

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF SEPTEMBER 5, 2023
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR ROBERT J. TEICH, JR.

OPENING PRAYER: PASTOR BILL MOULL
OWOSSO FREE METHODIST CHURCH

PLEDGE OF ALLEGIANCE: STATE REPRESENTATIVE BRIAN BEGOLE

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 21, 2023

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of August 21, 2023 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Cory Agnew, apartment owner at 215 S. Chestnut Street, said that a basement apartment he owns floods every time it rains due to a plugged culvert on Chestnut Street. He has made several attempts to find a resolution, but due to the fact the drain in question is considered multijurisdictional and the blocked portion is located on railroad property there has been no movement to fix the problem. He asked that Council reach out to find a resolution. State Representative Brian BeGole said he was aware of Mr. Agnew's flooding issue and offered to facilitate a meeting of the parties involved.

Eddie Urban, 601 Glenwood Avenue, reminded everyone that Patriot Day is next week. He said the day was not just for veterans and encouraged everyone to participate. He said he has certificates available for anyone that would like to give them out to friends and family.

Pastor Bill Moull of the Owosso Free Methodist Church announced that a number of local churches had gotten together to sponsor a back-to-school family prayer event. The event will be held on Tuesday, September 12, 2023 from 6:00pm – 7:30pm at Bentley Park, with ice cream available afterward. He went on to highlight the extraordinary lives of two Owosso residents that had passed recently. He said he didn't want people to forget all of the things that Bob Myron and David Vaughn did in support of the community and the country.

Responding to Mr. Agnew's comments regarding a blocked drain and the resulting flooding, City Manager Henne indicated he was aware of the issue and had personally been to the location to observe what was happening. The City is willing to clean out the drain, but the main blockage is on railroad property and his calls to them have gone unanswered. He said he would welcome any help from Representative BeGole's office. In the meantime, City staff will watch the weather forecast and send the vac truck out to remove water backed up in the drain in order to prevent Mr. Agnew's apartment from flooding again.

Councilmember Law announced the recent passing of former Owosso Fire Department Captain Theodore Kirk who worked for the City from 1964-1995. He said “Ted” was a long-time family friend and will be missed. Mr. Law went on to comment about the flooding problem the Korner Pub experiences when it rains, saying they’ve resorted to sandbagging the front door to prevent the water from coming in.

Mayor Teich relayed the story of how the Mayors and staff from Corunna and Owosso worked together to save the Labor Day Bridge Walk event after its long-time coordinators retired. He went on to thank everyone involved, including Indian Trails, for providing a shuttle bus for the event, and he said that plans are being made to jointly host the event in the future.

Mayor Teich also highlighted the hard work of DPW and Public Safety Department employees who worked all night to clean up so that Consumers Energy could restore power after the storms on August 24th.

CONSENT AGENDA

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

Set Public Hearing – Industrial Facilities Exemption Certificate Revocation - 1525 W. King Street. Set a Public Hearing for Monday, October 16, 2023 at 7:30 p.m. to receive citizen comment regarding the request by Covenant Eyes, Inc. for revocation of Industrial Facilities Exemption Certificate No. 2019-121 for their property at 1525 West King Street because they no longer have need to expand their facility as follows:

RESOLUTION NO. 153-2023

**SETTING A PUBLIC HEARING
TO CONSIDER REVOCATION OF
INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE NO. 2019-121
FOR 1525 W KING STREET – COVENANT EYES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved an Industrial Facilities Tax (IFT) Exemption in October, 2019 for 1525 West King Street; and

WHEREAS, the City of Owosso approved this exemption for the maximum of 12 years based on project cost and number of jobs to be created; and

WHEREAS, the project was rendered moot by the COVID epidemic; and

WHEREAS, the applicant submitted a letter requesting that the IFT be revoked; and

WHEREAS, notice was provided to the owner of the property by certified mail dated August 29, 2023.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to hold a public hearing on Monday, October 16, 2023 at 7:30 P.M. in the City Hall Council Chambers to consider revocation of the IFT Exemption Certificate No. 2019-121 for Covenant Eyes at 1525 W King Street.

Set Public Hearing – OPRA Certificate Revocation – 152 E. Howard Street. Set a public hearing for Monday, October 16, 2023 at 7:30 p.m. to receive citizen comment regarding the request by Howard Street Development, LLC for revocation of Obsolete Property Rehabilitation Certificate No. 3-19-0024 for the property located at 152 E. Howard Street due to incomplete follow through with the construction project as follows:

RESOLUTION NO. 154-2023

**SETTING A PUBLIC HEARING TO CONSIDER REVOCATION OF
OBSOLETE PROPERTY REHABILITATION CERTIFICATE NO. 3-19-0024
FOR 152 E. HOWARD STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved an Obsolete Property Rehabilitation Certificate in September, 2019 for 152 East Howard Street for 12 years; and

WHEREAS, the City of Owosso approved this certificate for the maximum of 12 years based on project cost and number of new housing units to be created; and

WHEREAS, construction was not completed within two years; and

WHEREAS, the owners submitted a certified letter requesting that the OPRA certificate be revoked; and

WHEREAS, notice of the hearing was provided to the owner of the property by certified mail dated August 29, 2023.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to hold a public hearing on Monday, October 16, 2023 at 7:30 P.M. in the City Hall Council Chambers to consider revocation of OPRA Certificate No. 3-19-0024 for 152 E. Howard Street.

Set Public Hearing – Brownfield Plan #21 Termination. Set a public hearing for Monday, October 16, 2023 at 7:30 p.m. to receive citizen comment regarding the owner request to terminate Brownfield Redevelopment Plan #21 – 152 Howard Street Project due lack of follow-through on the project as follows:

RESOLUTION NO. 155-2023

**SETTING A PUBLIC HEARING TO CONSIDER TERMINATION OF
BROWNFIELD PLAN #21 FOR 152 EAST HOWARD STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved Brownfield Plan District #21 for 152 East Howard Street in November, 2019; and

WHEREAS, construction of the project was not completed within the allotted two years; and

WHEREAS, the owners submitted a certified letter requesting that Brownfield Plan #21 be terminated; and

WHEREAS, notice of the public hearing was provided to the owner of the property by certified mail dated August 29, 2023.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to hold a public hearing on Monday, October 16, 2023 at 7:30 P.M. in the Owosso City Council Chambers to consider the request to terminate Brownfield Plan #21 for 152 East Howard Street.

Proposed Special Assessment Project – Stewart Street. Authorize Resolution No. 2 setting a public hearing for Monday, September 18, 2023 for proposed Special Assessment District No. 2024-01 for Stewart Street from Shiawassee Street (M-52) to Washington Street for street rehabilitation as follows:

RESOLUTION NO. 156-2023

**STEWART STREET
FROM SHIAWASSEE STREET (M-52) TO WASHINGTON STREET
SPECIAL ASSESSMENT RESOLUTION NO. 2**

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

STEWART STREET, A PUBLIC STREET, FROM SHIAWASSEE STREET (M-52) TO WASHINGTON STREET;
FOR STREET RECONSTRUCTION

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.

2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$1,641,326.40 and determines that \$263,131.83 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$1,378,194.57 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, September 18, 2023 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Stewart Street, a Public Street, from Shiawassee Street (M-52) to Washington Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray a part or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, September 18, 2023 for the purpose of hearing any person to be affected by the proposed public improvement.

Street Closure Request – Owosso High School 2023 Homecoming Parade. Approve request from Owosso High School Assistant Principal/Athletic Director Steve Ireland for closure of the streets listed on the application from 5:00 p.m.- 7:00 p.m. on Friday, September 22, 2023 for the annual High School Homecoming parade and approve Traffic Control Order No. 1505 contingent upon the receipt of proper insurance.

Master Plan Implementation Goals: 4.2, 4.6, 5.12, 7.1

***Contract Modification - North Street Project.** Authorize Contract Modification No. 2 to the contract between the Michigan Department of Transportation (MDOT) and Champagne and Marx Excavating, Inc. of Saginaw, MI for the North Street Project to add additional contract items increasing the total by \$32,410.97 as follows:

RESOLUTION NO. 157-2023

**AUTHORIZING CONTRACT MODIFICATION NO. 2
TO THE CONTRACT BETWEEN
THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND
CHAMPAGNE AND MARX EXCAVATING, INC.
FOR THE NORTH STREET PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved Cost Share Agreement No. 22-5513 with the Michigan Department of Transportation (MDOT) on December 5, 2022 for improvements along North Street from Shiawassee Street (M-52) to Hickory Street; and

WHEREAS, MDOT received bids on January 6, 2023 for the North Street project and Champagne and Marx Excavating was the low responsive bidder and was awarded the contract; and

WHEREAS, changes in field conditions have warranted additional work for the project and Contract Modification No. 2 is necessary to add new contract items to the contract.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to authorize the signing of Contract Modification No. 2.
- SECOND: The City Engineer is instructed and authorized to sign the document substantially in form attached as Contract Modification No. 2 in the amount of \$32,410.97, revising the total current contract amount from \$2,146,688.63 to \$2,179,099.60.
- THIRD: The accounts payable department is authorized to allocate an additional \$32,410.97 to purchase order number 43894.
- FOURTH: The above expenses shall be paid from Major Street Account No. 202-451-818.000-NORTHSTR23 (\$6,450.59) and Water Fund Account No. 591-901-972.000-NORTHSTR23 (\$25,960.38) with the water changes being funded by the Drinking Water State Revolving Fund through the Michigan Department of Environment, Great Lakes, and Energy.

***Purchase Authorization – Tandem Truck Cab and Chassis.** Waive competitive bidding requirements, authorize a joint purchase from D. & K. Truck Company for the purchase of one 2024 Freightliner 108SD Plus tandem truck cab and chassis in the amount of \$97,294.00 under the terms of State of Michigan Contract No. 071B6600119, and further authorize payment to the vendor upon satisfactory delivery of the vehicle as follows:

RESOLUTION NO. 158-2023

**AUTHORIZING PURCHASE AGREEMENTS WITH
D. & K. TRUCK COMPANY AND TRUCK AND TRAILER SPECIALTIES, INC.
TO PROCURE A TANDEM TRUCK CAB & CHASSIS AND DUMP BODY FOR USE AT THE
WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the WWTP Capital Outlay Account for the purchase of a Tandem Truck Cab & Chassis to be used for hauling bio solids to the landfill and miscellaneous other loads from the WWTP drying beds; and

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the WWTP Capital Outlay Account for the purchase of a 15 feet Dump Body for attachment to the Tandem Cab & Chassis Tandem Truck; and

WHEREAS, the City of Owosso Director of Public Services & Utilities has reviewed the replacement equipment on the State of Michigan MiDeal Contract as priced by D. & K. Truck Company and Truck and Trailer Specialties, Inc. and recommends authorizing purchase agreements between the City of Owosso and D. & K. Truck Company and Truck and Trailer Specialties, Inc. on the State of Michigan MiDeal Contract; and

WHEREAS, waiver of the purchasing policy formal bid requirements is permitted per Sec.2-346(3) of the City of Owosso Code of Ordinances.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to waive competitive bidding requirements and contract with D. & K. Truck Company of Lansing, Michigan for the purchase of one 2024 Freightliner 108SD Plus tandem truck cab & chassis using State of Michigan MiDeal Contract #071B6600119 for use at the WWTP, in the amount of \$97,294.00.
- SECOND: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to waive competitive bidding requirements and contract with Truck and Trailer Specialties, Inc. of Howell, Michigan for the purchase and

installation of one Crysteel 15' dump body using State of Michigan MiDeal Contract #071B7700086, for use at the WWTP, in the amount of \$56,410.00.

THIRD: The accounts payable department is authorized to submit payment to Truck and Trailer Specialties, Inc. in the amount of \$56,410.00, and expense from account 599-901-977.000

FOURTH: The accounts payable department is authorized to submit payment to D. & K. Truck Company in the amount of \$97,294.00, and expense from account 599-901-977.000.

***Purchase Authorization – Dump Body.** Waive competitive bidding requirements, authorize a joint purchase from Truck and Trailer Specialties, Inc. for the purchase and installation of one Crysteel Select 15-foot dump body and accessories in the amount of \$56,410.00 under the terms of State of Michigan Contract No. 071B7700086, and further authorize payment to the vendor upon satisfactory delivery of the equipment.

See Resolution No. 158-2023 above.

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

Name	Board/Commission	Term Expires
Patrick Bradley*	Firemen's Memorial Steering Committee	09-01-2024
Daniel A. Law*	Firemen's Memorial Steering Committee	09-01-2024
Mary Reid Long*	Firemen's Memorial Steering Committee	09-01-2024
Sarah Moorodian*	Firemen's Memorial Steering Committee	09-01-2024
Teresa Schneider*	Firemen's Memorial Steering Committee	09-01-2024
Travis Schneider*	Firemen's Memorial Steering Committee	09-01-2024
Ross Stanley*	Firemen's Memorial Steering Committee	09-01-2024

*indicates reappointment

Warrant No. 632. Authorize Warrant No. 632 as follows:

Vendor	Description	Fund	Amount
Gould Law PC	Legal Services from July 11, 2023 through August 14, 2023	Varies	\$11,843.88

***Check Register – August 2023.** Affirm check disbursements totaling \$2,042,772.19 through August 31, 2023.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Authorizing Resolution - Bonding for Purchase of Fire Truck

The City's Bonding Attorney Eric McGlothlin from Dickinson Wright was present to answer questions.

Motion by Mayor Pro-Tem Osika to approve adoption of the following resolution to authorize and provide for the issuance of LTGO bonds for USDA financing of the cost to replace a pumper truck for the Public Safety Department-Fire Division under the provisions of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended:

RESOLUTION NO. 159-2023

AUTHORIZING ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2023

WHEREAS, the City of Owosso (the "City") has determined to acquire a public improvement consisting of the acquisition of a new fire truck apparatus and related modifications (the "Project"); and

WHEREAS, the City is authorized to issue bonds under Section 517 of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and to use the proceeds of the sale of such bonds to pay all or part of the cost of capital improvement items such as the Project; and

WHEREAS, the City has determined that it is in the best interest of the City to issue bonds under Section 517 of Act 34 for the purpose of paying all or part of the cost of the Project.

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

1. AUTHORIZATION OF BONDS - PURPOSE. Bonds of the City aggregating the principal sum of not to exceed One Million Dollars (\$1,000,000) (the "Bonds"), as determined by the City Manager or Finance Director (each an "Authorized Officer") at the time of sale, shall be issued and sold for the purpose of defraying all or part of the cost of the Project.
2. BOND DETAILS. The Bonds shall be designated "Limited Tax General Obligation Bond, Series 2023," or such other designation as may be determined by the Authorized Officer; shall be dated as of the date of their delivery to the United States of America; shall be issued in the form of a single fully-registered bond, designated No. 1, in the principal amount of the Bonds; shall bear interest at a rate of not to exceed 3.75% per annum, as shall be determined by the Authorized Officer at the time of sale, from the date a principal payment is received from the purchaser as shown on the registration grid on the Bonds, payable on such dates as shall be determined by the Authorized Officer at the time of sale; and shall mature in such principal amounts and on such dates as shall be determined by the Authorized Officer at the time of sale, provided, however, that the final maturity date shall not be later than May 1, 2043.
3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal and interest on the Bonds shall be paid when due through an electronic payment process acceptable to Rural Development (as hereinafter defined) or by check or draft that shall be mailed to the registered owner at the address shown on the registration books of the City kept by the bond registrar and paying agent. The final payment of the principal of the Bonds is payable upon the surrender thereof at the office of the bond registrar and paying agent.
4. PREPAYMENT OF PRINCIPAL. Principal installments may be prepaid prior to maturity without premium and in such order as shall be determined by the City on any date other than a Saturday, Sunday, or holiday. Principal installments that have been prepaid shall be noted on the Bonds and such installments no longer shall be considered outstanding for any purpose. Thirty (30) days' notice of the prepayment of any principal installment shall be given to the registered owner of the Bonds at the address shown on the registration grid.
5. BOND REGISTRAR AND PAYING AGENT. The City Treasurer shall be the bond registrar and paying agent for the Bonds. In the absence of the City Treasurer or the inability of the City Treasurer to act, the City Clerk may perform the duties of the bond registrar and paying agent.
6. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The Bonds shall be executed in the name of the City by the manual signature of the Mayor and countersignature of the City Clerk and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Bonds. After the Bonds have been executed for delivery to the original purchaser thereof, they shall be delivered by the City Treasurer to the purchaser upon receipt of the first principal payment from the purchaser. The first and each subsequent principal payment received by the City shall be noted on the registration grid of the Bonds.
7. EXCHANGE AND TRANSFER OF BONDS. The Bonds, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be transferred to another party. The Bonds shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent. Upon the exchange or transfer of the Bonds, the bond registrar and paying agent shall register the Bonds in the name of the transferee on the registration books of the City and shall note such registration on the registration grid.

The City and the bond registrar and paying agent may deem and treat the person in whose name the Bonds shall be registered upon the books of the City as the absolute owner of the Bonds, whether such Bonds shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bonds and for all other

purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of this Bond Resolution shall be valid and effectual to satisfy and discharge the liability upon such Bonds to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. Registration of the Bonds shall not be transferred less than five (5) days prior to an interest payment date.

For every exchange or transfer of Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

8. FORM OF BONDS. The Bonds shall be in substantially the following form:

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

CITY OF OWOSSO

LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2023

No. ___ \$ _____

The City of Owosso, County of Shiawassee, State of Michigan (the "City"), acknowledges itself indebted to, and for value received, hereby promises to pay to the Registered Owner the sum of _____ Dollars (\$_____) on the dates and in the amounts set forth on Exhibit A, attached hereto and made a part hereof, with interest on such principal sum from the date each principal payment is received by the City as set forth on the Registration Grid of this bond at the rate of _____ percent (____%) per annum, payable on the first days of May and November of each year commencing on _____ 1, 20___. Principal and interest shall be payable in lawful money of the United States of America and shall be paid by check or draft mailed to the Registered Owner at the address shown on the Registration Grid.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$_____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of Michigan, 2001, as amended) and a bond authorizing resolution adopted by the City Council (the "Resolution") to pay part of the cost of acquiring a new fire ruck apparatus and related modifications. The full faith and credit of the City have been pledged to the prompt payment of the principal of and interest on the bonds of this series. The principal of and interest on the bonds of this series are payable as a first budget obligation of the City from its general funds. The ability of the City to raise such funds is subject to applicable constitutional, statutory, and charter limitations on the taxing power of the City.

This bond shall be registered as to principal and interest, as provided in the Resolution, in the name of the owner upon the books of the City kept for that purpose by the City Treasurer as bond registrar and paying agent, and such registration shall be noted on the Registration Grid. This bond may be transferred only by submitting the same, together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing, to the bond registrar and paying agent for registration in the name of the transferee on the registration books and for notation of such registration on the Registration Grid. This bond may not be transferred less than five (5) days prior to an interest payment date.

Principal installments may be prepaid prior to maturity without premium and in such order as shall be determined by the City on any one or more dates other than on a Saturday, Sunday or holiday. Principal installments that have been prepaid shall be noted on Exhibit A and such installments no longer shall be considered outstanding for any purpose. Thirty (30) days' notice of prepayment shall be given to the Registered Owner by mail to the address shown on the Registration Grid.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this bond existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Owosso, County of Shiawassee, State of Michigan, by its City Council, has caused this bond to be executed in its name by the manual signature of the Mayor and countersignature of the Clerk of the City, as of the Date of Original Issue set forth above.

CITY OF OWOSSO, MICHIGAN

[SEAL]

By: _____
Mayor

Countersigned:

By: _____
City Clerk

EXHIBIT A

CITY OF OWOSSO, MICHIGAN

LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2023

<u>YEAR</u> (Due May 1)	<u>PRINCIPAL AMOUNT</u>
2024	
2025	
2026	
2027	
2028	
2029	
2030	
2031	
2032	
2033	
2034	
2035	
2036	
2037	
2038	
2039	
2040	
2041	
2042	
2043	

REGISTRATION GRID

CITY OF OWOSSO, MICHIGAN

LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2023

NOTHING TO BE WRITTEN HEREON
EXCEPT BY BOND REGISTRAR AND PAYING AGENT

<u>Date</u>	<u>Principal Amount Received</u>	<u>Name and Address of Registered Owner</u>	<u>Signature</u>
_____	\$ _____	United States of America	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[END OF BOND FORM]

9. SECURITY. The Bonds shall be limited tax general obligations of the City. The full faith and credit of the City are pledged for the prompt payment of the principal of and interest on the Bonds as the same shall become due. Each year the City shall include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. The ability of the City to raise funds to pay such amounts is subject to applicable constitutional, statutory, and charter limitations on the taxing power of the City.
10. COVENANT AS TO DEFEASANCE. The City hereby covenants that it will not defease this Bond Resolution with respect to the Bonds so long as the registered owner of the Bonds is the United States of America or an agency or department thereof.
11. PRINCIPAL AND INTEREST FUND. There shall be established for the Bonds a Principal and Interest Fund which shall be kept in a separate bank account. All payments made by the City pursuant to Section 9 of this Bond Resolution are pledged for payment of the principal of and interest on the Bonds and as made shall be placed in the Principal and Interest Fund and used to pay the principal of and interest on the Bonds when due.
12. CONSTRUCTION FUND. There shall be established for the Project a Construction Fund. The proceeds of the sale of the Bonds shall be set aside in the Construction Fund and used to pay the costs of acquiring, constructing, and equipping the Project, including any engineering, legal, and other expenses incidental thereto.
13. ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimates of \$850,000 as the cost of the Project and of 20 years and upwards as the period of usefulness thereof, as submitted to this City Council, are approved and adopted.
14. APPROVAL OF MICHIGAN DEPARTMENT OF TREASURY. The issuance and sale of the Bonds is subject to approval being granted therefor by the Department of Treasury of the State of Michigan in accordance with Act 34, and, if necessary, the Authorized Officer is authorized to file an application with the Department of Treasury for permission to issue the Bonds as provided in Act 34.
15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Bonds shall be sold to and registered to the United States of America acting through the United States Department of Agriculture, Rural Development ("Rural Development") in furtherance of Rural Development's program to provide low-interest rate, long-term loans for eligible projects (the "Program"). This City Council hereby determines that the Program and the delivery of the Bonds directly to the United States of America as provided in this Bond Resolution will provide the City with the lowest cost of borrowing money for the Project. At the time of the sale of the Bonds, the Authorized Officer is authorized to execute and deliver an order which shall set forth the principal amount of the Bonds, principal maturities and dates, interest rate and payment dates, as well as such other terms and provisions as the Authorized Officer determines to be necessary or appropriate in connection with the sale of the Bonds. The Authorized Officer, the City Clerk and the City Treasurer are each authorized to execute and deliver such certificates or documents as bond counsel shall require and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Bonds in accordance with the provisions of this Bond Resolution.

16. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

Master Plan Implementation Goals: 3.2

Authorizing Resolution - USDA Loan Terms

Motion by Councilmember Pidek to approve adoption of the following resolution authorizing the City to obtain financial assistance from the USDA and fixing the rights and obligations of the City of Owosso for said financing as they relate to the purchase of a pumper truck for the Public Safety Department-Fire Division under the provisions of the Consolidated Farm and Rural Development Act:

RESOLUTION NO. 160-2023

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING AN HME PUMPER FIRE TRUCK TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE

WHEREAS, it is necessary for the City of Owosso (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$842,000 pursuant to the provisions of Act 34; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute

default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - b) Repairing or replacing short-lived assets.
 - c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$0 under the terms offered by the Government; that the Mayor and Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Master Plan Implementation Goals: 3.2

***Bid Award – HME Core Top Mount Pumper Fire Truck Purchase**

Motion by Councilmember Pidek to approve bid award to HME, Inc. of Wyoming, Michigan for the purchase of one HME Core Top Mount Pumper Fire Truck in the amount of \$789,988.00 and approve payment to the manufacturer upon satisfactory delivery of said equipment as follows:

RESOLUTION NO. 161-2023

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
HME, INC. OF WYOMING, MICHIGAN
FOR ONE HME CORE TOP-MOUNT PUMPER**

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

WHEREAS, the replacement schedule calls for the replacement of one unit in 2023; and

WHEREAS, the City of Owosso sought and received one bid on August 22, 2023, for an HME Core Top- Mount Pumper; and

WHEREAS, the bid has been analyzed to determine it is a responsible and responsive bid that is in the city’s best interest.

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 it is advisable, necessary and in the public interest to purchase one (1) HME Core Top-Mount Pumper from HME Inc. in the amount of \$789,988.00.

SECOND: The city manager and the city attorney shall prepare the contract for purchase for which the mayor and city clerk are instructed and authorized to sign.

THIRD: The above expense will be financed through the USDA Rural Development loan program and shall be paid from the Fire Division Equipment fund 101-336-978.000. Estimated delivery time for the apparatus is Spring 2025.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Master Plan Implementation Goals: 3.2

COMMUNICATIONS

Brad A. Barrett, Finance Director. Financial Report – July 2023.
Parks & Recreation Commission. Minutes of August 23, 2023.
Planning Commission. Minutes of August 28, 2023.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, handed out signed copies of his patriot certificate to all those present.

Councilmember Olson announced that the DDA will be hosting Mini Golf Madness on Friday, September 15th downtown. The event is free to the public and more information can be found on the DDA's Facebook page at www.Facebook.com/DowntownOwosso.

NEXT MEETING

Monday, September 18, 2023

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2024
Building Board of Appeals – Alternate - term expires June 30, 2025
Downtown Development Authority – Resident – term expires June 30, 2025
Zoning Board of Appeals – Alternate – term expires June 30, 2024
Zoning Board of Appeals – Alternate – term expires June 30, 2025

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 8:07 p.m.

Motion supported by Mayor Pro-Tem Osika 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.