

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, MAY 02, 2022
7:30 P.M.**

**Meeting to be held at City Hall
301 West Main Street**

AGENDA

OPENING PRAYER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 18, 2022:

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 19, 2022:

ADDRESSING THE CITY COUNCIL

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to four (4) minutes duration during the first occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during the last occasion provided for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

1. 2022-2023 City Budget. Conduct a Public Hearing pursuant to Chapter 8 of the City Charter to receive citizen comment regarding the proposed 2022-2023 City Budget. (The budget will be considered for adoption Monday, May 16, 2022.)
Master Plan Implementation Goals: All

CITIZEN COMMENTS AND QUESTIONS

CONSENT AGENDA

1. Set Public Hearing – USDA Grant. Set a Public Hearing pursuant to USDA Grant guidelines for Monday, May 16, 2022 at 7:30 p.m. in the City Hall Council Chambers to receive citizen comment regarding the proposed application for a USDA Rural Development Community Facilities Grant to partially fund the purchase of several new vehicles and pieces of equipment necessary for the operation of the Public Safety and Public Works Departments.
Master Plan Implementation Goals: 1.19, 3.2, 4.6, 5.12,

2. First Reading and Set Public Hearing - Ordinance Amendment – False Alarms. Conduct first reading and set a public hearing for Monday, May 16, 2022 at 7:30 p.m. to receive citizen comment regarding the proposed amendment to Chapter 18, Nuisances, Article VI, *False Alarms*.
3. Set Public Hearing - DWRF Project Plan Amendment. Set a public hearing for Monday, June 6, 2022 at 7:30 p.m. to receive citizen comment regarding the proposed amendment to update the planned projects, estimated costs, and estimated financing included in the City's DWRF Project Plan to improve the drinking water distribution, storage, and treatment facilities, originally approved April 15, 2019.
Master Plan Implementation Goals: 1.5, 3.4, 3.7

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

Name	Board/Commission	Term Expires
Nathan Henne*	City of Owosso Building Authority	06-30-2025
Josh Ardelean*	Downtown Development Authority	06-30-2026
Lance Omer*	Downtown Historic District Commission	06-30-2025
Sue Osika*	Local Development Finance Authority	06-30-2026
Jerome Haber*	Local Development Finance Authority	06-30-2026
Donald Horton*	Parks & Recreation Commission	06-30-2024
Carol Smith*	Parks & Recreation Commission	06-30-2024
Jeff Selbig*	Parks & Recreation Commission	06-30-2024
Jerald Bila*	Parks & Recreation Commission	06-30-2024
Tara Jenkins*	Planning Commission	06-30-2025
Linda Robertson*	Planning Commission	06-30-2025
Robert J. Teich, Jr.*	Zoning Board of Appeals	06-30-2025

*indicates reappointment

5. Shi Tri 2022 Traffic Control Order. Consider request from Fitness Coliseum and the Friends of the Shiawassee River to utilize a portion of the Comstock Lot (Lot #10) for bike staging and parking of participants, volunteers, and spectators on Saturday, May 21, 2022 beginning at 12:00pm until 6:00pm Sunday, May 22, 2022 for the Shi-Tri 2022, and approve Traffic Control Order No. 1470 formalizing the request.
Master Plan Implementation Goals: 1.7, 1.17, 4.2, 4.6, 5.9, 5.12
6. Traffic Control Order No. 1471. Consider rescinding Traffic Control Order Nos. 1015 and 1152 referencing school parking on North Water Street in conjunction with the closure of the Owosso Middle School and approve Traffic Control Order No. 1471 formalizing the request.
7. Curwood Festival Traffic Control Order. Authorize application from the Curwood Festival for use of various parking lots and streets from June 1, 2022 at 9:00 a.m. through June 6, 2022 at 6:00 a.m. for the annual Curwood Festival and further authorize Traffic Control Order No. 1472 formalizing the action.
Master Plan Implementation Goals: 1.7, 4.2, 4.6, 5.9, 5.12
8. Professional Service Agreement Addendum – Cross Connection Control Program. Authorize Addendum No. 4 to the professional service agreement with H₂O Compliance Services for the provision of administrative services for the Cross Connection Control Program for a period of 36 months in the amount of \$27,641.16, approve a contingency amount of \$19,803.00 for two optional one-year extensions, further authorize the accounts payable department to issue payment in an amount not to exceed \$47,444.16 as terms of the contract are fulfilled.
Master Plan Implementation Goals: 1.5, 3.4

9. Bid Award – Portable Toilets. Authorize contract with Sloan's Septic Tank Service, L.L.C. for the supply and service of seven (7) portable toilets for City parks in the amount of \$1,560.00/month for the period of May 1, 2022 – October 31, 2022 and further authorize payment up to the contract amount.

10. Warrant No. 614. Authorize Warrant No. 614 as follows:

Vendor	Description	Fund	Amount
Waste Management	Landfill Charges-3/16/22-3/31/22	Various	\$11,028.98

ITEMS OF BUSINESS

1. Lot Split Authorization – 1450 West King Street. Consider authorization of the division of a City lot under the Michigan Subdivision Control Act for platted lot at 1450 West King Street.
2. City Manager Evaluation Discussion. Discuss the format and potential dates for the City Manager's annual performance review.

COMMUNICATIONS

1. Patrice Martin, Strategic Planning Facilitator. Strategic Planning Follow Up.
2. Ryan E. Suchanek, Director of Public Services & Utilities. 2021 Drinking Water Consumer Confidence Report (formerly the Water Quality Report).
3. Owosso Historical Commission. Minutes of April 11, 2022.
4. Zoning Board of Appeals. Minutes of April 19, 2022.
5. Owosso Historic District Commission. Minutes of April 20, 2022.

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, May 16, 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

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio recordings of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing, calling, or emailing the following: Owosso City Clerk's Office, 301 West Main Street, Owosso, MI 48867; Phone: (989) 725-0500; Email: city.clerk@ci.owosso.mi.us. The City of Owosso Website address is www.ci.owosso.mi.us.

***PLEASE TAKE NOTICE THAT THE FOLLOWING MEETING
CAN ONLY BE VIEWED VIRTUALLY***

The Owosso City Council will conduct an in-person meeting on May 2, 2022. Citizens may view and listen to the meeting using the following link and phone numbers.

**OWOSSO CITY COUNCIL
Monday, May 2, 2022
at 7:30 p.m.**

The public joining the meeting via Zoom CANNOT participate in public comment.

- **Join Zoom Meeting:**
<https://us02web.zoom.us/j/88289138076?pwd=cGk4aGt4TmNQbXVWZVI0M01vUTVxdz09>
- **Meeting ID:** 882 8913 8076
- **Password:** 017577
- **One tap mobile**
+13017158592,,88289138076#,,, *017577# US (Washington DC)
+13126266799,,88289138076#,,, *017577# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
- **For video instructions visit:**
 - o Signing up and Downloading Zoom <https://youtu.be/qsy2Ph6kSf8>
 - o Joining a Zoom Meeting <https://youtu.be/hlkCmbvAHQQ>
 - o Joining and Configuring Audio and Video <https://youtu.be/-s76QHshQnY>
- **Helpful notes for participants:** [Helpful Hints](#)
- **Meeting packets are published on the City of Owosso website** <http://www.ci.owosso.mi.us>

Any person who wishes to contact members of the City Council to provide input or ask questions on any business coming before the Council on May 2, 2022 may do so by calling or e-mailing the City Clerk's Office prior to the meeting at (989)725-0500 or city.clerk@ci.owosso.mi.us. Contact information for individual Council members can be found on the City website at: <http://www.ci.owosso.mi.us/Government/City-Council>

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio recordings of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing, calling, or emailing the following: Owosso City Clerk's Office, 301 West Main Street, Owosso, MI 48867; Phone: (989) 725-0500; Email: city.clerk@ci.owosso.mi.us. The City of Owosso Website address is www.ci.owosso.mi.us.

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 18, 2022
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER PIDEK

PLEDGE OF ALLEGIANCE: CITY ATTORNEY SCOTT GOULD

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

ABSENT: Councilmember Daniel A. Law

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 4, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of April 4, 2022 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 12, 2022

Motion by Councilmember Teich to approve the Minutes of the Special Meeting of April 12, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Zoning Ordinance Amendment - Chapter 38, Zoning

City Manager Henne explained the proposed amendment would remove references to 'greenhouses' from the existing ordinance and eliminate the possibility of grow greenhouses to limit light pollution. Councilmember Fear, Planning Commission member, noted it was never the intention for greenhouses to be included.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Article XIII- I1 Light Industrial Districts, Section 38-292, *Principal Uses Permitted*.

There were no comments regarding the proposed amendment received prior to, or during the meeting.

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

ORDINANCE NO. 831

APPROVING AMENDMENT TO CHAPTER 38, ZONING, ARTICLE XIII, *I1 LIGHT INDUSTRIAL*, SEC. 38-292, *PRINCIPAL USES PERMITTED* TO THE CODE OF ORDINANCES OF THE CITY OF OWOSSO TO REMOVE THE TERM GREENHOUSES

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 amendment to Chapter 38, Zoning; and

WHEREAS, the City Council held a public hearing on April 18, 2022, heard all interested persons, and deliberated on the proposed ordinance amendment.

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) Other uses of a similar and no more objectionable character to the above uses;
 - (8) Accessory buildings and uses customarily incident to any of the above permitted uses;
 - (9) Residential structures existing as of January 1, 2012;
 - (10) 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.
- (11) 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 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. 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 4. EFFECTIVE DATE. This amendment shall become effective May 9, 2022.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: Councilmember Haber.

ABSENT: Councilmember Law.

CITIZEN COMMENTS AND QUESTIONS

Ed Urban, 601 Glenwood, has been in contact with the city's engineer about a manhole cover. He also gave information on the Sanford dams and the charge for metal detecting in the area.

CONSENT AGENDA

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

Set Public Hearing - 2022-2023 City Budget. Set required Public Hearing pursuant to Chapter 8 of the City Charter for Monday, May 2, 2022 at 7:30 p.m. in Council Chambers at City Hall, 301 West Main Street, to receive citizen comment regarding the 2022-2023 Proposed City Budget.

Emergency Repair Authorization – Repair South Clarifier at Water Treatment Plant. Approved emergency repair of south clarifier at the Water Treatment Plant by Westech Engineering, LLC and authorized payment to the contractor in the amount of \$15,305.00 as follows:

RESOLUTION NO. 59-2022

AUTHORIZING EMERGENCY REPAIR OF THE SOUTH CLARIFIER AT THE WATER TREATMENT PLANT BY WESTECH ENGINEERING, LLC OF AMES, IOWA

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to maintain a constant supply of treated water to its city and regional customers in accordance with state and federal regulatory requirements; and

WHEREAS, the ability to treat and deliver potable on demand was compromised as result of the inoperability of the south clarifying unit, and emergency repair of the unit was necessary to ensure the continued supply of treated water on demand; and

WHEREAS, the City's Director of Public Services and Utilities determined the necessity for the emergency repair, acquired Westech Engineering, LLC to perform the services necessary to fully restore the South Clarifier to full operating condition, reviewed the invoice for emergency services provided by Westech, and recommends authorizing payment to Westech for said services in the amount of \$15,305.00.

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

- FIRST: The City of Owosso has heretofore determined that it was advisable, necessary and in the public interest to authorize the emergency repair of the south clarifier at the Water Treatment Plant by the original equipment manufacturer, Westech Engineering, LLC of Ames, Iowa.
- SECOND: The purchase agreement between the City of Owosso and Westech Engineering, LLC is in the form of a Westech Quotation and City Purchase Order.
- THIRD: The accounts payable department is authorized to submit payment to Westech Engineering, LLC in the amount of \$15,305.00.
- FOURTH: The above expenses shall be paid from water account No. 591-901-977.000.

Professional Services Agreement – Hydrogen Sulfide Study Authorized Professional Utilities Engineering Services Agreement with Fishbeck for a Hydrogen Sulfide (H₂S) Study to identify chemical gases present in the waste flow from the four service units utilizing the Wastewater Treatment Plant (WWTP) in an amount not to exceed \$30,000.00, and further authorized payment based on unit prices to the engineer for completed work as follows:

RESOLUTION NO. 60-2022

AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL UTILITIES ENGINEERING SERVICES WITH FISHBECK FOR THE WWTP HYDROGEN SULFIDE STUDY

WHEREAS, testing has shown there to be an increase in the level of hydrogen sulfide (H₂S) entering the Waste Water Treatment Plant (WWTP), to a point where it is beginning to corrode some of the newly installed equipment at the plant; and

WHEREAS, the Owosso Mid-Shiawassee County WWTP Review Board and the City's Director of Public Services & Utilities suggest having a Hydrogen Sulfide (H₂S) Study performed to identify the chemical gases present in the waste flow from the four service units and at the City of Owosso Wastewater Treatment Plant (WWTP) and propose possible options for remediation; and

WHEREAS, proposals were sought from the City's Qualification Based Selection list of engineering firms to perform said study; and

WHEREAS, the Owosso Mid-Shiawassee County WWTP Review Board and the City's Director of Public Services & Utilities recommend Fishbeck, Thompson, Carr & Huber, Inc. dba Fishbeck as the most qualified firm to perform the study, in an amount not to exceed \$30,000.00.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with Fishbeck for engineering services to complete a Hydrogen Sulfide (H₂S) study to identify chemical gases present at the WWTP and in the waste flow from the four governmental units it services.
- SECOND: The Mayor and City Clerk are authorized and instructed to sign the document substantially in the form attached as Addendum No. 3 to an Agreement for Professional Utilities Engineering Services between the City of Owosso and Fishbeck, Thompson, Carr & Huber, Inc. dba Fishbeck.

THIRD: The accounts payable department is authorized to submit payment to Fishbeck, according to unit prices, in an amount not to exceed \$30,000.00 upon satisfactory completion of the work or portion thereof.

FOURTH: The above expenses shall be paid from the Wastewater Fund Account, with proportional reimbursement from the remaining service units according to the terms of the 1977 Waste Water Treatment Plant Operation Agreement, as amended.

Mid Michigan Custom Car Show Traffic Control Order Approved application of Andy Genovese for use of Washington Street from Main Street to Mason Street and Exchange Street from Water Street to Park Street on Sunday, June 12, 2022 from 7:00am to 6:00pm for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1468 formalizing the request.

Check Register – March 2022. Affirmed check disbursements totaling \$1,089,616.63 for March 2022.

Motion supported by Councilmember Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Law.

ITEMS OF BUSINESS

Medical Marijuana License Transfer Request

This item would approve transfer of the Medical Marijuana Provisioning Center License, located at 1115 Corunna Avenue, from GH Processing to DCAD, LLC. City Manager Henne noted this would give the new license holder eight months to open the facility. Mayor Pro-Tem Osika asked if this was the same location of the previous license transfer. Henne affirmed it was the same location and that licenses stay with the properties except in extenuating circumstances and only with council approval.

Motion by Mayor Pro-Tem Osika to approve transfer of the Medical Marijuana Provisioning Center License, located at 1115 Corunna Avenue, from GH Processing to DCAD, LLC.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: Councilmember Haber.

ABSENT: Councilmember Law.

COMMUNICATIONS

Elizabeth A. Kuiper, DDA/OMS Executive Director. Memo regarding security cameras downtown.

Brad A. Barrett, Finance Director. Financial Reports – February 2022.

Tanya Buckelew, Planning & Building Director. March 2022 Building Department Report.

Tanya Buckelew, Planning & Building Director. March 2022 Code Violations Report.

Tanya Buckelew, Planning & Building Director. March 2022 Inspections Report.
Tanya Buckelew, Planning & Building Director. March 2022 Certificates Issued Report.
Kevin D. Lenkart, Public Safety Director. March 2022 Fire Report.
Downtown Development Authority/Main Street. Minutes of April 6, 2022.

CITIZEN COMMENTS AND QUESTIONS

Ed Urban, 601 Glenwood, detailed a purchase he made at Springrove Variety downtown and his availability to pick it up.

Pro Tem Osika noted it is the opening weekend for Clue at the Lebowsky Center and there will be a Downtown cleanup on Saturday, April 23, 2022 from 9am-12noon with coffee and lunch provided. Those interested should meet at Main Street Plaza.

NEXT MEETING

Tuesday, April 19, 2022 at 6:00 p.m.
Monday, May 02, 2022 at 7:30 p.m.

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 Fear for adjournment at 7:45 p.m.

Motion supported by Mayor Pro-Tem Osika and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Carrie A. Farr, Deputy City Clerk

**CITY OF OWOSSO
SPECIAL MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 19, 2022
6:00 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

PLEDGE OF ALLEGIANCE: MAYOR CHRISTOPHER EVELETH

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

ABSENT: Councilmember Daniel A. Law.

CITIZEN COMMENTS AND QUESTIONS

None.

Pro-Tem Osika thanked City Manager Henne for fixing the Council chairs.

DISCUSSION –

2022-2023 Proposed Budget – ARPA Funding -- Council discussed how to allocate the remaining \$604,562.00 in one-time American Rescue Plan Act (ARPA) Funds.

Projects were considered based on applications submitted. Councilmembers reviewed all applications and scored them according to various factors. City Manager Henne distributed a summary of the scoring. It was noted that all applications were carefully considered and deserving of funding. Councilmembers remained cognizant of resident's desire to have funds invested into infrastructure per the survey.

Each proposed project was discussed in detail. The top three were: 1. Lead Service Line Replacements (LSL), 2. Water Treatment Plant Filter Rehabilitation and 3. Water Treatment Plant SCADA (hardware and software to monitor and control the Water Treatment Plant process). It was noted that three requests were removed: 1. Water Storage Rehabilitation/Center Street Water Main, 2. Fire Department SCBAs, 3. Clerk's Office Furniture. The first and second items will be funded by ARPA and the third through the Building Authority.

One of the main considerations was allocating funds to projects that could be fully funded and would be completed.

The consensus among members was to allocate \$331,600.00 to Lead Service Line Replacements, which will complete the funding for this infrastructure project. The remaining \$272,000.00 will be considered and allocated at a later date. City Manager Henne will prepare an item for a future council meeting to approve the decision.

NEXT MEETING

Monday, May 02, 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 Mayor Pro-Tem Osika for adjournment at 7:42 p.m.

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

Christopher T. Eveleth, Mayor

Carrie A. Farr, Deputy City Clerk



OWOSSO PUBLIC SAFETY

202 S. WATER ST. • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0580 • FAX (989)725-0528

MEMORANDUM

DATE: April 25, 2022

TO: Owosso City Council

FROM: Kevin Lenkart, Public Safety Chief
Ryan E. Suchanek, Director of Public Services & Utilities

RE: USDA Grant – Set Public Hearing

Staff recommends setting a public hearing for Monday, May 16, 2022 at 7:30 p.m. in the City Hall Council Chambers to receive public comment regarding the proposed application for a USDA Rural Development Community Facilities Grant to partially fund the purchase of several new vehicles and pieces of equipment for City fleets. The vehicles/equipment are listed below:

Department	Quantity	Item
Public Safety	3	Police Vehicles
Public Works	2	¾ ton Pickups
Public Works	1	Dump Truck
Public Works	1	Skid Steer
Public Works	1	Pavement Saw w/ Trailer

The City of Owosso is eligible for up to 35% federal assistance in the purchase of each item listed, with a purchase cap of \$50,000.00 per vehicle or item. The remaining funding would be covered by the City of Owosso.

RESOLUTION NO.

**SET A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT
REGARDING APPLICATION TO THE
USDA RURAL DEVELOPMENT COMMUNITY FACILITIES PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan has a Public Safety - Police Department and a Department of Public Works, each requiring the purchase of vehicles and equipment to carry out their operations; and

WHEREAS, the USDA has a Rural Development Community Facilities Grant Program that provides partial funding for necessary vehicles and equipment; and

WHEREAS, the City of Owosso is eligible for up to 35% federal assistance in the purchase of each vehicle or piece of equipment with a purchase cap of \$50,000.00, per vehicle or item. The remaining funding would be covered by the City of Owosso; and

WHEREAS, the City wishes to apply for a grant to assist with the purchase of three (3) police vehicles, a dump truck, two (2) ¾ ton pickups, a pavement saw with trailer and a skid steer; and

WHEREAS, a public hearing by the council is required before they consider approval of the application.

NOW THEREFORE BE IT RESOLVED THAT:

FIRST: a public hearing will be held on Monday, May 16, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of receiving citizen comment regarding the application for grant funding from the USDA Rural Development Community Facilities Program for the purchase of three police vehicles, one dump truck, two ¾ ton pickups, one skid steer, and one pavement saw with trailer.



OWOSSO PUBLIC SAFETY

202 S. WATER ST. • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0580 • FAX (989)725-0528

MEMORANDUM

DATE: April 25, 2022

TO: Owosso City Council

FROM: Kevin Lenkart
Owosso Public Safety Chief

RE: Amend the Code of Ordinances, Chapter 18, Article VI, *False Alarms*

Recommendation:

Recommend Council approve the attached resolution setting a public hearing for May 16, 2022 at 7:30 p.m. in Council Chambers to receive citizen comment regarding the proposed changes to Chapter 18, Article VI, *False Alarms* of the Code of Ordinances.

Background:

Chapter 18, Nuisances, Article VI, *False Alarms*, of the Code of Ordinances was adopted in 1992. The recommended changes would update the language for both the police and fire department's response to false alarms.

RESOLUTION NO.

AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO CHAPTER 18, NUISANCES, ARTICLE VI, *FALSE ALARMS*, OF THE CODE OF ORDINANCES

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Nuisances Ordinance containing provisions for false alarms that was adopted in 1992; and

WHEREAS, it is necessary to update the ordinance to reflect changes in the Public Safety Department's response to false alarms; 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, THE CITY OF OWOSSO ORDAINS THAT:

SECTION 1. AMENDMENT. That Chapter 18, Nuisances, Article VI, *False Alarms*, of the Code of Ordinances of the City of Owosso be amended as follows:

Sec. 18-131. Declared nuisance.

Any false alarm in excess of ~~one (1)~~ **two (2)** in any calendar year from the same location is hereby declared to be a public nuisance.

Sec. 18-132. Definitions.

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

Alarm user shall mean any person or other entity on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premise, the person using such system is an alarm user. Also excluded from this definition and from the coverage of this article are persons or entities who use an alarm system to alert or signal persons within the premises in which the alarm systems are located, of an attempted unauthorized intrusion, holdup attempt or fire hazard. If such a system, however, employs an audible signal emitting sounds or flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of an alarm system and shall be subject to this article.

Alarm system shall mean any device or assembly of equipment and devices arranged to signal the presence of a condition requiring urgent attention and to which police officers or fire department personnel are expected to respond. In this article, the term "alarm system" shall include the terms "automatic hold-up alarm system", "burglar alarm system", "intrusion alarm system", "hold-up alarm system", "manual hold-up alarm system", "temperature fire alarm system", "manual fire alarm system", "fire alarm system", and "automatic sprinkler water-flow alarm system".

False alarm shall be defined as any alarm signal which is registered at the police or fire department, any central dispatch center, or elsewhere not resulting from criminal or fire activity for which the alarm was intended, or in the case of a fire alarm any alarm signal which is registered at the police or fire department or elsewhere not resulting from a fire or potential fire condition or life threatening medical emergency.

Sec. 18-133. False alarm fee.

- (a) The alarm user shall be required to pay to the city **an amount approved by resolution of the Owosso City Council the sum of ten dollars (\$10.00) for a second false alarm, and twenty-five dollars (\$25.00)** for each additional false alarm in any given calendar year. No alarm user shall be

required to pay said fee on the first ~~occasion~~ **two calls** of a false alarm during any one (1) calendar year, but shall be advised in writing of said false alarm and of the existence of this article.

- (b) Alarms caused by the following extenuating circumstances shall not constitute a false alarm and no false alarm fee shall be charged by the city:

(1) Alarm system malfunctions.

(2) Storm conditions.

(3) Alarms activated by persons working on the alarm system with prior notification to the police or fire department.

(4) Alarms activated by disruption or disturbance.

~~(5) When the alarm system is the responsibility of a lessee and the lessor provides the city the name of such lessee.~~

~~(6) In paragraphs (1), (2), (4) and (5) of this subsection (b), it shall be the responsibility of the alarm user to notify the police department by filling out the alarm card and returning it to the police department within five (5) working days. Failure to notify the police department will result in an automatic billing to the user.~~

- ~~(c) At the direction of the police chief, an "alarm notification card" shall be designed and used as required by this article.~~

- ~~(d) On the first business day following the response of police officers to an alarm call, a representative to the police chief shall mail an alarm notification card to the alarm user.~~

- ~~(e) Within ten (10) working days of the date of the mailing by the police department of the alarm notification card, the alarm user shall return the completed card to the police department explaining which exclusion applies. If the exclusion is not accepted, the alarm user shall be billed. Failure by the alarm user to return the card shall cause an automatic billing of the false alarm fee to be sent to the alarm user.~~

- (c) The fee is due and payable within thirty (30) calendar days from the date of notification.

- ~~(f)(d)~~ If, upon receiving a false alarm fee notice, the alarm user wishes to request a waiver of the assessment of the fee due to extenuating circumstances, he may do so in writing within ten (10) working days of the assessment date. The notice to the **Public Safety Chief or their designee police department** shall contain documentation of the extenuating circumstances involved. Within ten (10) working days of the receipt of the waiver request by the **Public Safety Chief or their designee, police department, the police chief or his designee** shall make a determination on the waiver request and shall notify the alarm user of the decision.

- ~~(g)~~ (e) In the event that the alarm user is not satisfied with the decision rendered by the **Public Safety Chief or their designee, police chief**, an additional written request for waiver may be filed within ten (10) working days of the date of the decision by the **Public Safety Chief or their designee police chief, with** to the city manager. Within ten (10) working days of the receipt of the waiver request and documentation of extenuating circumstances, the city manager or **his** ~~their~~ designated representative shall review the request, make a determination on the waiver, and shall notify the alarm user of the decision.

Sec. 18-134. Assessment of fees.

Any billing to an alarm user for a false alarm fee which remains unpaid for a period in excess of ten (10) calendar days shall be assessed **a fee approved by resolution of city council later charge of ten (10) percent and shall bear interest at the rate of six (6) percent until paid**, and shall be certified to the city assessor who shall place the same on the next tax roll and assess the fees, penalties and interest

against the real or personal property assessment of the user to be collected in the same manner as general city taxes pursuant to Chapter 9 of the City of Owosso Charter.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, May 16, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of receiving citizen comment regarding the proposed revision to the Code of Ordinances.

SECTION 3. AVAILABILITY. This ordinance may be viewed on the City's website at 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 4. EFFECTIVE DATE: This amendment shall become effective twenty days after passage.



MEMORANDUM

301 W MAIN ST • OWOSSO, MICHIGAN 48867-2958 • WWW.CI.OWOSSO.MI.US

DATE: May 2, 2022

TO: Mayor Eveleth and the Owosso City Council

FROM: Ryan E. Suchanek, Director of Public Services & Utilities

SUBJECT: Setting Public Hearing for Drinking Water State Revolving Fund (DWSRF) Project Plan Amendment for Fiscal Year 2023

RECOMMENDATION:

Set a public hearing to receive citizen comment regarding the proposed amendment to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) DWSRF Project Plan, originally approved April 15, 2019, to replace aging infrastructure and to maintain a constant supply of quality drinking water.

BACKGROUND:

On April 15, 2019 City Council approved the 5-year DWSRF Project Plan detailing improvements to the City's water distribution, storage, & treatment facilities. The Plan needs to be amended to reflect changes in the projects slated for the 2023 fiscal year and to update cost estimates. The purpose of the proposed project plan amendment is to address improvements to infrastructure to comply with regulatory requirements and to increase reliability of service to residents and customers.

Total cost of the proposed amended plan is estimated at \$4,043,000.00, to be paid from user charges during the 20 to 30 year life of the low interest loan. The project plan amendment will include: replacing water mains, lead service line replacement, Water Treatment Plant Upgrades, well improvements, design/construction engineering and planning. The proposed project will occur within the WTP site and throughout the City.

A public hearing is required prior to Council's consideration of the amendment. Staff suggests setting a public hearing for Monday, June 6, 2022 starting at 7:30 P.M. in the City Hall Council Chambers, 301 West Main Street, Owosso, Michigan 48867.

City staff has prepared required project plan amendment for the State of Michigan in cooperation with EGLE regulatory guidelines.

Attachment: Resolution

Submitted by: Ryan E. Suchanek, Director of Public Services & Utilities

RESOLUTION NO.

**SETTING A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT REGARDING
THE DWSRF PROJECT PLAN AMENDMENT TO REPLACE AGING INFRASTRUCTURE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a DWSRF Project Plan for improvements to the City's water distribution, storage, & treatment facilities on April 15, 2019; and

WHEREAS, the DWSRF Project Plan details projects for a 5-year period, from 2020 through 2024; and

WHEREAS, it has become necessary to amend the projects slated for the 2023 fiscal year and update the cost estimates in the plan; and

WHEREAS, a project plan amendment has been developed for replacement of water mains, lead service line replacement, WTP upgrades, well improvements, design/construction engineering and planning, with an updated estimated cost of \$4,043,000; and

WHEREAS, the DWSRF program requires that a hearing be held to receive public comment regarding the proposed project plan amendment.

WHEREAS, the City of Owosso Director of Public Services & Utilities has worked 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: A public hearing is set for Monday, June 6, 2022 at 7:30 p.m. in the City Hall Council Chambers to review the City's DWSRF Project Plan Amendment for the replacement of aging infrastructure and WTP upgrades as required by EGLE's Drinking Water State Revolving Fund program.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: March 30, 2022

TO: City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Traffic Control Order # 1470

Fitness Coliseum and the Friends of the Shiawassee River are requesting a partial parking lot closure for the Shi-Tri event.

LOCATION:

**Portion of Comstock Lot (Lot #10) between N. Park St. and N. Saginaw St.
See attached map for detailed description**

DATE:

May 21, 2022 – May 22, 2022

TIME:

12:00 pm (Saturday) – 6:00 pm (Sunday)

The Public Safety Department has issued Traffic Control Order# 1470 in accordance with the Rules for the Issuance of Certain Traffic Control Orders. Staff recommends approval of the application and further authorization of the noted traffic control order formalizing the action.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

ORDER NO.

DATE

TIME

1470

3/30/22

1:15 pm

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Partial Parking Lot Closure

LOCATION OF CONTROL

Southern portion of Comstock Lot (Lot #10)
between N. Park St. and N. Saginaw St.
See attached map for detailed description

EVENT:

Shi-Tri

DATE: May 21, 2022 – May 22, 2022

TIME: 12:00 pm (Saturday) – 6:00 pm (Sunday)

APPROVED BY COUNCIL

_____, 20 ____

REMARKS



APPLICATION FOR USE OF PARKING LOTS, PARADES, OR SIMILAR EVENTS

301 W. MAIN OWOSSO, MICHIGAN 48867-2958 · (989) 725-0550 · FAX 725-0526

The request for use of the parking lots, parade, or similar event shall be submitted to the Director of Public Safety not less than 14 days nor more than 120 days before the date for which the use is requested.

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

Name of individual or group: _____ Date: _____

Primary Contact: _____ Title: _____

Address: _____

Phone: _____ Email: _____

Requested Date(s): _____ Requested Hours: _____

Area Requested (Parking Lot - Parade Route): _____

Detailed description of the use for which the request is made: _____

- ☐ Attach copies of any rules or policies applicable to persons participating in the event.
- ☐ Attach a map of the route with any barricades marked that are required for street/lot closure.
- ☐ A Certificate of Insurance and Endorsement acceptable to the City evidencing General Liability insurance for the event or activity in the minimum amount of \$1,000,000 per occurrence. Coverage shall be endorsed to name the City of Owosso as additional insured and be primary and non-contributory to any other insurance the City has.
- or
- ☐ The City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

Do Not Write Below This Line - For Officials Use Only

Approved ☐ Not Approved ☐ Date: _____ Traffic Control Order Number _____

Cc: DDA – Director; WCIA - Chairperson

02-07-2022



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/21/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CLH Insurance Agency Michael Ardelean 200 W Exchange St. Owosso MI 48867		CONTACT NAME: Michael Ardelean PHONE (A/C, No, Ext): (989) 277-0984 E-MAIL ADDRESS: mike@clh-insurance.com FAX (A/C, No):	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Evanston Insurance Company	
		NAIC # 35378	
INSURED Friends of the Shiawassee River Nick Tereck 538 N Shiawassee St Corunna MI 48867		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			3DS5473-M2764714	05/20/2022 12:01 AM	05/24/2022 12:01 AM	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	Host Liquor Liability						MED EXP (Any one person) \$ 10,000
	Retail Liquor Liability						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						Deductible \$ None
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY						\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR						AGGREGATE \$
	EXCESS LIAB						\$
	<input type="checkbox"/> CLAIMS-MADE						\$
	DED RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N	N / A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached MEGL 2217 01 19.

Attendance: 256, Event Type: Triathlon.

Waiver of Subrogation applies per attached CG 24 04 12 19.

Primary/Non-Contributory wording applies per attached CG 20 01 04 13.

CERTIFICATE HOLDER**CANCELLATION**

City of Owosso 301 W. Main St. Owosso MI 48867	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Michael Ardelean

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EVANSTON INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

City of Owosso
301 W. Main St.
Owosso, MI 48867

- A.** Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule of this endorsement, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by the acts or omissions of any insured listed under Paragraph 1. or 2. of Section II – Who Is An Insured:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

- B.** With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NONCONTRIBUTORY – OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1)** The additional insured is a Named Insured under such other insurance; and

- (2)** You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US (WAIVER OF SUBROGATION)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

SCHEDULE

Name Of Person(s) Or Organization(s):

City of Owosso
301 W. Main St.
Owosso, MI 48867

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph **8. Transfer Of Rights Of Recovery Against Others To Us** of **Section IV – Conditions**:

We waive any right of recovery against the person(s) or organization(s) shown in the Schedule above because of payments we make under this Coverage Part. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person(s) or organization(s) prior to loss. This endorsement applies only to the person(s) or organization(s) shown in the Schedule above.

Shi-Tri Liability Waiver

The Shi Tri - Shiawassee River Triathlon Release of Liability Agreement

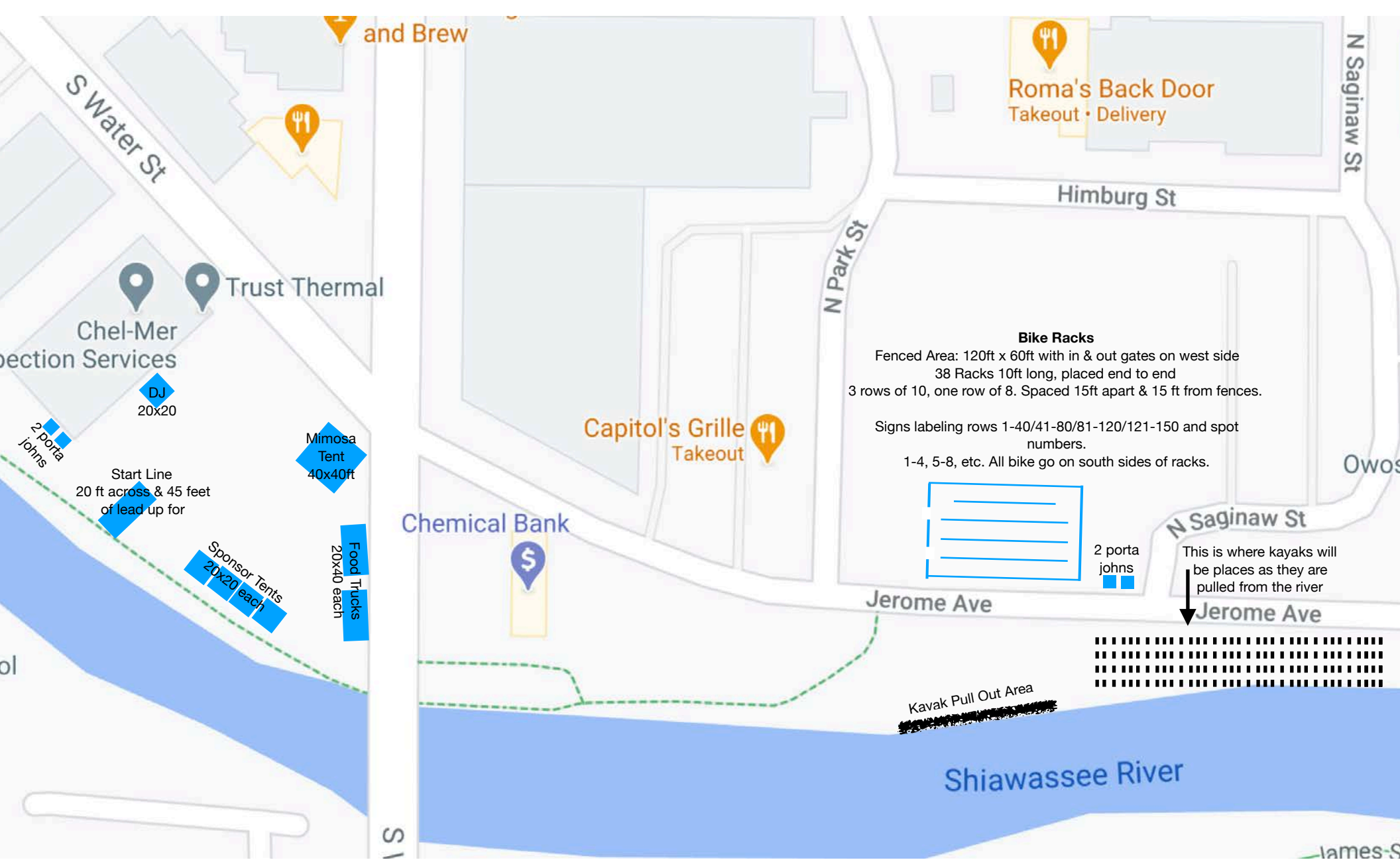
To participate in The Shiawassee River Triathlon (alternatively “The Shi Tri” or “the event”), you must read, complete and sign this form. Participants under the age of 18 must have permission from a guardian over the age of 18.

In consideration of participating in The Shi Tri I hereby agree to release and discharge from liability, The Shi Tri, and all of its’ organizing parties and sponsors, (Fitness Coliseum, Friends of The Shiawassee River, Owosso Public Schools, Memorial Healthcare, (add additional named sponsors) the State of Michigan, Shiawassee County, Caledonia Township, The City of Owosso & The City of Corunna), all owners, directors, employees, volunteers, participants, and all other persons or entities acting for them (hereinafter collectively referred to as “Releasees”).

1. My participation in the Shi Tri is voluntary and subjects me to the possibility of physical injury and loss of or damage to my property. Risks include, but are not limited to, drowning; accidents involving bicycles/water vessels; medical conditions resulting from physical activity; and damaged clothing or other property. I acknowledge that these risks cannot be eliminated, despite the use of safety equipment, without jeopardizing the essential qualities of the event.
2. I acknowledge that participation in The Shi Tri involves activities in and around water by participating in this event. I understand every time I leave shore in a small boat, I am a potential drowning victim. In addition there is the possibility of injury from many things, including unseen obstacles, weather, currents, waves, insects and other boats. Human powered watercraft requires physical effort which can at times be heavy, including lifting, pulling and possibly prolonged exertion in adverse conditions.
3. COVID-19: I agree that I am personally responsible for my safety and actions while volunteering or participating in the Shiawassee Triathlon (Shi-Tri) being hosted by Fitness Colosseum and Friends of the Shiawassee River. Because the Shi-Tri event is open to other individuals, I recognize that I am at higher risk of contracting COVID-19. With full awareness and appreciation of the risks involved, I, for myself and on behalf of my family, executors, administrators, assigns, and personal representatives, hereby forever release, waive, discharge, and covenant not to sue the Friends of the Shiawassee River and/or Fitness Colosseum from any and all liability, claims, demands, actions, and causes of action whatsoever, directly or indirectly arising out of or related to any loss, damage, or injury, including death, that may be sustained by me related to COVID-19 whether or not caused by the negligence of the Friends of the Shiawassee River and/or Fitness Colosseum, while participating in any activity while in, on, or around the Shi-Tri event.
4. As between each of the Releasees and me, I will be solely responsible for any and all medical and related bills that I may incur because of any injury, as well as costs related to loss or damage to my property, that I may sustain as a result of my participation in the Event, including those sustained on the premises where the Event is conducted and while I am traveling to and from such premises, regardless of the location or mode of transportation.

Shi-Tri Liability Waiver

5. I agree to abide by all of the rules and regulations of the Shi Tri as a condition of my participation. I specifically agree to carry or wear a life jacket and, if not wearing it, to keep it accessible to me at all times while on the water. I agree to wear a bicycle helmet the entire time I am on my bike, during the course of The Shi Tri. I understand that if I do not have a life jacket and bicycle helmet, I will not be allowed to participate in the event. I further agree not to consume alcohol, marijuana, or any other mind-altering substance while participating in or immediately prior to The Shi Tri.
6. I expressly accept and assume all of the risks inherent in participation in The Shi Tri or that might have been caused by the negligence of the Releasees. My participation in the activity is purely voluntary and I elect to participate despite the risks. In addition, if at any time I believe that event conditions are unsafe or that I am unable to participate due to physical or medical conditions, then I will immediately discontinue participation.
7. I hereby voluntarily release, forever discharge, and agree to indemnify and hold harmless Releasees from any and all claims, demands, or causes of action which are in any way connected with my participation in The Shi Tri, or my use of the equipment or facilities. This Agreement shall be binding on my estate, heirs, executors, administrators, successors, and assigns, as well as any other party asserting a Claim on my behalf or on behalf of my estate.
8. I hereby expressly agree that (1) this Agreement shall be governed and construed according to the laws of the state of Michigan without regard to its conflict of laws provisions and (2) any action or proceeding concerning any Claim or the meaning or effect of any provision of the Agreement shall be conducted only in the state courts located in Shiawassee County, Michigan, or the federal courts for the Eastern District of Michigan and that for such purposes, I expressly submit to the jurisdiction of such courts.
9. I hereby grant The Shi Tri and its organizers permission to use my likeness in a photograph, video, or other digital media ("photo") in any and all of its publications, including web-based publications, without payment or other consideration. I understand and agree that all photos will become the property of The Shi Tri and its organizers and will not be returned. I hereby irrevocably authorize The Shi Tri & its organizers to edit, alter, copy, exhibit, publish, or distribute these photos for any lawful purpose. In addition, I waive any right to inspect or approve the finished product wherein my likeness appears. Additionally, I waive any right to royalties or other compensation arising or related to the use of the photo.
10. I agree that if any portion of this agreement is found to be void or unenforceable the remaining portions shall remain in full force and effect.



Bike Racks

Fenced Area: 120ft x 60ft with in & out gates on west side
38 Racks 10ft long, placed end to end
3 rows of 10, one row of 8. Spaced 15ft apart & 15 ft from fences.

Signs labeling rows 1-40/41-80/81-120/121-150 and spot numbers.

1-4, 5-8, etc. All bike go on south sides of racks.



2 porta
johns

This is where kayaks will
be placed as they are
pulled from the river

Jerome Ave



Kavak Pull Out Area

Shiawassee River

James-S



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0580 • FAX (989) 723-8854

MEMORANDUM

DATE: April 25, 2022

TO: City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Traffic Control Order # 1471

The Owosso Junior High School on N. Water Street has closed. There are existing signs referring to parking on school days that should now be removed.

City council is asked to rescind Traffic Control Order Nos. 1015 and 1152.

Traffic control order #1015 states "Bus Parking Only, 7:30am to 3:00pm, School Days" on the west side of North Water Street between the south driveway of the junior high school to the north property line of the junior high school. This traffic control order is no longer necessary.

Traffic control order #1152 states "No Stopping, Standing, or Parking from 2:00PM – 3:00PM on School Days" on the east side of North Water Street between Mason Street and Williams Street. This traffic control order is no longer necessary.

The Public Safety Department recommends approval of Traffic Control Order No. 1471 rescinding TCO Nos. 1015 and 1152.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

ORDER NO.

DATE

TIME

1471

4/25/22

3:25 pm

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Rescind Traffic Control Order #1015 and Traffic Control Order #1152

LOCATION OF CONTROL

#1015: West side of North Water St between Exchange St and Williams Street

#1152: East side of North Water Street between Mason St and Williams Street

Remove appropriate signs upon council approval.

TRAFFIC CONTROL:

Rescind Traffic Control Order #1015 “Bus Parking Only 7:30 am to 3 pm School Days” on the west side of North Water Street between Exchange Street and Williams Street.

Rescind Traffic Control Order #1152 “No Stopping, Standing, Parking from 2:00PM – 3:00PM on School Days” on the east side of North Water Street between Mason Street and Williams Street.

APPROVED BY COUNCIL

_____, 20 ____

REMARKS



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0580 • FAX (989) 723-8854

MEMORANDUM

DATE: April 25, 2022

TO: City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Traffic Control Order # 1472 – Curwood Festival

The Curwood Festival requests approval of Traffic Control Order# 1472, this will allow for the closure of certain City parking lots and streets related to the Curwood Festival.

Attached is a list of street and parking lot closures.

The Public Safety Department has issued Traffic Control Order# 1472 in accordance with the Rules for the Issuance of Certain Traffic Control Orders.

The closure of Water Street between Main and Ball from Wednesday, June 1, 2022 at 9:00 am until Monday June 6, 2022 at 6:00 am.

The closure of Water Street from Main to Exchange Street on Wednesday June 1, 2022 at 9:00 am until Monday, June 6, 2022 at 6:00 am.

The closure of Water Street from Exchange to Mason on Friday, June 3, 2022 at 4:00 pm until Monday, June 6, 2022 at 6:00 am.

The closure of Exchange Street parking lot from 7:00 am Thursday, June 2, 2022 through Sunday, June 5, 2022 at 10:00 pm.

The closure of the entire Armory parking lot from Wednesday, June 1, 2022 at 6:00 am until the completion of festival activities on Sunday, June 5, 2022.

The closure of the public safety parking lot on Wednesday, June 1, 2022 at 7:00 am thru Monday, June 6, 2022 at 6:00 am.

Necessary closures for the Children's parade as follows: Barricades needed for the Children's parade by 6:00 pm Friday, June 3, 2022. The parade route starts at the corner of Dewey and Oliver, then the route follows Oliver St to Washington St., down Washington St., over to Exchange to Ball St., up Ball St. ending at Williams St. Rain date for the children's parade is Sunday, June 5, 2022.

Necessary closures for the Heritage Parade which takes place on Saturday, June 4, 2022 at 2:00 pm on M-21 from Gould Street to Chipman Street. Detour route will be well marked/signed to continue smooth traffic flow around the parade. Barricades are needed for the parade line-up on Gould Street at Grover, Comstock and Jerome Streets.

The closure of M-52 from Stewart to Oliver Streets on Saturday, June 4, 2022 for the duration of the parade.

The closure of the lot on the corner of Curwood Castle Drive and Bradley Streets on Wednesday evening, June 1, 2022 for parking through Sunday, June 5, 2022.

Other closures as needed for the 5/10K walk/run on Saturday, June 4, 2022 which will be temporary for the duration of those specific events.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

ORDER NO.

DATE

TIME

1472

4/26/22

3:30 pm

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Street and Lot Closures

LOCATION OF CONTROL

See attached

EVENT:

Curwood Festival 2022

June 2 – 6, 2022

APPROVED BY COUNCIL

_____, 20 ____

REMARKS

The closure of Water Street between Main and Ball from Wednesday, June 1, 2022 at 9:00 am until Monday, June 6, 2022 at 6:00 am.

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Other closures as needed for the 5/10K walk/run on Saturday, June 4, 2022 which will be temporary for the duration of those specific events.



APPLICATION FOR USE OF PARKING LOTS, PARADES, OR SIMILAR EVENTS

301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0550 • FAX 725-0526

The request for use of the parking lots, parade, or similar event shall be submitted to the Director of Public Safety not less than 14 days nor more than 120 days before the date for which the use is requested.

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

Name of individual or group: _____ Date: _____

Primary Contact: _____ Title: _____

Address: _____

Phone: _____ Email: _____

Requested Date(s): _____ Requested Hours: _____

Area Requested (Parking Lot - Parade Route): _____

Detailed description of the use for which the request is made: _____

- ☐ Attach copies of any rules or policies applicable to persons participating in the event.
- ☐ Attach a map of the route with any barricades marked that are required for street/lot closure.
- ☐ A Certificate of Insurance and Endorsement acceptable to the City evidencing General Liability insurance for the event or activity in the minimum amount of \$1,000,000 per occurrence. Coverage shall be endorsed to name the City of Owosso as additional insured and be primary and non-contributory to any other insurance the City has.
- or
- ☐ The City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

Do Not Write Below This Line - For Officials Use Only

Approved ☐ Not Approved ☐ Date: _____ Traffic Control Order Number _____

Cc: DDA – Director; WCIA - Chairperson

02-07-2022



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/26/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jacobs Insurance Agency, Inc. 2021 E Main St Owosso MI 48867	CONTACT NAME: Liz Brooks PHONE (A/C, No, Ext): 989-725-7117 E-MAIL ADDRESS: Liz@jacobsins.com	FAX (A/C, No): 989-720-7120
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: SECURA INSURANCE	22543
	INSURER B: ACCIDENT FUND INSURANCE CO	10166
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 1797019433

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y		CP3321969	4/1/2022	8/31/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCV6210038	6/10/2021	6/10/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Owosso is listed as an additional insured. Coverage is on a primary non-contributory basis.

CERTIFICATE HOLDER**CANCELLATION**

City of Owosso
301 W. Main St.
Owosso MI 48867

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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MEMORANDUM

301 W MAIN ST • OWOSSO, MICHIGAN 48867-2958 • WWW.CI.OWOSSO.MI.US

DATE: May 2, 2022
TO: Mayor Eveleth and the Owosso City Council
FROM: Ryan E. Suchanek, Director of Public Services & Utilities
SUBJECT: H₂O Cross Connection Control Program Inspection Services – Contract Extension

RECOMMENDATION:

Authorization and approval to extend the professional inspection services agreement between the City of Owosso and H₂O Compliance Services, Inc. of Owosso, Michigan, as Addendum No.4.

BACKGROUND:

A Cross Connection Control Program is required by the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE) to ensure commercial and industrial entities do not contaminate the drinking water system via other process piping connections.

Previous to October of 2013 the City of Owosso was in contract with Hydro-Designs Incorporated for four (4) years, at a cost of \$1,660 per month. Since September 16, 2013 the City has had a Professional Services Agreement with H₂O Compliance Services Inc. of Owosso, MI.

Previous contracts in monthly costs:

\$1,660.00 – 2010-2013 (48 months) – Hydro-Design Incorporated

\$1,299.38 – October 1, 2013 – January 31, 2015 (16 months) – **Higher rate due to increased required monthly inspections in order to catch up on inspection backlog vs. following years*

\$698.75 – February 2, 2015 – January 31, 2018 (36 months)

\$731.25 – February 5, 2018 – January 31, 2022 (48 months) – **Higher rate solely due to increased requested inspections*

In the past eight plus years H₂O Compliance has successfully performed our Cross Connection Control Program Inspection Services; and the City wishes to continue this working relationship.

H₂O Compliance has submitted a proposal, as attached, for a renewed three-year agreement period, with a 5% increase in inspection services with each subsequent renewal period. Two (2) optional one-year extensions are proposed, detailed as follows:

\$767.81 per month	July 1, 2022 – June 30, 2025	\$27,641.16 for 36 months
---OPTIONAL---		
\$805.00 per month	July 1, 2025 – June 30, 2026	\$9,660.00 for 12 months
\$845.25 per month	July 1, 2026 – June 30, 2027	\$10,143.00 for 12 months

The proposed services agreement will be for an initial period from July 1, 2022 through June 30, 2025, which may be extended if staff sees fit.

FISCAL IMPACTS:

These services are chargeable to the Water Fund Account 591-552-818.000 in the amount of \$27,641.16 plus contingency funds of \$19,803.00 to cover the two optional one-year extensions (total not to exceed amount of \$47,444.16).

Document originated by:

Ryan E. Suchanek, Director of Public Services & Utilities

Attachments: (1) Resolution
(2) Addendum No.4
(3) H₂O Proposal

RESOLUTION NO.

**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 4 TO
THE AGREEMENT BETWEEN THE CITY OF OWOSSO AND H₂O COMPLIANCE SERVICES, INC.
FOR CROSS CONNECTION INSPECTION SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, entered into an agreement with H₂O Compliance Services, Inc. for the provision of inspection and management services for the City's Cross Connection Control Program with the adoption of Resolution No. 103-2013 on September 16, 2013; and

WHEREAS, the contract was extended thirty-six months with the adoption of Resolution No. 11-2015 on February 2, 2015; and

WHEREAS, the contract was extended another thirty-six months with the adoption of Resolution No. 14-2018 on February 5, 2018; and

WHEREAS, the City and the Director of Public Services & Utilities desire to extend the Cross Connection Program Services Agreement once again.

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 extend the Cross Connection Control Program inspection services agreement with H₂O Compliance Services, Inc. for the period from July 1, 2022 through June 30, 2025, with two optional one-year renewals out to June 30, 2027 at City Staff's discretion.

SECOND: The Mayor and City Clerk are instructed and authorized to sign Addendum No.4 to the H₂O Compliance Services Agreement, substantially as attached in the amount of \$27,641.16, plus two optional extensions totaling \$19,803.00, for a total of \$47,444.16.

THIRD: The accounts payable department is authorized to submit payment to H₂O Compliance Services, Inc. for services rendered in the amount of \$27,641.16, plus an additional \$9,660.00 for optional extension #1 and an additional \$10,143.00 for optional extension #2, should they be approved.

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

**ADDENDUM NO. 4 TO AN AGREEMENT
FOR PROFESSIONAL SERVICES
WITH H₂O COMPLIANCE SERVICES, INC.
FOR ADMINISTRATION OF THE CITY'S CROSS CONNECTION CONTROL PROGRAM**

This addendum is attached and made part of the agreement for professional services dated September 16, 2013 between the city of Owosso, Michigan (owner) and H₂O Compliance Services, Inc. (provider) providing for professional administrative and inspection services.

ADDENDUM NO. 4

CROSS CONNECTION CONTROL PROGRAM SERVICES

PROJECT SCOPE OF WORK

The project scope of work is attached as Cross Connection Control Program Proposal, dated April 25, 2022.

SCHEDULE

The schedule for the project is attached as Addenda: Program Costs, with an initial term of July 1, 2022 – June 30, 2025 and two optional one-year extensions from July 1, 2025 – June 30, 2027 (to be executed upon written confirmation of staff).

COMPENSATION

The cost proposal for the project is attached as Addenda: Program Costs.

Item	Term	Cost
Initial Term	07/01/22 – 06/30/25	\$27,641.16
Extension #1	07/01/25 – 06/30/26	\$9,660.00
Extension #2	07/01/26 – 06/30/27	\$10,143.00

The provider shall submit for payment based on monthly progress of the work.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the date indicated below.

Approved May 2, 2022.

For the provider:

H₂O Compliance Services, Inc.

For the owner:

City of Owosso, Michigan

By: _____

By: _____
Christopher T. Eveleth, Mayor

By: _____

By: _____
Amy K. Kirkland, City Clerk

Executed: _____, 2022

Executed: _____, 2022

Cross Connection Control Program Proposal

Prepared for:

City of Owosso



Prepared by:

Parker Brown

1.866.328.7727

pbrown@h2ocsi.com

H2O Compliance Services, Inc.

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1. Identification

H2O Compliance Services, Inc.
1450 E. South St.
P.O. Box 338
Owosso, MI 48867

Michael Brown – Owner/CEO
Phone: 989.729.7527
Fax: 989.723.5125
Email: mbrown@h2ocsi.com

Parker Brown – Municipal Division
Phone: 989.729.7527
Fax: 989.723.5125
Email: pbrown@h2ocsi.com

2. Qualifications

2.1. Background

Thank you for the opportunity to present our proposal to you. H2O Compliance Services is proud to have the opportunity to discuss our capabilities with you and how our services will meet your needs.

Founded in 2001 and headquartered in Owosso Michigan, H2O Compliance Services is highly recognized in the water industry for the quality of services and our customer service. Our primary focus is assisting communities with protection of their potable water distribution system through our Cross Connection Control (CCC) Program Management. Our staff has over 50 years combined experience with CCC program development/management and the cross connection industry. We utilize XC2® Software water management program as the engine for managing CCC program data and notifications. Our aim is to provide a complete CCC program management service which enables our clients to concentrate on their mainstream activities.

Our Mission is to provide superior services and responsive, friendly and attentive support to our customers so that they may be most effective in their work to provide clean safe drinking water and related services to the public.

2.2. Related Project Experience and Familiarity with Local Standards and Requirements

H2O Compliance Services works closely with the Michigan Department of Environment, Great Lakes, and Energy to assure our program management complies with State requirements.

H2O Compliance Services is currently providing complete cross connection control (CCC) program management and services to the municipalities listed below:

City of Greenville – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Tom Pollock - Water Superintendent (616) 754-5098

City of East Lansing – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Scott House - Director of Public Works (517) 337-9459

City of St. Johns – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Justin Smith - Water Systems Supervisor (517) 749-8793

Village of Fowlerville – Complete CCC Program Management including CCC Plan review/update, Ordinance review/update, generate all program notices i.e. inspection notices, compliance notices, non-compliance notices, backflow assembly test notices, conduct on-site inspections and provide the annual MDEQ Water Supply Cross Connection Report.

Kathy Rajala - Village Clerk (517) 223-3771 ext. 14

2.3. Backflow Prevention Management Software

The provider of the software we use was founded in 1989 and is considered a leading company serving water and wastewater utilities with industry specific applications. Software capabilities include but not limited to:

- Backflow assembly inventory
 - Assembly information: type, size, manufacturer, model, serial number
 - Record location, GPS points, hazard type and level
 - Test history: last test date and tester, next test date
- Automatic reminders
 - Inspections due, follow-up notices, tests due, tester certification, failed/pass assembly tests, requirements due
- Compliance reporting
 - One-click reporting for EGLE Water Supply Cross Connection Report
 - Summary reports or detail of all activity in a date range
 - Summary reports of on-site inspection reports
 - User-definable reports allow creating whatever reports are necessary
- Send notices automatically
 - Import City logo/letterhead
 - Test due notices and follow-up notices
 - Pre-printed test report forms
 - Certified tester list
- Track test results history
 - Complete test results or pass/fail only
 - Next test dates are automatically calculated
 - Maintain unlimited history of test records
- Cross connection surveys and inspections
 - Record and track surveys and inspections
 - Schedule and record inspection dates and compliance status
 - Non-compliance notices and follow-up notices

2.4. Project Team

Michael Brown – Owner/Master Plumber

Mr. Brown has been in the plumbing industry since 1976 and a business owner since 1981. As the owner of H2O Compliance Services Mr. Brown is responsible for business development and overseeing day to day operations. Mr. Brown works extensively with Ford, Chrysler, GM, Michigan Dairy and numerous municipalities within the State of Michigan. Not only responsible for daily operations Mr. Brown is entrenched in the day to day field services and has gained a thorough understanding of the intimate details of how to work with and develop long term relationships with our customers, backflow testers and your water customers.

Credentials:

- **Licensed Master Plumber since 1982**
- **Licensed Plumbing Contractor**
- **ASSE Certified Tester - 28306**
- **ASSE Certified Tester Proctor**
- **Michigan Plumbing & Mechanical Contractors Association and Michigan Board of Plumbing**
 - o *Cross Connection Control Tester 1992*
- **University of Southern California Foundation for Cross-Connection Control and Hydraulic Research**
 - o *Cross Connection Control Program Specialist 2004*
- **University of Florida – TREEO Center**
 - o *Introduction to Backflow Prevention 2007*
 - o *Cross Connection Control: Survey and Inspection 2007*
 - o *Cross Connection Control: Ordinance and Organization 2007*
 - o *Cross Connection Control Program Manager 2007*
 - o *Backflow Prevention Tester Training and Certification 2007*

Parker Brown – Municipal Division

Mr. Brown has spent the past nine years as one of H2O Compliance Services lead inspectors. Mr. Brown is responsible for performing technical and program administration work in support of the Municipal Department. He coordinates and performs on-site inspections at individual water customers to evaluate each water connection for cross connection hazards. He also assists with developing educational and training material and training sessions.

Credentials:

- **ASSE Certified Backflow Tester - 31406**
- **University of Florida – TREEO Center**
 - o *Cross Connection Control: Survey and Inspection 2014*
 - o *Cross Connection Control: Ordinance and Organization 2014*
 - o *Cross Connection Control Program Manager 2014*
- **Michigan State University**
 - o Bachelor's degree in Education – 2010

3. Project Approach

3.1. Understanding of the Requested Services

We have designed our proposal to be responsive to what we know of your needs. Based on meetings and conversations with City personnel, our own research and our knowledge of the industry, we have aimed to demonstrate that we can meet your needs as follows:

1. Continue program review and/or update current program procedures.
2. Review/update existing Ordinance.
3. Review/update written CCC plan as required by EGLE.
4. Conduct up to four hundred (400) initial inspections, compliance reviews and re-inspections at non-residential water customers serviced by the City of Owosso. Inspections will be performed over a three (3) year period, approximately one hundred thirty-five (135) inspections per year. Inspections will be conducted using the isolation/containment approach as supported by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
 - Completing the required number of inspections is contingent upon receipt of water customer information pertinent to this proposal.
5. Manage all program data using the XC2 software® water management program:
 - Generate and mail all associated program notices e.g. inspection, non-compliance and backflow assembly testing notices.
6. Provide quarterly status reports to include; Inspections completed, Compliance Status, Inspection Notices Sent, Testing Notices Sent and Number of backflow assemblies tested.
7. Program Status Meeting(s) – Conduct a yearly meeting at the contract anniversary date or as necessary to review program progress.
8. Provide up to six (6) A.S.S.E. #1011 approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers per facility in order to achieve compliance.
9. MDEQ Water Supply Cross Connection report – Generate and meet with you to review the required annual report.
10. Provide water customer service and support, education and awareness information via brochures, phone, fax or email.
11. Provide detailed phone logs for all incoming calls.
12. Assist with coordinating and participate in a Public Information Meeting and Tester Meeting to explain the Cross-Connection Control Program.

3.2 Contractors Summary

Our cross connection control program services, based on years of successful / practical experience, ensures that your program will be managed the way I would personally expect:

- Our primary focus is to assure we provide the highest level of professional yet personal attentive service to you and your water customers.
- Consistent interpretation of codes and guidelines.

Section 3.2 continued

- Familiarity with all codes and regulations will assure a smooth transition, including documentation and data.
- We have designed our proposal assuming that we would start work immediately.
- We always look at more than one way to have a water customer achieve compliance keeping cost in mind, but not compromising the integrity of the CCC program.
- Data is backed-up daily on-site and weekly data back-up is maintained at an off-site location.
- This contract may be terminated with thirty (30) days' notice in writing by either party.

3.3 Quality Control

The quality control program for our services is headed up by Parker Brown, Municipal Director of H2O Compliance Services. His responsibility is continuously reviewing our operating procedures, in-field inspection review and behind the scene documentation e.g. inspection field forms and subsequent follow-up notifications. In addition the XC2 data management software has several built in checks and balances, to assure that only accurate information is being processed.

4. Scope of Services:

Provide complete cross connection control inspections and data management including:

- 4.1 Complete four hundred (400) inspections (initial inspection and/or re-inspection), at commercial, industrial, institutional facilities and miscellaneous water customers per year within the City of Owosso using the containment and isolation review approach as supported by the State of Michigan Department of Environment, Great Lakes, and Energy. Unless otherwise specified, all inspections will be of the entire potable water system. Inspectors will survey all exposed piping and use the point-of-use inventory method of inspection. New inspections shall include first time inspections of new accounts not previously included in the cross connection program. Re-inspections shall include the annual inspection of high hazard accounts annually, and the periodic (every two to five years) inspection of low hazard accounts. Compliance inspections shall consist of inspections at accounts of corrective actions completed to confirm correction of previously noticed non-compliance conditions.
 - Completing the required number of inspections is contingent upon receipt of water customer information pertinent to this proposal.
 - Additional inspections can be completed at the rate of \$65.00 per inspection.
- 4.2 Determine the inspection schedules, obtain city approval of the schedules, and coordinate the schedules.

- 4.3 Coordinate and notify customers of testing requirements and inspections and/or re-inspections in writing
- 4.4 Provide up to four (4) ASSE approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers per facility as required, in order to place the facility into immediate compliance at the time of inspection.
- 4.5 All testable and non-testable backflow prevention devices, program requirements and relevant code violations will be documented during on-site inspections.
- 4.6 All existing backflow prevention devices, (i.e. testable and non-testable) must be inspected, inventoried and documented. Records shall be maintained of the account/owner's device test results.
- 4.7 Generate all program notifications for users failing initial inspections and/or re-inspections informing them of installation requirements and/or testing requirements.
- 4.8 Perform compliance inspections for each non-compliant location upon notification of completion of compliance requirements. All compliance inspections will be scheduled and completed as required.
- 4.9 Provide full-time phone support for customer questions staffed by a trained individual. The Contractor's phone will be staffed during normal business hours Monday through Friday. An answering service will be provided for after hour calls.
- 4.10 Detailed phone logs are maintained for all incoming calls. Date in and response dates are to be included.
- 4.11 Coordinate, manage and track the testing of all testable backflow prevention devices in accordance with EGLE requirements. Services to include testing notification, requirements, receipt of executed test report, and maintenance of all testing data. All testing results will be maintained for a period of 7 years.
- 4.12 Submit comprehensive management reports to the City of Owosso. Status reports will include the number of inspections completed, notices sent, tests overdue, inspections overdue, a listing of inspections and re-inspections scheduled for the upcoming period, upcoming notifications, a list of facilities in, or not in, compliance.
- 4.13 Collate and deliver the EGLE Water Supply Cross Connection Control Report
- 4.14 Provide comprehensive bound annual report that includes a program summary, copy of the annual EGLE report, a detailed listing of all inspection locations, and individual listing of those facilities in, or not in compliance, inspections completed, sites never inspected, and notifications sent.

Section 4 continued

4.15 Provide progress review meetings with the City's designated representative to discuss program status and specific recommendations as requested. The City may revise the Contractor's proposed work plan to concentrate on new and/or higher priority and non-compliant cross connection locations, provided that the total number of annual inspections shall not be changed except by mutual agreement, or contract amendment.

4.16 The inspector will check-in/out with the City of Owosso contact person on a daily basis or as requested during the inspection period. The check in will include a list of inspections scheduled for the day. The check-out will include a verbal summary and the number of inspections completed for the day.

4.17 Domestic Use Water Meters

Contractor will inspect commercial and industrial account water meters during scheduled Annual Cross Connection Inspections to identify if bypass piping has been installed around the domestic use water meter. Items of note are:

- Is bypass piping installed that would allow domestic water to flow around the water meter without being recorded.
- Does the bypass have isolation valves before and after the water meter.
- If isolation valves are present, do any of the valves have a security seal installed.

4.18 Fire Suppression Metered Water

Contractor will inspect commercial and industrial accounts during scheduled Annual Cross Connection Inspections to identify and record the following:

- Does a separate water meter exist for recording water usage for a Fire Suppression System. If yes; 1) is bypass piping installed around the water meter, and 2) are isolation valves installed before and after the water meter.
- If applicable, is the separate water meter and associated piping installed after the incoming domestic use water meter or before the domestic use water meter.
- If no separate water meter is present, is there fire suppression piping installed. If yes, 1) Is the piping before or after the domestic use water meter.

4.19 Irrigation/ Sprinkler System Metered Water

Contractor will inspect commercial and industrial accounts during scheduled Annual Cross Connection Inspections, to identify and record the following:

- Does a separate water meter exist for recording water usage.
- If no separate water meter is present, is there sprinkler system piping installed. If yes, is the piping installed before or after the domestic use water meter.

4.20 All expenses related to "time and travel" for completion of job scope is to be included in unit process for inspections.

4.21 H2O Compliance Services employees shall not be required to enter into confined spaces.

4.22 In the event the City of Owosso requests and the Contractor consents to perform

Section 4 continued

additional services, inspections or other changes in the scope of services involving consulting, management, operation, maintenance, and repair of the utility delivery system or private water service or cross connection device, both shall agree on the terms and compensation prior to performing such extra work.

- 4.23 Provide any required revisions to the existing Cross-Connection Control Plan specific to the City of Owosso as required by the State of Michigan Department of Environment, Great Lakes, and Energy. The plan revisions must include code adaptation, references, program intent, standard operational procedures, all program notice documentation, reporting procedures (including daily, monthly & annually), backflow prevention devices including detailed installation schematics, piping identification, and preference standards.

The plan must include a detailed re-inspection schedule for all facilities. The frequency for re-inspection of each facility will be influenced by the degree of hazard existing within the facility. The re-inspection frequency of each facility will be based on a 1 to 5 year time period. We will work with designated City of Owosso employees and EGLE to get the plan approved. Upon local approval we will submit the written CCC plan to EGLE for approval.

5. Program Costs

Conduct up to one hundred thirty-five (135) initial inspections, compliance reviews and re-inspections at non-residential water customers serviced by the City of Owosso annually for a term of three (3) years.

Year One: July 1, 2022 – June 30, 2023	\$9,213.72
Year Two: July 1, 2023 – June 30, 2024	\$9,213.72
Year Three: July 1, 2024 – June 30, 2025	\$9,213.72
Total program cost	\$27,641.16

We will bill in twelve monthly increments of \$767.81

Also included are two (2) one year options to renew.

Year Four: July 1, 2025 – June 30, 2026	\$9,660.00
Year Five: July 1, 2026 – June 30, 2027	\$10,143.00

H2O Compliance Services

1450 E. South St.

P.O. Box 338

Owosso, MI 48867

Phone: 989.729.7527

Fax: 989.723.5125

By: Parker Brown
Parker S. Brown, Municipal Division

April 25, 2022
Date

6. Authority to Execute

The parties agree that the signatures below have the authority and are duly authorized to execute this agreement on behalf of the party to the agreement

Accepted By

City of Owosso

Date

April 25, 2022



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: April 28, 2022
TO: Mayor Eveleth and the Owosso City Council
FROM: Amy Fuller, Assistant to the City Manager
SUBJECT: Portable Toilet Bid

RECOMMENDATION:

Authorization to enter a contract for \$14,430.00 with Sloan's Septic Tank Service, L.L.C. for the rental and servicing of seven portable toilets to be located in city parks.

BACKGROUND:

City staff requested bids for portable toilets to be placed at Bennett Field, Collamer Park, Bentley Park, Harmon Patridge Park and the amphitheater from May 2022 to October 2022. Proposals were solicited and the city received one bid, from Sloan's Septic Tank Service, L.L.C. of Oakley, Michigan for \$14,430.00. Staff recommends accepting the bid.

FISCAL IMPACTS:

Total cost of the contract will be \$14,430.00. Funds will be from the Parks and Recreation General Fund Account.

Attachments: (1) Resolution
(2) Contract
(3) Bid Tab

RESOLUTION NO.

**RESOLUTION AUTHORIZING A CONTRACT FOR PORTABLE TOILETS WITH
SLOAN'S SEPTIC TANK SERVICE, L.L.C.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires portable toilets for its city parks; and

WHEREAS, staff solicited proposals for the supply and service of seven portable toilets and received one bid, from Sloan's Septic Tank Service, L.L.C. of Oakley, Michigan; and

WHEREAS, the Assistant to the City Manager recommends authorizing a contract with Sloan's Septic Tank Service, L.L.C. of Oakley, Michigan for \$14,430.00.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to authorize a contract for the supply and service of seven portable toilets from Sloan's Septic Tank Service, L.L.C. for the period of May 2022 – October 2022 in the amount of \$14,430.00.
- SECOND: The accounts payable department is authorized to submit payment to Sloan's Septic Tank Service, L.L.C. in an amount not to exceed \$14,430.00 for work satisfactorily completed.
- THIRD: The above expenses shall be paid for from the Parks General Fund Account 101-756-831.000.

EXHIBIT A

**Contract for Services Between
The City of Owosso
and
Sloan's Septic Tank Service, L.L.C.**

**2022 Portable Toilets Bid
(TWO ONE-YEAR RENEWABLE OPTIONS)**

May 2, 2022

CONTRACT

THIS AGREEMENT is made on May____, 2022 between the CITY OF OWOSSO, a Michigan municipal corporation, 301 W. Main Street, Owosso, Michigan 48867 ("city") and SLOAN'S SEPTIC TANK SERVICE, L.L.C. ("contractor"), a Michigan company, whose address is 16101 West Brady Road, Oakley, Michigan 48649.

Based upon the mutual promises below, the contractor and the city agree as follows:

ARTICLE I - Scope of work

The contractor agrees to furnish all of the materials, equipment and labor necessary and to abide by all the duties and responsibilities applicable to it for the bid entitled "2022 Portable Toilets Bid," in accordance with the requirements and provisions of the following documents, including all written modifications incorporated into any of the documents, which are incorporated as part of this contract:

- Bid forms
- Bid pages
- Proposal/Quotations
- Contract and exhibits
- Bonds
- General conditions
- Standard specifications
- Detailed specifications

ARTICLE II - The Contract Sum

(A) The city shall pay to the contractor for the satisfactory provision of the product requested, in the unit prices as given in the bid forms not to exceed fourteen thousand four hundred thirty dollars (\$14,430.00) for the period from May 2022 -- October 2022. No additional work shall be performed unless a change order is issued by the city.

(B) The amount paid shall be equitably adjusted to cover changes in the product ordered by the city but not required by the contract documents where there is a written change order.

ARTICLE III – Assignment

This contract may not be assigned or subcontracted without the written consent of the city.

ARTICLE IV - Choice of law

This contract shall be construed, governed, and enforced in accordance with the laws of the state of Michigan. By executing this agreement, the contractor and the city agree to a venue in a court of appropriate jurisdiction sitting within Shiawassee County for purposes of any action arising under this contract.

Whenever possible, each provision of the contract will be interpreted in a manner as to be effective and valid under applicable law. The prohibition or invalidity, under applicable law, of any provision will not invalidate the remainder of the contract.

ARTICLE V - Relationship of the parties

The parties of the contract agree that it is not a contract of employment but is a contract to accomplish a specific result. Contractor is an independent contractor performing services for the city. Nothing contained in this contract shall be deemed to constitute any other relationship between the city and the contractor.

Contractor certifies that it has no personal or financial interest in the project other than the compensation it is to receive under the contract. Contractor certifies that it is not, and shall not become, overdue or in default to the city for any contract, debt, or any other obligation to the city

including real or personal property taxes. City shall have the right to set off any such debt against compensation awarded for services under this agreement.

ARTICLE VI – Notice

All notices given under this contract shall be in writing, and shall be by personal delivery or by certified mail with return receipt requested to the parties at their respective addresses as specified in the contract documents or other address the contractor may specify in writing.

ARTICLE VII - Indemnification

To the fullest extent permitted by law, for any loss not covered by insurance under this contract; contractor shall indemnify, defend and hold harmless the city, its officers, employees and agents harmless from all suits, claims, judgments and expenses including attorney's fees resulting or alleged to result, in whole or in part, from any act or omission, which is in any way connected or associated with this contract, by the contractor or anyone acting on the contractor's behalf under this contract. Contractor shall not be responsible to indemnify the city for losses or damages caused by or resulting from the city's sole negligence.

ARTICLE VIII - Entire agreement

This contract represents the entire understanding between the city and the contractor and it supersedes all prior representations or agreements whether written or oral. Neither party has relied on any prior representations in entering into this contract. This contract may be altered, amended or modified only by written amendment signed by the city and the contractor.

FOR CONTRACTOR

By_____

Its:_____

Date:_____

THE CITY OF OWOSSO

By_____

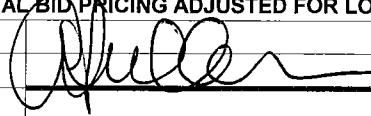
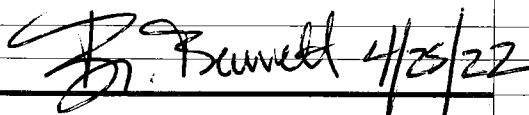
Its: Christopher T. Eveleth, Mayor

Date:_____

By_____

Its: Amy K. Kirkland, City Clerk

Date:_____

CITY OF OWOSSO BID TABULATION SHEET							DATE	4/12/2022
							DEPT.	DPW
SUBJECT: 2022 Portable Toilets								
Two 1-year renewable options			Sloans Septic Tank Service					
			16101 W Brady Rd., Oakley, MI 48649					
			989-845-6280					
ITEM #	DESCRIPTION	QTY	Monthly Rate	2022/2023 8 Months	Optional Renewal 2023/2024	Optional Renewal 2024-2025		
1	Handicap - Bennett Field Empty once per week	1	\$ 168.00	\$ 1,554.00	No Bid	No Bid		\$ -
2	Regular - Collamer Park Empty once per week	1	\$ 128.00	\$ 1,184.00	No Bid	No Bid		
3	Handicap - Collamer Park Empty once per week	1	\$ 168.00	\$ 1,554.00	No Bid	No Bid		
4	Handicap - Location TBD Empty once per week	1	\$ 168.00	\$ 1,554.00	No Bid	No Bid		
5	Handicap - Bentley Park Empty twice weekly on Friday & Monday	1	\$ 336.00	\$ 3,108.00	No Bid	No Bid		
6	Regular-Harmon Patridge Park Empty twice weekly on Friday & Monday	1	\$ 256.00	\$ 2,368.00	No Bid	No Bid		
7	Handicap-Harmon Patridge Park Empty twice weekly on Friday & Monday	1	\$ 336.00	\$ 3,108.00	No Bid	No Bid		
8	Note: on 4 week schedule, 37 weeks of service.							
Total:				\$ 14,430.00	\$ -	\$ -		
TOTAL BID PRICING ADJUSTED FOR LOCAL PURCHASING PREFERENCE:\$2,500								
DEPT HEAD			GENERAL LIABILITY INSURANCE			AWARDED:		
			EXPIRATION DATE:			12/16/2022		
PURCH. AGENT:			WORKERS COMPENSATION INSURANCE			COUNCIL		
 4/25/22			EXPIRATION DATE:			4/25/2022		
STAFF REC.:			SOLE PROPRIETORSHIP					
Sloan's Septic Tank Service			EXPIRATION DATE:			N/A		
						PO NUMBER:		

107.756.831.000



Warrant 614
April 12, 2022

Vendor	Description	Fund	Amount
Waste Management	Landfill charges-3/16/22-3/31/22	Various	\$11,028.98
Total			\$11,028.98



MEMORANDUM

BUILDING DEPARTMENT 301 W. MAIN ST. OWOSSO, MI 989-725-0535

DATE: 04/26/2022
TO: Mayor Eveleth and the Owosso City Council
FROM: Tanya S. Buckelew, Planning & Building Director
SUBJECT: Lot Split Application
Parcel No: 050-450-000-012-00
Address: 1450 W KING STREET

RECOMMENDATION:

Staff recommends approval of the application for lot split for 1450 W KING STREET.

BACKGROUND:

The owner of 1450 W KING STREET has submitted a request to split off the north section of her property. The enclosed map shows the parcel (outlined in orange) and the blue solid line indicating the split location. The parcels, after the split, still meet the zoning ordinance requirements in regards to minimum lot sizes.

The intent for the owner of this parcel, after the split, is to deed the lot over to the owners of 722 Center Street to allow for a larger back yard area and entrance from West Street.

During the department review process, it was found there is a storm sewer line (see enclosed map) running along the northern portion of the lot facing West Street. This storm sewer line prevents a structure from being built on this vacant lot. The current owner and the future owners are aware of this and understand that no structure will be allowed on the vacant lot. The 722 Center Street owners will need to apply to the City in the future to combine their existing lot with this vacant lot.

CURRENT LEGAL DESCRIPTION:

1450 W KING STREET – E 1/2 OF THE S 264' OF LOT 16 OAK GROVE ADDN, ALSO PRT OF LOT 16 DESCR AS BEG ON E LN SD LOT 246.33' FROM NE COR SD LOT - S01°32'13" W 82.11' TO A PT 264' N FROM SE COR SD LOT - S90°00'00" W 131.99' TO W LN SD LOT - N01°32'24" E ON SD W LN 82.11' - N90°00'00" E 131.98' TO POB

PROPOSED DESCRIPTIONS:

1450 W KING STREET – E ½ OF S 264 FT LOT 16 OAK GROVE ADD L1/P8, 0.40 AC +/-

WEST STREET - PART LOT 16 OAK GROVE ADD L1/P8 DESC AS BEG ON E LN LOT 16 S01°32'13"W 246.33 FT FROM NE COR THF, TH CON'T S01°32'13"W 82.11 FT TO A PT N01°32'13"E 264 FT FROM SE COR SD LOT 16, TH PLL W/ S LN SD LOT W 131.99 FT, TH ALG W LN SD LOT N01°32'24"E 82.11 FT, TH E 131.98 FT TO POB, 0.25 AC +/-

FISCAL IMPACTS:

N/A



D2022-008
04-14-2022

Application Fee:
Single - \$225
Multiple - \$225 each +
\$35/resulting lot

APPLICATION TO DIVIDE PLATTED CITY LOTS

The State of Michigan Land Division Act and City of Owosso Subdivision Regulations prohibit the division of platted City lots without prior approval of the City Council.

Step-By-Step Guide

1. Staff will assist the applicant by explaining the parcel split process, provide site information, review the application and inform that a survey may be required
 2. Applicant submits application with fee
 3. Departmental review of application
 4. Staff prepares memo for next City Council meeting
 5. Send notice to applicant with the date of the City Council meeting
 6. City Clerk notifies the Building Department and Assessor of Council approval or denial
 7. Final approval or denial notice sent to applicant
- Requests for parcel splits can only be approved if the request meets the requirements of the Zoning Ordinance. The resulting split cannot create a parcel that does not meet the minimum dimensional requirements for the district (street frontage and parcel area). If there are structures on the parcel they must meet the side yard and/or rear yard setback as applicable.
 - It is the owner's responsibility to verify that there are no issues/objections to the request by any persons, firms, or corporations having a legal or equitable interest in the land. **The City does not conduct a title search for the property.**
 - If the parcel involves a principal residence or homestead it is up to the applicant to notify the City Assessor to update their Homestead Exemption.
 - The applicant is responsible to provide a survey and legal descriptions of the proposed parcels (unless waived by the Zoning Administrator). If buildings or structures are located on a parcel a site plan showing set-backs is required. Requests are reviewed for compliance with the Zoning Ordinance. The Zoning Administrator reserves the right to require additional information necessary to meet the requirements of the Zoning Ordinance.
 - **ALL DELINQUENT TAXES/SPECIAL ASSESSMENTS/LIENS MUST BE PAID ON ANY PARCEL BEFORE THE DESCRIPTION OF THE PARCEL CAN BE CHANGED.**

Applicant Information

Name: DODGE, ELANA / LE EST FRANCES WILSON
Affiliation if Not Owner: C/O FRANCES WILSON
Address: 1450 W KING STREET OWOSSO
Phone: 989-723-1029

Land Division Information

Parcel Address:	Parcel Number:
West St. 1450 W KING ST	050-450-000-012-00

Proposed Use

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional	<input type="checkbox"/> Other
---	-------------------------------------	-------------------------------------	--	--------------------------------

Describe the division being proposed

lot size 131.97 X 82.11 H 006-045

- ① 1450 W King 66' X 264'
- ② West 5th parcel 82.11 X 131.94

Affidavit and Permissions:

- I agree the statements made on this document are true, and if found not to be true, this application and any approvals will be void
- I agree to give permission for officials of the municipality to enter onto property involved in this application for purposes of inspection, to verify that the information provided on the application is correct
- I understand that any approval hereunder only constitutes approval of requested legal descriptions and does not provide, constitute, infer or imply build ability or compliance with any applicable statute, law, building code, deed restriction, or property right
- I agree to comply with the conditions and regulations provided with this parcel division
- I understand that the land division application may take up to 30 days to be processed
- I understand that property tax bills may be issued using the parent parcel(s) and I agree to have the tax bills and other city of Owosso liens charged/billed during this period paid by the appropriate party
- I understand that if property is being conveyed between the parties, requested land division will only take place on city records after recording of deed
- **Divisions require all taxes, special assessments and outstanding invoices be paid in full before the division can be processed**

J Frances Wilson

Applicant Signature

4-14-22

Date

City of Owosso Lot Split Ordinance Sec. 30-5. - Lot division.

The division of a lot in a recorded plat is prohibited, unless approved following application to the city council. The application shall be filed with the city clerk and shall state the reasons for the proposed division. The city council may request review and comment by the city planning commission. The division to be approved by the city council shall have the suitability of the land for building purposes approved by the city zoning administrator, who may require submission of a professionally prepared boundary survey report. No building permit shall be issued, nor any building construction commenced, prior to the city council's approval. No lot in a recorded plat shall be divided into more than four (4) parts, and the resulting lots shall be not less in area than permitted by the city zoning ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form. (Ord. No. 456, § 1, 12-19-88)

**ASSESSOR TO ATTACH LOT SPLIT FORM WITH CURRENT AND NEW
DESCRIPTIONS, ASSESSED AND TAXABLE VALUES**

City of Owosso Division of Platted City Lots Departmental Review

1. Building Official Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>ALL APPEARS TO BE IN ORDER</i>		
Signature: <i>[Signature]</i>		
2. Assessor Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>Will have a Parcel number of 050-450-000-045-00 AND ADDRESS OF <u>West St</u> for the 2023 Assessment Roll.</i>		
Signature: <i>Michael Dandy 4-14-2022</i>		
3. Treasurer Tax Information:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
County Drain Office Special Assessments:	<input type="checkbox"/> Paid <i>N/A</i>	<input type="checkbox"/> Unpaid
County Treasurer's Office Delinquent Taxes:	<input checked="" type="checkbox"/> Paid	<input type="checkbox"/> Unpaid
Special Assessments:	<input checked="" type="checkbox"/> Paid	<input type="checkbox"/> Unpaid
Comments: <i>Current utility bill of \$137.58 owing as of 4/18/22.</i>		
Signature: <i>Kathy J. Jagan</i>		
4. Public Utilities Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>SEE ENGINEERING COMMENTS BELOW</i>		
Signature: <i>Ryan Buchanan</i>		
5. Engineering Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>Storm sewer line runs through north portion of new lot - no building will be allowed on storm sewer. A future building will need water + sanitary connection and driveway approach.</i>		
Signature: <i>Clayton Wehner</i>		
6. Zoning Administrator Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: <i>No issues with zoning and lot site requirements. but the storm sewer line prevents a future building.</i>		
Signature: <i>[Signature]</i>		

Date for City Council Review:	05-02-2022	Date notice sent to applicant:	04-26-2022
City Council action:	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved with attached conditions
Date results sent to applicant:			

Building Department Checklist

Application Reviewed	<input checked="" type="checkbox"/>
Fee paid	<input checked="" type="checkbox"/>
Return all materials to Building Department	<input checked="" type="checkbox"/>
Send copy of application to applicant with date of Council Meeting	<input checked="" type="checkbox"/>
Prepare memo and submit with original application to Clerk's Office	<input checked="" type="checkbox"/>
After Council approval or denial, notify applicant with copy of completed application	<input type="checkbox"/>
Notify Assessor of approval or denial	<input type="checkbox"/>
Scan to BS&A file and file hard copy	<input type="checkbox"/>
Staff Initials	

REAL ESTATE POWER OF ATTORNEY

The 1 individual(s) Elana L Dodge of 7374 Chimney Pines Dr, pensacola, Florida, 32526 (the "Principal")

HEREBY APPOINTS

The individual Frances E Wilson of 1450 W King St, Owosso, Michigan, 48867 (the "Agent")

TO CONDUCT THE FOLLOWING

The Agent is authorized to perform any act on behalf of the Principal in order to complete the sale of real estate which includes, but is not limited to, the negotiating, modifying, executing, providing acceptance, and the delivery of all documents. In addition, the Agent may accept the closing proceeds for deposit into the Principal's bank account which has been previously disclosed to the Agent.

The Agent is authorized to perform any act on behalf of the Principal in order to complete the purchase of real estate which includes, but is not limited to, the negotiating, modifying, executing, providing acceptance, and the delivery of all documents. In addition, the Agent is authorized to negotiate, modify, execute, and deliver any documents necessary to complete the financing used to purchase the real estate as well as to withdraw and disburse funds necessary for the closing from the Principal's account which has been previously disclosed to the Agent.

The Agent is authorized to perform any act related to the management or maintenance of real estate which includes, but is not limited to, making repairs (with reimbursement), approving sub-contractors for work, negotiating rents, signing lease/sublease agreements, evicting tenants and any other representation as required on a day-to-day basis.

The Agent is authorized to perform any act related to the refinancing the Principal's debts related to the real estate. This may include, but is not limited to, the modifying, negotiating, executing, and delivering all documents necessary to complete the refinancing as well as to withdraw and disburse funds necessary to complete from/into the Principal's account which has been previously disclosed to the Agent.

In addition to the powers mentioned, the Principal specifically lists the following as additional powers to the Agent: Frances Wilson has my permission to build, sell, separate, or deem what is ever necessary at her discretion.

THE AFOREMENTIONED POWERS STATED IN THIS REAL ESTATE POWER OF ATTORNEY MAY ONLY BE USED FOR THE REAL ESTATE LOCATED AT:

Mailing Address: 1450 W King St, Owosso, Michigan, 48867

This power of attorney document shall begin on April 13 2022.


In addition, this power of attorney document shall be considered void if another is created for the Principal for their real estate or if a revocation form has been authorized.

The Principal grants the Agent the full power and authority to perform all acts on their behalf, in accordance with the aforementioned powers, as they could do if personally present, hereby ratifying and confirming all that the Agent may do pursuant to this power.

This power of attorney document shall be governed by, and construed in accordance with, the laws located in the State where the property is located.

This power of attorney hereby revokes any existing power of attorney document that may have previously been granted in relation to the above-described real estate.

The Principal and Agent shall execute this power of attorney in the presence of a notary public and two (2) witnesses.

Principal's Signature  D320-212-64-636-0

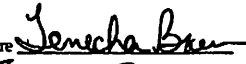
Acceptance by Agent

The undersigned Agent acknowledges and executes this Power of Attorney, and by such execution does hereby affirm that they: (A) accept the appointment; (B) understand the duties under this Power of Attorney and the law.

Agent's Signature _____
Frances E Wilson

Affirmation by Witness

-I, Tenecha Brown, witnessed the execution of this Power of Attorney by the Principal, Elana L Dodge, and affirm that Elana L Dodge appeared to be of sound mind, was not under duress, and that Elana L Dodge affirmed to me that he/she was aware of the nature of this Power of Attorney and signed it freely and voluntarily.

Witness Signature 
Print Name Tenecha Brown

Affirmation by Witness

I, Julie L Klein, witnessed the execution of this Power of Attorney by the Principal, Elana L Dodge, and affirm that Elana L Dodge appeared to be of sound mind, was not under duress, and that Elana L Dodge affirmed to me that he/she was aware of the nature of this Power of Attorney and signed it freely and voluntarily.

Witness Signature 

Print Name Julie L. Klein

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

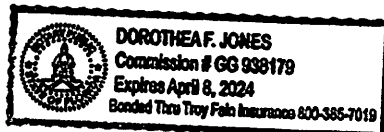
County of Essex

State of Florida

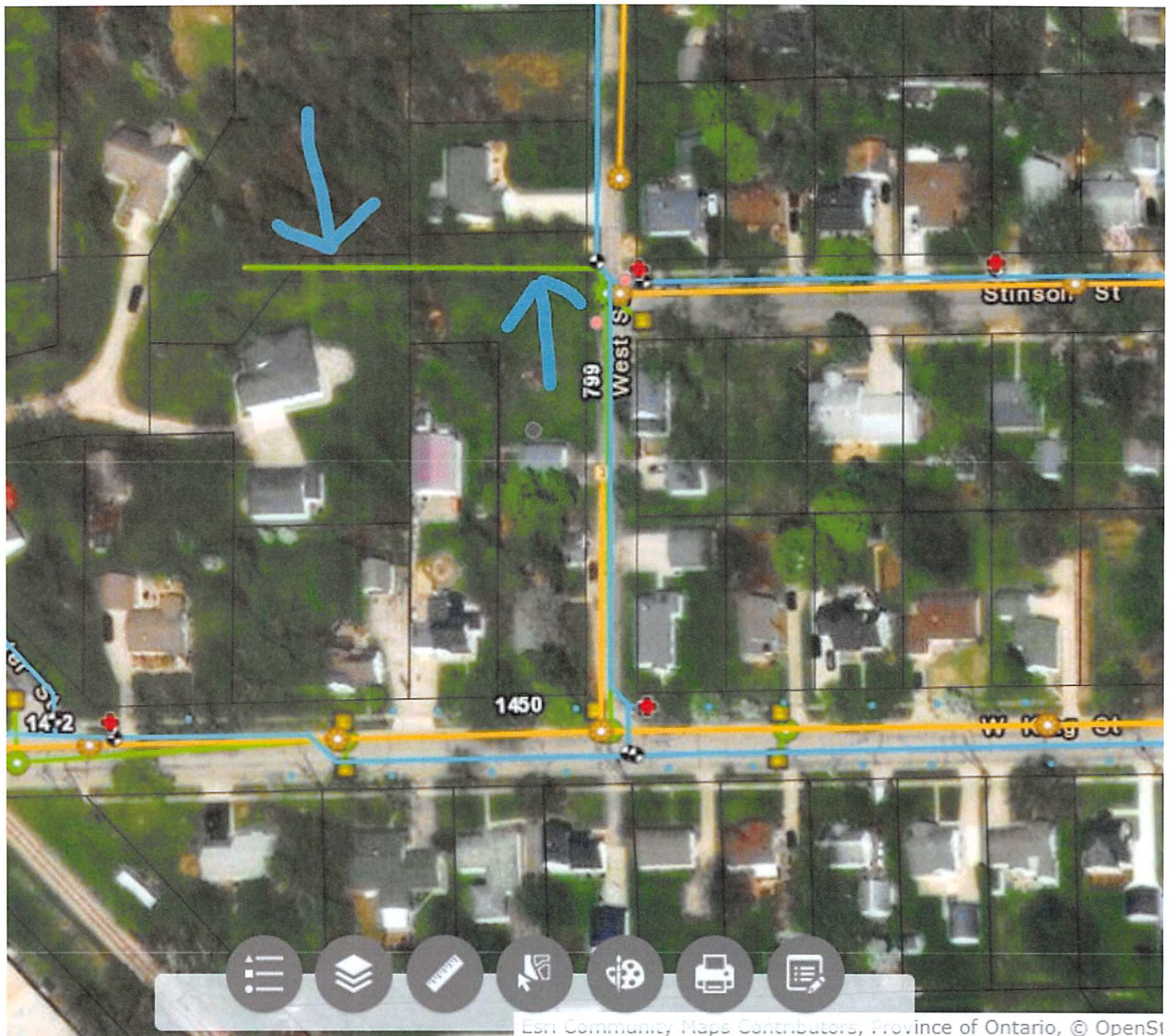
On this 13 day of April, 2022 the foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization by Elana L. Dodge, who is personally known to me or has produced _____ [TYPE OF IDENTIFICATION] as identification.

Dorothea F. Jones
Notary Public

Print Name: _____ My commission expires: _____









301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: April 19, 2022

TO: Mayor Eveleth and the Owosso City Council

FROM: Jessica B. Unangst, Director of HR & Administrative Services

RE: City Manager Performance Evaluation

It's that time of year again, time for Nathan's annual performance evaluation.

The attached form titled "Evaluation Form 2022" is for council review and comments. I have also attached the suggested "360 Degree City Manager Effectiveness Evaluation" tool for department manager reviews and comments. At this time, both documents are open to council changes, deletions or additions.

The plan for this meeting is for you to review the evaluation process and make any necessary changes to the process or the forms. In years past, each individual council member has completed their evaluation form and submitted it to me for tallying. Once I receive all seven back, I average the scores and combine all the comments on to one document, which is then presented to City Manager Henne by council. In the same fashion, I also obtain feedback from all department managers and combine those results on to one document with an average score for each question. That is also presented to City Manager Henne during his council review.

**CITY OF OWOSSO
CITY MANAGER
Evaluation Form 2022
To be completed by Mayor and City Council Members**

Name of Council Member _____

Date _____

ORGANIZATIONAL RESPONSIBILITIES

This measurement category emphasizes the City Manager's commitment and behaviors related to the City's values and goals. If response is no, explain in comments section.

	Circle One	
Supports the City's policies and procedures.	Yes	No
Supports the City's goals and values including its sustainability principles.	Yes	No
Respects diversity.	Yes	No
Demonstrates fiscal responsibility.	Yes	No
Is committed to providing and maintaining a safe work environment.	Yes	No

Comments:

For each of the following statements within each competency, rate the City Manager using only the following scale:

Rating

- 1** Needs improvement on position requirements. Provide details in the comments sections if rating a 1.
- 2** Meets position requirements.
- 3** Exceeds position requirements and/or demonstrates a high level of competence.

COMMUNICATIONS

This measurement category emphasizes verbal and written communication within a group setting, between individuals, report writing, presentation skills, email and letter writing, and nonverbal communication.

	Rating
Writes clearly and informatively.	
Demonstrates effective group presentation skills.	
Participates in meetings with constructive input.	
Speaks clearly, listens to details and gets clarification.	
Creates partnerships internally.	
Communicates with legislators and creates awareness of legislative impact on the City of Owosso.	
Facilitates open exchange of ideas and fosters atmosphere of open communication with the City Council.	
Facilitates open exchange of ideas and fosters atmosphere of open communication with the community.	
Provides City Council with information to keep them informed and able to respond to citizens adequately.	

Add the values from above & enter the subtotal ____ / 9 = ____ score for this category.

Comments:

LEADERSHIP

This measurement category emphasizes the personal impact the City Manager exhibits to City Council and others.

	Rating
Exhibits confidence in self and others.	
Inspires respect and trust.	
Reacts well under pressure.	
Has initiative to take action.	
Acknowledges and reinforces individual contributions to team efforts.	
Makes decisions and takes accountability.	
Sets forth strategic planning and vision.	
Engages in an ongoing assessment of organizational performance.	
Creates or practices a culture that fosters a high standard of ethics.	
Supports and effectively represents City Council policies and direction.	
Supports and effectively represents City Council final decisions and works to fulfill and implement.	
Responds appropriately to unanticipated and difficult situations.	
Effectively uses knowledge and abilities of staff to convey issues to City Council with clarity.	
Demonstrates a high level of effort.	

Add the values from above & enter the subtotal ____ / 14 = ____ score for this category.

Comments:

TEAMWORK

This measurement category emphasizes how well the City Manager works with, supports, and actively engages with City Council, local leaders, community partners, and legislators.

	Rating
Establishes and maintains effective relationships.	
Uses tact and consideration.	
Displays positive outlook and pleasant demeanor.	
Works actively to resolve conflicts.	
Volunteers readily and seeks increased responsibilities.	
Looks for and takes advantage of opportunities.	
Generates suggestions and innovative ideas from others.	
Has an understanding of and pursues City Council direction.	
Responsive to constructive criticism.	

Add the values from above & enter the subtotal ____ / 9 = ____ score for this category.

Comments:

PLANNING AND PRODUCTIVITY

This measurement category emphasizes City Manager's organizational, planning, and productivity taking into account the unique aspects of the City Manager's specific job duties.

	Rating
Meets commitments and deadlines.	
Begins work, meetings, and appointments on time.	
Gives City Council adequate time to form their own opinion before casting a vote.	
Demonstrates significant understanding of City finances.	
Effectively forecasts budget and anticipates shortfalls.	
Develops plans and presents ideas to City Council to address budget and financial issues.	
Works to address and develop plans for succession planning.	

Add the values from above & enter the subtotal ____ / 7 = ____ score for this category.

Comments:

TECHNICAL KNOWLEDGE

This measurement category emphasizes the knowledge, skills, and abilities the City Manager brings to the job. It includes ongoing training and education the City Manager obtains to continually improve performance and value to the City.

	Rating
Competent in required job skills and knowledge.	
Exhibits ability to learn and apply new skills.	
Understands City operations.	
Participates in local and regional groups to assure Owosso's input is expressed and understood.	
Shares technical knowledge with others.	
Stays apprised of new and current developments.	
Uses technology to improve productivity.	

Add the values from above & enter the subtotal ____ / 7 = ____ score for this category.

Comments:

MANAGEMENT

This measurement category evaluates the employee's contribution to the work being done by the City.

	Rating
Makes decisions and takes accountability for department or work group performance.	
Works actively to resolve conflicts.	
Assumes responsibility for team shortcomings and shares accolades for success with team.	

Add the values from above & enter the subtotal ____ / 3 = ____ score for this category.

Comments:

STRENGTHS

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period?

IMPROVEMENT AREAS

What performance area(s) would you identify as most critical for improvement?

360 Degree City Manager Effectiveness Evaluation

Introduction

In keeping with the City of Owosso's goal to continuously improve, we are asking for your candid feedback on the performance of City Manager Nathan Henne. A summary of all feedback received will be prepared for your manager so that he can use the feedback to learn and develop as a City Manager. Your feedback will be summarized to protect your anonymity and to ensure that the results Nathan receives are completely confidential.

Thank you for your contribution to this very important process.

Name of City Manager: Nathan Henne

Completed by: _____

Date: _____

Rating Scale	
1	Always
2	Often
3	Sometimes
4	Rarely
5	Never

Statement	Rating
Seeks input from all team members	1 2 3 4 5
Shows genuine concern for team members	1 2 3 4 5
Supports a team environment by recognizing and rewarding collaboration, cooperation and activities contributing to others' success	1 2 3 4 5
Criticizes those who are not present	1 2 3 4 5
Considers the impact of actions and decisions on other departments before implementing	1 2 3 4 5
Recognizes and supports the work of other departments	1 2 3 4 5
Encourages others to express different ideas and perspectives	1 2 3 4 5
Is open to other perspectives and is willing to change his position when presented with compelling information	1 2 3 4 5

Is open to negative and/or constructive feedback	1	2	3	4	5
Keeps you informed on updates in the organization that will impact my job	1	2	3	4	5
Gives open and constructive feedback	1	2	3	4	5
Effectively deals with conflict	1	2	3	4	5
Sets a clear direction for your department and city	1	2	3	4	5
Treats everyone with respect and fairness	1	2	3	4	5
Provides cross-functional development opportunities for team members	1	2	3	4	5
Encourages and supports your involvement in training and development	1	2	3	4	5
Encourages and supports your involvement in City activities and events	1	2	3	4	5
Uses actions and behaviors that are consistent with his words	1	2	3	4	5
Seeks improvement	1	2	3	4	5
Is trustworthy	1	2	3	4	5
Is a role model for continuous improvement and motivation	1	2	3	4	5
Uses a coaching management style, rather than an authoritarian boss management style	1	2	3	4	5
Deals with issues that need to be addressed	1	2	3	4	5
Provides a clear sense of purpose and direction, roles and responsibilities, for me individually and for our group team members	1	2	3	4	5
Thinks creatively	1	2	3	4	5
Delegates responsibility	1	2	3	4	5
Communicates effectively	1	2	3	4	5
Achieves results	1	2	3	4	5
Builds personal relationships with his team and employees from all departments	1	2	3	4	5

Displays commitment	1	2	3	4	5
Takes action when needed	1	2	3	4	5
Works efficiently	1	2	3	4	5
Adjusts to circumstances	1	2	3	4	5

General Feedback

Type or print your answers; add additional pages if needed. Please be as specific as possible by including examples.

1. What activities, behavior, feedback or coaching would you like the city manager to stop doing? Please explain.
2. What should the city manager continue doing to promote departmental success?
3. What is the city manager's greatest strength?
4. What is the city manager's greatest weakness?
5. Please provide comments that you feel will be meaningful for the city manager to sustain or improve his effectiveness.
6. Any additional comments you would like to share to promote departmental success?

Innovative Community Solutions

Allan Martin, President 810-241-1954
martin@mi-ics.com

Patrice Martin, Vice President 810-610-1649
patrice@mi-ics.com

4/6/2022

Nathan Henne
City Manager
City of Owosso
301 W. Main St.
Owosso, MI 48867

Dear Nathan,

It was truly a pleasure to work with you, your staff and City Council. During our time together, we were successful in identifying how the goals found in the City's newly-adopted Master Plan Update can effectively serve to guide discussion and decision-making at all levels of city government.

I have condensed the outcomes of our sessions into two documents:

- 1) **City of Owosso – City Council Master Plan Implementation Strategies**
- 2) **Master Plan Measurables and Dashboard**

The implementation strategies document is intended for use primarily by the council, and includes specific strategies to incorporate dialog and decision-making related to the Master Plan directly into the functioning of the Council. I recommend the Council review the possible strategies, and select the one they are prepared to advance. This activity can also be conducted between you and your department heads.

The measurables and dashboard document is offered as a starting point for ongoing dialog and discussion related to the desired outcomes of the Master Plan. Once the City's budget is finalized, the specific measures, targets and metrics can be refined and translated into a reportable dashboard. Having specific measures, et al, informs and improves data collection from individual departments. It is likely that this will also enhance the Council's awareness of the community impact of each department.

I am happy to discuss these documents and answer any questions you might have.

Warm regards,



Patrice E. Martin
Vice President
Innovative Community Solutions

City of Owosso – City Council Master Plan Implementation Strategies

Area of Focus – *Intra-council communication*

Overall Objective – Discussion and decision-making become more future-oriented and focused on overall Master Plan goal achievement.

Current State (Where you are now)	Future State (Where you want to be)	Strategies (How to get there)
<ul style="list-style-type: none"> Substantive dialog is limited to council meetings Tends toward reactive versus pro-active decision-making Includes expert testimony/input when deemed necessary Heavy reliance on recommendations/information from City Manager Focus is primarily on infrastructure needs 	<ul style="list-style-type: none"> Elevated intra-council discussion and decision-making Balance between visionary and “nuts-and-bolts” agenda items Intentional use of Master Plan An increase in targeted public participation/input Individual council member ideas/priorities are considered through the lens of Master Plan goals 	<ul style="list-style-type: none"> Highlight agenda items that are related to the Master Plan Adapt decision-making processes to reflect consideration of Master Plan goals/strategies Adopt a community dashboard to report status/progress of city’s priorities Enable work sessions between City Manager and City Council Improve technology/high-speed internet for instant access to critical databases/information during Council meetings Develop communication plan/strategies to improve communication between all sectors of city government and with the public Include Master Plan implementation strategies in new Council member on-boarding

Area of Focus – *Communication between City Council and City Manager*

Overall Objective: High levels of trust and transparency are maintained and demonstrated between the City Council and City Manager.

Current State (Where you are now)	Future State (Where you want to be)	Strategies (How to get there)
<ul style="list-style-type: none"> Annual review of City Manager City Manager distributes project-based reports Annual reports from city commissions DDA/Main Street Impact report Social media data 	<ul style="list-style-type: none"> Improved communications between city commissions Commission outputs reflect Master Plan goals Balance between visionary and “nuts-and-bolts” agenda items Processes/systems that reflect community satisfaction with performance of city government 	<ul style="list-style-type: none"> Annual inter-commission summit Highlight agenda items that are related to the Master Plan Adopt a community dashboard to report status/progress of city’s priorities Enable work sessions between City Manager and City Council Develop communication plan/strategies to improve communication between all sectors of city government and with the public Include Master Plan implementation strategies in new Council member on-boarding Survey department and commission heads on Master Plan goals/strategies

Area of Focus – Intra- and Interdepartmental communication		
Overall Objective: Current departmental best practices are adapted to reflect Master Plan goals.		
Current State (Where you are now)	Future State (Where you want to be)	Strategies (How to get there)
<ul style="list-style-type: none"> • Dedicated and expert staff • Intra-department information sharing • Staff meetings • Department reports 	<ul style="list-style-type: none"> • Processes/systems that reflect community satisfaction with performance of city government • Department outputs reflect Master Plan goals • Improved efficiency of meetings 	<ul style="list-style-type: none"> • Develop and deploy customer satisfaction surveys • Internal, project-based information/resource hubs • Compartmentalize meetings; shorter, topic/project-limited agendas and fewer meeting participants • Employ an independent rating service • Develop communication plan/strategies to improve communication between all sectors of city government and with the public

Goal #1: Protect the health, safety and general well-being of the community.

MEASURABLES:

Water quality/safety

Public safety

Economic well-being

Housing stock

Recreation access and management

DASHBOARD

Measure	Target	Metric	Actual YTD
Water quality/safety	# of lead service lines replaced		
Water quality/safety	Reduction in sanitary sewer overflow events		
Public safety	Increase in street beat/community patrols		
Public safety	Expanded partnerships with emergency mgmt.		
Public safety	# of officers using body cameras		
Public safety	New public safety building		
Public safety	Reduction in fire events		
Economic well-being	Cost of government services relative to median income		
Economic well-being	Defined well-being metrics		
Housing stock	Increase in safe, affordable and accessible housing for all income levels		
Housing stock	Increase in code enforcement action		
Recreation access and management	Well-maintained parks, recreation areas and open spaces		

Goal #2: Provide excellent customer service to residents and investors.

MEASURABLES:

Access to information

Community engagement

Customer satisfaction

DASHBOARD

Measure	Target	Metric	Actual YTD
Access to information	One-stop shopping		
Access to information	Information available in multiple formats and languages		
Access to information	Community and investor-defined communication platforms/methods		
Community engagement	Increase in public education/awareness activities		
Community engagement	Increase in positive social media interaction		
Community engagement	# of new businesses/ business expansion and investment		
Customer satisfaction	Defined customer service standards		
Customer satisfaction	Systems to track constituent concerns from initial contact to resolution		
Customer satisfaction	Annual or biannual community service surveys		
Customer satisfaction	Staff empowered to resolve customer concerns		

Goal #3: Maintain fiscal responsibility and sustainability.

MEASURABLES:

Assets

Liabilities

Investment

DASHBOARD

Measure	Target	Metric	Actual YTD
Assets	Balanced budget		
Assets	Infrastructure investment		
Assets	Purchasing standards that include usable life of product/ improvement		
Liabilities	Reduced long-term liabilities		
Liabilities	Fee-based services are self-sustaining		
Liabilities	Reduction of tax abatements		
Investment	Targeted business development		
Investment	New and expanded funding partnerships		
Investment	Annual review of fee schedule		
Investment	User-friendly and understandable fiscal communications		

Goal #4: Identify, preserve and enhance the community's character.

MEASURABLES:

Community identity

Community standards

Community culture

DASHBOARD

Measure	Target	Metric	Actual YTD
Community identity	Clarity of identity		
Community identity	Demonstrated community embrace of identity		
Community standards	Walkable, mobility-friendly streets and neighborhoods		
Community standards	Increased private investment and development		
Community standards	Increase in public/private partnerships		
Community standards	Demonstrated commitment to green spaces/local flora		
Community culture	Increase in arts and cultural attractions/offerings		
Community culture	Commitment to historic preservation		
Community culture	Increased diversity		

Goal #5: Increase quality of life and quality of place for all.

MEASURABLES:

Neighborhoods

Infrastructure

Recreation access and management

DASHBOARD

Measure	Target	Metric	Actual YTD
Neighborhoods	Homeowner and tenant satisfaction		
Neighborhoods	Reduction in crime stats		
Neighborhoods	Increase in code enforcement actions		
Neighborhoods	Neighbor-building activities		
Infrastructure	Increased infrastructure investment		
Infrastructure	Increase in utility accounts		
Recreation access and management	Well-maintained parks, recreation areas and open spaces		
Recreation access and management	Four-season recreation offerings		
Recreation access and management	Increased investment in green space, modern parks and recreational offerings		

Goal #6: Boost local economy.

MEASURABLES:

Economic indicators - Household

Economic indicators - Business

Entrepreneurial eco-system

DASHBOARD

Measure	Target	Metric	Actual YTD
Economic indicators - Household	Increase in median household income, over time		
Economic indicators - Household	Increase in assessed property values		
Economic indicators – Household	Increase in safe, affordable and accessible housing for all income levels		
Economic indicators – Business	# of new businesses/ business expansion and investment		
Economic indicators – Business	% of business attrition		
Economic indicators – Business	Increase in assessed property values linked to biz development		
Entrepreneurial eco-system	# of businesses accessing resources (Revolving Loan Fund, SBDC, SEDC, MEDC, etc.)		
Entrepreneurial eco-system	DDA liquor licenses		
Entrepreneurial eco-system	# of new businesses/ business expansion and investment		
Entrepreneurial eco-system	# of businesses converted from pop-ups to brick-and-mortar		

*Goal #7: Strengthen public and private partnerships***MEASURABLES:****Public partnerships****Private partnerships****DASHBOARD**

Measure	Target	Metric	Actual YTD
Public partnerships	Expanded leadership role in county		
Public partnerships	Communication links to nonprofit resources		
Public partnerships	Community asset mapping		
Public partnerships	Demonstrated commitment to goals of OMS and Westtown		
Private partnerships	Developer interest		
Private partnerships	# of projects completed in partnership		
Private partnerships	# of businesses accessing resources (Revolving Loan Fund, SBDC, SEDC, MEDC, etc.)		



2021 Water Quality Report

Water Supply Serial Number: 05120

Municipal tap water is the life source of every community.

Our dependable water supply contributes to public health, keeps citizens safe from waterborne illness, drives economic prosperity, and is vital for everyday life. The Owosso Water Filtration Plant treated over 622 million gallons of water to over 14,539 residents in the City of Owosso during 2021. This report covers the drinking water quality for City of Owosso Water Supply for the 2021 calendar year. This information is a snapshot of the quality of the water that we provided to you in 2021. Included are details about where your water comes from, what it contains, and how it compares to United States Environmental Protection Agency (USEPA) and state standards.

At Owosso's water filtration plant - water is tested continuously. Operators also conduct quality assurance and quality control processes to ensure accuracy. Chemists in the water quality laboratory conduct hourly tests from the treatment process and weekly and monthly tests from water sample sites throughout the city. Staff work closely with Michigan Department of Environment, Great Lakes, and Energy (EGLE) to ensure water regulatory and safety guidelines are met. Owosso's team of water quality experts go to great lengths to deliver great-tasting tap water. It's a 24/7, 365-day-a-year responsibility that they take very seriously.

Your water comes from five active groundwater wells, each over 80 feet deep. In 2018 EGLE performed an assessment of our source water to determine the susceptibility or the relative potential of contamination. The susceptibility rating is on a seven-tiered scale from "very-low" to "very-high" based on geologic sensitivity, well construction, water chemistry and contamination sources. The susceptibility of our well source is high to very high.

Water Treatment Plant and System Maintenance in 2021.

Maintenance at the water plant is a continuous exercise. There are many parts and pieces of equipment that make up the different processes. All of the equipment has an expected useful life which we try to prolong with preventive maintenance. Our Asset Management Plan and Capital Improvement Plan guides us on when to repair/replace more expensive items and how to budget for them. During 2021, as part of a State Drinking Water Revolving Fund (DWRF) loan project, the City completed replacement of an 80 ft. section of 16" pipe inside the Water Filtration Plant that had been a serious main break threat. Also, the City replaced the original filter backwash pump with new redundant pumps and backwash system capability.



New 16" piping being installed in the subbasement of the Plant replacing a 80+ year old pipe that was ready to burst.



A portion of the old pipe was replaced.

Distribution System

The city of Owosso has over 108 miles of distribution piping ranging in size from 1.5" to 24". The majority of water distribution system mains are 50 to 65 years old with some mains 80 to 100 years old. There are over 1,950 valves throughout the system and over 591 fire hydrants. Owosso serves over 6,467 residential households and commercial customers with meter sizes ranging from ¾" to 8". Also, the distribution system includes 2 water storage facilities.

Projects & Maintenance

The City of Owosso started the process of replacing one of our wells near Hopkins Lake and continued the investigation into developing a new well site. The goal of this project is to ensure water supply capacity and water quality for future generations in Owosso. Another component of the critical water system infrastructure completed in 2021 was the cleaning and rehabilitation of our primary well at the Water Filtration Plant. The city was also able to obtain 400 LED bulbs for the Water Filtration Plant without any cost to the taxpayer, these have been installed by staff. Regular inspection and cleaning of our two clarifiers resulted in determining that another main bearing had to be replaced in the south clarifier, this was completed in 2021. One of our pumps that maintains water pressure in the distribution system required a complete rebuild, this project is ongoing. During 2021 the City was required to complete two Lead and Copper Rule six month sampling periods as result of our Action Level Exceedance (ALE) for Lead in 2020. We thank everyone involved at over 120 qualified sampling sites to help us obtain water samples to test for Lead and Copper, and monitor water quality parameters. The Lead and Copper results for both sampling periods were below the ALE and are provided in this report. The City is also glad to report that at locations where elevated lead and copper test results are obtained, that service line became a priority to ensure all piping going into the residence had compliant piping materials.



This is one of two new backwash pumps in service as of June 2021.

Contaminants in the Water

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA's Safe Drinking Water Hotline (800-426-4791).

Water Supply

In 2021 we had certified labs test our water for general chemistry, Lead and Copper, Cyanide, Nitrate, PFAS, Synthetic Organic Compounds (SOC's) and Total Trihalomethanes - Haloacetic Acids. Our ground water sources were also tested for general chemistry, Arsenic, Complete Minerals and Metals, and VOC's. We continue to protect our sources by developing an updated Wellhead Protection Program (WHPP) to ensure safe drinking water to the public and protect the drinking water from potential sources of contamination by following the WHPP program guidelines set forth by EGLE. If you would like to know more about this report, please contact the Water Plant Superintendent David Haut at 301 W Main Street, Owosso, MI 48867, Phone: 989-725-0560. Email: david.haut@ci.owosso.mi.us or at our website:

<http://www.ci.owosso.mi.us/utilities>.



This original backwash pump was in service for 80+ years. There was no backup pump or usable backwash method if this failed.



One of two new backwash pumps that were being unloaded for installation.



This pressure reducing valve (PRV) now safely controls the water pressure used during a filter backwash. This system backs up the two new backwash pumps.



One of the two backwash pumps installed ready for paint.



High Service Pumps 1, 2 and 3 shown above, pump 1 (furthest away) is being rebuilt.

Vulnerability of Sub-Populations

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune systems disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA/Center for Disease Control guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

Sources of Drinking Water

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. Our water comes from wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be in source water:

- Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- Inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- Pesticides and herbicides, which may come from a variety of sources such as agriculture and residential uses.
- Radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities.
- Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.
- To ensure that tap water is safe to drink, the USEPA prescribes regulations that limit the levels of certain contaminants in water provided by public water systems. Federal Food and Drug Administration regulations establish limits for contaminants in bottled water which provide the same protection for public health.

Information about Lead

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The City of Owosso Water Supply is responsible for providing high quality drinking water but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you have a lead service line, it is recommended that you run your water for at least 5 minutes to flush water from both your home plumbing and the lead service line. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

Infants and children who drink water containing lead could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's disease should consult their personal doctor.

Our water supply has 149 confirmed lead service lines and 4,684 service lines of unknown material out of a total of 6,467 service lines.

Monitoring and Reporting per EGLE Requirements: The State of Michigan and the USEPA require us to test our water on a regular basis to ensure its safety. We met all the monitoring and reporting requirements for 2021.



One of two Clarifiers at the Water Filtration Plant, the main bearing which required replacement, is located at the top of the cone which is 30 ft. deep.

We will update this report annually and will keep customers informed of any problems that may occur throughout the year, as required. Copies are available at City Hall. This report will not be sent to you. We invite public participation in decisions that affect drinking water quality. Public comment may be provided at City Hall during regularly scheduled city council meetings, held at 7:30 p.m. on the first and third Mondays of each month. For more information about your water, or the contents of this report, contact the Water Plant Superintendent, David Haut at 989-725-0560, or email: david.haut@ci.owosso.mi.us. Further, the city web site at <http://www.ci.owosso.mi.us/Utilities> is available for inquiries and comment. Finally the Director of Public Services and Utilities is available for information and inquiries at 989-725-0555 or email at ryan.suchanek@ci.owosso.mi.us. For more information about safe drinking water, visit the U.S. EPA at <http://www.epa.gov/safewater/>.

Water Quality Data

The table below lists all the drinking water contaminants that we detected during the 2021 calendar year. The presence of these contaminants in the water does not necessarily indicate that the water poses a health risk. Unless otherwise noted, the data presented in this table is from testing done January 1 through December 31, 2021. The State allows us to monitor for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year. All the data is representative of the water quality, but some are more than one year old.

Regulated Contaminant	MCL	MCLG	Level Detected	Range	Year Sampled	Violation Yes/No	Typical Source of Contaminant
Barium (ppm)	2	2	0.01	0.01	08/2018	No	Discharge from oil drilling wastes and from metal refineries; erosion of natural deposits
Fluoride (ppm)	4	4	0.72	0.28 - 0.72	2021	No	Erosion of natural deposits. Discharge from fertilizer and aluminum factories.
HAA5 Haloacetic Acids (ppb)	60	N/A	3	2 - 3	08/24/2021	No	Byproduct of drinking water disinfection.
TTHM - Total Trihalomethanes (ppb)	80	N/A	51	45 - 51	08/24/2021	No	Byproduct of drinking water disinfection.
Chlorine* (ppm)	MRDL 4	MRDLG 4	0.48	0.33 - 0.48	2021	No	Water additive used to control microbes.
Bromodichloromethane	0.080	N/A	0.015	0.013 - 0.015	08/24/2021	No	Byproduct of drinking water disinfection.
Bromoform	0.080	N/A	0.0073	0.007 - 0.0073	08/24/2021	No	Byproduct of drinking water disinfection.
Chlorodibromomethane	0.080	N/A	0.018	0.017 - 0.018	08/24/2021	No	Byproduct of drinking water disinfection.
Chloroform	0.080	N/A	0.011	0.0081 - 0.011	08/24/2021	No	Byproduct of drinking water disinfection.
Radioactive Contaminant	MCL	MCLG	Level Detected	Range	Year Sampled	Violation Yes/No	Typical Source of Contaminant
Combined Radium pCi/L (T)	5	0	0.4	N/A	08/2016	No	Erosion of natural deposits.

*Chlorine was calculated using the running annual average.

Inorganic Contaminant Subject to ALs	AL	MCLG	Your Water*	Range of Results	Year Sampled	Number of Samples Above AL	Typical Source of Contaminant
Lead (ppb)	15	0	10 ppb	0 ppb - 162 ppb	1/1/21 - 6/30/21	3	Lead service lines, corrosion of household plumbing including fitting and fixtures; Erosion of natural despositits.
			11 ppb	0 ppb - 170 ppb	7/1/21 - 12/31/21	4	
Copper (ppm)	1.3	1.3	0.0 ppm	0 ppm - 0.4 ppm	1/1/21 - 6/30/21	0	Corrosion of household plumbing systems; Erosion of natural despositits.
			0.0 ppm	0 ppm - 0.3 ppm	7/1/21 - 12/31/21	0	

*Ninety (90) percent of the samples collected were at or below the level reported for our water.

Terms & Abbreviations

AL: Action Level – The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

MCL: Maximum Contaminant Level – The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

MCLG: Maximum Contaminant Level Goal – The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

MRDL: Maximum Residual Disinfectant Level - The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

MRDLG: Maximum Residual Disinfectant Level Goal - The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

N/A: Not Applicable

ND: Not Detectable at testing limit.

ppm: parts per million or milligrams per liter

ppb: parts per billion or micrograms per liter

pCi/L: picocuries per liter (a measure of radioactivity)

Additional Monitoring

Unregulated contaminants are those for which the USEPA has not established drinking water standards. Monitoring helps the USEPA determine where certain contaminants occur and whether regulation of those contaminants is needed.

	Level Detected	Year Sampled	Comments
Sodium (ppm)	46	8/2021	Typical source is erosion of natural deposits.
Chloride (ppm)	91	8/2021	Naturally occurring or indicative of road salt contamination.
Sulfate (ppm)	123	8/2021	Naturally occurring.
Magnesium (ppm)	29	8/2021	Naturally occurring.
Hardness of CaCO3 (ppm)	194	8/2021	Naturally occurring.
Calcium (ppm)	30	8/2021	Naturally occurring.
	Average Level Detected	Year Sampled	Comments - See EPA Website: https://www.epa.gov/dwucmr/fourth-unregulated-contaminant-monitoring-rule
Germanium (ug/L)	<0.300	1/21/2020	Metal.
Manganese (ug/L)	<0.400	1/21/2020	Metal.
BHA (ug/L)	<0.0300	1/21/2020	Semi-Volatile Organic Compounds
o- Toluidine (ug/L)	<0.0070	1/21/2020	Semi-Volatile Organic Compounds
Quinoline (ug/L)	<0.0200	1/21/2020	Typical Source of Contaminant
HAA5 (five regulated haloacetic acids) (ug/L)	13.200	1/07/2020	Disinfection Byproducts
HAA6Br (six brominated haloacetic acids) (ug/L)	11.000	1/07/2020	Disinfection Byproducts
HAA9 (nine haloacetic acids) (ug/L)	18.300	1/07/2020	Disinfection Byproducts
alpha-BHC (alpha -Hexachlorocyclohexane) (ug/L)	<0.010	1/07/2020	Pesticide
Chlorpyrif (ug/L)	<0.030	1/07/2020	Pesticide
Dimethipin (ug/L)	<0.200	1/07/2020	Pesticide
Ethoprop (ug/L)	<0.030	1/07/2020	Pesticide
Oxyfluorfen (ug/L)	<0.050	1/07/2020	Pesticide
Profenofos (ug/L)	<0.300	1/07/2020	Pesticide
Tebuconazole (ug/L)	<0.200	1/07/2020	Pesticide
Permethrin (ug/L)	<0.040	1/07/2020	Pesticide
Tribufos (ug/L)	<0.070	1/07/2020	Pesticide
1-Butanol (ug/L)	<2.000	1/07/2020	Alcohol
2-Methoxyethanol (ug/L)	<0.400	1/07/2020	Alcohol
2-Propen-1-ol (ug/L)	<0.500	1/07/2020	Alcohol





Regular Meeting of the Owosso Historical Commission

Minutes of April 11, 2022 – 6:00 P.M.

PRESIDING OFFICER: Dave Acton – Chair

MEMBERS PRESENT: Chair Dave Acton, Vice Chair Mark Erickson, Commissioners Gary Wilson, Deb Adams, Sue Osika, Troy Dodge.

MEMBERS ABSENT: None.

OTHERS PRESENT: Nathan Henne, Owosso City Manager; Denice Grace, Curwood Castle.

CHAIR ACTON CALLED THE MEETING TO ORDER AT 6:02 P.M.

APPROVE MINUTES – March 14, 2022

Motion by Commissioner Wilson to approve modified minutes, as follows:

Commissioner Wilson will be the contact as the project moves forward to ready the Gould House.

Supported by Vice Chair Erickson. Passed by voice vote.

APPROVE AGENDA

Motion by Commissioner Osika to approve agenda as presented.

Supported by Commissioner Wilson. Passed by voice vote.

ITEMS OF BUSINESS

1. 100th Anniversary for Curwood Castle

Denice Grace noted construction of the Castle began March 14, 1923. A completion date is unknown. A year-long celebration is planned. Vice Chair Erickson noted Emerson School and Owosso Country Club are both celebrating the same milestone. Chair Acton suggested having one person to schedule meetings, set reminders and take notes with it ultimately being led by the Commission with ideas from a community based committee. Commission members agreed they would put effort in to celebrate this milestone.

- a. Motion by Vice Chair Erickson to nominate Deb Adams to chair a committee on behalf of the Commission and enlist support with the help of Denice Grace to develop a community committee.
- b. Supported by Commissioner Osika.
- c. Passed by voice vote.

Commissioner Osika requested notes from the committee meetings be included with future packets to keep everyone updated. Vice Chair Erickson inquired about rules for how many Commission members could attend a committee meeting without violating Open Meetings Act rules. It was determined 3 members unless they wanted to post it as a public meeting and provide notice. Members could also be a part of subcommittees. Denice Grace has a list of 7-8 community members that may want to be involved. According to bylaws, Chair Acton nominates members to be appointed and forms committees. Vice Chair Erickson expressed interest.

FINANCIAL REVIEW AND DISCUSSION

Henne detailed the financial status of the Commission. Gould House utilities will likely increase now that air conditioning has been installed. There will be some deferred maintenance taking place on the Castle—stucco and interior walls need attention. Gould House exterior painting is a proposed project. Historical sites fund (millage) has been exhausted. The city's Finance Director has asked the commission to revisit the amount that will be used to start an agency fund with the Shiawassee Community Foundation. The rationale for changing the original vote is that this money is an endowment and can't be touched for any other use.

- a. Motion by Vice Chair Erickson to start an agency fund with the Shiawassee Community Foundation for the entirety of the Commission's endowment of \$21,244.04.
- b. Supported by Commissioner Wilson.
- c. Passed by voice vote.

Castle Financial Report-D. Grace-Castle was closed and has been reopened for one week. The Castle won the Uplift Shiawassee Award for best attraction.

PUBLIC COMMENT PERIOD

None

COMMISSIONER COMMENTS

Commissioner Adams was in attendance at the meeting with Shiawassee Arts Center regarding use of the Gould House. Chair Acton commented on the volume of items contained in the Gould House. Shiawassee Arts Center has found an alternate location. Commissioner Wilson indicated there was a not a good match of expectations between the two entities. He detailed there are two types of items at the Gould House: archive (printed material) and artifacts; including some large pieces of furniture. He is concerned the church space will not accommodate all the pieces. Chair Acton suggested a bylaw compliance subcommittee led by Commissioner Wilson. The commission needs to revisit the intentions for the Gould House as a venue or a museum.

STAFF REPORT AND PROJECT UPDATES

The Curwood Castle was recently awarded the Best Attraction Award by Uplift Shiawassee.

Project and Maintenance Updates: Vice Chair Erickson inquired about the repairs to the east porch of the Gould House. The garden group is collaborating with Nash Nurseries. Vice Chair Erickson requested, as Facilities Chair, to look into the feasibility of conversion of a room into a handicap accessible restroom. The commission agreed that an informal feasibility study could be conducted without any expected outcome of implementation.

FY 22-23 Budget Progress-City Manager Henne noted expenses have not changed. The transfer from the General Fund in the budget draft is \$10,000.00. Chair Acton inquired about ARPA funds.

ADJOURNMENT

Wilson moved to adjourn the meeting. Adams supported. Voice vote was unanimous to adjourn the meeting at 7:09 P.M.

**MINUTES
REGULAR MEETING OF THE CITY OF OWOSSO ZONING BOARD OF APPEALS
APRIL 19, 2022 AT 9:30 A.M.**

CALL TO ORDER: Chairman Horton called the meeting to order at 9:30 a.m.

ROLL CALL: Was taken by Molly Hier

MEMBERS PRESENT: Vice-Chair Christopher Eveleth, Secretary Grubb, Board Member Robert Teich, Tom Taylor and Chairman Randy Horton

MEMBERS ABSENT: None

OTHERS PRESENT: Justin Sprague, CIB Planning, Tanya Buckelew, Planning & Building Director and Charlie Wargel from Saginaw-Shiawassee Habitat for Humanity

AGENDA:

IT WAS MOVED BY VICE-CHAIR EVELETH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE AGENDA FOR THE APRIL 19, 2022 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY VICE-CHAIR EVELETH AND SUPPORTED BY BOARD MEMBER TAYLOR TO AMEND AND APPROVE THE MINUTES OF JULY 16, 2019, JUNE 16, 2020 AND AUGUST 17, 2021 FOR THE FOLLOWING REASONS.

1. THE CITY DID NOT REAPPOINT KENT TELESZ TO THE ZONING BOARD OF APPEALS IN JUNE OF 2019 BECAUSE MR. TELESZ HAD A DELINQUENCY DUE TO THE CITY OF OWOSSO.
2. AS PER THE CITY CHARTER – CHAPTER 4. – OFFICERS SECTION 4.3. – CERTAIN PERSONS INELIGIBLE FOR CITY OFFICE OR EMPLOYMENT (A) A PERSON WHO IS IN DEFAULT TO THE CITY, SHALL NOT BE ELIGIBLE TO HOLD ANY OFFICE.

YEAS: ALL. MOTION CARRIED.

THE FOLLOWING ARE THE AMENDED AND APPROVED MINUTES

**REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
JULY 16, 2019 AT 9:30 A.M.**

CALL TO ORDER: The meeting was called to order by Chairman Randy Horton at 9:30 a.m.

ROLL CALL: Was taken by Tanya Buckelew.

MEMBERS PRESENT: Chairman Randy Horton, Board Members Michael Bruff, Tom Taylor and Kent Telesz

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Board Member Matt Grubb and Alternate Robert Teich

OTHERS PRESENT: Justin Sprague, CIB Planning, Jordan London, Architect with Edmund London & Associates, Inc., Charlie Thompson, Memorial Healthcare Director of Facilities

AGENDA:

IT WAS MOVED BY BOARD MEMBER TAYLOR AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE AGENDA FOR THE JULY 16, 2019 REGULAR MEETING AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES:

THIS ITEM WAS TABLED UNTIL THE NEXT MEETING TO ALLOW FOR REVIEW

CONFLICT OF INTEREST:

Board Member Bruff received the zoning variance notice due to him living within 300' of the proposed building. Mr. Bruff brought this up as to assure there was not a conflict of interest in regards to him voting on the variances. He is not in conflict as there is neither a financial conflict nor a personal benefit the Mr. Bruff would receive. Chairman Horton, Board Members Taylor and Telesz have agreed there is not a conflict of interest.

OLD BUSINESS: - None

NEW BUSINESS/PUBLIC HEARINGS:

APPLICANT: MEMORIAL HEALTH CARE

LOCATION OF APPEAL: 826 W KING STREET, Owosso, MI 48867

PARCEL NUMBERS: 050-310-000-006-00, 050-310-000-007-00, 050-310-000-008-00, 050-310-000-009-00, 050-310-003-001-00, 050-310-003-002-00, 050-310-003-003-00, 050-310-001-015-00, 050-310-001-016-00, 050-310-001-017-00, 050-310-001-001-00, 050-310-001-002-00, 050-310-001-003-00, 050-310-001-004-00

PROPERTY ZONING: R-1, ONE-FAMILY RESIDENTIAL and OS-1, OFFICE SERVICE

THE APPLICANT IS SEEKING VARIANCES TO ALLOW THE ADDITION OF A NEURO/ORTHO/WELLNESS CENTER:

VARIANCE REQUEST #1:

THE BUILDING HEIGHT OF 43'4" EXCEEDS THE MAXIMUM HEIGHT OF 35 FEET, PERMITTED BY SECTION 38-351, SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT

VARIANCE REQUEST #2:

A VARIANCE TO PERMIT A PARKING LOT SETBACK OF 25 FEET WHERE SECTION 38(43)(9)(D) OFF-STREET PARKING REQUIRES OFF-STREET PARKING LOTS TO BE SET BACK 50 FEET FROM LOCAL STREETS.

THE CITY OF OWOSSO MUNICIPAL CODE REQUIRES APPROVAL OF DIMENSIONAL VARIANCES FROM THE ZONING BOARD OF APPEALS.

Jordan London presented the plans for the proposed building. He presented each of the 3 floors, noting the 3rd floor use on the south side of the building would be a running track and the 3rd floor to the north would be for future medical offices.

Justin Sprague explained why the variances would be needed. Originally, the proposal was going to proceed with a Planned Unit Development (PUD), but with the PUD being a long process, it was decided to go for the 2 variances as the process would move along at a faster pace. The Planning Commission made the decision to add landscaping as opposed to a mason wall.

Chairman Horton opened the Public Hearing and the following spoke:

- 1. Marv Sanders, 916 Ada Street, asked about the parking and the survey stakes that are currently present.**

Response: The property was recently surveyed and the parking lot (if variance is approved) would not begin until 25' setback from the property stakes/property line. The landscape buffer would encompass the area between the parking lot and the property line.

2. Tom Koenig, 1000 Ada Street, asked about the landscaping.

Response: Additional discussion regarding the landscape buffer continued. The buffer is meant for the new parking lot as there are already trees planted along the existing parking area.

3. Karen Harris, 900 Campbell Drive, asked about adding landscaping to the river and the possibility of the light pollution increasing on the neighboring homes. Also asked if there would be any vehicle entry off of Jennett Street and Ada Street.

Response: There is not an intention to add in additional landscaping to the river. The light pollution would increase and the hospital will make every effort for it to be a minimal impact on the neighbors. There will not be entry to the hospital from Jennett nor Ada Street.

4. Sherry Elwell, 1018 Ada Street, asked why the 25' variance is needed for parking.

Response: The variance for parking is part of the Mater Plan and future development for the hospital. In addition, this is part of the reconfiguration of the parking lot to allow for more spaces.

5. John Smith, 910 Ada Street, asked the parking lot and hill area across the street from his house and if the Consumers Energy gas lines would be affected again and disrupt his front yard area.

Response: The hill area would not be affected by the new parking lot. The hospital has a direct contact with Consumers Energy and any concerns regarding the gas lines will be addressed accordingly.

6. Barbara Perkovic, 713 Pine Street, lives behind the old Sunoco station that is now demolished and asked about what additional homes were going to be demolished on her block.

Response: The 2 homes adjacent to the former Sunoco building are being demolished – 1 faces King Street and the other faces 52. At this time, nothing is planned for this area. Future development could possibly include parking.

FINDINGS OF FACT AND CONCLUSIONS

UPON MOTION OF BOARD MEMBER TELESZ BRUFF, SECONDED BY BOARD MEMBER TAYLOR, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant does meet the applicable nine (9) facts of findings:

1. Basic Conditions. In order to qualify for a variance, the applicant must show that a variance:

a. Will not be contrary to the public interest or to the intent and purpose of this chapter;

Review Comment. The variance will not be contrary to the public interest or to the intent of the ordinance. The request for additional height to allow a third story is consistent with existing buildings on the campus as the hospital itself has a building five (5) stories in height. The reduced parking lot setback still provides ample room for a landscape buffer to shield the parked cars, meeting the intent of the requirement. Standard met.

b. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required;

Review Comment. The use is permitted by right. Standard met.

c. Is one that is unique and not shared with other property owners;

Review Comment. The Memorial Heath Care campus is an established facility with limited expansion opportunities. Surrounding properties are residential and professional offices, many of which are medical-related. The situation is unique to the healthcare campus. Standard met.

d. Will relate only to property that is under control of the applicant;

Review Comment. This request relates only to the property under the control of the applicant. Standard met.

e. Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

Review Comment. Compliance with the strict letter of the regulations would prevent the applicant from providing the required number of parking spaces to support the facility. Compliance with the strict letter of the height regulations would prevent the applicant from constructing a three story building and therefore reducing the needed square footage needed to provide the new centers. Standard met.

f. Was not created by action of the applicant (i.e. that it was not self-created);

Review Comment. The need for the variance was not created by the applicant but rather it is due to its established location. Standard met.

g. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety;

Review Comment. The height increase and reduced parking lot setback will not be impair the adequate supply of light and air to adjacent properties or increase the congestion of public streets or increase the danger of fire or endanger the public safety. Standard met.

h. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located;

Review Comment. The proposed height and parking lot setback reduction will not be detrimental to the adjacent property or the surrounding area. Standard met.

i. Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Review Comment. An increase in height and encroachment into the front yard setback will not be detrimental to the adjacent property or the surrounding area. Without the requested variances, the applicant is not able to construct the building with all its proposed centers.

2. Special conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

a. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land; OR

b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district; OR

c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment.

(b) In order for Memorial Health Care to provide additional care in Neuro, Orthopedic, and Wellness areas, the requested variances are necessary to construct the building. The campus has a limited amount of property to expand their facilities. Acquiring additional land for parking expansion and future construction is not feasible. Memorial Health Care is an established facility and at one point was permitted to construct a 5-story building. Should the height variance not be approved, the applicant may be forced to use more ground floor area to expand the footprint of the facility, thereby increasing the lot coverage on the lot and limiting future expansion and growth (new buildings providing additional services). The intended use of the property as a health care campus does not apply to other properties in the same zoning district--the campus-style development is unique to the City.

The Variance Request #1 for an 8' 4" high dimensional variance is approved to allow the height of the building to be constructed at 43'4" instead of the maximum height of 35'.

The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

The above findings, conclusions and decision were adopted by a roll call vote as follows:

AYES: BOARD MEMBERS BRUFF, TAYLOR, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

FINDINGS OF FACT AND CONCLUSIONS

UPON MOTION OF BOARD MEMBER TAYLOR, SECONDED BY BOARD MEMBER TELESZ BRUFF, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #2. The applicant does meet the applicable nine (9) facts of findings:

3. Basic Conditions. In order to qualify for a variance, the applicant must show that a variance:

a. Will not be contrary to the public interest or to the intent and purpose of this chapter;

Review Comment. The variance will not be contrary to the public interest or to the intent of the ordinance. The request for additional height to allow a third story is consistent with existing buildings on the campus as the hospital itself has a building five (5) stories in height. The reduced parking lot setback still provides ample room for a landscape buffer to shield the parked cars, meeting the intent of the requirement. Standard met.

b. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required;

Review Comment. The use is permitted by right. Standard met.

c. Is one that is unique and not shared with other property owners;

Review Comment. The Memorial Heath Care campus is an established facility with limited expansion opportunities. Surrounding properties are residential and professional offices, many of which are medical-related. The situation is unique to the healthcare campus. Standard met.

d. Will relate only to property that is under control of the applicant;

Review Comment. This request relates only to the property under the control of the applicant. Standard met.

e. Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

Review Comment. Compliance with the strict letter of the regulations would prevent the applicant from providing the required number of parking spaces to support the facility. Compliance with the strict letter of the height regulations would prevent the applicant from constructing a three story building and therefore reducing the needed square footage needed to provide the new centers. Standard met.

f. Was not created by action of the applicant (i.e. that it was not self-created);

Review Comment. The need for the variance was not created by the applicant but rather it is due to its established location. Standard met.

g. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety;

Review Comment. The height increase and reduced parking lot setback will not be impair the adequate supply of light and air to adjacent properties or increase the congestion of public streets or increase the danger of fire or endanger the public safety. Standard met.

h. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located;

Review Comment. The proposed height and parking lot setback reduction will not be detrimental to the adjacent property or the surrounding area. Standard met.

i. Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Review Comment. An increase in height and encroachment into the front yard setback will not be detrimental to the adjacent property or the surrounding area. Without the requested variances, the applicant is not able to construct the building with all its proposed centers.

4. Special conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

a. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land; OR

b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness,

shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district; OR

- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment.

(b) In order for Memorial Health Care to provide additional care in Neuro, Orthopedic, and Wellness areas, the requested variances are necessary to construct the building. The campus has a limited amount of property to expand their facilities. Acquiring additional land for parking expansion and future construction is not feasible. Memorial Health Care is an established facility and at one point was permitted to construct a 5-story building. Should the height variance not be approved, the applicant may be forced to use more ground floor area to expand the footprint of the facility, thereby increasing the lot coverage on the lot and limiting future expansion and growth (new buildings providing additional services). The intended use of the property as a health care campus does not apply to other properties in the same zoning district--the campus-style development is unique to the City.

The Variance Request #2 for the parking lot to be setback 25' from the property line instead of the required 50' setback is approved.

The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

The above findings, conclusions and decision were adopted by a 3 – 1 roll call vote as follows:

AYES: BOARD MEMBERS BRUFF, TAYLOR AND CHAIRMAN HORTON
NAYS: ~~BOARD MEMBER TELESZ~~ NONE

OTHER BOARD BUSINESS: None

PUBLIC COMMENTS AND COMMUNICATIONS: None

ADJOURNMENT:

MOTION BY BOARD MEMBER ~~TELESZ~~ BRUFF AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN AT 10:35 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, AUGUST 20, 2019, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

**REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
JUNE 16, 2020 AT 9:30 A.M. VIRTUAL MEETING**

CALL TO ORDER: The meeting was called to order by City Manager Nathan Henne at 9:35 a.m.

ROLL CALL: Was taken by Tanya Buckelew.

MEMBERS PRESENT: Chairman Randy Horton (joined meeting at 9:41 a.m.), Board Members Michael Bruff, Robert Teich and Kent Telesz

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Board Member Matt Grubb and Tom Taylor

OTHERS PRESENT: Justin Sprague, CIB Planning,

AGENDA:

IT WAS MOVED BY BOARD MEMBER BRUFF AND SUPPORTED BY BOARD MEMBER TELESZ TEICH TO APPROVE THE AGENDA FOR THE JUNE 16, 2020 REGULAR MEETING WITH THE ADDITION OF APPROVAL OF MINUTES OF MAY 21, 2019.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY BOARD MEMBER TELESZ TEICH AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE MINUTES OF MAY 21, 2019 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

IT WAS MOVED BY BOARD MEMBER TELESZ TEICH AND SUPPORTED BY BOARD MEMBER BRUFF TO APPROVE THE MINUTES OF JULY 16, 2019 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: - None

NEW BUSINESS/PUBLIC HEARINGS:

- | | |
|----------------------------|--------------------------------------|
| 1. APPLICANT: | ALLAN MARTIN |
| LOCATION OF APPEAL: | 615 N PARK STREET, Owosso, MI 48867 |
| PARCEL NUMBER: | 050-470-032-005-00 |
| PROPERTY ZONING: | R-2, TWO-FAMILY RESIDENTIAL DISTRICT |
| CASE #: | P2020-007 |

The applicant is seeking variances to allow the replacement of current garage with new 26' X 26' – 2 stall garage - height of 18' 10" and location of 2' 4" from side yard lot line and 2' 7" from rear yard lot line.

VARIANCE REQUEST #1 – Height of Structure:

A variance to permit the building height of 18' 10" that exceeds the maximum height permitted by *Section 38-379, Accessory Buildings (5) No detached accessory building in R-1, R-2, RT-1, RM-1, RM-2, OS-1, B-1 and P-1 districts shall exceed one (1) story or fourteen (14) feet in height.*

VARIANCE REQUEST #2 – Location from Side and Rear Lot Lines:

A variance to permit the setbacks of 2' 4" from side yard lot line and 2' 7" from rear yard lot line that is less than permitted by *Section 38-379, Accessory Buildings (4) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line*

Justin Sprague, CIB Planning, discussed the details of this request.

PUBLIC HEARING 9:50 – 10 a.m.:

No comments were received

After discussion between board members, city planner and property owner the following motions were made:

VARIANCE REQUEST #1:

UPON MOTION OF BOARD MEMBER TEICH, SECONDED BY BOARD MEMBER BRUFF, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant does meet the applicable nine (9) facts of findings:

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any one (1) of the special conditions listed thereafter can be satisfied:

1. *Will not be contrary to the public interest or the intent and purpose of this chapter.*
2. *Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.*

Review Comment: The use is a permitted accessory use within the R-1 District.

3. *Is one that is unique and not shared by others.*

Review Comment: This condition is applied across the community and is not unique to this property.

4. *Will relate only to the property that is under control of the applicant.*

Review Comment: The variance will only relate to the property under the control of the applicant.

5. *Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.*

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.

6. *Was not created by action of the applicant (i.e. that it was not self-created).*

Review Comment: it is clear that a number of additional garages in the area appear to be over the 14-foot required height.

7. *Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.*

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

8. *Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.*

Review Comment: The variance would not impact property values in the immediate vicinity.

9. *Is applicable whether a grant of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have the same conditions with their accessory structures having heights above 14-feet.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code.

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **615 N. Park Street to allow an accessory structure have a height that is 4-feet above what is required, be approved**, for the following reasons:

1. The reduction would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variation is necessary for the preservation of a substantial property right possessed by others in the same district; and

The above findings, conclusions and decision were adopted by a roll call vote as follows:

AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON
NAYS: NONE

The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board.” Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

VARIANCE REQUEST #2:

MOTION BY BOARD MEMBER BRUFF, SECONDED BY BOARD MEMBER TELESZ TEICH TO ACCEPT THE WITHDRAW REQUEST FROM PROPERTY OWNER, ALLEN MARTIN FOR THE 3' SETBACK FROM PROPERTY LINES, AS THE STRUCTURE WILL NOW BE AT LEAST 3' AWAY FROM THE SIDE AND REAR LOT LINES.

AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

RCV

2. APPLICANT:	GORDON SURETTE/JOSEPH HAMMONTREE
LOCATION OF APPEAL:	507 GILBERT STREET, Owosso, MI 48867
PARCEL NUMBER:	050-111-002-012-00
PROPERTY ZONING:	R-1, ONE-FAMILY RESIDENTIAL DISTRICT
CASE #:	P2020-008

The applicant is seeking a variance to allow the replacement of current attached garage with new 8' X 12' X 9' at peak detached accessory structure. Location – 7' from main structure, 0' from side yard lot line and 1' from rear yard lot line.

VARIANCE REQUEST #1 – Location from Main Building and Side/Rear Lot Lines:

A variance to permit the setbacks of 0' from side yard lot line, 1' from rear yard lot line and 7' from main building that is less than permitted by *Section 38-379, Accessory Buildings (4) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line*

Justin Sprague, CIB Planning, discussed the details of this request.

PUBLIC HEARING 10:02 – 10:05 a.m.:

One comment was received from Janet Walker of 615 E. Oliver Street on June 12, 2020. She was unable to attend the meeting but approves of the request.

UPON MOTION OF BOARD MEMBER TEICH, SECONDED BY BOARD MEMBER BRUFF, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant does meet the applicable nine (9) facts of findings:

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any one (1) of the special conditions listed thereafter can be satisfied:

1. *Will not be contrary to the public interest or the intent and purpose of this chapter.*

Review Comment: The intent of the ordinance is to prevent neighbors from erecting unsightly buildings or structures directly on the property line as well as to provide a level of fire safety by keeping a minimum distance of separation from adjacent structures. In this neighborhood, many of the existing structures pre-date the existing zoning regulations and the majority of accessory structures are located less than 3-feet from existing lot lines. In this case, the applicant is just looking to keep the same footprint as the existing garage and will be locating the shed behind the garage to maintain the existing look and building lines.

2. *Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.*

Review Comment: The use is a permitted accessory use within the R-1 District.

3. *Is one that is unique and not shared by others.*

Review Comment: This condition is applied across the community and is not unique to this property.

4. *Will relate only to the property that is under control of the applicant.*

Review Comment: The variance will only relate to the property under the control of the applicant.

5. *Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.*

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.

6. *Was not created by action of the applicant (i.e. that it was not self-created).*

Review Comment: while the need for the variance is self-created, the owner is only trying to maintain the existing condition on the property which pre-dates the existing ordinance.

7. *Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.*

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public. It should be noted though that if the variance is approved, the applicant will need to ensure the building is fire rated and approved by the City Building Official to ensure there will be no fire issues for the adjacent property.

8. *Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.*

Review Comment: The variance would not impact property values in the immediate vicinity.

9. *Is applicable whether a grant of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have the same conditions with their accessory structures being less than 3 feet from adjacent property lines.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

1. *Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.*

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code.

2. *Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.*

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **507 Gilbert Street to allow an accessory structure to be placed less than 3-feet from the adjacent property line** be approved, for the following reasons:

1. The reduction would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variation is necessary for the preservation of a substantial property right possessed by others in the same district; and
4. As a condition of approval, the building official must approve the accessory structure to ensure fire code is met.

The above findings, conclusions and decision were adopted by a roll call vote as follows:

AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board.” Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

UPON MOTION OF BOARD MEMBER TEICH, SECONDED BY BOARD MEMBER BRUFF, the following findings, conclusions, decisions, and conditions were adopted by the Board as its decision on Variance Request #1. The applicant **does** meet the applicable nine (9) facts of findings:

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any one (1) of the special conditions listed thereafter can be satisfied:

7. *Will not be contrary to the public interest or the intent and purpose of this chapter.*

Review Comment: The intent of the ordinance is to prevent neighbors from erecting unsightly buildings or structures directly on the property line as well as to provide a level of fire safety by keeping a minimum distance of separation from adjacent structures. In this neighborhood, many of the existing structures pre-date the existing zoning regulations and the majority of accessory structures are located less than 3-feet from existing lot lines. In this case, the applicant is just looking to keep the same footprint as the existing garage and will be locating the shed behind the garage to maintain the existing look and building lines.

8. *Shall not permit the establishment within a district of any use which is not permitted by right within that zone*

district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.

Review Comment: The use is a permitted accessory use within the R-1 District.

9. Is one that is unique and not shared by others.

Review Comment: This condition is applied across the community and is not unique to this property.

10. Will relate only to the property that is under control of the applicant.

Review Comment: The variance will only relate to the property under the control of the applicant.

11. Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.

12. Was not created by action of the applicant (i.e. that it was not self-created).

Review Comment: while the need for the variance is self-created, the owner is only trying to maintain the existing condition on the property which pre-dates the existing ordinance.

7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public. It should be noted though that if the variance is approved, the applicant will need to ensure the building is fire rated and approved by the City Building Official to ensure there will be no fire issues for the adjacent property.

8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.

Review Comment: The variance would not impact property values in the immediate vicinity.

9. Is applicable whether a grant of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have the same conditions with their accessory structures being less than 3 feet from adjacent property lines.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would exist by meeting the strict letter of the code.

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness,

shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for **507 Gilbert Street to allow an accessory structure to be placed less than 10-feet from the home be approved**, for the following reasons:

1. The reduction would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variation is necessary for the preservation of a substantial property right possessed by others in the same district; and
4. As a condition of approval, the building official must approve the accessory structure to ensure fire code is met.

The above findings, conclusions and decision were adopted by a roll call vote as follows:

AYES: BOARD MEMBERS BRUFF, TEICH, TELESZ AND CHAIRMAN HORTON

NAYS: NONE

The variance was approved based on all aspects of the plans and descriptions submitted. The structure, use or activity shall be constructed or carried on in accordance with the plans and/or description provided by the Applicant. All aspects of construction shall be in compliance with the plan submitted, regardless of whether a variance was sought or necessary for certain dimensional or other aspects of the plan.

Any variance granted by the Zoning Board of Appeals shall not be valid after a period of six (6) months from the date granted unless the owner shall have taken substantial steps, as determined by the Board, in implementing the variance granted by the Board." Sec. 38 504(c) 2. i. ii., Chapter 38, of the City of Owosso Zoning Ordinance.

OTHER BOARD BUSINESS: None

PUBLIC COMMENTS AND COMMUNICATIONS: None

ADJOURNMENT:

MOTION BY BOARD MEMBER BRUFF AND SUPPORTED BY BOARD MEMBER TEICH TO ADJOURN AT 10:27 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, JULY 21, 2020, IF ANY REQUESTS ARE RECEIVED.

YEAS: ALL. MOTION CARRIED.

**REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
AUGUST 17, 2021 AT 9:30 A.M.**

CALL TO ORDER: The meeting was called to order by Chairman Horton at 9:30 a.m.

ROLL CALL: Was taken by Tanya Buckelew.

MEMBERS PRESENT: Board Members Tom Taylor, Robert Teich, Kent Telesz and Chairman Randy Horton.

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth, Board Member Matt Grubb

OTHERS PRESENT: Justin Sprague, CIB Planning,

AGENDA:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE AGENDA FOR THE AUGUST 17, 2021 REGULAR MEETING.

YEAS: ALL. MOTION CARRIED.

MINUTES:

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPROVE THE MINUTES OF JUNE 16, 2020 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

OLD BUSINESS: - None

NEW BUSINESS:

1. SELECTION OF OFFICERS – CHAIRMAN, VICE-CHAIR, SECRETARY

IT WAS MOVED BY BOARD MEMBER TELESZ TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO APPOINT RANDY HORTON AS CHAIRMAN, CHRISTOPHER EVELETH AS VICE-CHAIR AND MATTHEW GRUBB AS SECRETARY.

PUBLIC HEARINGS:

- | | |
|----------------------------|--|
| 1. APPLICANT: | JANIE & KEVIN YEAGER |
| LOCATION OF APPEAL: | 612 W STEWART STREET, Owosso, MI 48867 |
| PARCEL NUMBER: | 050-673-006-011-00 |
| PROPERTY ZONING: | R-1, ONE-FAMILY RESIDENTIAL DISTRICT |
| CASE #: | P2021-011 |

Chairman Horton opened the Public Hearing at 9:35 am.

Received a phone call from Thomas Brewer of 610 W. Stewart Street and stated he had no objections to the variance.

Janie and Kevin Yeager stated the purpose of the variance request. When they bought the house in 2020, there was already a 4' high privacy fence close to the sidewalk. They stated the 8' sections near the driveway would be brought in to have driveway clearance.

REVIEW COMMENTS:

1. Will not be contrary to the public interest or the intent and purpose of this chapter.

Review Comment: The applicant is proposing to replace the existing fence which is too close to the right-of-way according to ordinance. The fence is required to be at least 19 feet from the public right-of-way in a

front yard, which this lot is a corner lot placing the existing fence in the front yard. Since the fence will not add height and will comply otherwise, it is found that this will not be contrary to the intent of the chapter.

2. **Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.**

Review Comment: The use is a permitted use within the R-1 District.

3. **Is one that is unique and not shared by others.**

Review Comment: This condition is applied across the community and is not unique to this property. In fact, there are a number of properties similarly situated adjacent and near this property with existing non-conforming fences.

4. **Will relate only to the property that is under control of the applicant.**

Review Comment: The variance will only relate to the property under the control of the applicant.

5. **Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.**

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, and it would not be unnecessarily burdensome to comply.

6. **Was not created by action of the applicant (i.e. that it was not self-created).**

Review Comment: while the need for the variance is self-created, the owner is only trying to maintain the existing condition on the property by replacing the fence, which pre-dates the existing ordinance.

7. **Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.**

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

8. **Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.**

Review Comment: The variance would not impact property values in the immediate vicinity.

9. **Is applicable whether a grant of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have the same conditions with their fences being less than 19 feet from adjacent rights-of-way.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

1. **Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.**

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would not exist by meeting the strict letter of the code.

2. **Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.**

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. **Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.**

Review Comment: The variation would allow the property owner to maintain existing conditions on the property, something that many other properties in the area also maintain.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for 612 W Stewart Street to allow the replacement of an existing fence, less than 19-feet from a right-of-way, be approved, for the following reasons:

1. **The replacement would not be contrary to the intent of the ordinance;**
2. **The variance would provide justice shared by other properties in the area;**
3. **A variation is necessary for the preservation of a substantial property right possessed by others in the same district**

IT WAS MOVED BY BOARD MEMBER TELESZ TAYLOR AND SUPPORTED BY BOARD MEMBER TEICH TO ALLOW THE REPLACEMENT OF AN EXISTING FENCE, LESS THAN 19 FEET FROM A RIGHT-OF-WAY BE APPROVED AS RECOMMENDED BY THE CITY PLANNER.

AYES: BOARD MEMBERS TAYLOR, TEICH, TELESZ AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

2. **APPLICANT: DEAN GAFFNER**
LOCATION OF APPEAL: 1225 W STEWART STREET, Owosso, MI 48867
PARCEL NUMBERS: 050-606-001-016-00
PROPERTY ZONING: B-1, LOCAL BUSINESS DISTRICT CASE #: P2021-013

Dena Gaffner, Owner and Chandler Buck, Employee spoke about the need for a fenced in area for towing and storage of vehicles.

Justin Sprague comments:

The applicant property is located at 1225 Stewart and is an existing auto body repair shop which is a non-conforming use. The existing business has also been utilizing a vacant lot across Stewart Street to park customer vehicles either in the que to be repaired or waiting for customer pickup.

The applicant initially wanted to fence the vacant lot but was not permitted as that would be an expansion of the non-conforming lot. The applicant in now proposing to fence a portion of the existing lot with the business to

secure customer vehicles and screen parking on the site. The subject property is zoned B-1, Local Business District where this use is a non-conforming use.

Justin Horvath, SEDP, spoke in favor of the variance and support for the business.

REVIEW COMMENTS

1. Will not be contrary to the public interest or the intent and purpose of this chapter.

Review Comment: The applicant is proposing to add screening fence which is too close to the right-of-way according to ordinance. The fence is required to be at least 19 feet from the public right-of-way in a front yard, which this lot is a corner lot placing the existing fence in the front yard. Since the fence will prevent an expansion of a non-conforming use on a vacant lot, it is found that this will not be contrary to the intent of the chapter.

2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.

Review Comment: The use is a legal non-conforming use within the B-1 District.

3. Is one that is unique and not shared by others.

Review Comment: This condition is applied across the community and is not unique to this property. In fact, there are a number of properties similarly situated adjacent and near this property with existing non-conforming fences.

4. Will relate only to the property that is under control of the applicant.

Review Comment: The variance will only relate to the property under the control of the applicant.

5. Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, but would be unnecessarily burdensome to comply.

6. Was not created by action of the applicant (i.e. that it was not self-created).

Review Comment: while the need for the variance is self-created, the owner is only trying to improve the existing condition on the property for both the community as well as improve the security of customer vehicles.

7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.

Review Comment: The variance would not impact property values in the immediate vicinity.

9. Is applicable whether a grant of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have the same conditions with their fences being less than 19 feet from adjacent rights-of-way.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:

1. Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would not exist by meeting the strict letter of the code.

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Review Comment: The variation would allow the property owner to improve existing conditions on the property as well as prevent the expansion of an existing non-conforming use of a vacant lot.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variance for 1225 Stewart Street to allow the replacement of an existing fence, less than 19-feet from a right-of-way, be approved, for the following reasons:

1. The replacement would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variation is necessary for the preservation of a substantial property right possessed by others in the same district
4. Fence is required to be maintained in high quality

IT WAS MOVED BY BOARD MEMBER TEICH AND SUPPORTED BY BOARD MEMBER TELESZ TAYLOR TO ALLOW A NEW FENCE, LESS THAN 19-FEET FROM THE RIGHT-OF-WAY BE APPROVED AS RECOMMENDED BY THE CITY PLANNER.

AYES: BOARD MEMBERS TAYLOR, TEICH, TELESZ AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

OTHER BOARD BUSINESS: Board member Telesz discussed 229 S. Cedar Street and violations of variance. ALL in agreement to enforce conditions provided in variance. Will need to revoke variance if conditions not met.

PUBLIC COMMENTS AND COMMUNICATIONS: None

ADJOURNMENT:

IT WAS MOVED BY BOARD MEMBER **TELESZ** TEICH AND SUPPORTED BY BOARD MEMBER TAYLOR TO ADJOURN THE MEETING AT 10:05 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, SEPTEMBER 21, 2021.

YEAS: ALL. MOTION CARRIED.

MINUTES OF APRIL 19, 2022 ZONING BOARD OF APPEALS MEETING CONTINUED:

OLD BUSINESS: NONE
SELECTION OF OFFICERS: DUE AUGUST 2022
NEW BUSINESS: NONE

PUBLIC HEARINGS:

1. **APPLICANT:** SAGINAW SHIAWASSEE HABITAT FOR HUMANITY
LOCATION OF APPEAL: 701 S PARK STREET, Owosso, MI 48867
PARCEL NUMBER: 050-652-004-008-00
PROPERTY ZONING: R-1, ONE-FAMILY RESIDENTIAL DISTRICT
CASE #: P2022-005
2. **APPLICANT:** SAGINAW SHIAWASSEE HABITAT FOR HUMANITY
LOCATION OF APPEAL: 702 S SAGINAW STREET, Owosso, MI 48867
PARCEL NUMBERS: 050-652-004-010-00
PROPERTY ZONING: R-1, ONE-FAMILY RESIDENTIAL DISTRICT
CASE #: P2022-005

Chairman Horton offered the floor to Charlie Wargel with Habitat for Humanity, to speak on the pending construction.

Mr. Charlie Wargel, explained a construction plan of building six homes in three years; with the intent of completing one in 2022. Briefly described the size of the homes and the importance of the front porches to "create communities". He also offered the design plans for anyone interested to review.

Chairman Horton opened the Public Hearing at 9:36 am.

Tom Brown of 802 S. Park Street asked if all the homes planned for construction would require variances, and how close the porches would be to the Right of Way.

Justin Sprague, CIB Planning explained the variances are only for 701 S. Park and 702 S. Saginaw because they are corner lots and that the porches would be 20 feet from the sidewalk instead of the 25 feet requirement.

Chairman Horton closed the public hearing at 9:41 am.

Justin Sprague, CIB, explained the following:

Dimensional and non-use variances are regulated under *Section 38-504(3)* of the Zoning Ordinance. The board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, signs and off-street parking and loading space requirements, provided all of the basic conditions listed below and any one (1) of the special conditions listed thereafter can be satisfied:

1. *Will not be contrary to the public interest or the intent and purpose of this chapter.*

Review Comment: The applicant is proposing to develop new housing on vacant lots and would like to add front porches to the proposed homes. Since this is a residential area, the porch encroachments would not be contrary to the intent of the chapter or contrary to the public interest.

1. *Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.*

Review Comment: The proposed use is a permitted use in the R-1 District.

2. *Is one that is unique and not shared by others.*

Review Comment: This condition is applied across the community and is not unique to this property. In fact, there are a number of properties similarly situated near these properties with existing non-conforming porches.

3. *Will relate only to the property that is under control of the applicant.*

Review Comment: The variance will only relate to the properties under the control of the applicant.

4. *Is applicable whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.*

Review Comment: The strict letter of the law will not prevent the owner of the property from reasonably using the property, but would be unnecessarily burdensome to comply.

5. *Was not created by action of the applicant (i.e. that it was not self-created).*

Review Comment: while the need for the variance is self-created, the owner is only trying to improve the existing condition on the properties for both the community as well as improve the neighborhood.

5. *Will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion of public streets or increase the danger of fire or endanger the public safety.*

Review Comment: The variance would not impair the supply of light or air to adjacent properties, create unreasonable congestion or endanger the public.

6. *Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district which the property of the applicant is located.*

Review Comment: The variance would not negatively impact property values in the immediate vicinity, but would definitely improve property values in the area.

9. *Is applicable whether a grant of the variance would be applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

Review Comment: Applying a lesser variance would possibly provide justice to the property owner, however other properties in the area have similar conditions especially on smaller corner lots with two front-yard requirements.

Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when anyone (1) of the following special conditions can be clearly demonstrated:

1. *Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular piece of land.*

Review Comment: It is our opinion that a practical difficulty or unnecessary hardship would not exist by meeting the strict letter of the code.

2. *Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.*

Review Comment: There appear to be no exceptional or extraordinary circumstances or physical conditions with this property that do not generally apply to other properties in the same district

3. *Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.*

Review Comment: The variation would allow the property owner to improve existing conditions on the properties.

RECOMMENDATION

After review of the requested variance against the standards of the Michigan Zoning Enabling Act and the City of Owosso Zoning Ordinance, we are of the opinion that the requested variances for **701 S. Park Street and 702 S. Saginaw Street to allow an encroachment of 5-feet for the purpose of adding porches to proposed new houses on corner lots, be approved**, for the following reasons:

1. The encroachments would not be contrary to the intent of the ordinance;
2. The variance would provide justice shared by other properties in the area;
3. A variation is necessary for the preservation of a substantial property right possessed by others in the same district

MOTION BY VICE-CHAIR EVELETH, SECONDED BY BOARD MEMBER TAYLOR TO APPROVE THE REQUESTED VARIANCE FOR 701 S PARK STREET TO ALLOW AN ENCROACHMENT OF 5 FEET FOR THE PURPOSE OF ADDING A PORCH TO THE PROPOSED NEW HOME ON A CORNER LOT .

AYES: VICE-CHAIR EVELETH, SECRETARY GRUBB, BOARD MEMBER TAYLOR, TEICH AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

MOTION BY VICE-CHAIR EVELETH, SECONDED BY BOARD MEMBER TAYLOR TO APPROVE THE REQUESTED VARIANCE FOR 702 S SAGINAW STREET TO ALLOW AN ENCROACHMENT OF 5 FEET FOR THE PURPOSE OF ADDING A PORCH TO THE PROPOSED NEW HOME ON A CORNER LOT .

AYES: SECRETARY GRUBB, BOARD MEMBER TAYLOR, TEICH, VICE-CHAIR EVELETH AND CHAIRMAN HORTON.

NAYS: NONE

RCV MOTION CARRIED

OTHER BOARD BUSINESS: NONE

PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

IT WAS MOVED BY VICE-CHAIR EVELETH AND SUPPORTED BY SECRETARY GRUBB TO ADJOURN THE MEETING AT 9:52 A.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, MAY 17, 2022.

YEAS: ALL. MOTION CARRIED.

Matthew Grubb, Secretary

DRAFT

MINUTES FOR REGULAR MEETING
OWOSSO HISTORIC DISTRICT COMMISSION
Wednesday, April 20, 2022 at 6:00 p.m.
Virginia Teich Council Chambers

MEETING CALLED TO ORDER at 6:02 p.m. by Chairman Steven Teich.

ROLL CALL was taken by Owosso City Manager, Nathan Henne.

PRESENT: Commissioner Lance Omer, Commissioner Scott Newman, Secretary Philip Hathaway (6:05), Commissioner Matthew Van Epps, Commissioner Gary Wilson, Commissioner Dianne Acton, Chairman Steven Teich.

ABSENT: None.

OTHERS IN ATTENDANCE: Nathan Henne, Owosso City Manager.

AGENDA APPROVAL: April 20, 2022.

ADDITION BY COMMISSIONER WILSON-DISCUSSION OF PRESERVATION OF FACADES OF HISTORIC BUILDINGS WHEN THERE IS A LOSS BY FIRE, WHICH WILL BE INCLUDED DURING LULA'S DISCUSSION.

MOTION FOR APPROVAL WITH ADDITION BY COMMISSIONER WILSON. MOTION WAS SECONDED BY COMMISSIONER NEWMAN.

AYES ALL. MOTION CARRIED.

MINUTES APPROVAL: JANUARY 19, 2022 MINUTES.

MOTION FOR APPROVAL AS PRESENTED BY SECRETARY HATHAWAY. MOTION WAS SECONDED BY COMMISSIONER VAN EPPS.

AYES ALL. MOTION CARRIED.

COMMUNICATIONS: None.

PUBLIC/COMMISSIONER COMMENTS: None.

COMMITTEE REPORTS: None.

PUBLIC HEARINGS: None

ITEMS OF BUSINESS:

1. Historic District Commission Annual Report. City Manager Henne detailed that the bylaws require the Commission to submit an annual report each April to Council detailing what is done throughout the previous calendar year. Secretary Hathaway asked the special presentation that was made by the State be included in the draft sent to Council.

SECRETARY HATHAWAY MADE A MOTION TO APPROVE THE HISTORIC DISTRICT COMMISSION ANNUAL REPORT, AS AMENDED. SECONDED BY COMMISSIONER WILSON.

ALL AYES. MOTION CARRIED.

Board Comments: City Manager Henne gave an update on the Lula's Cookhouse building post-fire; no demolition permit has been submitted. Secretary Hathaway inquired as to the process for buildings that have sustained fire damage requesting a demolition permit (not by neglect). Commissioner Van Epps indicated there could be demolition if there was something that occurred that was beyond the control of the owner (Notice to Proceed-four reasons). The Historic District Commission's main concern is saving the façade. The continuity of the street wall is integral. Commissioner Omer expressed concern about the integrity of the building; an independent third party opinion is requested. Commissioner Van Epps would like to see the redevelopment plan for this building before the demolition is approved. Contractor estimated \$5,000 to brace/save the façade; that section of the building is structurally sound. Commissioner Wilson showed some comparative projects in communities of similar size. MEDC was approached about the project, but they are not interested unless it's a new build. Demolition permit will be forthcoming.

Mathews Building demolition has begun. The demolition will take two days and they will then begin hauling away materials.

PUBLIC COMMENTS: None.

BOARD COMMENTS: None.

NEXT MEETING: May 18, 2022.

ADJOURNMENT:

MOTION BY SECRETARY HATHAWAY, SECONDED BY COMMISSIONER NEWMAN TO ADJOURN AT 7:04 P.M. ALL AYES. MOTION CARRIED.

Philip Hathaway, Secretary