

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF APRIL 4, 2022  
7:30 P.M.  
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

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

**OPENING PRAYER:** COUNCILMEMBER NICHOLAS L. PIDEK

**PLEDGE OF ALLEGIANCE:** COUNTY COMMISSIONER GREGORY BRODEUR

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

**ABSENT:** None.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 21, 2022**

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of March 21, 2022 as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MARCH 29, 2022**

Motion by Councilmember Pidek to approve the Minutes of the Special Meeting of March 29, 2022 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Parkinson's Awareness Month Proclamation**

Mayor Eveleth presented the following proclamation declaring the month of April 2022 as Parkinson's Awareness Month in the City of Owosso to Karen Prussner of the Owosso Parkinson's Support Group:

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
PROCLAIMING APRIL 2022 AS  
PARKINSON'S AWARENESS MONTH IN THE CITY OF OWOSSO**

WHEREAS, Parkinson's disease is a chronic, progressive neurological disease that causes motor system disorders; and

WHEREAS, a 2018 study estimates that Parkinson's disease affects over 25,000 people in the State of Michigan and its prevalence continues to rise significantly with the increasing age of the Baby Boom generation; and

WHEREAS, a local support group, the Owosso Parkinson's Support Group, has been meeting for thirty-one years in an effort to provide education, support and fellowship to those affected by this frustrating disease.

NOW, THEREFORE, I, Christopher T. Eveleth, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of April 2022 as Parkinson's Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Owosso Parkinson's Support Group and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 4<sup>th</sup> day of April, 2022.

**Arbor Day Proclamation**

Mayor Eveleth read aloud the following proclamation of the Mayor's Office declaring April 29, 2022 as Arbor Day in the City of Owosso:

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
DESIGNATING APRIL 29, 2022 AS  
ARBOR DAY IN THE CITY OF OWOSSO**

- WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees; and
- WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and
- WHEREAS, Arbor Day is now observed throughout the nation and the world; and
- WHEREAS, trees can be a solution to combatting climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and
- WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and
- WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and
- WHEREAS, trees – wherever they are planted – are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, I, Christopher T. Eveleth, Mayor of the City of Owosso, do hereby proclaim April 29<sup>th</sup>, 2022 as Arbor Day in the City of Owosso, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge our citizens to plant trees to promote the well-being of this generation and our posterity.

Proclaimed this 4<sup>th</sup> day of April, 2022.

**PUBLIC HEARINGS**

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

A public hearing was conducted 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.

There were no comments regarding the special assessment made prior to, or during the meeting.

Motion by Mayor Pro-Tem Osika that the following resolution approving the special assessment roll be adopted:

**RESOLUTION NO. 49-2022**

**AUTHORIZING THE ROLL FOR  
SPECIAL ASSESSMENT DISTRICT NO. 2022-01 - HAZARDS & NUISANCES  
FOR 216 SOUTH ELM STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll for Hazards and Nuisances District No. 2022-01 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 following described property:

<b>PARCEL#</b>	<b>SERVICE ADDRESS</b>	<b>TYPE</b>	<b>AMOUNT</b>
050-660-022-004-00	216 S. Elm Street	Demolition of structure including court costs & consulting fees	\$ 245,142.13

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon

results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$245,142.13 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances District No. 2022-01.
2. Pursuant to MCL 211.78k(c) said special assessment roll shall be divided into twenty (20) equal annual installments, the first of which shall be due and payable on September 1, 2022, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2022.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2022 and shall be paid annually on each installment due date.
4. Said Special Assessment Roll-Hazards and Nuisances District No. 2022-01 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

### **CITIZEN COMMENTS AND QUESTIONS**

County Commissioner Gregory Brodeur was present to deliver an update on events at the County. The land bank is now up and running, bonding options are being explored for unfunded retirement expenses, the Commission is starting to plan how to spend the County's allotted ARPA funds, and plans are being put together for maintenance on the court house. He also noted that the Veteran's Affairs Office will be moved to the old Griffin Building in the fall after the location is remodeled.

Mayor Pro-Tem Osika inquired how the remodeling of the Griffin Building will be funded. Commissioner Brodeur said he was unsure how the cost would be split but he anticipated that some funding would come from the veterans millage and some from the County's general fund.

Kimberly Oderkirk, Connections2Careers President, noted that her non-profit is no longer located at the Wesener Building and is now located in the Armory. She detailed several events the group will be holding in the coming weeks, saying she is trying to do helpful things for the community. This month will highlight the construction trades. She asked for Council's support as she works to educate local youth on various career paths.

Eddie Urban, 601 Glenwood Avenue, explained that he has some serious plumbing issues at his house and that he is working with a professional to get things fixed. He also noted that he is waiting for warmer weather to come so his porch can be repaired.

Councilmember Law indicated that he had recently participated in a Connections2Careers event, speaking about low voltage systems and he encouraged everyone to support the organization. He noted that the Firemen's Memorial Steering Committee had met recently and they are up a little over \$34,000. He thanked Travis and Teresa Schneider for all of their hard work for the organization.

Mayor Eveleth said he recently received a call from local business owner Mark Agnew expressing his praise for the DPW crew that repaired a large water main break near his business.

### **CONSENT AGENDA**

Motion by Mayor Pro-Tem Osika to approve the Consent Agenda as follows:

**First Reading & Set Public Hearing – Zoning Ordinance Amendment - Chapter 38, Zoning.**  
Conduct first reading and set a public hearing for Monday, April 18, 2022 to receive citizen

comment on the proposed amendments to Article XIII, *I-1 Light Industrial Districts*, Sec. 38-292, Principal Uses Permitted, of Chapter 38, Zoning, to remove references to greenhouses as follows:

**RESOLUTION NO. 50-2022**

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR  
THE PROPOSED AMENDMENT TO CHAPTER 38, ZONING,  
FROM THE CODE OF THE CITY OF OWOSSO  
TO REMOVE GREENHOUSES FROM USES PERMITTED IN I-1 ZONING**

WHEREAS, the Planning Commission of the City of Owosso, Shiawassee County, Michigan desires to avoid the potential for light pollution caused by marijuana grow greenhouses; and

WHEREAS, the term “greenhouses” would need to be removed from the Zoning Ordinance to effectuate this change; and

WHEREAS, the Planning Commission held a public hearing, on March 28, 2022 at its regularly scheduled meeting, to receive citizen comment regarding the proposed changes to sections of Chapter 38, Zoning, to remove greenhouses from the list of uses permitted in the I-1, Light Industrial District. Two citizens spoke, both in support of the proposed amendment; and

WHEREAS, the Planning Commission recommends approval of the proposed amendments to Chapter 38, Zoning; and

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

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

SECTION 1. AMENDMENT. That Chapter 38, Zoning, Article XIII, *I-1 Light Industrial Districts*, Sec. 38-292, Principal Uses Permitted, shall be amended as follows:

**Sec. 38-292. Principal uses permitted.**

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building;
- (2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment shall meet the requirements of section 38-389 or section 38-393;
  - a. Warehousing and wholesale establishments, and trucking facilities;
  - b. The manufacture, compounding, processing, packaging or treatment of such products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;
  - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre [fiber], fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
  - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
  - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
  - g. Laboratories—Experimental, film or testing;
  - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;
  - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail;
  - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.

- (3) Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; freight terminals;
- (4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within a solid wall or fence that meets the requirements of section 38-389 or section 38-393;
- (5) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
- (6) Commercial kennels;
- ~~(7) Greenhouses;~~
- (8) Other uses of a similar and no more objectionable character to the above uses;
- (9) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (10) Residential structures existing as of January 1, 2012;
- (11) A marijuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city's medical marijuana facilities licensing—Police power authorizing ordinance;
  - a. Any uses or activities found by the state or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city. In the event that a court with jurisdiction declares some or this entire article invalid, then the city may suspend the acceptance of applications for medical marijuana facilities licenses pending the resolution of the legal issue in question.
  - b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city and state.
  - c. The city may suspend or revoke a medical marijuana facilities license based on the finding that the provisions of the Medical Marijuana Facilities Licensing Act, all other applicable provisions of this zoning ordinance, the city's police power authorizing ordinance, or the approved site plan are not met.
  - d. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this chapter.
  - e. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in chapter 26, signs.
- (12) Marijuana growers, processors, safety compliance facilities or secure transporters as authorized by the city's medical marijuana facilities licensing—Police power authorizing ordinance shall be subject to the following standards:
  - a. *Minimum yard depth/distance from lot lines.* Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in article XVI—Schedule of regulations for each zoning designation as listed.
  - b. *Indoor growing and processing.* In the I-1 light industrial district, marijuana growing shall be located entirely within a fully enclosed, secure, indoor facility ~~or greenhouse~~ with rigid walls, a roof, and doors. Marijuana processing shall be located entirely within one (1) or more completely enclosed buildings.
  - c. *Maximum building floor space.* The following maximum building floor space shall apply in the I-1 light industrial district:
    1. If only a portion of a building is authorized for use in marijuana growing or processing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marijuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana growing or processing space and the remainder of the building.
  - d. *Lighting.* Lighting shall be regulated as follows:
    1. Light cast by light fixtures inside any building used for marijuana growing or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
    2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.

- e. *Odor.* As used in this subsection, building means the building, or portion thereof, used for marijuana growing or marijuana processing.
  - 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - 2. The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
  - 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
  - 4. Negative air pressure shall be maintained inside the building.
  - 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - 6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. *Security cameras.* Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state. Recordings shall be kept for ninety (90) days.
- g. *Buffer zones.* A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
  - 1. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within two hundred (200) feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (2) fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the school building.
  - 2. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residentially zoned structure and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (2) fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the residentially zoned structure.
  - 3. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (2) fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. PUBLIC HEARING. A public hearing is set for Monday, April 18, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed amendments to Chapter 38, Zoning, of the Code of the City of Owosso.

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 20 days after approval.

**\*Set Public Hearing – CWSRF Project Plan Review.** Set a public hearing for Monday, May 16, 2022 at 7:30 p.m. to receive citizen comment regarding the Michigan Department of Environmental Quality State Revolving Fund Project Plan to replace aging infrastructure and address flow capacity limitations at the WWTP as follows:

**RESOLUTION NO. 51-2022**

**SETTING A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT REGARDING THE CWSRF PROJECT PLAN TO REPLACE AGING INFRASTRUCTURE AT THE WWTP**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has been working to detail the next phase of infrastructure improvements at the Waste Water Treatment Plant; and

WHEREAS, these improvements are required to comply with regulatory requirements and to increase the reliability of service to residents and customers, and

WHEREAS, a project plan has been developed for replacement of the biological towers at the WWTP, including the replacement and upgrade of conjoining equipment, with an estimated cost of \$13,000,000; and

WHEREAS, the City is seeking funding for the project from EGLE's Clean Water State Revolving Fund (CWSRF); and

WHEREAS, the CWSRF program requires that a hearing be held to receive public comment regarding the proposed project plan; and

WHEREAS, the City of Owosso Director of Public Services & Utilities has reviewed the proposed project plan submitted by engineering consultant Fishbeck, in cooperation with City of Owosso staff and EGLE guidelines, and recommends setting the Public Hearing.

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

FIRST: The City of Owosso sets a public hearing for Monday, May 16, 2022 at 7:30 p.m. in the City Hall Council Chambers to review the City's Project Plan for the replacement of aging WWTP infrastructure as required by EGLE's Clean Water State Revolving Fund program.

**Boards and Commissions Appointments.** Approve the following Mayoral Boards and Commissions appointments:

Name	Board/Commission	Term Expires
Troy Dodge	Owosso Historical Commission	12-31-2023
Stephen Schlaack	Owosso Planning Commission	06-30-2022

**MDOT Performance Resolution.** Authorize resolution outlining the City's responsibilities in relation to the granting of permits by MDOT to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and/or under a state highway right of way as follows:

**RESOLUTION NO. 52-2022**

**PERFORMANCE RESOLUTION FOR MUNICIPALITIES**

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the City of Owosso hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.



BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Ryan Suchanek, Director of Public Services & Utilities  
Debbie Hebert, Executive Secretary  
Clayton Wehner, Civil Engineer I  
Owosso DPW Superintendent

**Downtown Owosso Farmers' Market Traffic Control Order.** Consider request from Josephine Brown-Executive Director of the Downtown Owosso Farmers Market for street closures, as noted, every Saturday from May 7, 2022 to October 29, 2022 from 7:00 a.m. until 2:00 p.m. for the annual farmers' market, and approve Traffic Control Order No. 1467 formalizing the request.

**Walk a Mile in Their Shoes Fundraiser Traffic Control Order.** Approve application of Rachelle Bennett of the SafeCenter for a partial lot closure, as noted, on Saturday, April 23, 2022 from 9:00am to 1:00pm for the Walk a Mile in Their Shoes Fundraiser and authorize Traffic Control Order No. 1469 formalizing the request. The insurance waiver is requested for this event.

**\*Change Order – 2021 Street Program – Engineering Services.** Approve Change Order No. 1-Final to Amendment No. 4 of the contract for professional engineering services with Fleis & Vandenbrink Engineering, Inc. for the 2021 Street Resurfacing Program, reducing the contract amount by \$61,709.44 based on a change in the scope of services as follows:

**RESOLUTION NO. 53-2022**

**AUTHORIZING CHANGE ORDER NO. 1-FINAL TO ADDENDUM NO. 4  
OF THE CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH  
FLEIS & VANDENBRINK ENGINEERING, INC. FOR  
THE 2021 STREET RESURFACING PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved Addendum No. 4 to a Contract with Fleis & Vandenbrink Engineering Inc. on March 1, 2021 for construction administration services for the 2021 Street Program in the amount of \$108,900.00; and

WHEREAS, since then the scope of the project has changed and the actual quantities and costs need to be taken into account, necessitating a final balancing change order to close out the contract; and

WHEREAS, there were increased actual costs for construction administration on the 2021 Street Program task in the amount of \$4,690.56 and a reduction in the contract amount due to removal of the Washington Park Construction Administration Services task from the scope of services in the amount of \$66,400.00 resulting in a total contract reduction of \$61,709.44; and

WHEREAS, the Director of Public Services & Utilities has reviewed the change order as requested, and has determined it to be fair and reasonable.

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 Change Order No. 1-Final to the 2021 Street Program – Engineering Services Contract with Fleis & Vandenbrink Engineering Inc. resulting in a reduction of cost to the city of Owosso in the amount of \$61,709.44.
- SECOND: The Mayor and City Clerk are requested and authorized to sign the attached Change Order No. 1-Final to the 2021 Street Program – Engineering Services Contract.
- THIRD: The accounts payable department is authorized to make payment up to the reduced contract amount, including Change Order No. 1-Final, totaling \$47,190.56.
- FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Account No. 203-451-818.000.

**\*Contract Amendment – Demolition of 900 Ada Street.** Approve Amendment No. 2 to the contract with Bolle Contracting LLC for demolition of the structure at 900 Ada Street extending the

completion deadline to April 30, 2022 due to delays from frost laws governing the transport of heavy equipment as follows:

**RESOLUTION NO. 54-2022**

**AUTHORIZATION OF CONTRACT AMENDMENT NO. 2  
WITH BOLLE CONTRACTING, LLC FOR  
THE DEMOLITION OF THE STRUCTURE AT 900 ADA STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Bolle Contracting, LLC on November 1, 2021 for the demolition of the house at 900 Ada Street; and

WHEREAS, on December 21, 2021, the City of Owosso Council approved an extension of the deadline for completion to March 30, 2022 due to delays with Consumers Energy disconnecting the gas and electric services to the property; and

WHEREAS, frost laws have been in place since March 7, 2022 further delaying the demolition; and

WHEREAS, Bolle Contracting, LLC has requested a contract deadline extension to April 30, 2022.

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 extend the contract deadline to demolish the structure located at 900 Ada Street due to frost laws restricting the weight allowed on the roads.
- SECOND: The City of Owosso has further determined that it is advisable, necessary and in the public interest to accept the deadline request of April 30, 2022 from Bolle Contracting, LLC for said demolition.
- THIRD: The mayor and city clerk are instructed and authorized to sign the extension document substantially in the form attached, Amendment No. 2 to the Contract for Demolition of 900 Ada Street with Bolle Contracting, LLC.

**\*Professional Services Agreement – 2022 Standpipe & Elevated Tower Rehabilitation Project – Construction Engineering Services.** Waive competitive bidding requirements, approve Addendum No. 2 to the General Utilities Engineering Services Agreement with OHM Advisors for construction engineering services for the 2022 Standpipe & Elevated Tower Rehabilitation Project (DWRP Project No. 7458-01) in the amount of \$89,800.00, and authorize payment to the engineer up to the contract amount upon satisfactory completion of the work or portion thereof as follows:

**RESOLUTION NO. 55-2022**

**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 2 TO  
THE 2021 AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES  
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS  
FOR CONSTRUCTION ENGINEERING SERVICES FOR  
THE 2022 STANDPIPE & ELEVATED TOWER REHABILITATION PROJECT  
(DWRP PROJECT NO. 7458-01)**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, renewed an agreement with Orchard, Hiltz & McClement, Inc. d/b/a OHM Advisors for general utilities engineering services with the adoption of Resolution No. 161-2021 on September 7, 2021 for the term of November 1, 2021 through October 30, 2022; and

WHEREAS, the City and Director of Public Services & Utilities desire to expand the contract to include construction engineering services for the 2022 Standpipe & Elevated Tower Rehabilitation Project, DWRP Project No. 7458-01; and

WHEREAS, the Director of Public Services & Utilities has reviewed the proposal provided by OHM Advisors, in an amount not to exceed \$89,800.00, and has determined that the scope of services as submitted is acceptable and recommends approval of the same.

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 competitive bidding requirements and enter into a contract with Orchard, Hiltz & McClement, Inc. d/b/a OHM Advisors for the

provision of construction engineering services for the 2022 Standpipe & Elevated Tower Rehabilitation Project, DWRF Project No. 7458-01, in the amount of \$89,800.00.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Addendum No.2 to the 2021 General Utilities Engineering Services Contract between the City of Owosso, Michigan and Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors for construction engineering services for the 2022 Standpipe & Elevated Tower Rehabilitation Project.

THIRD: The accounts payable department is authorized to submit payment to OHM Advisors in an amount not to exceed \$89,800.00.

FOURTH: The above services shall be paid from the Water Funds Accounts 591-553-818.000-DWRF745801 upon satisfactory completion of the work or portion thereof as defined in the contract.

**\*Change Order No. 1 – 2022 1<sup>st</sup> Quarter Tree Removal Contract.** Approve Change Order No. 1 to the 2022 1<sup>st</sup> Quarter Tree Removal Contract with Advanced Tree Care Service, Inc. for the removal of three additional trees in the amount of \$8,600.00, for a total contract amount of \$44,000.00 (including a \$3,000.00 contingency), and further approve payment to the contractor up to the amount of the contract, plus Change Order No. 1, upon satisfactory completion of the project or portion thereof as follows:

#### **RESOLUTION NO. 56-2022**

#### **AUTHORIZING CHANGE ORDER NO. 1 TO THE 2022 1<sup>st</sup> QUARTER TREE REMOVAL CONTRACT WITH ADVANCED TREE CARE SERVICE, INC. FOR THE REMOVAL OF THREE ADDITIONAL TREES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved the 2022 1<sup>st</sup> Quarter Tree Removal Contract with Advanced Tree Care Service, Inc. on February 7, 2022 for the removal of trees within the street right of way as required; and

WHEREAS, three (3) additional large trees have since been identified and the City wishes to add them to the contract; and

WHEREAS, Advanced Tree Care Service, Inc. has agreed to remove the additional trees and provided a proposal in the amount of \$8,600.00, which the City has determined to be fair and reasonable.

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 approve Change Order No.1 to the 2022 1<sup>st</sup> Quarter Tree Removal Contract with Advanced Tree Care Service, Inc. for the removal of three additional trees located within the City.

SECOND: The Mayor and City Clerk are instructed and authorized to sign Change Order No. 1 to the 2022 1<sup>st</sup> Quarter Tree Removal Contract, substantially in the form attached, increasing the total contract amount by \$8,600.00 to \$44,000.00, including the existing \$3,000.00 contingency.

THIRD: The accounts payable department is authorized to pay Advanced Tree Care Service, Inc. for work satisfactorily completed up to the revised contract amount of \$44,000.00, including the contingency upon prior written authorization.

FOURTH: The above expenses shall be paid from FY2020-2021 Local and Major Street Funds Account Nos. 202/203-480-818.000.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**Long Term Advancement Adjustment – Brownfield Redevelopment District No. 17**

City Manager Nathan R. Henne explained that the current tax capture for the district is not sufficient to pay off the loan the City made to extend city infrastructure to the site and must be restructured. The suggested action will reduce the interest rate from 4% to 2.33%, amortized over the remaining years left on the loan, to bring the loan terms in line with the tax capture.

Councilmember Pidek noted the item supports Master Plan Goal 1.4.

Motion by Councilmember Pidek to authorize adoption of a new amortization schedule and interest rate for the long term advancement for Brownfield Redevelopment District No. 17 – Cargill-Sonoco Infrastructure Project to bring payments in line with the tax capture as follows:

**RESOLUTION NO. 57-2022**

**AUTHORIZE NEW AMORTIZATION SCHEDULE AND INTEREST RATE FOR THE LONG TERM ADVANCEMENT FOR BRA DISTRICT #17 – CARGILL-SONOCO INFRASTRUCTURE PROJECT**

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

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 Brownfield Redevelopment District #17 – Cargill-Sonoco 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 a tax capture to pay back the said long term advancement made by the General Fund and Water Fund; and

WHEREAS, the General Fund purchased from the Water Fund its portion of the long term advancement to BRA – District #17 in January 2022; and

WHEREAS, the annual tax capture amount does not equal the required annual payment, due to the State of Michigan collecting 3 out of 6 mills in State Education Tax annually from said brownfield redevelopment authority work plan; and

WHEREAS, adjustments to the interest rate and amortization schedule are suggested to bring the payments in line with the tax capture.

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

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to adjust the interest rate and amortization schedule for the BRA District 17 – Cargill-Sonoco Long Term Advancement to bring payments in line with the tax capture.
- SECOND: the City of Owosso reaffirms the term of the long-term advancement, ending on June 30, 2032.
- THIRD: the City of Owosso authorizes the interest rate be reduced from 4% to 2.33% APR for the remaining 11 years of the long term advancement.
- FOURTH: the City of Owosso adopts the new amortization schedule as attached reducing the annual payment from \$190,720.00 to \$167,998.20.

**Amortization Schedule  
BRA District 17 – Cargill-Sonoco Long Term Advancement**

Year	Beginning Balance	Interest	Principal	Ending Balance
2022	\$1,628,774.00	\$36,552.61	\$131,445.59	\$1,497,328.43
2023	\$1,497,328.43	\$33,456.99	\$134,541.21	\$1,362,787.26
2024	\$1,362,787.26	\$30,288.48	\$137,709.72	\$1,225,077.58
2025	\$1,225,077.58	\$27,045.39	\$140,952.81	\$1,084,124.78
2026	\$1,084,124.78	\$23,725.86	\$144,272.34	\$939,852.49
2027	\$939,852.49	\$20,328.19	\$147,670.01	\$792,182.51
2028	\$792,182.51	\$16,850.49	\$151,147.71	\$641,034.84

2029	\$641,034.84	\$13,290.92	\$154,707.28	\$486,327.58
2030	\$486,327.58	\$9,647.50	\$158,350.70	\$327,976.89
2031	\$327,976.89	\$5,918.24	\$162,079.96	\$165,896.97
2032	\$165,896.97	\$2,101.22	\$165,896.98	\$0.00

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**Scheduling of Budget Meeting(s)**

Motion by Councilmember Teich to set the following special meeting(s) to discuss the 2022-23 Proposed Budget:

Tuesday, April 12, 2022 from 6:00pm – 8:00pm  
 Tuesday, April 19, 2022 from 6:00pm – 8:00pm

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

**Unpaid Utility Charges**

Motion by Mayor Pro-Tem Osika to authorize the annual notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

**Fee Schedule Amendment**

City Manager Henne explained the proposed amendment would add permit fees for food trucks to the master Fee Schedule, effective April 11, 2022 to coincide with the effective date of the ordinance.

Councilmember Pidek noted the item supports Master Plan Goal 1.19.

Motion by Councilmember Pidek to approve the following amendment to the Fee Schedule to include fees for Mobile Food Vending Units, effective April 11, 2022 to coincide with the effective date of the ordinance:

**RESOLUTION NO. 58-2022**  
  
**AUTHORIZING CHANGES TO**  
**THE CITY OF OWOSSO FEE SCHEDULE**  
**EFFECTIVE APRIL 11, 2022**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, adopted Ordinance No. 830 adding Chapter 16.8, Mobile Food Vending, to the Code of Ordinances of the City of Owosso; and

WHEREAS, in addition to governing the location and hours of operation of said food trucks, the ordinance also provides that fees for the required permits be established by resolution; and

WHEREAS, staff proposes the following items be added to the City's Fee Schedule:

<b>FEE SCHEDULE (non-refundable AND permits are valid for six (6) months)</b>		
<b>Location</b>	<b>May-October Fee</b>	<b>November-April Fee</b>
• City-controlled property	\$300	\$200
• Non-city property	\$150	\$100
• Year-round city food service establishments on city-controlled property	\$250/year	
• Year-round city food service establishments not on city-controlled property	\$0/year	

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 adopt the following fees for Mobile Food Vending Units, and said fees shall be added to the current fee schedule, effective April 11, 2022:

<b>FEE SCHEDULE (non-refundable AND permits are valid for six (6) months)</b>		
<b>Location</b>	<b>May-October Fee</b>	<b>November-April Fee</b>
• City-controlled property	\$300	\$200
• Non-city property	\$150	\$100
• Year-round city food service establishments on city-controlled property	\$250/year	
• Year-round city food service establishments not on city-controlled property	\$0/year	

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

- Nathan R. Henne, City Manager. 2022-2023 Proposed Budget.
- Owosso Historical Commission. Minutes of March 14, 2022.
- Historic District Commission. Minutes of March 16, 2022.
- WWTP Review Board. Minutes of March 22, 2022.
- Parks & Recreation Commission. Minutes of March 23, 2022.
- Planning Commission. Minutes of March 28, 2022.

**CITIZEN COMMENTS AND QUESTIONS**

Josh Champlin, Owosso resident, asked the Council to consider a motion condemning Russia's actions in Ukraine.

Tom Manke, 2910 W. M-21, informed the Council that the state now has a glut of marijuana grow facilities and that the "organic" car cruise is reportedly scheduled for July 22-23, 2022. He asked for an update on the Matthew's Building and whether food vendors could request a daily permit or if the six-month permit was the only option available.

Eddie Urban, 601 Glenwood Avenue, spoke about his recent trips to the VA in Saginaw and Detroit. He also noted that he recently found his new glasses in the snow while he was cleaning his yard. Lastly, he noted that Transportation Solutions gained two more drivers thanks to his recent letter to the editor.

Jeff Turner, 204 Oakwood Avenue, wanted to know what the City is doing with the "marijuana money", asking if it would be put toward the infrastructure projects causing the hike in water and sewer rates.

City Manager Henne explained that the owners of the Matthew's Building did not realize they were responsible for applying for a permit from MDOT before they could demolish the building. The City has been assisting them in submitting the proper paperwork and Representative Ben Frederick's office has been in contact with MDOT to see if the permit can be expedited.

Mayor Eveleth responded to Mr. Turner saying the Council scheduled two budget workshops at which they will talk about what to do with the marijuana money.

Councilmember Pidek thanked staff and Council for their participation in the strategic planning sessions, saying he found them to be very helpful and that having such meetings is critical to ensuring everyone is working together toward the goal.

**NEXT MEETING**

Monday, April 18, 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 – term expires December 31, 2023  
Zoning Board of Appeals – Alternate – term expires June 30, 2024  
Zoning Board of Appeals – term expires June 30, 2023

**ADJOURNMENT**

Motion by Councilmember Law for adjournment at 8:19 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.