S Washington St	050-651-032-001-00	B-1 Local Business District	RM-1 Multiple Family Residential District
703 S Washington St	050-652-005-001-00	R-2 Two Family Residential District	RM-1 Multiple Family Residential District
702 S Park St	050-652-005-002-00	R-1 One Family Residential District	RM-1 Multiple Family Residential District
801 S Washington St	050-651-037-001-00	R-2 Two Family Residential District	RM-1 Multiple Family Residential District

and

WHEREAS, a public hearing by the City Council is required before any such ordinance amendment can be approved.

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

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, *Zoning Districts and Map*, reflect the following changes, to be noted on the official map and filed with the city clerk should this measure be approved:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
715 S Washington St	050-651-032-001-00	B-1 Local Business District	RM-1 Multiple Family Residential District
703 S Washington St	050-652-005-001-00	R-2 Two Family Residential District	RM-1 Multiple Family Residential District
702 S Park St	050-652-005-002-00	R-1 One Family Residential District	RM-1 Multiple Family Residential District
801 S Washington St	050-651-037-001-00	R-2 Two Family Residential District	RM-1 Multiple Family Residential District

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, November 1, 2021 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

Contract Amendment – Professional Services Agreement – Accounting Services.
Master Plan Implementation Goals: 3.5

Authorize Amendment No. 1 to the Professional Services Agreement – Accounting Services with Maner, Costerisan & Ellis, P.C. dba Maner Costerisan, increasing the contract in the amount of \$22,000.00 for assistance with the conversion to a new uniform chart of accounts, and further authorize payment to the firm up to the revised contract amount of \$47,000.00 as follows:

RESOLUTION NO. 178-2021

**AUTHORIZING AMENDMENT NO. 1
TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF OWOSSO AND
MANER, COSTERISAN & ELLIS, P.C. DBA MANER COSTERISAN
FOR GOVERNMENTAL ACCOUNTING SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Maner, Costerisan & Ellis, P.C. dba Maner Costerisan on September 7, 2021 for the provision of governmental accounting services; and

WHEREAS, the State of Michigan Department of Treasury has mandated the conversion to a new uniform chart of accounts for local units of government; and

WHEREAS, Maner Costerisan, a full service public accounting firm, has agreed to assist the finance department with the conversion to a new uniform chart of accounts in addition to previously contracted tasks for the amount of \$22,000.00, and an amendment 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 Professional Services Agreement – Accounting Services contract with Maner, Costerisan & Ellis, P.C. dba Maner Costerisan to increase the contract amount for assistance with the conversion to a new uniform chart of accounts.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Amendment No. 1 in the amount of \$22,000.00; an increase to the Professional Services Agreement between the City of Owosso and Maner Costerisan revising the total contract amount from \$25,000.00 to \$47,000.00.
- THIRD: The accounts payable department is authorized to pay Maner Costerisan for additional work satisfactorily completed up to the revised contract amount of \$47,000.00.
- FOURTH: The above expenses shall be paid from General Fund Account 101.201.818.000.

Professional Services Agreement – Bond Counsel.

Master Plan Implementation Goals: 3.4, 3.7, 3.8, 6.6

Authorize a professional services agreement with Dickinson Wright PLLC in an amount not to exceed \$60,000.00 to serve as Bond Counsel associated with three separate revenue bond issuances and further authorize payment to the firm for services rendered in accordance with the agreement as follows:

RESOLUTION NO. 179-2021

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH
DICKINSON WRIGHT PLLC
TO SERVE AS BOND COUNSEL**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to obtain bond counsel for debt issuances; and

WHEREAS, the City of Owosso is undertaking water and sewer infrastructure improvement projects requiring the issuance of bonds; and

WHEREAS, Dickinson Wright PLLC is a full service law firm with multiple offices in Michigan; and

WHEREAS, the employment of professional services is an exception to competitive bidding per Section 2-346(2) of the City of Owosso Code of Ordinances.

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 professional service agreement with Dickinson Wright PLLC to serve as bond counsel.
- SECOND: Bond counsel services will be associated with three separate revenue bond issuances involving the State of Michigan drinking water revolving loan fund program and clean water state revolving fund program.
- THIRD: The mayor and city clerk are instructed and authorized to sign the three documents substantially in the form attached as Professional Services Agreements between the City of Owosso and Dickinson Wright PLLC estimated at \$60,000.
- FOURTH: The accounts payable department is authorized to pay Dickinson Wright PLLC for work satisfactorily completed at a cost estimated at \$60,000 under said professional services agreements.
- FIFTH: The above expense shall be paid from the Water Fund 591.200.801.000 and Sewer Collection Fund 590.200.801.000.

Professional Services Agreement – Underwriter/Placement Agent/Municipal Advisor.

Master Plan Implementation Goals: 3.4, 3.7, 3.8, 6.6

Authorize a professional services agreement with Robert W. Baird & Co. Incorporated in an amount not to exceed \$56,250.00 to serve as Underwriter/Placement Agent/Municipal Advisor associated with three separate revenue bond issuances and further authorize payment to the firm for services rendered in accordance with the agreement as follows:

RESOLUTION NO. 180-2021

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH
ROBERT W. BAIRD & CO. INCORPORATED
TO SERVE AS UNDERWRITER/PLACEMENT AGENT/MUNICIPAL ADVISOR
FOR THE ISSUANCE OF BONDS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to obtain underwrite/placement agent/municipal advisor for debt issuances; and

WHEREAS, the City of Owosso is undertaking water and sewer infrastructure improvement projects requiring the issuance of bonds; and

WHEREAS, Robert W. Baird & Co. Incorporated is an American multinational independent investment bank and financial services company; and

WHEREAS, the employment of professional services is an exception to competitive bidding per Section 2-346(2) of the City of Owosso Code of Ordinances.

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 professional services agreement with Robert W. Baird & Co. Incorporated to serve as an underwriter/placement agent/municipal advisor.
- SECOND: Said underwriter/placement agent/municipal advisor services will be associated with three separate revenue bond issuances involving the State of Michigan drinking water revolving loan fund program and clean water state revolving fund program.
- THIRD: The mayor and city clerk are instructed and authorized to sign documents substantially in form attached, Professional Services Agreement between the City of Owosso and Robert W. Baird & Co. Incorporated estimated at \$56,250.
- FOURTH: The accounts payable department is authorized to pay Robert W. Baird & Co. Incorporated for work satisfactorily completed at a cost estimated at \$56,250 under said professional services agreement.
- FIFTH: The above expense shall be paid from the Water Fund 591.200.801.000 and Sewer Collection Fund 590.200.801.000.

Contract Authorization – Agenda Management Solution.

Master Plan Implementation Goals: 3.5

Authorize a five year contract with Provox Systems, Inc. for the provision of an agenda management solution in the amount of \$34,150.00, including a \$1,000.00 contingency, and further approve payment up to the contract amount upon satisfactory implementation of the solution as follows:

RESOLUTION NO. 181-2021

**AUTHORIZING A CONTRACT WITH
PROVOX SYSTEMS, INC. FOR
THE PROVISION OF AN AGENDA MANAGEMENT SOLUTION**

WHEREAS, the City of Owosso, Michigan has numerous boards and commissions that meet periodically to facilitate the business of the City; and

WHEREAS, each meeting of a City board or commission requires the creation of an agenda, the assembly of a meeting packet, the generation of minutes, and the implementation of any actions authorized by said board or commission; demanding significant time and effort from City staff members; and

WHEREAS, the City sought proposals for the provision of an agenda management solution to streamline the agenda process; a proposal was received from Provox Systems, Inc. and it is hereby determined that Provox Systems, Inc. is qualified to provide such a solution and that it has submitted the most responsible and responsive proposal.

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 contract with Provox Systems, Inc. for an agenda management solution in an amount not to exceed \$34,150.00 for a period of five years.
- SECOND: The mayor and city clerk are hereby instructed and authorized to sign the substantially in the form attached as Enterprise – Agenda Management Agreement between the City of Owosso and Provox Systems, Inc. for the provision of an agenda management solution utilizing a fully hosted on-site server.
- THIRD: The accounts payable department is authorized to pay the vendor upon satisfactory implementation of the solution up to the amount of \$34,150.00, including a \$1,000.00 contingency to be used only upon written permission.
- FOURTH: The money for this purchase will come out of account no. 101-215-818.000.

Warrant No. 606. Authorize Warrant No. 606 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and Property Insurance 2 nd of 3 installments for FY 21/22	Various	\$66,777.50

Motion supported by Councilmember Pidek.

Roll Call Vote.

- AYES: Councilmembers Teich, Pidek, Mayor Pro-Tem Osika, Councilmembers Haber, Fear, and Law.
- NAYS: None.
- ABSENT: Mayor Eveleth.

ITEMS OF BUSINESS

Historical Commission Amended Bylaws

Master Plan Implementation Goals: 6.5, 6.7, 7.1

City Manager Nathan R. Henne noted that the proposed bylaws would reflect the newly amended ordinance, make changes to standing committees, and formally adopt the City’s purchasing policy.

Motion by Councilmember Teich to approve the proposed amended bylaws for the City's Historical Commission as follows:

RESOLUTION NO. 182-2021

**TO ADOPT THE
CITY OF OWOSSO HISTORICAL COMMISSION BYLAWS**

WHEREAS, the City of Owosso Historical Commission is a public commission which is responsible for holding its own meetings in accordance with the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended; and

WHEREAS, the commissioners of the City of Owosso Historical Commission of the City of Owosso have drafted and approved bylaws to direct the conduct and activities of such meetings and are submitting them to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED that the Owosso City Council hereby approves the bylaws of the City of Owosso Historical Commission as follows, such bylaws to be effective immediately:

**BYLAWS
OF
CITY OF OWOSSO HISTORICAL COMMISSION**

ARTICLE 1. PURPOSE

The purpose of the Historical Commission (hereinafter referred to as "the Commission") shall be to recognize and preserve and bring public attention to the historical treasures of the City and to promote an historical interest in the arts. The commission shall be responsible for the permanent perpetuation of the history of the city through such means as may be developed by the commission, including:

- (1) Receiving, cataloging, preserving and displaying articles of historic interest and significance.
- (2) Maintaining, preserving, restoring, and managing buildings of historic interest and significance which are owned by the city.
- (3) Encouraging the preservation and perpetuation of historic articles and architecture through programs and activities designed to promote community awareness.
- (4) Enhancing historic areas with buildings and/or facilities to increase the enjoyment and use of the city's cultural and historic facilities.

ARTICLE 2. ORGANIZATION

Section 1. Members.

The members of the commission shall be appointed by the City Council in accordance with the provisions of ordinance.

There shall be seven (7) voting members possessing the right to vote on matters before the commission and serve as chairperson of the commission or its committees. Of these seven (7) members, one (1) shall be a representative of the City Council. In addition, there may be appointed ex-officio members of the commission who may attend all meetings of the commission, participate in discussion of matters before the commission, and serve on committees of the commission.

Section 2. Officers.

- (a) The officers of the commission shall be a chairperson and a vice-chairperson, who shall be members of the commission and a secretary-treasurer, who shall be an officer or employee of the City of Owosso.
- (b) The officers shall be selected by the voting members of the commission annually during the first regular meeting of the commission in October of each year.
- (c) The terms of office for the officers shall be one year or such longer period as is necessary until a successor is appointed and assumes the office.
- (d) If an office shall become vacant before the officer has served his complete term, the commission shall appoint another officer to serve for the remainder of the term of office.

Section 3. Duties of officers.

- (a) The chairperson shall be the presiding officer at all regular and special meetings of the commission, shall be an ex-officio member of all standing and ad hoc committees of the commission, and shall be the spokesperson for the commission in all contacts with the city administration, city council, and the news media.
- (b) The secretary-treasurer shall have custody of the records of the commission, shall take minutes of all meetings of the commission, shall receive monetary donations in the name of the commission and shall keep a record thereof, shall authorize disbursement of funds of the commission within limits established by the commission, and shall maintain an inventory of the assets of the commission.
- (c) The secretary-treasurer may designate another officer or employee of the City of Owosso to act as secretary-treasurer during a time of absence or disability until he or she is able to resume the duties of the office.

Section 4. Meetings.

- (a) The commission shall schedule regular meetings and shall approve the date, time, and place of such meetings. Special meetings may be called by one of the officers or by a majority of the voting members of the commission. All meetings of the commission shall be held in accordance with the Open Meetings Act (P.A. 267 of 1976, as amended).
- (b) A majority of the voting members of the commission shall constitute a quorum.
- (c) The chairperson shall be the presiding officer at all meetings of the commission. In the absence of the chairperson, the vice-chairperson shall serve as chairperson for that meeting.

Section 5. Committees.

- (a) The work of the commission shall be accomplished through a structure of standing committees. The following shall be considered standing committees of the commission:
 - (1) Facilities Committee. This committee shall be responsible for the restoration, preservation and maintenance of the Gould House and other buildings and grounds associated with the Gould House, the Curwood Castle, buildings located in Curwood Castle Park, and for coordinating maintenance and development activities with appropriate City departments.
 - (2) Historic Properties Activities Committee. This committee shall be responsible for developing rules and regulations for the use of the Gould House and its associated buildings and grounds, Curwood Castle, other historic holdings, and for overseeing activities which take place there.
 - (3) Historic Collection Committee. This committee shall be responsible for maintaining a record of historic articles acquired by the commission, for preserving those articles, for arranging for their storage and display, for loaning historic articles to other organizations, for acquiring historic articles through loan from other organizations and for identifying articles in the collection which should be considered for sale or disposal.
 - (4) Historic Preservation Committee. This committee shall be responsible for promoting the preservation and restoration of private properties of historic interest in the community by developing and maintaining sources of information and assistance in restoration activities, by coordinating contacts between property owners and experts in the field of historic preservation, by monitoring activities affecting properties of historic significance and, where necessary, initiating contact with the property owner and by responding to requests for assistance from private property owners.
- (b) The commission may establish such additional standing committees as it deems necessary to carry out the work of the commission. The commission may dissolve any standing committees established by it but, with regard to the standing committees described in Section 5(a), such dissolution shall become effective only with the approval of the City Council.
- (c) The chairperson of the commission shall appoint a voting member of the commission as chairperson of each standing committee. Each committee chairperson shall be responsible for appointing individuals, who need not be members of the commission, to serve on the committee and to assist the committee chairperson in carrying out the work of the committee.
- (d) The chairperson of the commission may, from time to time, establish ad hoc committees and may appoint individuals to serve on such committees. At least one member of each ad hoc committee shall be a voting member of the commission. Ad hoc committees shall be established for a specific purpose related to the activities of the commission and shall complete their work, report to the commission and shall be considered dissolved within two years after their establishment.

ARTICLE 3. CONTROL OF ASSETS

Section 1. Authority of the Commission.

The commission shall have the sole responsibility and authority, subject to the direction of the city council, to manage and control the real and personal property over which it has jurisdiction. Such responsibility and authority shall not be delegated to an officer, committee or chairperson of a committee, unless specifically directed and authorized by a vote of the commission.

Section 2. Donations.

(a) The secretary-treasurer shall accept on behalf of the commission any donations or contributions of cash or other financial instruments easily converted into cash, subject to the following provisions:

- (1) Donations or contributions which are given without restrictions or which are restricted only to the extent that they are to be dedicated to a specific project, property, or activity of the commission may be accepted without the specific approval of the commission.
- (2) Donations or contributions other than those described in Section 2(a) (1) above, particularly when those donations or contributions might require that the commission take a specific action related to such donation or contribution at some future time, or when such donation or contribution is, in the secretary-treasurer's opinion, so restricted as to prevent its use for the general purposes of the commission, shall only be accepted following approval by the commission.

(b) The chairperson, secretary-treasurer, or the chairperson of the Historic Collection Committee may accept donations of articles of personal property, without prior approval of the commission, subject to the following provisions:

- (1) The article or group of articles to be donated shall not have an estimated value in excess of five hundred dollars;
- (2) The donation shall be unrestricted with regard to the use which the commission may make of the articles, including the right of the commission to sell or otherwise dispose of the articles at its sole discretion;
- (3) Articles which are to be loaned to the commission, whether for a definite or indefinite period of time, may only be accepted following a vote of the commission.

(c) Real property may be accepted by the commission only upon the approval of the city council.

Section 3. Loans of commission assets.

The commission shall approve each request for a loan of historic articles from the commission's collection. In considering a request for such a loan, the commission shall consider the purpose of the institution making the request, the value of the articles which are the subject of the request, and the safeguards to be taken against theft or damage. The commission shall ascertain that the requesting institution possesses adequate insurance against loss.

Section 4. Disposition of assets.

The commission shall adopt detailed rules and procedures governing the disposition of commission assets. Such rules and procedures shall provide, at a minimum, that no assets of the commission may be disposed of without the express authorization of the commission and that disposition of any article valued in excess of one thousand dollars shall be approved in advance by the city council.

Section 5. Use of buildings.

The commission shall adopt detailed rules and procedures governing the use of the historic buildings under its control. Such rules and procedures shall establish the fees to be charged for the use of the buildings.

ARTICLE 4. FINANCE

Section 1. Budget.

(a) The commission shall annually prepare and recommend to the council a budget for the fiscal year commencing July 1, which budget will show the anticipated revenues and expenditures for the commission's activities and operations.

(b) The secretary-treasurer shall present a proposed budget for consideration by the commission at its first regular meeting during the month of February.

(c) The commission shall approve a budget for the ensuing fiscal year not later than the first meeting of March.

Section 2. Purchases.

The secretary-treasurer shall have the authority to make purchases of such supplies and services as are necessary to carry out the activities of the commission. Purchases shall be made in accordance with Article VI, Division 3 of the City of Owosso Code of Ordinances governing Purchases, Contracts and Sales.

Section 3. Endowment fund.

The commission shall maintain an endowment fund into which shall be placed monetary gifts and bequests which are directed to said fund. The interest and/or dividends which are earned by the endowment fund may be used for the expenses associated with the activities of the commission but no portion of the principal shall be expended.

ARTICLE 5. APPROVAL AND AMENDMENTS

Section 1. Approval.

These by-laws shall become effective following their approval by the commission and by the city council.

Section 2. Amendments.

The commission shall annually during its first regular meeting in January review these by-laws and determine the need to make any changes, additions, or deletions. These by-laws may be amended as deemed necessary by the commission. Such amendments shall be approved as provided in Section 1.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

MSHDA NEP Grant Agreement Approval

Master Plan Implementation Goals: 1.1, 1.9, 1.13, 2.6

City Manager Henne indicated this item would formally approve the NEP grant for approximately \$41,000.00 and acknowledge Keyes Quality Construction LLC as the contractor for the project.

Motion by Councilmember Pidek to authorize the following resolution approving the execution of a Housing Development Fund Grant Agreement with the Michigan State Housing Development Authority (MSHDA) for Neighborhood Enhancement Program (NEP) grant funds, further authorize the listed signatories to execute necessary documents, and authorize payment of said grant funds to the selected contractor per the terms of the agreement:

RESOLUTION NO. 183-2021

**AUTHORIZING EXECUTION OF HOUSING DEVELOPMENT GRANT AGREEMENT
BETWEEN THE CITY OF OWOSSO AND
THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, applied for a MSHDA Neighborhood Enhancement Program Grant in late 2020 and received approval in the spring of 2021 for the amount of \$41,250; and

WHEREAS, five (5) eligible homeowners have been selected to receive grant support to improve the exterior of their homes, including windows, roofing, siding and painting; and

WHEREAS, bids have been received for the entire project and an award was made to Keyes Quality Construction LLC.

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 Housing Development Fund Grant Agreement between the Michigan State Housing Development Authority and the City of Owosso dated May 24, 2021 (Grant #: HDF-2021-37-NEP).
- SECOND: the City Manager is instructed and authorized to execute for and on behalf of the City of Owosso a contract substantially in the form attached.
- THIRD: staff is authorized to administer the projects named to completion in accordance with the grant guidelines and permits city staff to make such payment and payment requests as necessary to satisfy the contractor, property owners, and the State of Michigan in accordance with the grant agreement and applicable contracts.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

Marihuana Facilities Review

Master Plan Implementation Goals: 3.8, 6.6

A review was conducted of the number of marihuana facilities permitted within the City limits as required by Sec. 16.5-3(b) and Sec. 16.6-3(c) of the Code of Ordinances. City Manager Henne indicated that the Planning Commission recommended no changes to the number of facilities permitted.

Councilmember Law, Council Representative on the Planning Commission, said there were no changes recommended in light of the fact that the City allows for four retail licenses and only two dispensaries are currently open.

Motion by Councilmember Fear to authorize the following resolution:

RESOLUTION NO. 184-2021

RECOMMENDING NO CHANGES TO THE NUMBER OF MARIJUANA FACILITIES PERMITTED WITHIN THE CITY LIMITS

WHEREAS, the Council of the City of Owosso, Michigan approved Ordinance No. 793 on July 2, 2018 and Ordinance No. 803 on February 3, 2020 authorizing the establishment of up to four marijuana dispensaries within the City limits; and

WHEREAS, both ordinances require the Planning Commission to conduct a periodic review of the number of facilities permitted; and

WHEREAS, the Planning Commission has performed said review, and in light of the fact that only half of the permitted licenses are being currently utilized, the Commission recommends no changes to the number of establishments permitted.

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

FIRST: it is heretofore determined that it is advisable and in the public interest to maintain the current number of permitted marijuana facilities within the City of Owosso.

SECOND: the next periodic review shall be held in three years per the terms of Ordinance Nos. 793 and 803.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

Contract Termination - WWTP Solids Handling Process Equipment Improvements Project – Engineering Services

City Manager Henne said staff was recommending termination of the engineering services agreement with C2ae for the remainder of the WWTP Solids Handling Process Equipment Improvements Project. He indicated that important deadlines have been missed and key staff concerns have not been addressed in a timely manner. He further indicated that timing would be essential in the bidding of this project and if the engineering work was not completed on time it would be detrimental to the project.

Motion by Councilmember Pidek to terminate the WWTP Solids Handling Process Equipment Improvements Project – Engineering Services Contract with Capital Consultants, Inc. dba C2ae as follows:

RESOLUTION NO. 185-2021

**AUTHORIZING TERMINATION OF THE
WWTP SOLIDS HANDLING PROCESS EQUIPMENT IMPROVEMENTS – ENGINEERING
SERVICES CONTRACT WITH CAPITAL CONSULTANTS, INC DBA C2AE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, operates the Mid-County Wastewater Treatment Plant; and

WHEREAS, the existing solids handling equipment in the plant is obsolete, costly to maintain, and should be replaced; and

WHEREAS, on September 8, 2020, in preparation for the replacement of said equipment, the City of Owosso contracted with Capital Consultants, Inc. dba C2ae for engineering design, bid specification development, and construction administration services; and

WHEREAS, Capital Consultants, Inc. dba C2ae has been unable to fulfill the contract and the City of Owosso wishes to terminate the remaining portion of the contract.

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 terminate the contract with Capital Consultants, Inc. dba C2ae for engineering services for the WWTP Solids Handling Process Equipment Improvements Project.

SECOND: The City Manager along with other appropriate city officials are hereby authorized to take the required actions to terminate the contract upon completion of Phase 2 – Design Engineering Design of the WWTP Solids Handling Process Equipment Improvements – Engineering Services Contract.

Motion supported by Councilmember Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

Professional Services Agreement – WWTP Solids Handling Process Equipment Improvements Project, Part 2

Master Plan Implementation Goals: 3.8, 6.6

City Manager Henne noted that this contract picks up where the C2ae contract leaves off. The Fishbeck engineer that will be the lead on this project has worked on previous improvements plans for the City and is familiar with the Waste Water Treatment Plant.

Motion by Councilmember Teich to authorize entering into a contract with Fishbeck, Thompson, Carr & Huber, Inc. dba Fishbeck for bid specification development and construction administration services (Part 2) of the WWTP Solids Handling Process Equipment Improvements Project in an amount not to exceed \$84,000.00 as follows:

RESOLUTION NO. 186-2021

**APPROVAL OF PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE CITY OF OWOSSO AND
FISHBECK, THOMPSON, CARR & HUBER, INC. DBA FISHBECK
FOR THE WWTP SOLIDS HANDLING PROCESS EQUIPMENT PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, operates the Mid-County Wastewater Treatment Plant; and

WHEREAS, the existing solids handling process equipment is obsolete and costly to maintain, and Fishbeck of Lansing, Michigan has provided a proposal for the necessary engineering services to replace this aged capital process equipment, and

WHEREAS, the Director of Public Services & Utilities has reviewed the proposal and verified the engineering services as necessary for the bid specification development and construction administration services to replace the solids handling equipment, and hereby recommends authorizing Fishbeck to provide these engineering services in the amount of \$79,000.00 with a contingency of \$5,000.00 for possible amendments to the construction drawings, for a total amount of \$84,000.00.

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 contract with Fishbeck, Thompson, Carr & Huber, Inc. dba Fishbeck for bid specification development and construction administration services to replace the aged solids handling equipment at the Wastewater Treatment Plant.
- SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Agreement, Professional Services, Wastewater Treatment Plant, Solids Handling Project in the amount of \$79,000.00.
- THIRD: The accounts payable department is authorized to submit payment to Fishbeck for work satisfactorily completed on the project up to the contract amount of \$79,000.00, plus a contingency amount not to exceed \$5,000.00 for any possible amendments to the construction drawings, for a total of \$84,000.00.
- FOURTH: The above expenses shall be paid from the Wastewater Plant Fund 599-901-977.000.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

Property Purchase – 326 S. Dewey Street

Master Plan Implementation Goals: 1.1, 1.15

City Manager Henne explained the City had been recently notified that the home at 326 S. Dewey Street was in the tax foreclosure process and the City could purchase the property for fair market value (\$70,800.00) if it so chose. The property is located in the area near Jerome Street that the Master Plan has designated for future open space, so the home would be demolished if the property is acquired. He went on to say that the City must report their decision to the State by October 15th. Lastly, he noted that while the acquisition of this property would be in line with the Master Plan he felt the price for the property was a little high.

There was discussion about other opportunities the City would have to acquire the property for a lesser price later on in the foreclosure process, whether the City should be in the business of demolishing houses when there is a housing shortage, keeping tax paying parcels on the rolls, and the reasoning behind the Master Plan proposal to convert residential properties to open space along the Jerome Street corridor (to resolve problems with repeated flooding in the area).

Motion by Councilmember Teich to approve a resolution rejecting the first right of refusal for the property at 326 S. Dewey Street per the provisions of Public Act 206 of 1893 as follows:

RESOLUTION NO. 187-2021

**REJECTING THE FIRST RIGHT OF REFUSAL FOR
THE REAL PROPERTY AT 326 S. DEWEY STREET
PER THE TERMS OF PUBLIC ACT 206 OF 1893**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Master Plan identifies goals to acquire residential properties to create more open space and prevent further damage due to flooding; and

WHEREAS, the City of Owosso received the 2021 Governmental Agency Right of Refusal Parcel Listing and Notice from the Shiawassee County Treasurer; and

WHEREAS, Public Act 206 of 1893 allows the City of Owosso to purchase tax-foreclosed parcels for fair market value through the Act's right of refusal process; and

WHEREAS, the property located at 326 S. Dewey Street is available to the City via Public Act 206 of 1893; and

WHEREAS, the City Council has determined that the price for the noted parcel is too high and the property should remain on the tax rolls at this time.

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 reject its right of refusal through PA 208 of 1893 for the property located at 326 S. Dewey Street.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

ARPA Funding Discussion

City Manager Henne distributed the updated scoring sheet and flow chart to Council saying he had made the changes suggested. The Council did not recommend any further changes. Mr. Henne indicated the next steps would be posting the application materials online and getting word out to the public that applications for ARPA funding are being accepted.

COMMUNICATIONS

Albert Martenis, Owosso Historical Commission. Letter of Resignation.
Downtown Development Authority/Main Street. Minutes of September 1, 2021.
Owosso Historical Commission. Minutes of September 13, 2021.
Downtown Development Authority/Main Street. Special Minutes of September 15, 2021.
Planning Commission. Minutes of September 27, 2021.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, continued his comments regarding the property at 216 S. Elm Street saying the City will get sued if it proceeds with demolition of the building.

Eddie Urban, 601 Glenwood Avenue, said he had hired a contractor to cut down some trees in his yard as well as someone to repair his front porch but both contractors were booked solid and would not be able to get to his job right away.

NEXT MEETING

Monday, October 18, 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
Downtown Historic District Commission – term expires June 30, 2022
Owosso Historical Commission – 2 terms expire December 31, 2021
Owosso Historical Commission – term expires December 31, 2022
Owosso Historical Commission – 2 terms expire December 31, 2023
Planning Commission – term expires June 30, 2022
Zoning Board of Appeals – Alternate – term expires June 30, 2024
Zoning Board of Appeals – term expires June 30, 2023

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 8:17 p.m.

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

Susan J. Osika, Mayor Pro-Tem

Amy K. Kirkland, City Clerk