

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF FEBRUARY 7, 2022  
7:30 P.M.  
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**OPENING PRAYER:** COUNCILMEMBER JEROME C. HABER

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

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

**ABSENT:** Councilmember Robert J. Teich, Jr.

**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 JANUARY 18, 2022**

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of January 18, 2022 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Swearing In Ceremony - Fire Department Employee**

Mayor Eveleth led a ceremony to swear in City of Owosso Firefighter Erin O'Hara. (Ms. O'Hara was hired in March 2020 but no official swearing in ceremony was held at that time due to COVID-19.)

Erin's badge was pinned by her grandmother Sandra Major. Also in attendance this evening were her mother Colleen Hoffman, step dad Greg Hoffman, and her brother Evan Robertson.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Mark Hall, 333 N. Brooks Street, said the drainage on his gravel street (Brooks Street) is terrible, leading to water undermining his driveway approach during warm weather and dangerous icing conditions during the winter. He said there are times when it is difficult for him to simply access his home. He asked that Council look into fixing the drainage, adding curbs, gutters, and pavement, and prohibiting parking along the street until such repairs are made.

Tom Manke, 2910 W. M-21, said he didn't recall ever seeing the property off Penbrook Drive that Council will be considering an offer for ever being listed for sale previously. He then asked about progress on returning to being a Tree City USA. He asked that Council consider a resolution directing that each tree taken down in the City be replaced by another tree.

Justin Horvath, president SEDP, said the Council has an exciting opportunity before it this evening with the consideration of the potential sale of property off of Penbrook Drive. He indicated that the proposed buyers are looking to construct much needed housing on the property. He said there are other parcels in the City that he would like Council to consider for future housing projects as well.

Max Grover of Moxie Holdings and Eric Finnigan of the Wirt-Rivette Group introduced themselves indicating they would like to construct approximately 240 housing units on the property the City is considering selling. They indicated they have helped develop other housing projects in Shiawassee County and are looking to replicate the Black River Flats development they completed in Holland here in Owosso. The planned new development would be affordable 1-2 bedroom units.

Eddie Urban, 601 Glenwood Avenue, asked that the plowing route be changed so that the plows do not pile snow in his yard and driveway but direct it to the other side of the street where there are no houses. He also showed everyone the local VA newsletter, saying it has lots of great information.

**CONSENT AGENDA**

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

**First Reading and Set Public Hearing – Rezoning 701 South Chestnut Street.** Conduct first reading and set a public hearing for Tuesday, February 22, 2022 to receive citizen comment regarding the request from Terry and Georgia Gregoricka to rezone the property at 701 South Chestnut Street from R-1, Single Family Residential District, to I-1, Light Industrial District as follows:

**RESOLUTION NO. 11-2022**

**AUTHORIZING FIRST READING & SETTING PUBLIC HEARING TO AMEND CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES TO REZONE A PARCEL OF REAL PROPERTY AT 701 S. CHESTNUT STREET AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso received a request from Terry and Georgie Gregoricka, owners of the property located at 701 South Chestnut Street, parcel # 050-546-000-026-00, to rezone the parcel from R-1 Single Family to I-1 Light Industrial District; 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 rezoning meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

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

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

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
701 S Chestnut St	050-546-000-026-00	R-1 Single Family	I-1 Light Industrial

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*, is proposed to reflect the following changes, to be noted on the official map and filed with the city clerk:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
701 S Chestnut St	050-546-000-026-00	R-1 Single Family	I-1 Light Industrial

SECTION 2. PUBLIC HEARING. A public hearing is set for Tuesday, February 22, 2022 at 7:30 p.m. in the City Hall Council Chambers, 301 West Main Street, Owosso 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.

**Traffic Control Order - JARS Rail Jam.** Approve request from JARS Owosso for the closure of South Lansing Street from West Main Street south 150' toward Lynn Street on Friday, February 25, 2022 at 9:00 a.m. thru Sunday, February 27, 2022 at 9:00 p.m. for the JARS Rail Jam and approve Traffic Control Order No. 1465 formalizing the request.

**Boards and Commissions Appointment.** Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Don Horton	Parks & Recreation Commission filling unexpired term of E. Greenway	06-30-2022

**Professional Services Agreement – Termination.** Authorize termination of the professional services agreement with Robert W. Baird & Co. Incorporated for services as Underwriter/Placement Agent/ Municipal Advisor associated with three separate revenue bond issuances, per the terms of the agreement as follows:

**RESOLUTION NO. 12-2022**

**TERMINATING PROFESSIONAL SERVICES AGREEMENTS WITH  
ROBERT W. BAIRD & CO. INCORPORATED**

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

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

WHEREAS, the City of Owosso entered into professional services agreements with Robert W. Baird & Co. Incorporated in October 2021 to assist with the issuance of bonds for the noted projects; and

WHEREAS, the City of Owosso wishes to terminate said agreements due to a change in key personnel at the firm; and

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 its professional service agreements with Robert W. Baird & Co. Incorporated as allowed under paragraph 4 of the engagement letters.

SECOND: The mayor and city clerk are instructed and authorized to sign a termination letter addressed to Robert W. Baird & Co. Incorporated regarding the three loan facilitation agent engagement letters and staff is instructed to send said letter.

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

Authorize professional services agreements with MFCI, LLC, in an amount not to exceed \$36,000.00, 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. 13-2022**

**AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS WITH  
MFCI, LLC TO SERVE AS UNDERWRITER/PLACEMENT AGENT/MUNICIPAL  
ADVISOR FOR 2022 BOND ISSUANCES**

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

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

WHEREAS, the City of Owosso recently terminated its agreements with Robert W. Baird & Co. Incorporated for said services; and

WHEREAS, the City of Owosso has been approached by MFCI, LLC offering to provide the required services for a significantly lower price; and

WHEREAS, MFCI, LLC is a Michigan independent financial services company qualified to provide said services; 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 professional service agreements with MFCI, LLC to provide underwriter/placement agent/municipal advisor services 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.
- SECOND: The mayor and city clerk are instructed and authorized to sign professional services agreements between the City of Owosso and MFCI, LLC, as attached, estimated at \$36,000, for three separate revenue bond issuances.
- THIRD: The accounts payable department is authorized to pay MFCI, LLC for work satisfactorily completed up to the amount of \$36,000 under said professional services agreements.
- FOURTH: The above expense shall be paid from the Water Fund 591.200.801.000 and Sewer Collection Fund 590.200.801.000.

**Purchase Authorization Cancellation – Sodium Hypochlorite.** Authorize cancellation of the purchase order with Jones Chemicals, Inc. for sodium hypochlorite due to the company's inability to fulfill the contract as follows:

**RESOLUTION NO. 14-2022**

**AUTHORIZING TERMINATION OF THE PURCHASE ORDER  
FOR SODIUM HYPOCHLORITE  
WITH JCI JONES CHEMICALS, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires sodium hypochlorite in bulk deliveries for use in treating municipal wastewater and drinking water; and

WHEREAS, the Lansing Board of Water & Light (LBWL) solicited competitive bids for sodium hypochlorite; and

WHEREAS, the City of Owosso contracted with JCI Jones Chemicals, Inc. for sodium hypochlorite; and

WHEREAS, JCI Jones Chemicals, Inc. 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 JCI Jones Chemicals, Inc. for sodium hypochlorite for use in treating municipal wastewater and drinking water.
- SECOND: The City Manager along with other appropriate City officials are hereby authorized to take the required actions to terminate the contract immediately.

**Purchase Authorization – Sodium Hypochlorite.** Authorize a purchase agreement with Olin Corporation dba Olin Chlor Alkali Products and Vinyls for Sodium Hypochlorite utilizing the Lansing Board of Water & Light's joint purchasing consortium Mid-Michigan Drinking Water Consortium Bulk Chemical Contract in the amount of \$1.19 per gallon, with an estimated contract of \$21,633.90, plus \$425.00 for split deliveries, and authorize payment based on unit prices for actual quantities required for the fiscal year ending June 30, 2022 as follows:

**RESOLUTION NO. 15-2022**

**RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER  
FOR SODIUM HYPOCHLORITE WITH OLIN  
IN ACCORDANCE WITH THE LANSING BOARD OF WATER & LIGHT  
CONSORTIUM 2021 COMPETITIVE BIDDING PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires sodium hypochlorite in bulk deliveries for use in treating municipal wastewater and drinking water; and

WHEREAS, the Lansing Board of Water & Light (LBWL) solicited competitive bids for sodium hypochlorite; and it is hereby determined that Olin Corporation dba Olin Chlor Alkali Products and Vinyls of Downers Grove, IL is qualified to provide such product and that it has submitted the lowest responsible and responsive bid.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase sodium hypochlorite from Olin Corporation dba Olin Chlor Alkali Products and Vinyls at the price of \$1.19 per gallon for the remaining portion of FY2021-2022.
- SECOND: The accounts payable department is authorized to submit payment to Olin Corporation dba Olin Chlor Alkali Products and Vinyls in the amount of \$21,633.90 based on unit prices, plus a split delivery charge of \$425.00, for total of \$22,058.90.
- THIRD: The above expenses shall be paid from the wastewater and water fund following delivery, and chargeable to account 599-548-743.300 in the amount of \$16,544.18 and to account 591-553-743.000 in the amount of \$5,514.72.

**\*Change to Street Lighting Contract – Addition of Street Light.** Authorize amendment to the Street Light Contract with Consumers Energy to reflect the addition of one LED Cobrahead streetlight at 1633 Lynn Street, authorize the Mayor and City Clerk to execute appropriate documents, and approve payment to Consumers Energy in the amount of \$983.75 for installation as follows:

**RESOLUTION NO. 16-2022**

**ADDING LIGHTS TO THE  
STANDARD STREET LIGHTING CONTRACT DATED 09/27/2018**

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Owosso, dated 09/27/2018, in accordance with the Authorization for Change in Standard Lighting Contract dated 02/07/2022, heretofore submitted to and considered by this council; and

RESOLVED, further, that the Mayor and Clerk be and are authorized to execute such authorization for change on the behalf of the City.

**GENERAL UNMETERED EXPERIMENTAL LIGHTING RATE GU-XL**

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	54	LED	Cobrahead	Cutoff	Install	1633 Lynn Street

**Payment Authorization - Voting Equipment Maintenance.** Authorize annual payment to Miller Consultants & Elections, Inc. dba Election Source for annual maintenance costs associated with voting equipment for the years 2022-2026 in an amount not to exceed \$28,230.00, in accordance with the State of Michigan Contract No. 071B7700117 as follows:

**RESOLUTION NO. 17-2022**

**PAYMENT AUTHORIZATION  
ANNUAL MAINTENANCE COSTS  
FOR ELECTIONS VOTING EQUIPMENT**

WHEREAS, the City of Owosso requires voting equipment to facilitate the counting of ballots for its elections; and

WHEREAS, in July 2017 the City of Owosso entered into a ten-year agreement with the State of Michigan for the purchase and maintenance of 11 pieces of new voting equipment sold by Miller Consultations & Elections, Inc. dba Election Source; and

WHEREAS, the City purchased an additional piece of new voting equipment in June 2020 to assist in counting the high number of Absent Voter Ballots issued during the 2020 election cycle; and

WHEREAS, the State of Michigan agreed to pay the first five years of the annual maintenance charges for each piece of equipment, per the terms of the contract; and

WHEREAS, the first five years of the contract have passed and staff is now seeking authorization for payment of the annual maintenance fees for years six through ten of the contract.

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

- FIRST: it has been heretofore determined that it is advisable, necessary and in the public interest to properly maintain the City's voting equipment for the course of the remaining five years of the contract for said equipment in the amount of \$28,230.00.

SECOND: the accounts payable department is authorized to pay Miller Consultations & Elections, Inc. dba Election Source for annual maintenance charges each calendar year as follows:

Year	Annual Maintenance Charges
2022	\$ 4,950.00
2023	\$ 4,950.00
2024	\$ 4,950.00
2025	\$ 6,690.00
2026	\$ 6,690.00
<b>TOTAL</b>	<b>\$ 28,230.00</b>

THIRD: the above charges shall be paid from account # 101-215-833000.

**\*Professional Services Agreement – Governmental Accounting Services.** Authorize a professional services agreement with Taylor and Morgan, C.P.A., P.C. for the provision of onsite governmental accounting services in an amount not to exceed \$40,000.00 and further authorize payment to the firm for services rendered in accordance with the contract as follows:

**RESOLUTION NO. 18-2022**

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH  
TAYLOR AND MORGAN, C.P.A., P.C.  
FOR GOVERNMENTAL ACCOUNTING SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to complete an independent audit per Section 8.4 of the Owosso City Charter; and

WHEREAS, the Finance Department has statutory responsibilities per Section 7.5 of the Owosso City Charter; and

WHEREAS, Taylor and Morgan, C.P.A., P.C., a full service public accounting firm, has submitted a proposal for onsite accounting services for the fiscal year ending June 30, 2022; 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 Taylor and Morgan, C.P.A., P.C. for governmental accounting services, annual budget creation and annual independent audit preparation services.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Professional Services Agreement between the City of Owosso and Taylor and Morgan, C.P.A., P.C.

THIRD: The accounts payable department is authorized to pay Taylor and Morgan, C.P.A., P.C. according to unit prices in an amount not to exceed \$40,000.00 under said professional services agreement.

FOURTH: The above expenses shall be paid from General Fund Account 101.201.818.000.

**\*Bid Award – Tree Removal – Option 3.** Approve bid award to Advanced Tree Care Service, Inc. for the 2022 Tree Removal Contract – Option 3 in the amount of \$32,400.00 with a contingency amount of \$3,000.00 and further approve payment to the contractor upon satisfactory completion of the project or portion thereof as follows:

**RESOLUTION NO. 19-2022**

**AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH  
ADVANCED TREE CARE SERVICE, INC.  
FOR TREE REMOVAL SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that maintenance and removal of city owned trees within the street right of way is required, and in the public interest to maintain an aesthetically pleasing community, and to avoid risk of property damage and risk to the general public; and

WHEREAS, the City of Owosso solicited bids to perform tree removal services, for the remainder of the 2021-2022 fiscal year; and

WHEREAS, Advanced Tree Care Service, Inc. of Swartz Creek, Michigan has offered to provide the tree removal services in the low responsive amount of \$32,400.00 as bid for option no. 3.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Advanced Tree Care Service, Inc. for tree removal services for the remainder of the 2021-2022 fiscal year.
- SECOND: The Mayor and City Clerk are instructed and authorized to sign the contract document/s for services between the City of Owosso, Michigan and Advanced Tree Care Service, Inc. in the amount of \$32,400.00.
- THIRD: The accounts payable department is authorized to pay Advanced Tree Care Service, Inc. for work satisfactorily completed in the amount of \$32,400.00 plus \$3,000.00 for contingency (for a total of \$35,400.00).
- FOURTH: The above expenses shall be paid from accounts 202/203-480-818.000.

**\*Tentative Bid Award – WWTP Solids Handling Project.** Approve tentative bid award to Sorensen Gross Company of Flint, Michigan for the WWTP Solids Handling Project, a 2022 CWSRF project, in the amount of \$4,374,000.00, contingent upon receipt of SRF loan proceeds, and further approve payment to the contractor upon satisfactory completion of the project or portion thereof as follows:

**RESOLUTION NO. 20-2022**  
**TENTATIVELY AWARDING**  
**A CONSTRUCTION CONTRACT**  
**FOR THE WWTP SOLIDS HANDLING PROJECT**  
**TO SORENSEN GROSS COMPANY**

WHEREAS, the City of Owosso wishes to construct improvements to its existing wastewater treatment and collection system through the construction and installation of updated solids handling equipment at the Wastewater Treatment Plant; and

WHEREAS, the WWTP Solids Handling Equipment Project, formally adopted on October 4, 2021, will be funded through Michigan's State Revolving Fund Program; and

WHEREAS, the City of Owosso has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$ 4,374,000.00 from Sorensen Gross Company; and

WHEREAS, the project engineer, Fishbeck, has recommended awarding the contract to the low bidder.

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

- FIRST: the City of Owosso tentatively awards the contract for construction of the proposed WWTP Solids Handling Equipment Project to Sorensen Gross Company, contingent upon successful financial arrangements with the State Revolving Fund Program.
- SECOND: upon receipt of the 2022 SRF Loan Proceeds, the mayor and city clerk are hereby authorized and instructed to sign, without further Council action, Exhibit A, substantially as attached.
- THIRD: The accounts payable department is authorized to submit payment to Sorensen Gross Company in the amount of \$4,374,000.00 upon satisfactory completion of the project or portion thereof.
- FOURTH: The above expenses shall be paid for from the Wastewater Fund, and 2022 SRF Bond Funds.

**\*Check Register – December 2021.** Affirm check disbursements totaling \$2,007,868.86 for December 2021.

**\*Check Register – January 2022.** Affirm check disbursements totaling \$12,473,208.75 for January 2022.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**ITEMS OF BUSINESS**

**Twenty-one Day Posting – Vacant Land off Penbrook Drive**

Mayor Eveleth noted that the posting period gives the public an opportunity to make a better offer for the property.

City Manager Henne indicated the property in question is currently zoned multi-family residential. He also indicated that the posting period will allow the City to wrap up the process of securing an access easement from Ginger Square. The lack of access to the property was part of the reason the property had never been marketed before.

Motion by Mayor Pro-Tem Osika to authorize the twenty-one (21) day posting period for the proposed purchase of 10.85 acres of vacant city owned property off of Penbrook Drive by Moxie Holdings, LLC in the amount of \$50,000.00 as follows:

**RESOLUTION NO. 21-2022**

**RESOLUTION AUTHORIZING 21- DAY POSTING OF PURCHASE AGREEMENT FOR THE SALE OF CITY-OWNED PROPERTY ON MORRICE RD**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, owns parcel 050-549-000-008-00, consisting of 10.85 acres of residential-zoned property vacant land; and

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has received an offer to purchase said parcel for fifty thousand dollars (\$50,000); and

WHEREAS, the City of Owosso has no immediate or long-term plans to develop said parcel under city ownership; and

WHEREAS, this parcel has not been actively marketed, thereby triggering the 21-day public inspection period set forth in Section 14.3(2) of the Owosso City Charter.

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 consider selling the aforementioned parcel to Moxie Holdings, LLC in the amount of \$50,000.

SECOND: The City Clerk is instructed to publicly publish this offer per Section 14.3(B)(2) of the City Charter for twenty one (21) days.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**Policy Amendment – Rules for Certain Traffic Control Orders**

City Manager Henne said the amendment increases the required liability insurance. This amendment comes at the recommendation of the City's insurance carrier MMRMA.



Councilmember Pidek asked if the insurance waiver would still be available if the amendment is adopted, saying he wants to make sure anyone that would like to hold an event can do so. Mr. Henne noted that the waiver would still be available but it is the City's desire to see people obtain insurance.

Motion by Councilmember Pidek to approve amendments to the Rules and Regulations for the Issuance of Certain Traffic Control orders and corresponding application, updating the insurance coverage requirements as follows:

**RESOLUTION NO. 22-2022**  
**APPROVING AMENDMENTS TO THE**  
**RULES & REGULATIONS FOR THE ISSUANCE**  
**OF CERTAIN TRAFFIC CONTROL ORDERS**  
**FOR THE CITY OF OWOSSO**

WHEREAS, the City of Owosso adopted the Rules and Regulations for the Issuance of Certain Traffic Control Orders in November 2006 to regulate use of City streets and parking lots for special events; and

WHEREAS, the amount of insurance coverage required by the policy has not been adjusted since the policy's creation; and

WHEREAS, the policy has been reviewed by the City's insurance carrier and recommendations have been made to update the policy and ensure that the City is requesting the proper insurance coverage when granting a request to use a City street or parking lot for an event; and

WHEREAS, the City Council has reviewed the recommended changes to the policy and its corresponding application and finds it in the best interest of the City to adopt the revisions.

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

FIRST: the City of Owosso has determined it is advisable, necessary, and in the public interest to amend the Rules and Regulations for the Issuance of Certain Traffic Control Orders to update the insurance coverage requirements.

SECOND: this Resolution and the Rules and Regulations, attached as follows, shall take effect immediately.

**CITY OF OWOSSO**  
**RULES AND REGULATIONS**  
**FOR THE ISSUANCE OF CERTAIN TRAFFIC CONTROL ORDERS**

AUTHORITY. These rules and regulations are promulgated pursuant to the provisions of section 7.18 of the Owosso City Charter.

APPLICABILITY. These rules and regulations shall be applicable to traffic control orders approved by the City Council for the use of parking lots subject to the provisions of section 33-43 of the Owosso City Code and streets other than for their usual and customary purposes.

APPROVAL BY THE COUNCIL REQUIRED. The approval of the City Council is required before the issuance of any traffic control order for the use of parking lots and streets for events, parades and the like, regardless of the duration or frequency of the use.

RESCINDING OF TRAFFIC CONTROL ORDERS. The City Council may at any time rescind any traffic control order issued pursuant to these regulations, upon the receipt of a recommendation from the City Manager or upon its own initiative, when the Council determines that the interests of the City and its citizens are best served through such action. Traffic control orders approved pursuant to these regulations may also be superseded by temporary traffic control orders issued by the appropriate City officials when such action is required to safeguard the public health, safety and welfare.

PARKING LOTS. The following conditions shall pertain to the issuance of traffic control orders prohibiting parking in City parking lots when such lots are to be used for events or other purposes:

1. The request for use of the parking lot shall be submitted to the Public Safety Department not less than 14 days nor more than 120 days before the date for which the use is requested or, in the case of a use that occurs on more than one day, not less than 60 days nor more than 120 days before the first date in the calendar year on which the use would take place. Except in such cases that must be reviewed by the Zoning Board of Appeals per paragraph 4 below.

2. The request for use of the parking lot shall contain the name of the individual or organization making the request, the name, title, address and telephone number of the primary contact person, the dates and hours for which the request is made, and a detailed description of the use for which the request is made. The request should also include copies of any rules or policies applicable to persons participating in the event that is the proposed use of the lot.
3. The City Council may deny the request for a traffic control order prohibiting parking if:
  - The City Council determines that the loss of such parking would present an unreasonable hardship for area businesses or their customers;
  - The applicant has failed to submit a request that complies with the requirements of this policy or other applicable ordinances, laws or rules; or
  - For such other reasonable cause or causes as the City Council might determine.
4. Nothing stated herein shall abrogate the duty of an applicant to apply to the zoning board of appeals as required by Owosso City Code section 38-504(4)(b) for a conditional use permit if the intended use is not allowed in the zoning district involved. In such case, the notice requirements of the zoning ordinance shall apply.

PARADES AND SIMILAR EVENTS. The following conditions shall pertain to the issuance of traffic control orders regulating parking and traffic necessary to permit parades, foot races, walk- a-thons and similar events on public streets.

1. The request for the event shall be submitted to the Public Safety Department not less than 14 days nor more than 120 days before the date for which the use is requested.
2. The request for the event shall contain the name of the individual or organization making the request, the name, title, address and telephone number of the primary contact person, the dates and hours for which the request is made, and a detailed description of the use for which the request is made. The request should also include copies of any rules or policies applicable to persons participating in the event.
3. The City Council may deny the request for a traffic control order regulating parking and traffic for a proposed event if:
  - The City Council determines that such regulations would represent an unreasonable hardship for motorists, pedestrians and property owners and occupants that might be affected by the event;
  - The City Council determines that the duration of the event or the frequency of occurrence of similar events would represent an unreasonable hardship for motorists, pedestrians, and property owners and occupants that might be affected by the event or events.
  - The applicant has failed to submit a request that complies with the requirements of this policy or other applicable ordinances, laws or rules; or
  - For such other reasonable cause or causes as the City Council might determine.
4. Approval by the City Council of a request for a traffic control order shall not diminish in any way the obligations of event organizers and participants to comply with applicable provisions of City ordinances and state law pertaining to the use of street rights-of-way, nor shall such approval eliminate the requirement to apply for and obtain the necessary permits for the occupancy and use of street rights-of-way issued by the City Engineer.

APPEAL PROCEDURE. Rules and policies applicable to events and activities organized in such a manner as to constitute an invitation to members of the general public to participate in the event or activity shall comply with all applicable local, state and federal laws and regulations and shall include, at a minimum, a process for appealing decisions that have the effect of denying participation or imposing limitations on participation beyond those generally applicable to all other participants.

COSTS FOR MAINTENANCE, REPAIRS, UTILITIES AND SECURITY. The City Manager shall have the authority to impose charges for the costs of maintenance and repair of City properties and facilities, for the use of utilities and for the provision of security associated with events and activities for which traffic control orders are issued when such costs exceed the costs associated with the ordinary public use of such properties and facilities. The City Manager may require a deposit be paid or a bond be submitted to cover such costs before issuance of the requested traffic control order.

HOLD HARMLESS AND INDEMNIFICATION. The submission of a request by an individual or organization for a traffic control order pursuant to these rules and regulations shall constitute an agreement to indemnify and hold the City and its officers and employees harmless from any and all liability arising from the event or activities for which the request is made.

INSURANCE. The individual or organization requesting a traffic control order pursuant to these rules and regulations shall provide evidence to the City of a Certificate of Insurance and Endorsement acceptable to the City evidencing General Liability insurance for the event or activity in the minimum amount of \$1,000,000 per occurrence. Coverage shall name the City of Owosso as additional insured and declare the policy to be primary and non-contributory to any other insurance the City has provided, however, that the City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

NOTIFICATION. Notification shall be provided to the Downtown Development Authority Director and/or the Westtown Corridor Improvement Authority Chairperson for events proposed within Authority boundaries.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**\*Strike Delinquent Personal Property Taxes**

City Manager Henne indicated this item is to write off delinquent personal property taxes that are uncollectible. The Treasurer has made multiple attempts to collect these taxes without success, and there is nothing to lien in these cases because the businesses in question are closed.

Motion by Councilmember Pidek to approve the following resolution authorizing the removal of \$2,583.23 in delinquent personal property taxes from the City tax rolls for years 2010-2015 due to uncollectibility and further authorize the City Treasurer to proceed with the procedure to strike said taxes from the appropriate tax rolls for the stated years:

**RESOLUTION NO. 23-2022**

**AUTHORIZING THE WRITE OFF OF  
2010-2015 DELINQUENT PERSONAL PROPERTY TAXES**

WHEREAS, delinquent personal property taxes remain outstanding for the 2010-2015 tax years; and

WHEREAS, per public Act 206 of the State of Michigan, delinquent personal property taxes that have been outstanding for five years may be written off; and

WHEREAS, the Treasurer's office has made a diligent attempt to collect the outstanding balances and believe that the delinquent amounts will not be recovered; and

WHEREAS, the Treasurer's office is requesting City Council to approve the write off of \$2,583.23 in delinquent 2010-2015 personal property ad valorem taxes.

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 authorize the write off of \$2,583.23 in delinquent personal property taxes.

SECOND: The Treasurer is authorized to proceed with the procedure to have these taxes stricken from the appropriate tax rolls.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**Loan Write-Off - Brownfield Redevelopment Plan District #11**

City Manager Henne explained that this item is related to the 2006 Brownfield Plan for Capitol Bowl and the project to rebuild the bowling alley after a major fire. The Plan was funded by traditional financing in addition to three different loans, one of which was from the Brownfield Revolving Fund. Unfortunately, the Plan did not generate enough tax capture to repay this loan in its entirety and the Plan has now expired. There is \$5,858.45 left on this loan that now needs to be written off to clean up the City's uncollectible receivables.

Motion by Councilmember Fear to authorize writing off the loan (due from BRA) in the amount of \$5,858.45 associated with the installation of eight Chairman lights surrounding the property at 219 South Washington Street in 2006-2007 as a part of Brownfield Redevelopment Plan District #11 – Capitol Bowl as follows:

**RESOLUTION NO. 24-2022**

**AUTHORIZE THE WRITE OFF OF THE BALANCE OF  
THE BROWNFIELD REDEVELOPMENT AUTHORITY LOAN  
ASSOCIATED WITH THE INSTALLATION OF CHAIRMAN LIGHTS  
AROUND THE BROWNFIELD #11 – CAPITOL BOWL SITE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a Brownfield Redevelopment Authority under Public Act 381 of 1996; and

WHEREAS, the Brownfield Development Authority allows a community the opportunity to create a local brownfield financing resource, enhance local economic development capacities and market difficult sites based on private incentives; and

WHEREAS, the City of Owosso Brownfield Redevelopment Authority created and adopted a brownfield redevelopment plan for Capitol Bowl (219 S. Washington) on March 17, 2006; and

WHEREAS, the Owosso City Council adopted said brownfield redevelopment plan for Capitol Bowl on April 17, 2006; and

WHEREAS, the brownfield redevelopment plan authorized tax capture to pay three loans (city's revolving loan fund, an advancement from the property owner/contractor (BRA Loan) and a \$60,000 loan from the Owosso Downtown Development Authority); and

WHEREAS, the brownfield redevelopment plan expired April 2021 and did not capture enough tax to pay all three loans.

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 waive the collection of an annual administration reimbursement in the amount of \$864 and the placement of said amount towards the BRA loan financed by the Revolving Loan Fund.

SECOND: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to write off the loan balance in the amount of \$5,858.45 described as "8 Street Lights" financed by the Revolving Loan Fund (273) for the BRA – Brownfield #11 – Capitol Bowl site.

THIRD: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to close Fund 291 – OBRA Fund – District #11 (Capitol Bowl).

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**Loan Purchase – Infrastructure Improvements for Brownfield Redevelopment Plan District #17**

Mr. Henne explained that the General Fund and the Water Fund together loaned \$1,851,322.00 to finance the construction of a road and water main to the Brownfield District #17 – Cargill site. The Water Fund is funding source for a whole series of current water system improvement projects and would benefit from some extra liquidity. Staff recommends the purchase of the Water Fund's remaining portion of the loan by the General Fund to provide the needed liquidity in the Water Fund. 4% interest will be charged. The loan will be paid back through the Brownfield tax capture and is due to be paid off in 2032.

Councilmember Pidek asked how much accrued interest the City will be gaining over the life of the loan. Finance Director Brad A. Barrett indicated he would send Mr. Pidek the requested information.

Motion by Councilmember Pidek authorizing the General Fund (101) to purchase the remaining portion of a long-term advancement issued from the Water Fund (591) in the amount of \$612,419.02, related to infrastructure improvements for Brownfield Redevelopment Plan - District #17 – Cargill-Sonoco site as follows:

**RESOLUTION NO. 25-2022**

**AUTHORIZE THE GENERAL FUND TO PURCHASE THE REMAINDER OF A  
LONG TERM ADVANCEMENT TO THE INFRASTRUCTURE PROJECT FOR  
BRA DISTRICT #17 – CARGILL-SONOCO  
FROM THE WATER FUND**

WHEREAS, the City of Owosso Brownfield Development Authority and Owosso City Council adopted a brownfield redevelopment plan for Cargill – Sonoco in 2016 (District #17); and

WHEREAS, the General Fund and Water Fund financed a water main and roadway project to benefit the Brownfield Redevelopment Plan District #17 – Cargill-Sonoco site in the amount of \$1,851,322 to be paid back over a 13 year period at an annual interest rate of 4%; and

WHEREAS, the brownfield redevelopment plan authorized tax capture to pay back this long term advancement made by the General Fund and Water Fund; and

WHEREAS, the Water Fund needs to increase its liquid cash due to ongoing and much needed capital improvement projects that benefit the residents, distribution system and water treatment plant; and

WHEREAS, the City of Owosso Annual Financial Report for the Year ended June 30, 2021 reflects an increase of \$799,335 in the General Fund's fund balance.

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 for the General Fund to purchase from the Water Fund its portion of the long-term advancement to Brownfield Redevelopment Plan – District #17 – Cargill-Sonoco in the amount of \$612,419.02.

SECOND: The City of Owosso authorizes the use of fund balance from the General Fund for such monetary transaction.

THIRD: The City of Owosso authorizes the Finance Department to make necessary monetary and accounting transactions to reflect said long term advancement purchase between Funds 101 (General Fund) and 591 (Water Fund).

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**Ordinance Adoption - Bonding for SRF Financing – WWTP Solids Handling Improvements**

City Manager Henne indicated approval of the following ordinance would authorize the sale of approximately \$4.8 million in bonds with a 30-year term for the 2022 CWSRF Projects.

Mayor Eveleth asked why there was no public hearing for this ordinance adoption. City Clerk Amy K. Kirkland noted that the ordinance authorizes the sale of bonds and the law governing the sale of bonds dictates that no public hearing is required and the ordinance is effective immediately upon adoption. She also pointed out that the City's bonding attorney Eric McGlothlin was joining the meeting via telephone to answer any questions the Council may have.

Motion by Mayor Pro-Tem Osika to approve adoption of an ordinance to authorize and provide for the issuance of revenue bonds for SRF financing of the cost of acquisition and construction of solids handling equipment improvements at the Waste Water Treatment Plant under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, as follows:

#### **ORDINANCE NO. 826**

**A SUPPLEMENTAL ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST OF THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT SYSTEM OF THE CITY OF OWOSSO; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE FOR SECURITY FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF REVENUES OF THE SYSTEM; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.**

THE CITY OF OWOSSO ORDAINS:

Section 1. 2022 SUPPLEMENTAL ORDINANCE. This ordinance (hereinafter referred to as the "2022 Supplemental Ordinance") is adopted in accordance with Section 21 of the Prior Ordinance (defined below) and pursuant to the authority in Act 94.

Section 2. DEFINITIONS. Except as hereinafter provided, all terms which are defined in Section 1 of the Prior Ordinance shall have the same meanings in this 2022 Supplemental Ordinance. In addition, whenever used in this 2022 Supplemental Ordinance, except when otherwise indicated by context, the following definitions shall apply to the terms in this 2022 Supplemental Ordinance:

- (a) "Authority" means the Michigan Finance Authority, or any successor agency.
- (b) "Authorized Officer" means the Mayor, City Manager, Finance Director, or Public Utilities Director of the City, or any one or more of them.
- (c) "Bonds" as defined in the Prior Ordinance shall include the Series 2022 Bonds that are being issued on a parity with the Series 2020 Bond pursuant to Section 20 of the Prior Ordinance.
- (d) "Contract Documents" means the Purchase Contract between the City and the Authority, the Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes, and Energy, and the Issuer's Certificate for the Series 2022 Bonds, and such other closing documents required by the Authority for the issuance of the Series 2022 Bonds.
- (e) "Improvements" means the design, acquisition and construction of improvements to the System, including solids handling improvements at the City's wastewater treatment plant (the "WWTP"), including without limitation, the acquisition, construction, and installation of two new screw presses for sludge dewatering, sludge storage and pumping equipment, a new roof and other structural, mechanical, and electrical equipment and improvements to WWTP buildings and facilities, as well as all other work and equipment necessary or incidental to these improvements.
- (f) "Issue Date" means the date on which the Series 2022 Bonds are delivered to the original purchaser thereof.
- (g) "Prior Ordinance" means Ordinance No. 807 adopted by the City Council on April 20, 2020.
- (h) "Series 2022 Bonds" means the Bonds authorized in Sections 5 and 6.

Section 3. NECESSITY, PUBLIC PURPOSE. It is hereby determined to be necessary for the public health, safety and welfare of the City to acquire and construct the Improvements to the System in accordance with the maps, plans and specifications therefor prepared by the City's consulting engineers, which are hereby approved.

Section 4. ESTIMATED COST; PERIOD OF USEFULNESS. The cost of the Improvements has been estimated not to exceed \$4,917,975, including the payment of legal, engineering, financial and other expenses, which estimate of cost is approved and confirmed, and the period of usefulness of the Improvements is estimated to be not less than thirty (30) years.

Section 5. ISSUANCE OF BONDS. To pay all or a portion of the cost of designing, acquiring, and constructing the Improvements and to pay the legal and financial expenses and all other expenses incidental to the issuance of the Series 2022 Bonds, the City shall borrow the sum of not to exceed \$4,885,000 and issue its revenue bonds pursuant to the provisions of Act 94. The Series 2022 Bonds shall be issued in the aggregate principal sum of not to exceed \$4,885,000, as finally determined by the Authorized Officer at the time of sale, or such lesser amount thereof as shall have been advanced to the City pursuant to the Contract Documents. The remaining cost of the Improvements, if any, shall be paid from City funds on hand and legally available for such use.

During the time funds are being drawn down by the City under the Series 2022 Bond, the Authority will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the Series 2022 Bonds.

Section 6. SERIES 2022 BOND DETAILS. The Series 2022 Bonds shall be designated "Wastewater Treatment System Revenue Bonds, Series 2022." The Series 2022 Bonds shall be issued as one fully registered bond, shall be sold and delivered to the Authority in the denomination of the principal amount of the Series 2022 Bonds. The Series 2022 Bonds shall be dated the date of delivery to the Authority, or such other date approved by the Authorized Officer, and shall be payable on the dates determined by the Authorized Officer at the time of sale provided the final maturity shall be no later than thirty years after the date of issuance. The Series 2022 Bonds shall bear interest at a rate of not to exceed 3.00% per annum as determined by the Authorized Officer, payable semiannually on the dates determined by the Authorized Officer at the time of sale.

Notwithstanding the above, the final amount of any maturity and terms of the Series 2022 Bonds shall be as provided in the Contract Documents and will be finally determined by the Authorized Officer.

Section 7. PAYMENT OF SERIES 2022 BONDS; CONFIRMATION OF STATUTORY LIEN. The principal of, premium, if any, and interest on the Series 2022 Bonds shall be payable solely from the Net Revenues, and, to secure such payment from the Net Revenues, the statutory lien upon the whole of the Net Revenues established by Act 94 and the pledge created in Section 6 of the Prior Ordinance is hereby confirmed in favor of the Series 2022 Bonds and lien shall be of equal standing and priority with the Series 2020 Bond, but junior and subordinate to the lien of all, if any, subsequently issued Senior Lien Bonds.

The Series 2022 Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for the purpose of any debt limitations imposed by any constitutional or statutory provisions.

The statutory lien on the Net Revenues with respect to the Series 2022 Bonds will continue until payment in full of the principal of and interest on the Series 2022 Bonds, or until sufficient cash or Sufficient Government Obligations, or a combination thereof, have been deposited in trust for the payment in full of the principal of and interest on the Series 2022 Bonds to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, or a combination thereof, as provided in the previous sentence, the statutory lien shall be terminated with respect to the Series 2022 Bonds, the holder of the Series 2022 Bonds shall have no further rights under the Ordinance except for payment from the deposited funds, and the Series 2022 Bonds shall be considered to be defeased and shall not longer be considered to be outstanding under the Ordinance.

Section 8. STATE REVENUE SHARING PLEDGE. If required by the Authority, as additional security for repayment of the Series 2022 Bonds, the City Council agrees to pledge the state revenue sharing payments that the City is eligible to receive from the State of Michigan under Act 140, Public Acts of Michigan, 1971, as amended, to the Authority as purchaser and holder of the Series 2022 Bonds. The Authorized Officer is authorized to execute and deliver a revenue sharing pledge agreement between the City and the Authority.

Section 9. PRIOR REDEMPTION. The Series 2022 Bonds issued and sold to the Authority shall be subject to redemption prior to maturity upon the terms and conditions set forth in the form of Series 2022 Bonds contained in Section 12 hereof.

Section 10. PAYING AGENT AND REGISTRATION.

(a) Appointment of Paying Agent. From time to time the Authorized Officer shall designate and appoint a Paying Agent, which shall also act as transfer agent and bond registrar. The initial Paying Agent shall be the City Treasurer. In the event of a change in the

- (b) Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.
- (c) Registration of Bonds. Registration of the Bonds shall be recorded in the registration books of the City to be kept by a Paying Agent. Bonds may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.
- (d) Authority's Depository. Notwithstanding any other provision of the Prior Ordinance, this 2022 Supplemental Ordinance or the Series 2022 Bonds, so long as the Authority is the owner of the Series 2022 Bonds: (a) the Series 2022 Bonds shall be payable in lawful money of the United States; (b) the Series 2022 Bonds are payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company, N. A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (c) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the Series 2022 Bonds in immediately available funds by 12:00 p.m. (noon) at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 p.m. (noon) on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (d) written notice of any redemption of the Series 2022 Bonds shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Section 11. SALE OF BONDS. The Series 2022 Bonds shall be sold to the Authority by means of a negotiated sale. The City determines that a negotiated sale to the Authority is in the best interest of the City because the terms offered by the Authority are more favorable than those available from other sources of funding.

Section 12. BOND FORM. The Series 2022 Bonds shall be in substantially the following form with such completions, changes and additions as may be required by the Authority or as recommended by the City's Bond Counsel and approved by the officers of the City signing the Series 2022 Bonds:

\*\*\*\*\*

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF SHIAWASSEE**

**CITY OF OWOSSO  
WASTEWATER TREATMENT SYSTEM REVENUE BOND, SERIES 2022**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
	See Schedule I	_____, 2022

Registered Owner: Michigan Finance Authority  
Principal Amount:

The City of Owosso, Shiawassee County, Michigan (the "Issuer"), acknowledges itself indebted and, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, out of the net revenues of the Wastewater Treatment System of the City (the "System"), including all appurtenances, additions, extensions and improvements thereto after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System (the "Net Revenues"), the amounts and on the Dates of Maturity set forth on Schedule I herein, together with interest thereon from the dates of receipt of such funds, or such later date to which interest has been paid, at the Interest Rate per annum specified above, first payable on \_\_\_\_\_ 1, 20\_\_, and semiannually thereafter on the first day of April and October of each year, except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.



The Issuer promises to pay to the Michigan Finance Authority (the "Authority") the principal amount of this Bond or so much thereof as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes and Energy, and the Order of Approval issued by the Department of Environment, Great Lakes and Energy.

Interest on this Bond is payable to the registered owner of record as of the close of business on the 15<sup>th</sup> day of the month immediately preceding any interest payment as shown on the registration books of the Issuer kept by the Treasurer of the Issuer, as bond registrar and paying agent, by check or draft mailed by the Treasurer of the Issuer to the registered owner at the registered address. Interest on this Bond shall be computed on the basis of a 360-day year comprised of twelve 30-day months. During the time funds are being drawn down by the Issuer under this Bond, the Authority will periodically provide the Issuer a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Issuer of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company, N. A., or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 p.m. (noon) at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Issuer's deposit by 12:00 p.m. (noon) on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

This Bond, being one fully registered bond, is issued in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended Ordinance No. 807 adopted by the City Council of the Issuer on April 20, 2020, as supplemented on February 7, 2022 (as supplemented, the "Ordinance"), for the purpose of paying the cost of acquiring and constructing improvements to the System. This Bond is a self-liquidating bond, and is not a general obligation of the Issuer within any constitutional, statutory or charter limitation, but is payable, both as to principal and interest, solely from the Net Revenues of the System. The principal of and interest on this Bond are secured by a statutory lien on the Net Revenues.

The Issuer hereby covenants and agrees to fix, and maintain at all times while any of the Bonds shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the principal of and interest upon all such Bonds as and when the same become due and payable, to maintain a bond and interest redemption account and to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance. **The City has reserved the right, on the conditions stated in the Ordinance, to issue additional bonds of prior and senior or equal standing of priority of lien with this Bond as to the Net Revenues.** For a complete statement of the revenues from which, and the conditions under which, this Bond is payable, a statement of the conditions under which additional bonds of equal or superior standing may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Ordinance.

Bonds of this series may be subject to redemption prior to maturity by the Issuer only with the prior written consent of the Authority and on such terms as may be required by the Authority.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest that is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provided funds to purchase this Bond fails to provide sufficient available funds (together with any other funds that may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.



The Issuer agrees that it will deposit with The Bank of New York Mellon Trust Company, N. A., or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 p.m. (noon) at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 p.m. (noon) on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

[END OF BOND FORM]

\*\*\*\*\*

Section 13. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF SERIES 2022 BONDS. The Series 2022 Bonds shall be sold at a private, negotiated sale to the Authority, as authorized by Act 227, Public Acts of Michigan, 1985, as amended. The City Council determines that the sale and delivery of the Series 2022 Bonds to the Authority as provided in this 2022 Supplemental Ordinance will provide the City with the lowest cost of borrowing money for the Improvements. The sale shall be made pursuant to the terms and conditions to be set forth in a Purchase Contract (the "Purchase Contract") and a Supplemental Agreement (the "Supplemental Agreement") related to the Series 2022 Bonds. The Authorized Officer is authorized to execute and deliver the Supplemental Agreement and the Purchase Contract in such forms as shall be approved by the Authorized Officer, with such approval to be evidenced by the Authorized Officer's signature thereon. Notwithstanding any other provision of this 2022 Supplemental Ordinance, the Series 2022 Bonds shall be initially sold to the Authority as one bond, numbered 1, in the aggregate principal amount of not to exceed the original principal amount of the Series 2022 Bonds. In addition, the Authorized Officer and other City employees and officials are authorized to execute and deliver to the Authority and such certificates and documents as the Authority or bond counsel shall require and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Series 2022 Bonds in accordance with the provisions of this 2022 Supplemental Ordinance. The Authorized Officer is authorized to execute any orders, receipts, agreements, pledge agreements, documents or certificates necessary to complete the transaction, including, but not limited to, any issuers certificate, any certificates relating to federal or state securities laws, rules or regulations, and any revenue sharing pledge agreement. The Authorized Officer is authorized to seek a credit assessment, or similar, from Standard & Poor's or another nationally recognized rating organization and to execute and file any applications to the Michigan Department of Treasury, including an Application for State Treasurer's Approval to Issue Long-Term Securities and any other applications to the Michigan Department of Treasury and to seek any waivers from the Michigan Department of Treasury.

Section 14. TAX COVENANT. The City covenants to comply with all requirements of the Code necessary to assure that the interest on the Series 2022 Bonds will be and will remain excludable from gross income for federal income tax purposes. The Authorized Officer and other appropriate officials of the City are authorized to do all things necessary to assure that the interest on the Series 2022 Bonds will be and will remain excludable from gross income for federal income tax purposes.

Section 15. EXECUTION OF BONDS. The Mayor or the Mayor Pro Tem, and the Clerk or Deputy Clerk of the City, are hereby authorized and directed to sign the Series 2022 Bonds, either manually or by facsimile signature, on behalf of the City. Upon execution, the Series 2022 Bonds shall be delivered to the purchaser upon receipt of the purchase price or upon compliance with the terms and conditions of the Purchase Contract.

Section 16. CONSTRUCTION FUND. The City Treasurer is hereby directed to create and maintain a construction fund for the Improvements (the "Construction Fund"), into which the proceeds of the Series 2022 Bonds shall be deposited. Such moneys shall be used solely for the purpose for which the Series 2022 Bonds were issued. Any unexpected balance in the Construction Fund remaining after completion of the Improvements may be used for such purposes as allowed by law. After completion of the Improvements and disposition of remaining Series 2022 Bond proceeds, if any, pursuant to the provisions of this Section, the Construction Fund shall be closed.

Section 17. SERIES 2022 BOND PROCEEDS. The proceeds of the sale of the Series 2022 Bonds shall be used solely to pay the costs of the Improvements and any engineering, legal and other expenses incident thereto; provided that the City Council shall not authorize the payment of any such moneys for acquisition and construction of any part of the Improvements until there shall have been first filed with it by the consulting engineer in charge of such work, a written statement to the effect that the sum so to be paid is in full or partial payment of a contractual obligation in connection with the Improvements and that the City has received the consideration for such payment. The statement of the consulting engineer shall also show the cost of acquisition and construction of the Improvements that has theretofore been approved by him for payment and the amount of the balance that will be required for completion of the Improvements.

Section 18. PUBLICATION AND RECORDATION. This 2022 Supplemental Ordinance shall be published once in full in a newspaper of general circulation in the City qualified under state law to publish legal notices, and the same shall be recorded in the records of the City and such recording authenticated by the signature of the City Clerk.

Section 19. ORDINANCE SUBJECT TO MICHIGAN LAW. The provisions of this 2022 Supplemental Ordinance are subject to the laws of the State of Michigan.

Section 20. SECTION HEADINGS. The section headings in this 2022 Supplemental Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this 2022 Supplemental Ordinance.

Section 21. SEVERABILITY. If any section, paragraph, clause or provision of this 2022 Supplemental Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this 2022 Supplemental Ordinance.

Section 22. RATIFICATION OF PRIOR ORDINANCE; CONFLICTING ORDINANCES. The Prior Ordinance, as supplemented by this 2022 Supplemental Ordinance, is hereby ratified and confirmed. All ordinances or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed to the extent of the conflict; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Series 2020 Bond or the Series 2022 Bonds.

Section 23. EFFECTIVE DATE OF ORDINANCE. Pursuant to Section 6 of Act 94, this 2022 Supplemental Ordinance shall be approved on the date of first reading and this 2022 Supplemental Ordinance shall be effective immediately upon its adoption.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

**\*Capital Improvement Plan Adoption**

City Manager Henne noted that this is the fourth year the City has developed such a plan. He said the plans are very helpful in the budgeting process and he recommended approval of the plan as presented.

Mayor Eveleth thanked the Planning Commission for all of their work in bringing this item to Council. He asked the two Council representatives to the Planning Commission if they had any comments to offer prior to consideration of the item. They indicated they did not have anything else to add.

Councilmember Pidek asked what changes to the plan had been made or new areas of focus since the last adoption. Councilmember Fear noted that the plan before them this evening was a continuation of the previous plan with only minor changes.

City Manager Henne noted that the current plan, and the plans for a number of years to come, will be focused on water and wastewater infrastructure improvements. He indicated that the CIP has been integral to the City being able to take advantage of the once-in-a-generation monies that are now available for utilities infrastructure improvements.

Mayor Pro-Tem Osika thanked the Planning Commission for their hard work. Councilmember Fear indicated that while the Planning Commission has a part in recommending the CIP it is City staff that actually develops and assembles the plan.

Motion by Councilmember Law to adopt the 2022-2028 Capital Improvement Plan as approved and recommended by the Planning Commission as detailed below:

**RESOLUTION NO. 26-2022**

**APPROVING THE SIX-YEAR CAPITAL IMPROVEMENT PLAN  
FOR 2022-28**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Planning Commission has recommended Council approval of the 2022 to 2028 six-year Capital Improvement Plan; and

WHEREAS, the City of Owosso is required by the MEDC Redevelopment Ready Communities program to approve a six-year CIP annually; and

WHEREAS, the six-year CIP is a valuable resource to plan projects and expenses city-wide.

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 approve the 2022 - 2028 Capital Improvement Plan as recommended by the Owosso Planning Commission.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Teich.

### **COMMUNICATIONS**

Tanya S. Buckelew, Planning & Building Director. 2021 Planning Commission Annual Report.\*  
Amy K. Fuller, Assistant to the City Manager. 2021 Parks & Recreation Commission Annual Report.\*  
Brad A. Barrett, Finance Director. Monthly Financial Reports – December 2021.  
Downtown Historic District Commission. Minutes of December 15, 2021.  
Downtown Development Authority/Main Street. Minutes of January 5, 2022.  
Downtown Development Authority/Main Street Special Meeting. Minutes of January 7, 2022.  
Owosso Historical Commission. Minutes of January 10, 2022.  
Downtown Historic District Commission. Minutes of January 19, 2022.  
Planning Commission. Minutes of January 24, 2022.  
WWTP Review Board. Minutes of January 25, 2022.  
Parks & Recreation Commission. Minutes of January 26, 2022.

### **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, wished Mayor Pro-Tem Osika a happy birthday tomorrow. He said he had asked for a list of available properties in the past but was told there is nothing available. He asked Council for a list of all the available properties owned by the City. Lastly, he asked if a non-profit organization wanted to have an event in a park if they would now be required to purchase insurance.

Eddie Urban, 601 Glenwood Avenue, said he wants to do a story for the newspapers to help get the word out that drivers are needed for the VA and other organizations that provide rides for people that do not have their own transportation.

Mark Hall, 333 N. Brooks Street, indicated he too would like to see a list of vacant properties available for sale in the City.

Mayor Eveleth asked City Clerk Kirkland about Mr. Manke's question on insurance. Ms. Kirkland indicated that the policy has always allowed, and would continue to allow, applicants to seek a waiver of the insurance requirement if it was too onerous. She noted that the amendment made this evening simply updated the level of insurance coverage from the original amount established when the policy was created in 2006.

City Manager Henne answered Councilmember Pidek's earlier question as to the accrued interest that the General Fund would gain over the life of the Cargill infrastructure loan putting the figure at about \$404,000.00.

City Manager Henne noted that each Councilmember had been given copies of all of the ARPA applications the City received along with scoring sheets for each. He asked that Council review and score each application and submit the results to him by the end of March.

### **NEXT MEETING**

Tuesday, February 22, 2022

**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, 2023  
Shiawassee District Library – term expires June 30, 2024  
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 Pidek for adjournment at 8:23 p.m.

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

---

Christopher T. Eveleth, Mayor

---

Amy K. Kirkland, City Clerk

\*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.