

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF SEPTEMBER 3, 2024
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: STEVE TEICH, HDC CHAIRMAN

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

ABSENT: Councilmember Jerome C. Haber.

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 19, 2024

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of August 19, 2024 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Proposed Special Assessment Project – Howell Street, from the south end to Clinton Street

Master Plan Implementation Goals: 3.4, 3.10

City Manager Nathan R. Henne gave a brief PowerPoint presentation providing the details of the project.

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2025-01 for Howell Street from the south end to Clinton Street for street resurfacing.

There were no citizen comments received prior to, or during the public hearing.

City Manager Henne reminded the Council that they had expressed an interest in increasing the corner lot discount earlier in the year and now would be the time to make the change if that was still the desire.

Motion by Councilmember Law to increase the corner lot discount for special assessment projects from 25% to 40% from this point forward.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Motion by Councilmember Pidek authorizing the following resolution approving the Howell Street resurfacing project:

RESOLUTION NO. 138-2024

**AUTHORIZING SPECIAL ASSESSMENT RESOLUTION NO. 3
ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2025-01
HOWELL STREET, FROM SOUTH END TO CLINTON STREET
FOR STREET RESURFACING**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited:

HOWELL STREET, A PUBLIC STREET, FROM SOUTH END TO CLINTON STREET
STREET RESURFACING

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$179,588.40 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.

3. The City Council determines that of said total estimated cost, the sum of \$21,670.48 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described, and that the sum of \$157,917.92 of said total estimated cost shall be the obligation of the City at large because of benefit to the City at large.

4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied:

**Howell Street, a Public Street, from sound end to Clinton Street
For Street Resurfacing**

5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

6. When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Proposed Special Assessment Project – Lynn Street, from the west end to Howell Street

Master Plan Implementation Goals: 3.4, 3.10

City Manager Nathan R. Henne gave a brief PowerPoint presentation providing the details of the project.

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2025-02 for Lynn Street from the west end to Howell Street for street resurfacing.

The following people commented in regard to the proposed project:

Brooke Klockziem, 221 S. Cedar Street, via letter, indicated that her property had no access to Lynn Street and that as an older person on a fixed income a special assessment would be a large burden to her. She asked that Council grant her a discount or exemption from the charges.

Theresa Klockziem, 841 Center Street, noted that Mrs. Klockziem is her mother and is 80 years old. She has never had access to Lynn Street and is upset by the possible special assessment. She asked that Council reconsider charging her.

Mayor Teich noted that Mrs. Klockziem's property was in a unique position in that Lynn Street dead ends at her backyard. He noted that under the current rules she could make payments on the assessment for a period of ten years so that she doesn't have to pay the total amount all at once.

Tom Manke, 2910 W. M-21, said that the City of Owosso is the only municipality in Michigan that specially assesses residents to repair streets. He said other towns have much better streets and don't charge their residents.

Mayor Pro-Tem Osika said she visited the area in question, noting that it really does need the work, but she doesn't think it's right to charge someone that doesn't have access to the street. There is a fence in the backyard as well as significant vegetation preventing access to the property.

Mayor Teich asked if there was a way to restrict access to Lynn Street from the property in exchange for a waiver of the special assessment. City Manager Henne said he didn't think so and would advise Council to stay away from the idea of individual street access restrictions.

Councilmember Fear indicated she would like to make a decision on the matter this evening instead of leaving it until the final public hearing.

Mayor Teich asked Council if they were prepared to make such an exception.

Motion by Mayor Pro-Tem Osika to authorize the following resolution approving the special assessment project to resurface Lynn Street and removing the property at 221 S. Cedar Street from the roll:

RESOLUTION NO. 139-2024

**AUTHORIZING SPECIAL ASSESSMENT RESOLUTION NO. 3
ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2025-02
LYNN STREET, FROM WEST END TO HOWELL STREET
FOR STREET RESURFACING**

WHEREAS, the City Council, after due and legal notice, has met and having heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited:

**LYNN STREET, A PUBLIC STREET, FROM WEST END TO HOWELL STREET
STREET RESURFACING**

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$92,965.80 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$18,899.10 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described, and that the sum of \$74,066.70 of said total estimated cost shall be the obligation of the City at large because of benefit to the City at large.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied, save 221 S. Cedar Street:

**Lynn Street, a Public Street, from west end to Howell Street
For Street Resurfacing**

5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, unless otherwise noted, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.
6. When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

OPRA Certificate – 207 N. Washington Street

Master Plan Implementation Goals: 1.19, 3.20, 5.13

City Manager Henne noted for Council that the applicant is requesting a 12-year abatement, but the City’s abatement policy recommends a 10-year exemption.

A public hearing was conducted to receive citizen comment regarding the application from Tammie Sanders to establish an Obsolete Property Rehabilitation Certificate for the property at 207 N. Washington Street.

The following people commented in regard to the requested abatement:

Krista Wrosek, Mason resident, said it was important to the project that they receive local financial assistance support to make it financially viable. She indicated they will also be applying for an MEDC grant for the project. She concluded by saying that the proposed project is not intended for financial gain but is more a project of the heart to prevent further decay of another downtown building.

Tom Manke, 2910 W. M-21, said he supports this project and feels the owners will follow through with it. He went on to chide Council for approving abatements for building owners that have not followed through.

Mayor Teich inquired if anyone wished to extend the abatement beyond the staff-recommended 10 years.

Motion by City Manager Pidek to approve the exemption for a period of 10 years. Motion supported by Councilmember Law. Discussion followed. City Manager Henne indicated that should the Council decide to approve a 10-year exemption the resolution must also state the criteria by which the exemption could be extended to the full 12-year period.

Motion by Councilmember Pidek to approve the application from Tammie Sanders for an Obsolete Property Rehabilitation Certificate for the property at 207 N. Washington Street for a period of 10 years as detailed below:

RESOLUTION NO. 140-2024

**TO APPROVE THE APPLICATION FOR AN
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE
FROM TAMMIE SANDERS
FOR PROPERTY LOCATED AT
207 N. WASHINGTON STREET**

WHEREAS, the City of Owosso is a Qualified Local Government Unit within the State of Michigan and is empowered to provide tax exemptions for increased value of rehabilitated facilities within the City; and

WHEREAS, after public notice and a public hearing on August 19, 2024, the City Council of the City of Owosso approved an Obsolete Property Rehabilitation District at 207 N. Washington Street in Owosso, Michigan. As provided by section 4(2) of Public Act 146 of 2000, said property more particularly described as:

S 33’ OF LOT 5 & N 6” OF E 90’ OF LOT 6, BLK 15 ORIGINAL PLAT

WHEREAS, the City Clerk received an application, on July 24, 2024 from Tammie Sanders, for an Obsolete Property Rehabilitation Exemption Certificate for the complete renovation of the 2 story 6,120 square foot building with new flooring and rehabilitated storefront on first floor, with three (3) 2-bedroom apartments on the second floor; and

WHEREAS, the application is complete, including items (a) through (f) described under "Instructions" on the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, notice of a public hearing concerning the application for an exemption certificate was provided to the Assessor of the City and the legislative body of each taxing unit that levies ad valorem property taxes in the City; and

WHEREAS, the City finds that the property meets the definition of an obsolete property as defined in section 2(h) of Public Act 146 of 2000 and the application for the exemption certificate is complete; and

WHEREAS, the City finds that the property relates to a rehabilitation program that when completed constitutes a "rehabilitated facility" within the meaning of P.A. 146 of 2000, and said property is located within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of PA 146 of 2000; and

WHEREAS, it has been found that the rehabilitation of the obsolete property is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase housing opportunities, increase commercial activity, retain and create employment, and revitalize the downtown; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under PA 198 of 1974 does not exceed 5% of the total taxable value of the unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the rehabilitation work described in the application had not commenced prior to the establishment of the District.

NOW, THEREFORE, BE IT RESOLVED that, based on the findings above made at a public hearing held September 3, 2024, the City Council of the City of Owosso authorizes the application for an Obsolete Property Rehabilitation Exemption Certificate for 207 N. Washington St. for a period of ten years.

ALSO, BE IT RESOLVED that said certificate would not be considered for extension unless there is a material increase in the amount of capital investment, new job creation, or an increase in the number of housing units created.

ALSO, BE IT RESOLVED that the rehabilitation shall be completed within eighteen (18) months from the date of approval of said application.

FURTHERMORE, BE IT RESOLVED that the application and resolution are authorized for submittal to the State Tax Commission for final review and authorization.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Law, Fear, Pidek, Olson, and Mayor Teich.

NAYS: Mayor Pro-Tem Osika.

ABSENT: Councilmember Haber.

Mayor Pro-Tem Osika noted that she had voted "no" because she wanted to approve the exemption for a 12-year period.

Proposed Special Assessment District No. 2025-101 – Hazards and Nuisances

Master Plan Implementation Goals: 1.1

A public hearing was conducted to receive citizen comment regarding proposed Special Assessment District No. 2025-101, Hazards and Nuisances, as it relates to unpaid costs incurred

in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 1404 South Chipman Street.

The following person commented in regard to the proposed special assessment:

Gary Molnar, Corunna resident and owner of the property in question, said the City has gone out of its way to help him with the property, he had dropped the ball, and apologized for doing so.

Motion by Councilmember Olson to approve Special Assessment District No. 2025-101, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 1404 South Chipman Street as follows:

RESOLUTION NO. 141-2024

**AUTHORIZING THE ROLL FOR
SPECIAL ASSESSMENT DISTRICT NO. 2025-101 - HAZARDS & NUISANCES
FOR 1404 S. CHIPMAN STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll for Hazards and Nuisances District No. 2025-101 prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances on the following described property:

PARCEL#	SERVICE ADDRESS	TYPE	AMOUNT
050-602-040-008-00	1404 S. Chipman St	Demolition of structure including court costs & consulting fees	\$ 22,549.92

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$ 22,549.92 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances District No. 2025-101.
2. Pursuant to MCL 211.78k(c) said special assessment roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on September 1, 2025, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2025.
3. The installments of the special assessment rolls shall bear interest at the rate of 3% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2025 and shall be paid annually on each installment due date.
4. Said Special Assessment Roll-Hazards and Nuisances District No. 2024-101 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Proposed Special Assessment District No. 2025-102 – Hazards and Nuisances

Master Plan Implementation Goals: 1.1

A public hearing was conducted to receive citizen comment regarding proposed Special Assessment District No. 2025-102, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 643 North Hickory Street.

There were no citizen comments regarding this matter received prior to, or during the public hearing.

Motion by Councilmember Pidek to approve Special Assessment District No. 2025-102, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 643 North Hickory Street as follows:

RESOLUTION NO. 142-2024

**AUTHORIZING THE ROLL FOR
SPECIAL ASSESSMENT DISTRICT NO. 2025-102 - HAZARDS & NUISANCES
FOR 643 N. HICKORY STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll for Hazards and Nuisances District No. 2025-102 prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances on the following described property:

PARCEL#	SERVICE ADDRESS	TYPE	AMOUNT
050-240-002-019-00	643 N. Hickory St	Demolition of structure including consulting fees	\$8,219.46

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$8,219.46 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances District No. 2025-102.
2. Pursuant to MCL 211.78k(c) said special assessment roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on September 1, 2025, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2025.
3. The installments of the special assessment rolls shall bear interest at the rate of 3% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2025 and shall be paid annually on each installment due date.
4. Said Special Assessment Roll-Hazards and Nuisances District No. 2025-102 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

CITIZEN COMMENTS AND QUESTIONS

Robert Doran-Brockway, 401 N. Washington Street, former Historic Facilities Director, said he was shocked at the actions taken by the City in relation to the sale of the Gould House. He asked about the status of dozens of artifacts that were previously located in the Gould House.

Jeff Turner, 204 Oakwood Avenue, asked if someone would look into the issue of a delivery truck that is parked at the corner of Comstock Street and Oakwood Avenue every night. He said the truck causes visibility issues at the intersection and shouldn't be on the street overnight.

Tom Manke, 2910 W. M-21, spoke about the Labor Day Bridge Walk, thanked Council for helping a small business in town, commented on the great event that Owosso Motorsports Park held over the weekend, and discrimination against City Council candidates.

Councilmember Law responded to Mr. Manke's comments made during the public hearings, saying that special assessments are necessary to keep the base tax rate down and the City's tax rate cannot be raised without a vote of the people.

Mayor Teich asked his fellow Councilmembers if they would be in favor of issuing a proclamation in support of the Take Back the Night event to be held October 10th at City Hall. All were in agreement that a proclamation would be issued.

Councilmember Law briefly left the meeting from 8:27 p.m. until 8:29 p.m.

Mayor Teich recognized network administrator Todd Wyzynajty for his work in installing the new large screen monitor in the Council Chambers and for going above and beyond to make sure the sound system worked for tonight's meeting.

He also announced that the DDA is looking for volunteers for its fall clean-up, to be held September 13th and 14th.

Councilmember Olson announced that she is looking for volunteers to help decorate the downtown for fall on September 17th.

CONSENT AGENDA

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

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

Name	Board/Commission	Term Expires
*	Firemen's Memorial Steering Committee	09-01-2025
Daniel A. Law*	Firemen's Memorial Steering Committee	09-01-2025
Mary Reid Long*	Firemen's Memorial Steering Committee	09-01-2025
Erick Mogg	Firemen's Memorial Steering Committee	09-01-2025
Teri Mogg	Firemen's Memorial Steering Committee	09-01-2025
Sarah Moorodian*	Firemen's Memorial Steering Committee	09-01-2025
Teresa Schneider*	Firemen's Memorial Steering Committee	09-01-2024
Travis Schneider*	Firemen's Memorial Steering Committee	09-01-2025
Gordon Settlemeyre	Firemen's Memorial Steering Committee	09-01-2025
Ross Stanley*	Firemen's Memorial Steering Committee	09-01-2025

*indicates reappointment

Traffic Control Order Request – Bella Women's Center Fall Festival. Approve the request from Autumn Spooner for the partial closure of Ball Street between Mason Street and Exchange Street on Saturday, September 28, 2024 from 8:00 a.m. – 2:00 p.m. for the Bella Women's Center Fall Festival, waive the insurance requirement, and further approve Traffic Control Order No. 1520 formalizing the request.

Master Plan Implementation Goals: 1.17, 4.2, 4.6, 5.9, 5.12

***Study Authorization - Lime Calciner Feasibility Study.** Authorize participation in the Mid-Michigan Lime Calciner Feasibility Study, approve contingency funds up to \$2,393.00, and further authorize the Director of Public Services & Utilities and the Water Treatment Plant Superintendent as the City's designated representatives for the project as follows:

RESOLUTION NO. 143-2024

AUTHORIZING PARTICIPATION IN THE MID-MICHIGAN REGIONAL LIME CALCINER FEASIBILITY STUDY

WHEREAS, the City of Owosso, desires to explore the potential for building a lime calciner to serve water utilities in the Mid-Michigan area in disposing of lime sludge in a reliable, efficient and cost-effective manner, and that allows for the continual recycling and reuse of lime for softening; and

WHEREAS, an engineering and economic feasibility study is necessary to examine alternatives and make recommendations relative to the technical and financial aspects of said alternatives; and

WHEREAS, City of Owosso will participate in the Mid-Michigan Regional Lime Calciner Feasibility Study, including providing data and reviewing and/or taking action on the final study recommendations.

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

- FIRST: it has heretofore determined that it is advisable, necessary and in the public interest to authorize the Memorandum of Agreement to Obtain a Feasibility Study for a Mid-Michigan Regional Lime Calciner, substantially in the form attached.
- SECOND: the Mayor is hereby authorized and instructed to sign said Memorandum of Agreement.
- THIRD: it agrees to financially support the cost of the Mid-Michigan Regional Lime Calciner Feasibility Study at the rate of 3.19% of costs over and above \$675,000, but not to exceed the amount of \$2,393, and remit payment to the project fiduciary (Tri-County Regional Planning Commission).
- FOURTH: Ryan E. Suchanek, Director of Public Services & Utilities and David H. Haut, Superintendent of Water Treatment Plant shall act on behalf of City of Owosso during the course of the feasibility study.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Master Plan Implementation Goals: 3.4

ITEMS OF BUSINESS

***Professional Services Agreement - Water/Sewer Rate Consultant**

City Manager Henne noted that the City is seeking to do another water and sewer rate study to make sure the systems remain stable long-term.

Councilmember Olson asked if the rates proposed by the consultant will be implemented after the current 5-year rate plan expires or whether they will be implemented immediately. Public Services and Utilities Director Ryan E. Suchanek indicated that it would depend on the outcome of the study, but if he had to guess he would estimate they would take effect at the start of the next fiscal year.

Motion by Councilmember Pidek to authorize an engagement letter with Baker Tilly Municipal Advisors, LLC for a water and sewer rate study in the amount of \$23,500.00 and further authorize payment to the consultant upon completion of the work or portion thereof as follows:

RESOLUTION NO. 144-2024

AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH BAKER TILLY FOR WATER AND SEWER RATE STUDY PROJECT

WHEREAS, the City desires to conduct a comprehensive Water and Sewer Rate Study. This study aims to review and analyze the City's current water and wastewater utility rates, and to recommend rate adjustments that will ensure the long-term financial stability of the utilities; and

WHEREAS, the City sought proposals for the performance of such work; and

WHEREAS, Baker Tilly US, LLP is selected as the most qualified firm to perform said work and offers to complete the Water and Sewer Study project in an amount not to exceed \$23,100.00.

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

- FIRST: it has theretofore determined that it is advisable, necessary and in the public interest to employ the firm of Baker Tilly US, LLP to provide professional services to perform a study of the City's water and sewer rates.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign the necessary documents as an Agreement for Professional Services between the City of Owosso, Michigan and Baker Tilly US, LLP.
- THIRD: the Accounts Payable department is authorized to make payment up to the amount of \$23,100.00 to Baker Tilly upon successful completion of work or portion thereof.
- FOURTH: the above professional service expenses shall be paid from Sewer Fund Account No. 590-200-801.000 in the amount \$5,775.00.
- FIFTH: the above professional service expenses shall be paid from Wastewater Fund Account No. 599-548-801.000 in the amount \$5,775.00.
- SIXTH: the above professional service expenses shall be paid from Water Filtration Fund Account No. 591-553-818.000 in the amount \$5,775.00.
- SEVENTH: the above professional service expenses shall be paid from Water Underground Fund Account No. 591-552-818.000 in the amount \$5,775.00.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Master Plan Implementation Goals: 3.4

SATA Commitment

Motion by Councilmember Fear to approve the annual commitment to the Shiawassee Area Transportation Agency (SATA) for their upcoming fiscal year starting October 1, 2024 in an amount not to exceed \$111,416.62 for the provision of public transportation as follows:

RESOLUTION NO. 145-2024

APPROVING THE SHIAWASSEE AREA TRANSPORTATION AGENCY (SATA) COMMITMENT FOR 2025

WHEREAS, the City of Owosso is a member of the Shiawassee Area Transportation Agency (SATA), a public transportation service committed to providing safe, reliable, and affordable transportation to the citizens of Shiawassee County; and

WHEREAS, the SATA Board of Directors has approved the budget for the fiscal year beginning October 1, 2024, and ending September 30, 2025; and

WHEREAS, the City of Owosso's share of the total local funding request for the fiscal year is \$111,416.62, which reflects the City's proportional share based on the established funding model; and

WHEREAS, this commitment from the City of Owosso is necessary to ensure the continued provision of essential transportation services to the community; and

WHEREAS, SATA has requested that the City of Owosso forward their commitment regarding this funding request by August 26, 2024.

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

- FIRST: it hereby approves the commitment of \$111,416.62 to the Shiawassee Area Transportation Agency (SATA) for their fiscal year October 1, 2024, through September 30, 2025.

SECOND: the City Manager is authorized to sign and submit any necessary documentation to confirm the City's commitment to SATA.

THIRD: the funds for this commitment shall be allocated from the Transportation Fund – Contractual Services: 588-200-818.000

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Master Plan Implementation Goals: 7.1

***Cable Franchise Agreement – T.V.C., Incorporated**

City Manager Henne indicated that staff recommends increasing the franchise fee from 3% to 5%.

Motion by Councilmember Olson to approve a Uniform Cable Franchise Agreement with T.V.C., Incorporated of Lennon to provide cable service to Memorial Hospital and Baker College for a period of 10 years with a 5% franchise fee as follows:

RESOLUTION NO. 146-2024

**ESTABLISHMENT OF
UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT
WITH T.V.C., INCORPORATED**

WHEREAS, Public Act 480 of 2006 (the "Act") requires video service providers to obtain a franchise from a municipality by means of a Uniform Video Service Local Franchise Agreement ("Uniform Franchise"); and

WHEREAS, on August 13, 2024, the clerk of the City of Owosso received a proposed Uniform Video Service Local Franchise Agreement ("Agreement") from T.V.C., Incorporated; and

WHEREAS, the City of Owosso has experienced a significant decrease in franchise fees over the course of the last several years and wishes to increase its franchise fee from 3% to 5%; and

WHEREAS, the same requirement will be asked of Spectrum when they apply to renew their uniform franchise in 2027; and

WHEREAS, the Owosso City Council wishes to formally establish updated video service provider franchise fees and to designate the city officials to sign the Agreement.

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

FIRST: that a fee of 5% (five percent) of gross revenues from the video service provider is hereby established as the annual video service provider franchise fee.

SECOND: that a fee of 0% (zero percent) of the gross revenues from the video service provider is hereby established as the fee to support public educational and governmental channels.

THIRD: that the video service provider shall provide not less than two public, educational and governmental channels at no charge to the City of Owosso should the City desire to operate them.

FOURTH: the mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Uniform Video Service Local Franchise Agreement with T.V.C., Incorporated.

FIFTH: that this Resolution and the execution of the Agreement in no way shall be considered a waiver of any rights the City of Owosso may have under the United States Constitution, federal law, the Michigan Constitution, Michigan law, and the Act, particularly if the Act is amended or is found unlawful in whole or in part.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

***Jerome Avenue Property Donation**

City Manager Henne indicated that Southwind Restaurants wishes to donate their property at 930 Jerome Avenue to the City in light of the fact that they have transferred the Qdoba property to another owner. The property sits at the northeast corner of Rudy DeMuth Field and would be integrated into the park to provide potential access to Jerome Avenue. The property carries a balance from the Gould Street special assessment, but staff recommends forgiveness of the balance in exchange for the property.

Motion by Mayor Pro-Tem Osika to authorize acceptance of the donation of property at 930 Jerome Avenue from Southwind Restaurants, LLC as follows:

RESOLUTION NO. 147-2024

**AUTHORIZING ACCEPTANCE OF DONATION OF REAL ESTATE
FROM SOUTHWIND RESTAURANTS, LLC**

WHEREAS, Southwind Restaurants, LLC, a Michigan limited liability company, is the owner of real estate located at 930 Jerome Avenue, Owosso, Michigan (the "Property"), identified by Property Tax ID No. 050-580-000-140-00, and legally described as follows:

Legal Description:

A PART OF LOT 161 OF THE PLAT OF STAFFORD, GARDNER AND TRANKLE'S CENTRAL ADDITION TO THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF AS RECORDED IN LIBER 1 OF PLATS, PAGE 50, SHIAWASSEE COUNTY RECORDS, DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF GOULD STREET WHICH IS SOUTH ON THE NORTH AND SOUTH 1/4 LINE OF SECTION 19, TOWNSHIP 7 NORTH, RANGE 3 EAST, CALEDONIA TOWNSHIP, SHIAWASSEE COUNTY, MICHIGAN, A DISTANCE OF 961.27 FEET TO THE INTERSECTION OF SAID NORTH AND SOUTH 1/4 LINE WITH THE SOUTH LINE OF JEROME STREET IN SAID PLAT AND SOUTH 66 DEGREES 57 MINUTES 36 SECONDS WEST ON SAID SOUTH LINE A DISTANCE OF 55.30 FEET TO THE WEST LINE OF GOULD STREET FROM THE NORTH 1/4 CORNER OF SAID SECTION 19, THENCE SOUTH 00 DEGREES 11 MINUTES 55 SECONDS WEST ON SAID WEST LINE A DISTANCE OF 196.27 FEET, THENCE SOUTH 66 DEGREES 57 MINUTES 36 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF JEROME STREET A DISTANCE OF 128.92 FEET, THENCE NORTH 02 DEGREES 58 MINUTES 37 SECONDS WEST, PARALLEL WITH THE WEST LINE OF THE NEW HAVEN COAL MINING COMPANY RAILROAD A DISTANCE OF 192 FEET THENCE NORTH 66 DEGREES 57 MINUTES 36 SECONDS EAST 140.05 FEET TO THE POINT OF BEGINNING.

Also known as: 930 Jerome Avenue, Owosso, MI 48867
Property Tax ID No.: 050-580-000-140-00; and

WHEREAS, Southwind Restaurants, LLC has offered to donate the Property to the City of Owosso, a Michigan municipal corporation; and

WHEREAS, the City Council of the City of Owosso has determined that acceptance of the donation of the Property is in the best interest of the City; and

WHEREAS, the City Council has reviewed the Agreement to Donate Real Estate, a copy of which is attached hereto, and finds the terms and conditions of the donation to be acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, MICHIGAN that:

FIRST: it hereby accepts the donation of the Property from Southwind Restaurants, LLC, subject to the terms and conditions set forth in the Agreement to Donate Real Estate.

SECOND: the Mayor and the City Clerk are authorized and directed to execute the Agreement to Donate Real Estate on behalf of the City of Owosso.

THIRD: the City Attorney is directed to record the Warranty Deed, along with the Property Tax ID No. 050-580-000-140-00 and the full legal description of the Property, and any other documents required to perfect the City's title to the Property with the Shiawassee County Register of Deeds.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Triennial Marihuana Facilities Review

City Manager Henne noted that every three years the Council must review the number of marijuana-related facilities allowed within the City limits. The City has not received any requests to increase the current number.

A review was conducted of the permitted number of marihuana facilities within the City limits per the terms Sec. 16.5-3(b) and Sec. 16.6-3(c) of the Code of Ordinances. The City currently allows four medical/recreational retail locations within the City. All other marijuana facilities for permitted uses can be unlimited in number as long as they comply with all state and local marijuana related regulations.

Councilmember Olson said that she noticed a distinct drop in traffic in the Westown area after Jars moved to the downtown. She suggested possibly adding a 5th retail facility license restricted to the Westown area, saying that everyone would benefit from the additional traffic. There was discussion if the Council had the authority to restrict licenses to a particular geographic area, if the Council could add another license if a request was received, and whether the central-county area could support another marijuana store. Councilmember Pidek suggested letting the market lead and wait for someone to propose a marijuana related business in Westown.

Motion by Councilmember Law to maintain the current number of marijuana-related facilities within the City limits as follows:

RESOLUTION NO. 148-2024

RECOMMENDING NO CHANGES TO THE NUMBER OF MARIJUANA FACILITIES PERMITTED WITHIN THE CITY LIMITS

WHEREAS, the Council of the City of Owosso, Michigan approved Ordinance No. 793 on July 2, 2018 and Ordinance No. 803 on February 3, 2020, authorizing the establishment of up to four marijuana dispensaries within the City limits; and

WHEREAS, both ordinances require the City Council to conduct a periodic review of the number of facilities permitted; and

WHEREAS, the City Council has performed said review.

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

FIRST: it is heretofore determined that it is advisable and in the public interest to maintain the current number of permitted marijuana facilities within the City of Owosso.

SECOND: the next periodic review shall be held in three years per the terms of Ordinance Nos. 793 and 803.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

COMMUNICATIONS

Owosso Historical Commission. Minutes of August 12, 2024.

CITIZEN COMMENTS AND QUESTIONS

Robert Doran-Brockway, 401 N. Washington and former Historic Facilities Director, continued his comments from the previous session saying the City did nothing to build on what he had accomplished while working for the City but threw it all away. He also said that he will continue to investigate what happened to all of the historical items that were at the Gould House, some of which had great value, saying that giving the items away was wrong.

Tom Manke, 2910 W. M-21, said he agreed with Mr. Doran-Brockway and feels a police investigation is necessary to hold someone responsible. He also asked about what, if anything, is happening with the Fifth Third building, noting that it still looks terrible.

Jeff Turner, 204 Oakwood Avenue, asked where the money from the marijuana tax goes.

Mayor Teich announced that he will be out of town for the next Council meeting and Mayor Pro-Tem Osika will be lead the meeting.

Councilmember Law reminded everyone about the Firefighter Memorial BBQ on Saturday, September 14th from 3:00 p.m. until 11:00 p.m. at the Conservation Hall. He said he was excited as the group might be able to start talking about breaking ground in another year.

NEXT MEETING

Monday, September 16, 2024

BOARDS AND COMMISSIONS OPENINGS

- Building Board of Appeals – Alternate - term expires June 30, 2026
- Building Board of Appeals – Alternate - term expires June 30, 2025
- Downtown Historic District Commission – term expires June 30, 2027
- Planning Commission - term expires June 30, 2027
- Zoning Board of Appeals – Alternate – term expires June 30, 2027
- Zoning Board of Appeals – Alternate – term expires June 30, 2025

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 9:06 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.