

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JANUARY 3, 2023
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR ROBERT J. TEICH, JR.

OPENING PRAYER: PASTOR MARLENE WEBSTER
OWOSSO CITY CHURCH

PLEDGE OF ALLEGIANCE: KATHY TEICH

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Law to approve the agenda with the following additions to Consent Agenda 4. Boards & Commissions Appointments (changes are shown in bold text):

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

Name	Board/Commission	Term Expires
Robert J. Teich, Jr.	Downtown Development Authority/Main Street filling unexpired term of Sue Osika	11-12-2024
Emily S. Olson	Downtown Development Authority/Main Street filling unexpired term of Brianna Marrah	06-30-2024
Emily S. Olson	Shiawassee Area Transportation Agency Board of Directors	10-01-2025

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 19, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of December 19, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Retirement Proclamation – Jon Cecil

Mayor Robert J. Teich, Jr. read aloud the following Mayoral Proclamation recognizing Detective Sergeant Jon Cecil for his years of service to the City of Owosso on the occasion of his retirement:

**A PROCLAMATION
OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING THE DISTINGUISHED PUBLIC SERVICE OF
JON CECIL**

WHEREAS, Jon Cecil began his service to the City of Owosso as a Police Patrol Officer on January 5, 1997; receiving promotion to Police Sergeant in 2004 and joining the Detective Bureau in 2015; and

WHEREAS, he was recognized for exemplary work on several occasions, including a citation for Professional Excellence in 2008 and a citation for Meritorious Service in 2010; and

WHEREAS, he also received commendation for Exemplary Service in 2021 for displaying outstanding compassion and professionalism in the course of his duties; and

WHEREAS, Jon was committed to solving the tough crimes of the City and enjoyed proving people’s innocence, going the extra mile to collect all the available information; and

WHEREAS, he was consistently a sound voice for both the City and the Police Department employees on contractual matters representing all with fairness and honesty; and

WHEREAS, Jon has been described by his peers as conscientious, reliable, level-headed, calm, hard-working and dedicated; and

WHEREAS, he was readily available to help ease the strain of difficult cases and incidents with a hearty belly laugh; and

WHEREAS, in his spare time, he continued to give of himself through his involvement coaching high school football (but don't ask him about it unless you can spare the time); and

WHEREAS, it is the intent of this Office that Jon Cecil's Honorable and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Robert J. Teich, Jr., Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Jon for his 26 years of dedicated service to the Owosso community and further express our sincere wishes to Jon and his family for a long, healthy and happy retirement.

Proclaimed this 3rd day of January, 2023.

Public Safety Director Kevin D. Lenkart stepped forward and thanked Jon for his many years of service to the City, as well as his sense of humor and the laughter that was ever-present when he was around.

PUBLIC HEARINGS

Ordinance Amendment – Chapter 38, Zoning

Master Plan Implementation Goals: 1.17

The proposed amendment would allow drive-through window service at marijuana retail locations.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to various sections of Chapter 38, Zoning, of the Code of Ordinances for the purpose noted.

There were no citizen 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 Mayor Pro-Tem Osika that the following ordinance be adopted:

ORDINANCE NO. 835

APPROVING AMENDMENT TO VARIOUS SECTIONS OF CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES TO ALLOW DRIVE-THRU WINDOW SERVICE AT MARIHUANA RETAIL LOCATIONS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Planning Commission desires to amend the Zoning Ordinance to allow drive-thru window service at marijuana retail locations; and

WHEREAS, the Planning Commission held a public hearing on November 28, 2022, at its regularly scheduled meeting, regarding a request to amend various sections of Chapter 38, Zoning, to allow the purpose noted. Two citizens spoke, one in favor of the proposed amendments, the other, opposed; and

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

WHEREAS, the City Council held a public hearing on January 3, 2022, heard all interested persons, and deliberated on any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Subsection (11)a.2. of Sec. 38-197, Principal uses permitted, of Article IX, *B-1 Local Business District*, of Chapter 38, Zoning, shall be amended as follows:

Sec. 38-197 (11)a.2.

- (11) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power ordinance, chapter 16.5.
 - a. Provisioning centers shall be subject to the following standards:
 - 2. Contactless or limited contact transactions. A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

SECTION 2. AMENDMENT. That Subsection (4)a.2. of Sec. 38-217, Principal uses permitted, of Article X, *B-2 Planned Shopping Center Districts*, of Chapter 38, Zoning, shall be amended as follows:

Sec. 38-217 (4)a.2.

- (4) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 2. Contactless or limited contact transactions. A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

SECTION 3. AMENDMENT. That Subsection (9)a.2. of Sec. 38-242, Principal uses permitted, of Article XI, *B-3 Central Business District*, of Chapter 38, Zoning, shall be amended as follows:

Sec. 38-242 (9)a.2.

- (9) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing - police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 2. Contactless or limited contact transactions. A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

SECTION 4. AMENDMENT. That Subsection (10)a.2. of Sec. 38-267, Principal uses permitted, of Article XII, *B-4 General Business Districts*, of Chapter 38, Zoning, shall be amended as follows:

Sec. 38-267 (10)a.2.

- (9) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing - police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 2. Contactless or limited contact transactions. A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. This amendment shall become effective January 23, 2022.

The motion was supported by Councilmember Law and concurred in by unanimous vote.

CITIZEN COMMENTS AND QUESTIONS

Mayor Teich started off the comments period with a statement explaining that the Council is a group of seven elected community members charged with conducting the business of the City. During the last three meetings a significant amount of time was dedicated listening to residents and addressing issues regarding the opening prayer and the Pledge of Allegiance. Decisions were made and he considers the matters addressed. Citizens are free to continue to comment on these items, but he would like Council to move on and return its focus to the conduct of City business.

Mayor Teich asked that all comments be addressed to him.

Patrice Martin, a Fair Maven member, spoke about how misinformation and rumor have been used to sow division and create enemies in the community where none should exist, suggesting that those wishing to learn about the group simply ask a member rather than trying to wade through the untruths online. She noted that everyone present this evening is here because they love Owosso and want to see it thrive. She asked that people use that energy to work together to make Owosso an even better place.

Erica (did not give a last name or address) reminded Councilmembers that they represent everyone in the community, not just the majority. She went on to say that the City is comprised of people of varying backgrounds and opinions, all of which want to see Owosso move forward. In order to do so we need to accept the fact that other people get to determine their own course in life and our energy would be better spent on other things rather than forcing our opinion onto others.

Mark Drayton, 1116 N. Ball Street, said he spoke with Councilmember Olson regarding her stance on the Pledge of Allegiance and they can now see each other's point of view. That being said, he felt it was a violation of duty for a Councilmember to disparage a local business because they do not align with their views on religion. He asked Mayor Teich to remove Councilmember Olson from the Council for not upholding her oath of office. Lastly, he said he has never heard of the Fair Mavens group before and asked if they had been investigated.

Katlyn Gregory, 635 Martin Street, said that there has been no boycott initiated by the Fair Mavens group, that people do or don't endorse a business based on their experience at that business. She said it was unfair that the businesses of Fair Mavens group members are now being targeted, and asked that people make up their own minds and not be a puppet for others.

Tom Manke, publisher of Friends Community Owosso Corunna Facebook page, said he was recently asked by the former DDA Director to help market downtown Owosso businesses. His posts generated over 600,000 hits for downtown businesses and events. He suggested the Council provide the DDA with marketing funds and require them to utilize it in a way that reaches the greatest number of people.

Garland Grazier, business owner at 3051 Hintz Road, said he Googled "Fair Mavens" and discovered it was a large organization of women, originating in Australia, that get together to talk. He likened group get-togethers like men going to the cigar shop. He said they are not a secret group and are not out to ruin anyone. Lastly, he noted that people visit Mr. Manke's Facebook page for the drama.

Dave Gregory, 635 Martin Street, thanked the Mayor for his earlier statement addressing the opening prayer and Pledge of Allegiance issues. He also thanked the Councilmembers that were the targets of the recent horrible comments and threats for taking the high road and turning the other cheek. Lastly, he thanked the entire Council for keeping its focus on City business while respecting the First Amendment and encouraged everyone to visit downtown business and make their own decision whether to continue to patronize or not.

Rachel Osmer, Fair Mavens member, said she grew up in Owosso and returned to Owosso after college because she wanted to be here. She said it was very disappointing that an online bully was peddling false narratives about the Fair Mavens group causing her to feel threatened.

Patty VanLuven, Fair Mavens member, said she cares very much about Shiawassee County and made a choice to live here. She was adamant there is no boycott by the Fair Mavens group, though there is a constitutional right to do so. Lastly, she relayed a story about a friend of hers that moved away from the area because she didn't feel her family was accepted here and the positive influence the Fair Mavens group had on her opinion of the community's openness.

The 30-minute time limit for citizen comments was reached. Three more people expressed an interest in commenting. Mayor Teich asked them to wait to make their comments until the second citizen comment and question period near the end of the meeting.

CONSENT AGENDA

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

Proposed Special Assessment District No. 2023-102 – Hazards and Nuisances. Authorize Resolution No. 1 setting a public hearing for Monday, February 6, 2023 at 7:30 p.m. to receive citizen comment regarding proposed Special Assessment District No. 2023-102, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 917 S. Park Street and 1122 S. Cedar Street as follows:

RESOLUTION NO. 01-2023
SPECIAL ASSESSMENT DISTRICT
NO. 2023-102
HAZARDS AND NUISANCES
FOR 917 S. PARK STREET AND 1122 S. CEDAR STREET

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, February 6, 2023 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

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

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

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL NUMBER	ADDRESS	BALANCE
050-652-010-024-00	917 S. Park Street	\$11,141.10
050-114-006-001-00	1122 S. Cedar Street	\$11,499.45

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

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

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

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, February 6, 2023 for the purpose of reviewing said Special Assessment Roll - Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

Master Plan Implementation Goals: 1.1

Special Assessment District No. 2023-04 – Center Street. Authorize Resolution No. 4 setting a public hearing for Tuesday, January 17, 2023 to receive citizen comment regarding the proposed special assessment roll for Special Assessment District No. 2023-04 for Center Street from King Street to North Street for street resurfacing as follows:

RESOLUTION NO. 02-2023

**SPECIAL ASSESSMENT RESOLUTION NO. 4
SETTING A PUBLIC HEARING
TO RECEIVE COMMENT REGARDING
SPECIAL ASSESSMENT DISTRICT NO. 2023-04
CENTER STREET, A PUBLIC STREET, FROM KING STREET TO NORTH STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Tuesday, January 17, 2023 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Center Street, a Public Street, from King Street to North Street

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

Street Resurfacing

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

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Tuesday, January 17, 2023 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Master Plan Implementation Goals: 3.10

Purchase Authorization – Police Utility Vehicle. Waive competitive bidding requirements, authorize a joint purchase from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso for the purchase of one 2023 Ford Interceptor Police Utility in the amount of \$45,745.00 under the terms of State of Michigan Contract No. 071B7700180 / Macomb County Contract # 21-18, and further authorize payment to the vendor upon satisfactory delivery of the vehicle as follows:

RESOLUTION NO. 03-2023

AUTHORIZING THE PURCHASE OF A POLICE UTILITY VEHICLE FROM SIGNATURE AUTO GROUP OF OWOSSO

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a police department requiring the use of police vehicles; and

WHEREAS, the City of Owosso desires to purchase one new police vehicle and a bid was received from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso, holder of the contract for police vehicles with the State of Michigan and Macomb County; and it is hereby determined that Signature Auto Group of Owosso is qualified to provide such vehicles and that it has submitted the responsible and responsive bid; and

WHEREAS, the City of Owosso may waive competitive bidding requirements when purchasing equipment in coordination with another municipality.

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 purchase one 2023 Ford Interceptor Utility Police Vehicle from Signature Auto Group of Owosso, utilizing State of Michigan Contract No. 071B7700180/Macomb County Contract # 21-18, for a cost to the City of Owosso of \$45,745.00
- SECOND: the Finance Director and the Director of Public Safety are hereby instructed and authorized to sign documents necessary to complete the transaction.
- THIRD: payment is authorized to Signature Auto Group in the amount of \$45,745.00 upon delivery of the police vehicle.
- FOURTH: The above expenses shall be paid from the Police Division Capital Outlay fund 101-301-978.000.

Master Plan Implementation Goals: 3.2

Boards and Commissions Appointments. Approve the following Mayoral Boards and Commissions appointments (the last two appointments were added to the agenda):

Name	Board/Commission	Term Expires
Robert J. Teich, Jr.	Downtown Development Authority/Main Street filling unexpired term of Sue Osika	11-12-2024
Emily S. Olson	Downtown Development Authority/Main Street filling unexpired term of Brianna Marrah	06-30-2024
Emily S. Olson	Shiawassee Area Transportation Agency Board of Directors	10-01-2025

***Check Register – December 2022.** Affirm check disbursements totaling \$1,712,301.21 through December 31, 2022.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Ordinance Adoption - Bonding for DWSRF Financing – Project No. 7491-01

Master Plan Implementation Coals: 3.4, 3.7

Dickinson Wright bonding attorney Eric McGlothlin introduced the item saying that this ordinance is similar to the ordinance Council adopted last year for water system maintenance and improvements. He went on to describe the details of the ordinance, noting that it will become effective immediately.

City Manager Henne noted the bonds authorized by the proposed ordinance will finance the replacement of water mains on several streets, the replacement of any lead service lines on those streets, upgrades to certain City wells, and SCADA upgrades at the Water Filtration Plant.

Councilmember Pidek highlighted the fact that City staff has done a tremendous job getting grants that help lighten the burden of the cost of major utilities projects. He said there's lots of work to be done, but it seems like we get help with each project in some way.

Motion by Councilmember Pidek approving adoption of an ordinance to authorize and provide for the issuance of revenue bonds for DWSRF financing of the cost of the replacement of water mains and lead service lines, well upgrades, and SCADA upgrades at the water treatment plant and related facilities under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, as follows:

ORDINANCE NO. 836

A SUPPLEMENTAL ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST OF THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF OWOSSO; TO PRESCRIBE THE FORM OF THE SERIES 2023 BOND; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE SERIES 2023 BOND; TO PROVIDE FOR SECURITY FOR THE SERIES 2023 BOND; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF REVENUES OF THE SYSTEM; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE SERIES 2023 BOND IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SERIES 2023 BOND AND THE SYSTEM.

THE CITY OF OWOSSO ORDAINS:

Section 1. 2023 SUPPLEMENTAL ORDINANCE. This ordinance (hereinafter referred to as the "2023 Supplemental Ordinance") is adopted in accordance with Section 21 of the Prior Ordinance (defined below) and pursuant to the authority in Act 94.

Section 2. DEFINITIONS. Except as hereinafter provided, all terms which are defined in Section 1 of the Prior Ordinance shall have the same meanings in this 2023 Supplemental Ordinance. In addition, whenever used in this 2023 Supplemental Ordinance, except when otherwise indicated by context, the following definitions shall apply to the terms in this 2023 Supplemental Ordinance:

- (a) "Authority" means the Michigan Finance Authority, or any successor agency.
- (b) "Authorized Officer" means the Mayor, City Manager, Finance Director, or Public Utilities Director of the City, or any one or more of them.
- (c) "Bonds" as defined in the Prior Ordinance shall include the Series 2023 Bond that is being issued on a parity with the Series 2020 Bond and the Series 2022 Bonds pursuant to Section 21 of Ordinance No. 614.
- (d) "Contract Documents" means the Purchase Contract between the City and the Authority, the Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes, and Energy, and the Issuer's Certificate for the Series 2023 Bond, and such other closing documents required by the Authority for the issuance of the Series 2023 Bond.
- (e) "Improvements" means the design, acquisition and construction of improvements to the System, consisting of watermain and lead service line replacements, well upgrades, SCADA upgrades at the water treatment plant and related facilities, as well as the restoration of property, streets, rights-of-way and easements affected by the improvements, and all other work necessary and incidental to these improvements.

- (f) "Issue Date" means the date on which the Series 2023 Bond is delivered to the original purchaser thereof.
- (g) "Prior Ordinance" means Ordinance No. 614 adopted by the City Council on June 3, 2002, as supplemented by the 2020 Supplemental Ordinance and the 2022 Supplemental Ordinance.
- (h) "Series 2020 Bond" means the Bond authorized in Sections 4 and 5 of the 2020 Supplemental Ordinance.
- (i) "Series 2022 Bonds" means the Bonds authorized in Sections 5 and 6 of the 2022 Supplemental Ordinance.
- (j) "Series 2023 Bond" means the Bond authorized in Sections 5 and 6 of this 2023 Supplemental Ordinance.
- (k) "Tax-Exempt Bonds" means bonds the interest on which is excluded from gross income for federal income tax purposes.
- (l) "2020 Supplemental Ordinance" means Ordinance No. 805 adopted by the City Council on February 3, 2020.
- (m) "2022 Supplemental Ordinance" means Ordinance No. 828 adopted by the City Council on March 7, 2022.

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

Section 4. ESTIMATED COST; PERIOD OF USEFULNESS. The aggregate cost of the Improvements has been estimated not to exceed \$5,901,200, including the payment of eligible legal, engineering, financial and other expenses, which estimate of cost is approved and confirmed. The period of usefulness of the Improvements is estimated to be not less than forty (40) years.

Section 5. ISSUANCE OF BONDS. To pay all or a portion of the eligible cost of designing, acquiring, and constructing the Improvements and to pay the eligible legal and financial expenses and all other eligible expenses incidental to the issuance of the Series 2023 Bond, the City shall borrow the sum of not to exceed \$4,000,000 and issue its revenue bonds pursuant to the provisions of Act 94. The Series 2023 Bond shall be issued in the aggregate principal sum of not to exceed \$4,000,000, as finally determined by the Authorized Officer at the time of sale, or such lesser amount thereof as shall have been advanced to the City pursuant to the Contract Documents. The remaining cost of the Improvements, if any, shall be paid from City funds on hand and legally available for such use.

During the time funds are being drawn down by the City under the Series 2023 Bond, the Authority will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the Series 2023 Bond.

Section 6. SERIES 2023 BOND DETAILS. The Series 2023 Bond shall be designated "Water Supply System Revenue Bonds" with such appropriate series designation determined by the Authorized Officer. The Series 2023 Bond shall be issued as one fully-registered bond, shall be sold and delivered to the Authority in the denomination of the principal amount of the Series 2023 Bond. The Series 2023 Bond shall be dated the date of delivery to the Authority, or such other date approved by the Authorized Officer, and shall be payable on the dates determined by the Authorized Officer at the time of sale provided the final maturity shall be no later than forty (40) years after the date of issuance. The Series 2023 Bond shall bear interest at a rate of not to exceed 3.00% per annum as determined by the Authorized Officer, payable semiannually on the dates determined by the Authorized Officer at the time of sale.

Notwithstanding the above, the final amount of any maturity and terms of the Series 2023 Bond shall be as provided in the Contract Documents and will be finally determined by the Authorized Officer.

Section 7. PAYMENT OF SERIES 2023 BOND; CONFIRMATION OF STATUTORY LIEN. The principal of, premium, if any, and interest on the Series 2023 Bond shall be payable solely from the Net Revenues, and, to secure such payment from the Net Revenues, the statutory lien upon the whole of the Net Revenues established by Act 94 and the pledge created in Sections 5 and 8 of Ordinance No. 614 is hereby confirmed in favor of the Series 2023 Bond and such lien shall be of equal standing and priority with the Series 2020 Bond and the Series 2022 Bonds, but junior and subordinate to the lien of all, if any, subsequently issued Senior Lien Bonds.

The Series 2023 Bond, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for the purpose of any debt limitations imposed by any constitutional or statutory provisions.

The statutory lien on the Net Revenues with respect to the Series 2023 Bond will continue until payment in full of the principal of and interest on the Series 2023 Bond, or until sufficient cash or Sufficient Government Obligations, or a combination thereof, have been deposited in trust for the payment in full of the principal of and interest on the Series 2023 Bond to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, or a combination thereof, as provided in the previous sentence, the statutory lien shall be terminated with respect to the Series 2023 Bond, the holder of the Series 2023 Bond shall have no further rights under the Ordinance except for payment from the deposited funds, and the Series 2023 Bond shall be considered to be defeased and shall not longer be considered to be outstanding under the Ordinance.

Section 8. STATE REVENUE SHARING PLEDGE. If required by the Authority, as additional security for repayment of the Series 2023 Bond, the City Council agrees to pledge the state revenue sharing payments that the City is eligible to receive from the State of Michigan under Act 140, Public Acts of Michigan, 1971, as amended, to the Authority as purchaser and holder of the Series 2023 Bond. The Authorized Officer is authorized to execute and deliver a revenue sharing pledge agreement between the City and the Authority.

Section 9. PRIOR REDEMPTION. The Series 2023 Bond issued and sold to the Authority shall be subject to redemption prior to maturity upon the terms and conditions set forth in the form of Series 2023 Bond contained in Section 12 hereof.

Section 10. PAYING AGENT AND REGISTRATION.

- (a) Appointment of Paying Agent. From time to time the Authorized Officer shall designate and appoint a Paying Agent, which shall also act as transfer agent and bond registrar. The initial Paying Agent shall be the City Treasurer. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Series 2023 Bond.
- (b) Registration of Bonds. Registration of the Series 2023 Bond shall be recorded in the registration books of the City to be kept by a Paying Agent. The Series 2023 Bond may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Series 2023 Bond or Series 2023 Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of any Series 2023 Bond shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Series 2023 Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Series 2023 Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Series 2023 Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Series 2023 Bond has been called for redemption.
- (c) Authority's Depository. Notwithstanding any other provision of the Prior Ordinance, this 2023 Supplemental Ordinance or the Series 2023 Bond, so long as the Authority is the owner of the Series 2023 Bond: (a) the Series 2023 Bond shall be payable in lawful money of the United States; (b) the Series 2023 Bond is payable as to principal, premium, if any, and interest at U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (c) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the Series 2023 Bond in immediately available funds by 12:00 p.m. (noon) at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 p.m. (noon) on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (d) written notice of any redemption of the Series 2023 Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Section 11. SALE OF BONDS. The Series 2023 Bond shall be sold to the Authority by means of a negotiated sale. The City determines that a negotiated sale to the Authority is in the best interest of the City because the terms offered by the Authority are more favorable than those available from other sources of funding.

Section 12. BOND FORM. The Series 2023 Bond shall be in substantially the following form with such completions, changes and additions as may be required by the Authority or as recommended by the City's Bond Counsel and approved by the officers of the City signing the Series 2023 Bond:

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

**CITY OF OWOSSO
WATER SUPPLY SYSTEM REVENUE BOND, SERIES 2023**

<u>Interest Rate</u>	<u>Maturity Date</u> See Schedule I	<u>Date of Original Issue</u> _____, 2023
Registered Owner: Michigan Finance Authority		
Principal Amount:		

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

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

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

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

This Bond, being one fully registered bond, is issued in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and Ordinance No. 614 adopted by the City Council of the Issuer on June 3, 2002, as supplemented on February 3, 2020, and March 7, 2022 (as supplemented, the "Ordinance"), for the purpose of paying the cost of acquiring and constructing improvements to the System. This Bond is a self-liquidating bond, and is not a general obligation of the Issuer within any constitutional, statutory or charter limitation, but is payable, both

as to principal and interest, solely from the Net Revenues of the System. The principal of and interest on this Bond are secured by a statutory lien on the Net Revenues. This Bond is of equal standing and priority of lien as to the Net Revenues of the System with the City's Water Supply System Revenue Bond, Series 2020 dated March 27, 2020, the City's Water Supply System Revenue Bonds, Series 2022A dated May 6, 2022, and the City's Water Supply System Revenue Bonds, Series 2022B dated May 6, 2022.

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

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

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

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular and due time and form as required by law and that the total indebtedness of the Issuer including this Bond, does not exceed any charter, constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Owosso, Shiawassee County, Michigan, by its City Council, has caused this Bond to be signed, by the manual or facsimile signatures of its Mayor and City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon, all as of the ____ day of _____, 2023.

Robert J. Teich, Jr., Mayor

Amy K. Kirkland, City Clerk

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____

(please print or type social security number or taxpayer identification number and name and address of transferee)

the within bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____, 20__ _____

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever. When assignment is made by a

guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of his/her capacity to act must accompany the bond.

In the presence of: _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guaranty program.

Signature Guaranteed: _____

Name of Issuer: CITY OF OWOSSO
EGLE Project No: 7491-01
EGLE Approved Amount: \$

SCHEDULE I

Based on the schedule provided below, unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule that shall be effective upon receipt by the Issuer.

_____ Due Date _____ Amount of Principal Installment Due _____

Interest on the Bond shall accrue on that portion of principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of ____% per annum, payable _____ 1, 20__, and semiannually thereafter.

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

[END OF BOND FORM]

Section 13. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF SERIES 2023 BOND. The Series 2023 Bond shall be sold at a private, negotiated sale to the Authority, as authorized by Act 227, Public Acts of Michigan, 1985, as amended. The City Council determines that the sale and delivery of the Series 2023 Bond to the Authority as provided in this 2023 Supplemental Ordinance will provide the City with the lowest cost of borrowing money for the Improvements. The sale shall be made pursuant to the terms and conditions to be set forth in a Purchase Contract (the "Purchase Contract") and a Supplemental Agreement (the "Supplemental Agreement") related to the Series 2023 Bond. The Authorized Officer is authorized to execute and deliver the Supplemental Agreement and the Purchase Contract in such forms as shall be approved by the Authorized Officer, with such approval to be evidenced by the Authorized Officer's signature thereon. Notwithstanding any other provision of this 2023 Supplemental Ordinance, the Series 2023 Bond shall be initially sold to the Authority as one bond, numbered 1, in the aggregate principal amount of not to exceed the original principal amount of the Series 2023 Bond. In addition, the Authorized Officer and other City employees and officials are authorized to execute and deliver to the Authority and such certificates and documents as the Authority or bond counsel shall require and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Series 2023 Bond in accordance with the provisions of this 2023 Supplemental Ordinance. The Authorized Officer is authorized to execute any orders, receipts, agreements, pledge agreements, documents or certificates necessary to complete the transaction, including, but not limited to, any issuers certificate, any certificates relating to federal or state securities laws,

rules or regulations, and any revenue sharing pledge agreement. The Authorized Officer is authorized to seek a credit assessment, or similar, from Standard & Poor's or another nationally recognized rating organization and to execute and file any applications to the Michigan Department of Treasury, including an Application for State Treasurer's Approval to Issue Long-Term Securities and any other applications to the Michigan Department of Treasury and to seek any waivers from the Michigan Department of Treasury.

Section 14. TAX COVENANT. If the Series 2023 Bond is issued as Tax-Exempt Bonds, the City covenants to comply with all requirements of the Code necessary to assure that the interest on the Series 2023 Bond will be and will remain excludable from gross income for federal income tax purposes. The Authorized Officer and other appropriate officials of the City are authorized to do all things necessary to assure that the interest on the Series 2023 Bond will be and will remain excludable from gross income for federal income tax purposes.

Section 15. EXECUTION OF BOND. The Mayor or the Mayor Pro Tem, and the Clerk or Deputy Clerk of the City, are hereby authorized and directed to sign the Series 2023 Bond, either manually or by facsimile signature, on behalf of the City, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Series 2023 Bond. Upon execution, the Series 2023 Bond shall be delivered to the purchaser upon receipt of the purchase price or upon compliance with the terms and conditions of the Purchase Contract.

Section 16. CONSTRUCTION FUND. The City Treasurer is hereby directed to create and maintain a construction fund for the Improvements (the "Construction Fund"), into which the proceeds of the Series 2023 Bond shall be deposited. Such moneys shall be used solely for the purpose for which the Series 2023 Bond was issued. Any unexpected balance in the Construction Fund remaining after completion of the Improvements may be used for such purposes as allowed by law. After completion of the Improvements and disposition of remaining Series 2023 Bond proceeds, if any, pursuant to the provisions of this Section, the Construction Fund shall be closed.

Section 17. SERIES 2023 BOND PROCEEDS. The proceeds of the sale of the Series 2023 Bond shall be used solely to pay the eligible costs of the Improvements and any eligible engineering, legal and other expenses incident thereto; provided that the City Council shall not authorize the payment of any such moneys for acquisition and construction of any part of the Improvements until there shall have been first filed with it by the consulting engineer in charge of such work, a written statement to the effect that the sum so to be paid is in full or partial payment of a contractual obligation in connection with the Improvements and that the City has received the consideration for such payment. The statement of the consulting engineer shall also show the cost of acquisition and construction of the Improvements that has theretofore been approved by him for payment and the amount of the balance that will be required for completion of the Improvements.

Section 18. PUBLICATION AND RECORDATION. This 2023 Supplemental Ordinance shall be published once in full in a newspaper of general circulation in the City qualified under state law to publish legal notices, and the same shall be recorded in the records of the City and such recording authenticated by the signature of the City Clerk.

Section 19. ORDINANCE SUBJECT TO MICHIGAN LAW. The provisions of this 2023 Supplemental Ordinance are subject to the laws of the State of Michigan.

Section 20. SECTION HEADINGS. The section headings in this 2023 Supplemental Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this 2023 Supplemental Ordinance.

Section 21. SEVERABILITY. If any section, paragraph, clause or provision of this 2023 Supplemental Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this 2023 Supplemental Ordinance.

Section 22. RATIFICATION OF PRIOR ORDINANCE; CONFLICTING ORDINANCES. The Prior Ordinance, as supplemented by this 2023 Supplemental Ordinance, is hereby ratified and confirmed. All ordinances or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed to the extent of the conflict; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Series 2020 Bond, any series of the Series 2022 Bonds, or the Series 2023 Bond.

Section 23. EFFECTIVE DATE OF ORDINANCE. Pursuant to Section 6 of Act 94, this 2023 Supplemental Ordinance shall be approved on the date of first reading, and this 2023 Supplemental Ordinance shall be effective immediately upon its adoption and publication pursuant to Act 94.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

***Parks & Recreation Master Plan Update**

Master Plan Implementation Goals: 5.2, 5.3

City Manager Henne explained that the existing Parks & Recreation Master Plan expires this year and the development of a new 5-year plan is required to secure grant funding for parks projects. Assistant City Manager Amy K. Fuller took on the project, leading the Parks & Recreation Commission on an extensive 12-month review of the current plan, holding meetings and conducting a survey to solicit citizen comment as to what people want to see in the parks.

Motion by Mayor Pro-Tem Osika approving the adoption of the 2023-2027 Parks & Recreation Master Plan as follows:

RESOLUTION NO. 04-2023

**ADOPTING THE
2023-2027 OWOSSO PARKS & RECREATION MASTER PLAN**

WHEREAS, the City of Owosso must review its Parks and Recreation Master Plan every five years in accordance with parts 19, 703 and 716 of Act 451, P.A. 1994 of the State of Michigan, as amended; and

WHEREAS, the City Council has appointed a Parks and Recreation Commission to oversee the Plan; and

WHEREAS, the Parks and Recreation Commission reviewed the 2018 Plan by holding meetings on March 23, 2022, April 27, 2022, July 27, 2022, and October 25, 2022, and conducted a public survey in August 2022 in order to get public participation and input for a potential update; and

WHEREAS, updates and amendments to the plan were made in accordance with public, commissioner, and staff input; and

WHEREAS, the plan was distributed on November 21, 2022 and the Parks and Recreation Commission held a public hearing, no less than 30 days after distribution, on December 22, 2022; and

WHEREAS, the Plan was recommended by the Owosso Parks and Recreation Commission for adoption by the City Council on December 22, 2022.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that the 2023-2027 Owosso Parks and Recreation Master Plan is hereby adopted.

BE IT FURTHER RESOLVED THAT the Council hereby directs staff to distribute the Plan to the City Clerk's Office, the Shiawassee County Planning Commission, the City of Corunna, the Region V Planning Commission, Caledonia Charter Township, Owosso Charter Township, SATA, and the City website.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Brianna Marrah, Main Street/Downtown Development Authority. Letter of Resignation.
Brad A. Barrett, Finance Director. Financial Report – November 2022.
Brad A. Barrett, Finance Director. Pension and OPEB Report.
Owosso Historical Commission. Minutes of December 12, 2022.
Parks & Recreation Commission. Minutes of December 22, 2022.

CITIZEN COMMENTS AND QUESTIONS

Bridget Flynn, village of Morrice resident, said she has lived in Shiawassee County most of her life and she always felt its residents were a diverse group of people. She was attracted to the

Fair Mavens group because they seem like a positive women's group, but the group is private and doesn't allow everyone in. For this reason, she feels that membership in the group by elected officials is inappropriate.

Stacey Jameson, Fair Mavens member, said the Mavens are a new group, formed only 6 months ago, so many people haven't heard of it until now, but there is nothing nefarious going on. She said there is no boycott, no list, and no requirement for membership except that you be female. She encouraged anyone wanting to know about the group to come to a meeting. Lastly, she said she felt it was inappropriate for a sitting Councilmember to compare the Fair Mavens to the KKK.

Judy Ford, 649 Adams Street, said that the separation of church and state is necessary for good governance. A person's religion is private and personal, and no one can be required to display their faith, but citizens can demonstrate their allegiance by showing up and participating in our democracy.

Elaine Wigle, 927 N. Park Street, had three questions: Why do we keep discussing prayer at City meetings? Why did it take until now to notify residents of the water sample that exceeded bacterial limits if the incident happened in October? And why are there still huge piles of snow in the streets of the downtown area?

Councilmember Olson read aloud a written statement listing the occasions she has been the subject of intimidation, open hostility, lies and online slander, stalking, and threats to her life in the six weeks she has been a member of City Council. All because she asked that Council reconsider having a religious prayer at the start of each meeting in an effort to help non-believers to feel more included in the democratic process. She went on to say that the Fair Mavens are not boycotting any business in town, but that she personally "votes with her dollars". She said she moved here, invested her life savings here, and brought her businesses here because she sincerely wants to be here. She ran for City Council because she wants to participate in the effort to move the City forward. She takes her job as a Councilmember very seriously and is simply asking for some compassion and a minimum of respect.

City Manager Henne answered Mrs. Wigle's questions noting the DPW got a little behind in removing the snow piled up downtown when they were stretched to their limit by the snowstorm and several major water main breaks over the Christmas holiday. He also indicated the City cannot put snow from the downtown down by the river due to EGLE regulations. Responding to her question regarding the bacterial testing of the water system that triggered the recent notice sent to water customers, he explained that due to maintenance work at the regular test the City was forced to move to a back-up site and take bacterial test samples from a closed, private part of the water system leading to the anomalous result reported in the bulletin. He said no one was ever in danger.

Mayor Teich asked the City Manager to briefly detail the efforts DPW workers went to ensure the streets were safe for holiday travelers and everyone had water service over Christmas. City Manager Henne indicated that they required all hands on deck, including the hands of a few administrators, to get the work done, with some DPW workers working 40+ hours just over the holiday weekend. Teams of workers were out plowing snow, while others were working to repair a watermain that ruptured five times in a four-day period, all while it was bitterly cold. Henne said between the two crises they actually ran out of workers at one point due to the statutory sleep requirements for heavy equipment operators. Mayor Teich thanked everyone involved, saying that while unseen, their efforts were greatly appreciated.

Councilmember Fear echoed the Mayor's sentiments regarding the efforts of the DPW workers. She went on to note that she was unable to attend the last Council meeting, but she did watch it via Zoom and she wanted to address some comments that were made about her at that time. She indicated that there is no boycott by Fair Mavens group members and a boycott was never even proposed. She further indicated that she has been taking her own dogs to Downtown Hound for grooming services for the last two years. She defended Councilmember Olson saying she puts in more work than any other Councilmember she knows of, she has attended class for city councilmembers, and meets weekly with the City Manager. She said she is tired of the lies and persecution and is ready to put this business behind her. She welcomed anyone that wanted to attend a Fair Mavens meeting, said she has greatly enjoyed her time in the group, and clarified the fact that the Owosso group is independent and is not affiliated with any larger organization.

Councilmember Law took issue with a speaker that said Owosso could be a great place to live, saying that he has worked all over the state and the region and he knows that Owosso is already a great place to live.

NEXT MEETING

Tuesday, January 17, 2023

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – term expires June 30, 2026
Building Board of Appeals – Alternate - term expires June 30, 2024
Building Board of Appeals – Alternate - term expires June 30, 2025
Downtown Development Authority/Main Street – term expires June 30, 2024
Downtown Historic District Commission – term expires June 30, 2023
Downtown Historic District Commission - term expires June 30, 2024
Downtown Historic District Commission – term expires June 30, 2025
Owosso Historical Commission – 2 terms expire December 31, 2022
Owosso Historical Commission – term expires December 31, 2023

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 9:05 p.m.

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

Robert J. Teich, Jr., Mayor

Amy K. Kirkland, City Clerk

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