

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MARCH 21, 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 CHRISTOPHER T. EVELETH

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

ABSENT: None.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 7, 2022

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of March 7, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Public Safety Director Kevin M. Lenkart announced the special presentation would be temporarily delayed because one of the honorees is detained on a call. (The presentation can be found after the first session of Citizen Comments and Questions.)

PUBLIC HEARINGS

New Ordinance – Chapter 16.8, Mobile Food Vending

City Manager Nathan R. Henne explained that the proposed ordinance would allow the operation of mobile food trucks in the downtown, in City parks, and on certain private property based on zoning. He noted that Council would be considering approval of the ordinance this evening, but the fees for a mobile food truck permit would be decided at a later date. Fees will not apply to military veterans.

A public hearing was conducted to receive citizen comment regarding the proposed addition of Chapter 16.8, Mobile Food Vending, to the Code of Ordinances to govern the operation of mobile food trucks.

The following person commented regarding the proposed new ordinance:

Matthew Jabs, 13411 Peacock Road, Laingsburg, said he is a food truck operator and he had some questions about certain provisions of the proposed ordinance. He asked if mobile food trucks could operate on a privately owned parcel that is owned by a business that does not sell food, referencing Sec. 16.8-3(d). He asked if vendors can have operating agreements with private property owners. And referencing Sec. 16.8-6(f), he asked if a vendor could have any signs farther from the unit if they do not impede anyone.

Seeing that no one else wished to comment, Mayor Eveleth closed the public hearing at 7:39 p.m.

Amy K. Fuller, Assistant to the City Manager and staff representative to the Parks & Recreation Commission, responded to Mr. Jabs' inquiries. She indicated that a business that pays taxes in the City (whose normal business is the sale of food) wouldn't need to pay for a food truck permit and that he would be allowed to operate on private property (with the proper zoning) as long as the owner permits it.

City Manager Henne addressed Mr. Jabs' question regarding signage saying the regulations were dictated by the City Sign Ordinance.

Councilmember Pidek said he thought this ordinance was a great step in the right direction and would provide the opportunity to complement the other businesses already located in town. He asked for clarification as to whether a property owner could put up a vendor sign on the property in a location in which he could put his own sign. City Manager Henne indicated that the property owner would be free to cover their own sign with the vendor's sign if they so wish.

Councilmember Fear sought clarification as to whether a permit would be required during an event like the Curwood Festival. Ms. Fuller noted that no permit would be necessary, but the vendor would have to obtain permission from the event organizers to operate.

Whereas, the Council, after due and legal notice, has met and having heard all interested persons, motion by Councilmember Pidek that the following ordinance be adopted:

ORDINANCE NO. 830

APPROVING ADDITION OF CHAPTER 16.8, MOBILE FOOD VENDING, TO THE CODE OF ORDINANCES TO ESTABLISH REGULATIONS GOVERNING MOBILE FOOD VENDORS

WHEREAS, the City of Owosso, Shiawassee County, Michigan currently does not regulate the operation of mobile food vendors (food trucks), nor does it allow the operation of said vendors on public property; and

WHEREAS, interest in mobile food vendors has grown in the past few years, providing a vibrant food scene for residents and attracting entrepreneurs to the community; and

WHEREAS, in response to this interest the City has developed an ordinance to govern the conduct of mobile food vendors, allow their operation on public property, and protect the City's existing brick and mortar restaurants; and

WHEREAS, the proposed ordinance has been vetted by, and received the support of, the DDA/OMS Board, the Parks & Recreation Commission, and City staff; and

WHEREAS, the City Council held a public hearing to receive citizen comment March 21, 2022, heard all interested persons, and deliberated on the proposed ordinance.

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

SECTION 1. ADDITION. That Chapter 16.8, Mobile Food Vending, shall be added to the Code of Ordinances of the City of Owosso as follows:

CHAPTER 16.8, MOBILE FOOD VENDING

ARTICLE I. - IN GENERAL

Sec. 16.8-1. - Purpose.

This chapter is established to enable mobile food vending on public and private property. This chapter is enacted on the basis that mobile food vending can add to the vibrancy and desirability of Owosso. This chapter also provides a framework under which vendors are required to operate mobile food vending units.

Sec. 16.8-2. - Definitions.

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

Mobile Food Vending shall mean vending, serving, or offering for sale food and/or beverages from a Mobile Food Vending Unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000. Vending may include the ancillary sales of non-food paraphernalia related to the Mobile Food Vending Unit.

Mobile Food Vending Unit shall mean any readily movable motorized wheeled vehicle or non-motorized towed vehicle designed and equipped to prepare, serve, and sell food and/or beverages.

Operate shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the Mobile Food Vending Unit is open for business.

Vendor shall mean any individual engaged in Mobile Food Vending; if more than one individual is operating a single Mobile Food Vending Unit, then Vendor shall mean all individuals operating such a single Mobile Food Vending Unit.

Sec. 16.8-3. - Permit required.

- a) No vendor shall engage in Mobile Food Vending without a permit from the building department authorizing such vending. The building department shall prescribe the form of such permits and the application for such permit. All permits shall be predominantly displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance.
- b) Permits may be issued by the building department for Six (6) month intervals being May through October and November through April. Any permit issued under this Chapter is non-transferable.
- c) Every vendor desiring to engage in Mobile Food Vending shall make a written application to the building department for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the building department and shall provide all documentation, such as proof of insurance, as required by the city.
- d) An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the building department. No fee shall be charged to any honorably discharged veteran of the United State Military who is a resident of the State of Michigan and submits official documentation evidencing such to the building department. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter.
- e) A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.

ARTICLE II. - REQUIREMENTS

Sec. 16.8-4. - Private property.

Mobile Food Vending may be permitted on private property only in the following districts as indicated on the City of Owosso Zoning Map: B-1 Local Business, B-2 Planned Shopping Center, B-3 Central Business, B-4 General Business, OS-1 Office Service, and P-1 Vehicular Parking. Written permission from the property owner must be provided at the time of application.

Sec. 16.8-5. - Public property.

- a) Mobile Food Vending may be permitted within Owosso City Parks during the hours of 5:00 a.m. and 11:00 p.m.
- b) Mobile Food Vending may be permitted within parking lots or spaces owned or controlled by the City of Owosso.
 - 1) Any Mobile Food Vending Unit with a valid permit may park in a city owned or controlled parking lot or space for the duration authorized by the permit.
 - 2) Mobile Food Vending Units shall not be restricted to the hours where parking would otherwise be allowed in the particular parking lot or space.
 - 3) Mobile Food Vending Units shall be prohibited from city owned or controlled parking areas where parking is prohibited altogether.
- c) Any Mobile Food Vending Unit located on a public street, including on-street parking areas, shall be required to obtain a Traffic Control Order and City Council authorization

Sec. 16.8-6. - General requirements for private and public property.

- a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributed to the vendor on a daily basis.
- b) No use of any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields or direct the illumination downward.
- c) No use of loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- d) Comply with the city's Noise Ordinance, Sign Ordinance and all other City ordinances.
- e) Comply with all applicable federal, state and county regulations

- f) May have one portable sign that shall not exceed an overall height of four (4) feet and a maximum square footage of eight (8) feet per side, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- g) A mobile food vendor may only operate between the hours of 7 a.m. and 2 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- h) Any Mobile Food Vending Unit not in operation between the hours of 2 a.m. and 7 a.m. shall be removed from public property.
- i) No Mobile Food Vending Unit may be left unattended for more than 2 hours on public property.
- j) Vendors shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

ARTICLE III. - ENFORCEMENT AND PENALTIES

Sec. 16.8-7. - Permit revocation and appeals.

- a) The building department shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is averse to the protection of the public health, safety and welfare.
- b) Immediately upon such revocation, the building department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.
- c) If a permit is revoked by the building department, the holder of a permit may appeal to and have a hearing before the City Council.
- d) The City Council may confirm such suspension or revoke or reinstate any such license. The action taken by the City Council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

Sec. 16.8-9. - Civil infractions.

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day.

Sec. 16.8-10. - Impoundment from public property.

Any equipment associated with Mobile Food Vending on public property that is found to not be in compliance with this Chapter may be impounded at the owner of the equipment's expense.

SECTION 2. AVAILABILITY. This ordinance may be viewed on the City's website www.ci.owosso.mi.us or 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 ordinance shall become effective April 11, 2022.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, asked for clarification on the new water and sewer rates, saying he would like Council to restate the exact amount of the increases as well as their reasoning behind increasing the rates.

Elaine Wigle, 927 N. Park Street, accused Council of having their priorities mixed up, saying the City should have cut spending and pushed off other projects in order to pay for necessary sewer

repairs instead of raising rates. She listed a number of projects in the City's CIP plan that she felt should be cancelled to free up money for the sewer system repairs, including repair of downtown planters and construction of a kayak launch.

Eddie Urban, 601 Glenwood Avenue, commented on how the multiple medicines he has been prescribed caused him to get into several minor vehicle accidents and eventually led him to lose his driver license.

As all the recipients of the exemplary service awards were now present Council proceeded with the Special Presentation.

PROCLAMATIONS / SPECIAL PRESENTATIONS

Presentation of Exemplary Service Awards

Public Safety Director Kevin D. Lenkart began the presentation by detailing the events of the house fire on February 18, 2022. Shiawassee County 911 received a call from a resident trapped by fire on the second floor of a S. Chipman Street home. Three local fire departments were dispatched to the location and upon their arrival found the first floor of the house to be fully engulfed, with flames extending to the second floor. Fire suppression was initiated immediately, but the fire advanced to the second floor significantly increasing the danger posed to the trapped resident. The 911 dispatcher stayed on the line with the victim, who was in and out of consciousness, letting him know that help was on the way. Ladders were used in an attempt to gain access to the 2nd floor, but the attempt to locate the victim was unsuccessful. Two Owosso firefighters then entered the burning home to try and reach the victim. Crawling through the fully involved structure, they were eventually able to reach the second floor. Guided by the 911 dispatcher, the interior team was finally able to reach the victim, who by that time was fully unconscious. OFD personnel picked up the victim carried him to the window and lifted him into the arms of two Owosso Township firefighters waiting outside on ladders. The OTFD personnel pulled the victim, still fully unconscious, through the window and on to other firefighters on the ground. The total elapsed time between the initial 911 call and the victim being successfully extracted was over 23 minutes. After his rescue the victim spent four days in the hospital and was released. Undoubtedly, had the firefighters involved not risked their own lives the victim would not be alive today. The incident also highlights the critical role that 911 dispatchers play, advising a victim how to survive a life-altering event and relaying their knowledge of the situation, becoming an essential link between the victim and first responders.

Mayor Eveleth and Public Safety Director Lenkart presented the following local emergency services personnel with exemplary service awards recognizing their heroism in response to the S. Chipman Street house fire on February 18, 2022:

Owosso Public Safety Fire Lieutenant Matt Nowiski
Owosso Public Safety Firefighter John McKay
Owosso Township Fire Lieutenant Mike Gute
Owosso Township Firefighter Whitney Ryan
Shiawassee County 911 Dispatcher Kelsey Curtis

Concluding the presentation Public Safety Director Lenkart thanked all of the emergency services personnel that responded to the fire including: Shiawassee County Central Dispatch, the City of Owosso Fire Department (including incident commander Fire Captain Steve Chapko, now retired), the Owosso Township Fire Department, the Corunna-Caledonia Fire Department, the City of Owosso Police Department, the Shiawassee County Sheriff's Department, and the Michigan State Police.

The meeting briefly recessed at 8:04 p.m. to allow pictures of the honorees and their families to be taken.

The meeting resumed at 8:13 p.m. with the Council Comment period.

Responding to Ms. Wigle's suggestion to cut spending in order to fund the necessary water and wastewater improvements Mayor Eveleth explained that the water and sewer systems work on enterprise funds, whereas the projects she listed for cutting are funded by the general fund and the two types of funds are not intermingled. He further noted that items like the kayak launch are funded by the parks millage, and the money from that millage cannot be used for other purposes. He said he didn't disagree with her that the increases are not small, but he felt there wasn't another alternative. The state is requiring cities to replace lead and galvanized water lines at their own expense, including the privately owned portion of the lines between the curb stop and the home, and WWTP personnel are working with seriously outdated equipment that is decades past its replacement age. He said that we could not afford to continue putting off the work, as it stands, the necessary work already comes to many times the City's annual budget and that amount will only grow with time.

Mayor Eveleth then went on to quote the size of the utility rate increases over the life of the 5-year plan: year 1 = 17.9%, year 2 = 10%, and year 3 = 3%, year 4 = 3%, and year 5 = 3%. He

said the City is seeking ways to limit the impact on low income families with programs like the Low Income Household Water Assistance Program up for consideration tonight. He repeated his acknowledgment that the approved increases are no small matter, but he felt that it was either raise rates or face the possibility that the state could take the systems over and set the rates without consultation from anyone.

On a different note Mayor Eveleth said he had the pleasure of reading to 4th graders at Central School and it was a great time.

Councilmember Law said he felt the 3% increases mentioned by the mayor actually amounted to 6% increases because both water and sewer rates would each be increased by 3% the last 3 years of the plan. He went on to say that he can't believe that he voted yes on the increases saying he never intended to do so. He said he understands what the City is facing, he wants things to be repaired and not put off any longer, but the current economic conditions are simply untenable. He fears that the high inflation rate will alter people's behavior in an effort to lower their expenses, resulting in the City being unable to pay its obligations because of the lower demand. He said people simply do not have the money to absorb the rate hikes that are planned and the City would be well-served in delaying the necessary repairs and giving people a break for the time-being.

Motion by Councilmember Law to set a special meeting to revisit the water and sewer rate plan adopted March 7, 2022.

Motion supported by Councilmember Haber.

Councilmember Haber asked what would happen if the Council waited a year to implement its plan. City Manager Henne noted that there are \$7.3 million in water repairs and improvements planned for the coming year, if the plan was delayed by a year the City would lose approximately \$4.5 million in grant funding that has been secured for the projects.

Roll Call Vote.

AYES: Councilmembers Haber and Law.

NAYS: Councilmembers Teich, Fear, Mayor Pro-Tem Osika, Councilmember Pidek, and Mayor Eveleth.

The motion failed for lack of an affirmative vote.

CONSENT AGENDA

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

Proposed Special Assessment District No. 2022-01 - Hazards and Nuisances. Authorize Resolution

No. 1 setting a public hearing for Monday, April 4, 2022 at 7:30 p.m. to receive citizen comment regarding proposed Special Assessment District No. 2022-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 216 South Elm Street as follows:

RESOLUTION NO. 43-2022

SPECIAL ASSESSMENT DISTRICT NO. 2022-01 - HAZARDS AND NUISANCES 216 S. ELM STREET

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, April 4, 2022 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:

PARCEL NUMBER	ADDRESS	BALANCE
050-660-022-004-00	216 S. Elm Street	\$245,132.13

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 above described property.

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 assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, April 4, 2022 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.

Tentative Bid Award – Water Tower and Standpipe Rehabilitation. Approve tentative bid award to L and T Painting Company Inc. for the Water Tower and Standpipe Rehabilitation Project, a 2022 DWSRF project, in the amount of \$598,300.00, contingent upon receipt of SRF loan proceeds, and further approve payment to the contractor up to the contract amount upon satisfactory completion of project or portion thereof as follows:

RESOLUTION NO. 44-2022

**AUTHORIZING TENTATIVE AWARD OF A CONTRACT FOR THE
2022 STANDPIPE AND ELEVATED TOWER REHABILITATION PROJECT/
DWRP PROJECT NO. 7458-01
WITH L AND T PAINTING COMPANY INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, wishes to construct improvements to its existing water distribution, storage and treatment facilities through improvements to existing standpipe, pump house and tower; and

WHEREAS, the 2022 Standpipe and Elevated Tower Rehab Project, formally adopted on April 15, 2019, will be funded through the State of Michigan's Drinking Water State Revolving Fund (DWSRF) 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 \$598,300.00 from L and T Painting Company Inc.; and

WHEREAS, the City of Owosso's Director of Public Services & Utilities, Ryan E. Suchanek, has recommended awarding the contract to the low responsive 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 the proposed 2022 Standpipe and Elevated Tower Rehab Project to L and T Painting Company Inc., contingent upon successful financial arrangements with the State Revolving Fund Program.
- SECOND: upon receipt of the 2022 DWSRF 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 L and T Painting Company Inc. in the amount of \$598,300.00 upon satisfactory completion of the project or portion thereof.
- FOURTH: the above expenses shall be paid for from the 2022 DWSRF Bond Funds.

Tentative Bid Award – 2022 Water Main Replacement – Center Street. Approve tentative bid award to The Glaeser-Dawes Corporation for the 2022 Water Main Replacement Project on Center Street, a 2022 DWSRF project, in the amount of \$572,591.61, contingent upon receipt of SRF loan proceeds, and further approve payment to the contractor up to the contract amount upon satisfactory completion of project or portion thereof as follows:

RESOLUTION NO. 45-2022

**AUTHORIZING TENTATIVE AWARD OF A CONTRACT FOR THE
2022 WATER MAIN REPLACEMENT – CENTER ST. PROJECT/
DWRP PROJECT NO. 7458-01
WITH THE GLAESER-DAWES CORPORATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, wishes to construct improvements to its existing water distribution system through the replacement of water main on Center Street from King Street to North Street; and

WHEREAS, the 2022 Water Main Replacement – Center Street Project, formally adopted on April 15, 2019, will be funded through the State of Michigan’s Drinking Water State Revolving Fund (DWSRF) 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 \$572,591.61 from The Glaeser-Dawes Corporation; and

WHEREAS, the City of Owosso’s Director of Public Services & Utilities, Ryan E. Suchanek, has recommended awarding the contract to the low responsive bidder.

NOW THEREFORE BE IT RESOLVED that the City of Owosso tentatively awards the contract for construction of the proposed water system improvements project to Glaeser Dawes Corporation, contingent upon successful financial arrangements with the DWSRF.

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 the proposed 2022 Water Main Replacement – Center Street Project to The Glaeser-Dawes Corporation, 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 The Glaeser-Dawes Corporation in the amount of \$572,591.61 upon satisfactory completion of the project or portion thereof.
- FOURTH: the above expenses shall be paid for from the 2022 DWRP Bond Funds.

Tentative Bid Award – 2022-2024 Water Service Line Replacement Project. Approve tentative bid award to Green Tech Systems, LLC for the 2022-2024 Water Service Line Replacement Project, a 2022 DWSRF project, in the amount of \$3,331,600.00, contingent upon receipt of SRF loan proceeds, and further approve payment to the contractor up to the contract amount upon satisfactory completion of project or portion thereof as follows:

RESOLUTION NO. 46-2022

**AUTHORIZING TENTATIVE AWARD OF A CONTRACT FOR THE
2022-2024 WATER SERVICE LINE REPLACEMENT PROJECT/
DWRP PROJECT NO. 7555-01
WITH GREEN TECH SYSTEMS, LLC**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, wishes to construct improvements to its existing water distribution system through the replacement of lead and galvanized water service lines; and

WHEREAS, the 2022-2024 Water Service Line Replacement Project, formally adopted on June 28, 2021, will be funded through the State of Michigan's Drinking Water State Revolving Fund (DWSRF) 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 \$3,331,600.00 from Green Tech Systems, LLC; and

WHEREAS, the City of Owosso's Director of Public Services & Utilities, Ryan E. Suchanek, has recommended awarding the contract to the low responsive 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 the proposed 2022-2024 Water Service Line Replacement Project to Green Tech Systems, LLC, 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 Green Tech Systems, LLC in the amount of \$3,331,600.00 upon satisfactory completion of the project or portion thereof.
- FOURTH: the above expenses shall be paid for from the 2022 DWRP Bond Funds.

Bid Award – 2022 Sidewalk Program. Approve bid award to Lopez Concrete Construction, LLC for the 2022 Sidewalk Program in the amount of \$112,250.00, plus a contingency of \$20,000.00 for additional restoration and replacement services required during the fiscal year, and further approve payment to the contractor up to \$132,250.00 upon satisfactory completion of project or portion thereof as follows:

RESOLUTION NO. 47-2022

**AUTHORIZING THE AWARD OF THE 2022 SIDEWALK PROGRAM
TO LOPEZ CONCRETE CONSTRUCTION, LLC OF LANSING, MICHIGAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that sections of the sidewalk on various streets in the City have become misaligned, deteriorated, or damaged and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the City of Owosso sought bids for the replacement of these sections of sidewalk as part of the 2022 Sidewalk Program, and the low responsive and responsible bid was received from Lopez Concrete Construction, LLC in the amount of \$112,250.00; and

WHEREAS, Lopez Concrete Construction, LLC is hereby determined to be qualified to provide such services.

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 Lopez Concrete Construction, LLC to replace sections of damaged or misaligned sidewalk as part of the 2022 Sidewalk Program.
- SECOND: The Mayor and City Clerk are instructed and authorized to sign the necessary documents to execute the services contract with Lopez Concrete Construction, LLC in the amount of \$112,250.00, plus additional restoration and replacement services required as contingency during the fiscal year in an amount up to \$20,000.00, for a total of \$132,250.00.

THIRD: The accounts payable department is authorized to pay Lopez Concrete Construction, LLC for work satisfactorily completed on the project up to the initial contact amount of \$112,250.00, plus contingency in the amount of \$20,000.00 for a total of \$132,250.00.

FOURTH: The above expenses shall be paid from the FY2022-2023 Major and Local Street Maintenance Funds accounts 202-463-818.000 and 203-463-818.000.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Lot Split Authorizations – 701 South Park and Monroe/Saginaw Streets

City Manager Henne noted the requested action would create four parcels from the two current lots. Habitat for Humanity has plans to build a new home on each of the new lots.

Mayor Pro-Tem Osika said it has been a while since Habitat for Humanity has built a home in Owosso and the proposed plans for the property represented a great opportunity for the community.

Motion by Councilmember Pidek authorizing the division of City lots under Michigan Subdivision Control Act for platted lots at 701 South Park Street and Monroe/S. Saginaw Streets as detailed below:

Current Descriptions:

Address	Status	Parcel #1
701 S. Park Street	Before Split	050-652-004-008-00
Description: Lots 14 15 Blk 4 A L Williams 2 nd Add including 1/2 closed alley		

Address	Status	Parcel #2
Vacant parcel on the corner of S. Saginaw & Monroe Streets	Before Split	050-652-004-001-00
Description: Lots 1 2 3 4 5 & 6 (Ex W 1/2 Of 6 Blk 4 A L Williams Add 2 nd Add including 1/2 closed alley		

Descriptions After Splits:

Address	Status	Parcel #1
701 S. Park Street	After Split	050-562-004-008-00
Description: Part of Lots 14 and 15 of Block 4 of "A.L. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at the Northwest corner of said Block 4; thence S88°06'02"E on the North line of said Block 4 a distance of 88.00 feet; thence S00°44'33"W 99.04 feet to the South line of said Lot 14; thence N88°14'23"W on said South line a distance of 88.05 feet to the West line of said Block 4; thence N00°46'34"E 99.25 feet to the point of beginning, containing 0.20 of an acre, more or less. Subject to all easements and restrictions of record.		

Address	Status	Parcel #2
202 Monroe Street	After Split	050-652-004-009-00
Description: Part of Lots 1, 2, 3, 14 and 15 and part of the vacated alley all in Block 4 of "A.L. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at a point that is S88°06'02"E on the North line of said Block 4 a distance of 88.00 feet from the Northwest corner of said Block 4; thence continuing S88°06'02"E 88.00 feet; thence S00°42'33"W 98.82 feet; thence N88°14'23"W 88.05 feet; thence N00°44'33"E 99.04 feet to the point of beginning, containing 0.20 of an acre, more or less. Subject to all easements and restrictions of record.		

Address	Status	Parcel #3
702 S. Saginaw Street	After Split	050-652-004-010-00
Description: Part of Lots 1, 2 and 3 of Block 4 of "AL. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at a point that is S88°06'02"E on the North line of said Block 4 a distance of 176.00 feet from the Northwest corner of said Block 4; thence continuing S88°06'02"E 88.00 feet to the Northeast corner of said Block 4; thence S00°40'31 "W on the East line of said Block 4 a distance of 98.61 feet; thence N88°14'23"W 88.05 feet; thence N00°42'33"E 98.82 feet to the point of beginning, containing 0.20 of an acre, more or less. Subject to all easements and restrictions of record.		

Address	Status	Parcel #4
704 S. Saginaw Street	After Split	050-652-004-001-00
Description: Part of Lots 3, 4, 5 and 6 and part of the vacated alley all in Block 4 of "AL. Williams' Second Addition to the City of Owosso," Shiawassee County, Michigan, according to the plat thereof, as recorded in Liber 1 of Plats, on Page 58, Shiawassee County Records, described as beginning at a point that is S00°40'31"W on the East line of said Block 4 a distance of 98.61 feet; thence continuing S00°40'31 "W 145.44 feet; thence N88°26'26"W on the South line of said Lot 6 a distance of 61.99 feet; thence N00°40'31 "E 39.84 feet to the South line of said Lot 5; thence N88°26'26"W on said South line a distance of 70.20 feet to the centerline of the vacated alley; thence N00°42'11 "E on said centerline a distance of 106.06 feet; thence S88°14'23"E 132.15 feet to the point of beginning, containing 0.38 of an acre, more or less. Subject to all easements and restrictions of record.		

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

Low Income Household Water Assistance Program Memorandum of Understanding

City Manager Henne noted the proposed program would help residents pay for water and sewer bills, the catch is that the City would have to guarantee service for at least 90 days after payment.

Motion by Councilmember Pidek to approve the memorandum of understanding between the City of Owosso, Michigan Department of Health and Human Services and Capital Area Community Services, Inc. for the Low Income Household Water Assistance Program as follows:

RESOLUTION NO. 48-2022

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES AND CAPITAL AREA COMMUNITY SERVICES, INC. FOR THE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM

WHEREAS, the city of Owosso has water customers in arrears or facing disconnect who could benefit from the participation in this program; and

WHEREAS, the Michigan Department of Health and Human Services and Capital Area Community Services, Inc. have funding available for qualifying low income households to help with water and sewer payments through the Low Income Household Water Assistance Program; and

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to participate in the Low Income Household Water Assistance Program.

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 execute a Memorandum of Understanding with the Michigan Department of Health and Human Services and Capital Area Community Services, Inc. for participation in the Low Income Household Water Assistance Program.

SECOND: The mayor and city clerk are instructed and authorized to sign the document attached as Exhibit A.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Set Special Meeting – Final Strategic Planning Session

Mayor Eveleth noted that Councilmember Teich will not be able to attend this meeting as he will be out of town.

Motion by Councilmember Pidek to set a special meeting for the final strategic planning workshop on Tuesday, March 29, 2022 at 6:00 p.m. in the City Hall Council Chambers.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Tanya Buckelew, Building Official. February 2022 Building Department Report.

Tanya Buckelew, Building Official. February 2022 Code Violations Report.

Tanya Buckelew, Building Official. February 2022 Inspections Report.

Tanya Buckelew, Building Official. February 2022 Certificates Issued Report.

Kevin D. Lenkart, Public Safety Director. February 2022 Police Report.

Downtown Development Authority/Main Street. Minutes of March 2, 2022.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, said he felt like the numbers quoted for the utility rates keep changing and he felt that Councilmember Law's analysis of the bills increasing by 6%, not 3%, is correct. He went on to say that he understands the City's back is up against the wall and millions of dollars in grant funding could be lost if the projects are delayed, noting that residents would need to come up with even more money in the future.

Eddie Urban, 601 Glenwood Avenue, empathized with Councilmember Law's pain regarding the high gas prices. He also noted that he is waiting for a contractor to fix his porch, he would like the sewer connection to his house to be made on Monroe Street instead of Glenwood Avenue, and he is still having trouble with someone leaving their dog's waste behind in his yard.

Karen Mead-Elford, 1330 W. King Street, noted that the City of Durand held an informal question and answer session when they recently raised rates and the City of Owosso may want to consider doing something similar.

Councilmember Law acknowledged his math analysis of the utility bill increases was faulty, the increase in the final 3 years of the plan is indeed 3% per year.

NEXT MEETING

Monday, April 04, 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

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 8:50 p.m.

Motion supported by Mayor Pro-Tem Osika 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.