

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF SEPTEMBER 19, 2022  
7:30 P.M.  
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

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

**OPENING PRAYER:** PASTOR MARK GREEN  
MEMORIAL HEALTHCARE CHAPLAIN

**PLEDGE OF ALLEGIANCE:** COUNCILMEMBER ROBERT J. TEICH, JR.

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

**ABSENT:** None.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 6, 2022**

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of September 6, 2022 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**Ordinance Amendment – Chapter 32, Taxation**

**Master Plan Implementation Goals: 1.2,1.3,1.9,5.11**

The proposed amendment would repeal the current PILOT ordinance for the former middle school property and replace it with a new PILOT ordinance that reflects the change in the developer for the project.

A public hearing was conducted to receive citizen comment regarding the proposed repeal and replacement of Division 2 of Article III, *Service Charge in Lieu of Taxes for Certain Housing Developments*, of Chapter 32, Taxation.

The following people commented regarding the proposed amendment:

Tom Manke, 2910 W. M-21, asked if the public would still be able to access the amphitheater once the sale of the property actually takes place. City Manager Nathan R. Henne indicated that the School Board would be considering approval of a permanent easement for the amphitheater at their next meeting.

Brad Michaud, president of Venture, Inc., explained that they will be applying to MSHDA for assistance in creating 50 new apartments and refurbishing approximately 15,000 ft<sup>2</sup> into commercial space.

Whereas, the Council, after due and legal notice, has met and have heard all interested persons, motion by Councilmember Pidek that the following ordinance be adopted:

**ORDINANCE NO. 834**

**REPEALING DIVISION 2, WATER STREET EXCHANGE,  
OF CHAPTER 32, TAXATION, OF THE CODE OF ORDINANCES  
AND ITS REPLACEMENT WITH DIVISION 2, *VENTURE RIVERVIEW FLATS*,  
TO ESTABLISH A PILOT AGREEMENT  
FOR THE VENTURE RIVERVIEW FLATS**

WHEREAS, the Owosso Public Schools previously secured a buyer for the former middle school building, located at 219 N. Water Street, parcel number 050-470-038-002-00; and

WHEREAS, the buyer wished to repurpose the building for low-income housing units and sought low-income housing tax credits, necessitating the passage of a PILOT Ordinance; and

WHEREAS, due to unforeseen economic factors the buyer withdrew from the purchase, requiring the repeal of said ordinance; and

WHEREAS, the Owosso Public Schools has recently agreed to sell the former middle school building to Venture, Inc., a Michigan domestic nonprofit corporation, located in Pontiac, Michigan; and

WHEREAS, Venture, Inc., plans to convert the building into a mixed-use development with residential spaces catering to people with low incomes funded in part by low-income housing tax credits; and

WHEREAS, the City of Owosso agrees to forego property tax payments on the property to assist in the financial feasibility of the project; and

WHEREAS, the City of Owosso is authorized to establish a service charge in lieu of property taxes for such developments; and

WHEREAS, said service charges are instituted by the adoption of an ordinance; and

WHEREAS, the City Council held a public hearing on September 19, 2022, and having heard all interested parties, they deliberated on the proposed amendment and resolved as follows.

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

SECTION 1. REPEAL. That Division 2, *Water Street Exchange*, of Chapter 32, Taxation, of the Code of Ordinances of the City of Owosso shall be repealed in its entirety.

SECTION 2. REPLACE. That a new Division 2, Venture Riverview Flats LDHA LP, of Article III, *Service Charge in Lieu of Taxes for Certain Housing Developments*, of Chapter 32, Taxation, of the Code of Ordinances of the City of Owosso shall be adopted as follows:

## **DIVISION 2. – VENTURE RIVERVIEW FLATS, LDHA LP**

### **Sec. 32-50. - Preamble.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL 125.1401 et seq.). The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act.

It is further acknowledged that such housing for persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this article for tax exemption and the service charge in lieu of taxes during the periods contemplated in this article are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such ordinance and service charge.

The City further acknowledges that Venture, Inc., a domestic nonprofit corporation (a sponsor), has offered, subject to receipt of a mortgage loan from the authority, to erect and/or reuse an existing structure, own and operate a housing development identified as Venture Riverview Flats on certain property located at 219 N. Water Street (see legal description below) in the City to serve persons of low income, and that the sponsor has offered to pay the City on account of the development an annual service charge for public services in lieu of all taxes.

The City further acknowledges that Venture, Inc., a Michigan domestic nonprofit corporation, has offered, subject to receipt of low-income housing tax credits from the authority, to erect, own and operate a housing development to the required standards of SHPO, identified as the Venture Riverview Flats on certain property located at 219 N. Water Street in the City, hereinafter referred to as the "Site" and further described as:

COM 70' S OF NE CORNER BLK 38 TH W 143.8' TH S 62' TH W 334.7' TH S TO SHIA RIVER TH SE'LY TO PT 6" N OF THE PT WHERE N LN OF EXCHANGE ST IF EXT'D W'LY WOULD INTERSECT E BANK OF SD RIVER TH ON A LN PAR'L WITH N LN OF EXCHANGE ST SO EXT'D TO A PT 126' W OF W LN OF WATER

ST TH N 2' TH ELY ON A LN PAR'L WITH THE N LN OF EXCHANGE ST SO EXT'D  
38' TH S 2'6" TO N LN EXCHANGE ST SO EXT'D TH E ON LINE OF EXCHANGE  
ST SO EXT'D 88' TO THE W LN OF WATER ST TH N TO BEG BLK 38 ORIGINAL  
PLAT;  
Parcel Number: 050-470-038-002-00

to serve persons of low income, and that the sponsor has offered to pay the City on account of the development an annual service charge for public services in lieu of all taxes.

**Sec. 32-51. - Definitions.**

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

*Act* means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

*Annual shelter rents* means the total collections during an agreed annual period from all occupants of a housing development representing rents or occupancy charges exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

*Authority* means the Michigan State Housing Development Authority.

*Contract rents* are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended.

*Housing development* means a development which contains a significant element of housing for elderly persons of low income or persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.

*HUD* means the Department of Housing and Urban Development of the United States Government.

*Mortgage loan* means a loan to be made by the authority or Farmers Home Administration or the Department of Housing and Urban Development to a sponsor for the construction and permanent financing of a housing development or a mortgage loan insured by HUD or a federally aided mortgage as otherwise defined by the Act.

*Persons of low income* means persons and families eligible to move into a housing development; families and persons who cannot afford to pay the amounts at which private enterprise, without federally-aided mortgages or loans from the authority, is providing a substantial supply of decent, safe, and sanitary housing and who fall within income limitations set in this act or by the authority in its rules. Among low income or moderate income persons, preference shall be given to the elderly and those displaced by urban renewal, slum clearance, or other governmental action.

*Sponsor* means persons or entities which have applied to either the authority for a mortgage loan to finance a housing development or to another governmental entity or is a federally-aided mortgage, as otherwise defined by the Act.

*State Historic Preservation Office* means The Michigan State Historic Preservation Office (SHPO) helps property owners, developers, and local and state agencies recognize and seize opportunities to maintain and rehabilitate structures that define communities and define Michigan. The SHPO encourages the rehabilitation of historic buildings so they can continue to enrich communities where people want to live and visit. Through the protection of historic and archaeological sites and other cultural resources, preservation provides a record of Michigan's history and creates a link between Michigan's residents: past, present and future.

*Utilities* means fuel, water, sanitary sewer service and/or electrical service which are paid by the housing development.

**Sec. 32-52. - Class of housing developments.**

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for persons of low income which are financed or assisted by the authority, or which have a federally aided mortgage, as defined in the Act. It is determined that Water Street Exchange is of this class.

**Sec. 32-53. - Establishment of annual service charge for Venture Riverview Flats.**

The housing development identified as Venture Riverview Flats and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of

construction. The City, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate the housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charges shall be equal to four (4) percent of the difference between contract rents actually collected and utilities.

**Sec. 32-54. - Payment of service charge.**

The service charge in lieu of taxes as determined under this article shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before March 31 of each year.

**Sec. 32-55. - Duration.**

The tax exempt status of a housing development approved for such status by the City council shall remain in effect and shall not terminate so long as the mortgage loan for such housing development remains outstanding and unpaid, as long as the property is subject to restrictive rents in compliance with the low income housing tax credit program administered by MSHDA, or for such period as the authority or other governmental entity has any interest in the property; provided, the construction of such housing development commences within two (2) years from the effective date the City council approves the housing development for tax exempt status as provided in this article.

**Sec. 32-56. - Contractual effect.**

Notwithstanding the provisions of section 15a(5) of the Act (MCL 125.1415a(5)), to the contrary, a contract between the City and the sponsor with the authority as third part beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of this article.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective October 10, 2022.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

**Proposed Special Assessment District No. 2023-101 - Hazards and Nuisances**

**Master Plan Implementation Goals: 1.12**

City Manager Henne explained that the proposed special assessment was for the replacement and restoration of the James Miner Trail sidewalk next to the Matthews Building.

A public hearing was conducted to receive citizen comment regarding proposed Special Assessment District No. 2023-101, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances at 300 W. Main Street.

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

Tom Manke, 2910 W. M-21, noted that another portion of the James Miner Trail sidewalk had been damaged by the company constructing the kayak launch behind the old middle school. City Manager Henne indicated that the damaged sections of sidewalk would be replaced. He further noted that it had anticipated possible damage to the sidewalk in the area of the kayak launch and factored that into the price for the project.

Motion by Councilmember Pidek to authorize the following resolution:

**RESOLUTION NO. 141-2022**

**AUTHORIZING THE ROLL FOR  
SPECIAL ASSESSMENT DISTRICT NO. 2023-101 - HAZARDS & NUISANCES  
FOR 300 W. MAIN STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll for Hazards and Nuisances District No. 2023-101 prepared for the purpose of defraying the unpaid costs incurred in replacement of sidewalk on the following described property:

PARCEL#	SERVICE ADDRESS	TYPE	AMOUNT
050-470-024-001-00	300 W. Main Street	Replacement of Sidewalk	\$ 14,557.76

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 replacement of sidewalk on 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 \$14,557.76 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances District No. 2023-101.
2. Pursuant to MCL 211.78k(c) said special assessment roll shall consist of one (1) installment, which shall be due and payable on September 1, 2023. Payment of the amount of the special assessment may be made in by November 1, 2023, or the special assessment amount will be included on the 2023 Winter Tax bill.
3. Said Special Assessment Roll-Hazards and Nuisances District No. 2023-101 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 Fear.

Roll Call Vote.

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

NAYS: None.

**CITIZEN COMMENTS AND QUESTIONS**

Richard Maurer, owner of Dick’s Auto Service and City resident, expressed the opinion that the bid he submitted for towing services was the lowest legal bid received by the City and he felt that Council had stolen his legitimate clients by awarding the contract to a company that undercut his bid by half and then over-charged customers. He said it was impossible to legally operate a towing service at the rates the winning company quoted, going on to offer anecdotal evidence of his claim and blaming the City for not looking closer at the company before awarding the contract. Mr. Maurer was informed that his allotted time for speaking had expired, yet he continued to speak growing more and more agitated. After several requests for him to stop speaking, the Mayor asked that Mr. Maurer be removed from the Council Chambers. He was escorted outside by the Public Safety Director, continuing to comment as he left the building.

Eddie Urban, 601 Glenwood Avenue, commented that he hears lots of good things about Owosso when he is in Saginaw. He said that Owosso is not perfect, but it’s a good place to live.

Tom Manke, 2910 W. M-21, also commented on the good things happening in town, saying the Art Walk was phenomenal, the SAC has a great show going on, Curwood Castle has a new exhibit in the basement, and the Comstock Cabin has been redone with a new display (open this weekend, for those interested).

Mark Dawson, 828 Wilkinson Street, asked when the City changed from the practice of rotating calls to local towing companies when services are required. He asked that the City go back to using a rotation system and keep the money in town.

James Maurer, Dick’s Auto employee and City resident, said that his dad’s business has given back to the community for years, unlocking countless cars for free because people couldn’t afford to pay. Recently, he and his dad hauled away an old vehicle that was abandoned in Rosevear Park, asking nothing in return. He wondered why they didn’t receive any recognition for their efforts when the bids were opened.

Rob Vangorder, owner of Grease Rag Customs and City resident, noted that Mr. Maurer is a good man and that he has been providing service to the community for decades. He said that he is always there if he needs something and he wanted to vouch for his character.

Dean Gaffner, owner of Gaffner Towing & Recovery, said he would have no problem with the contract that was awarded if he felt the playing field was fair, but clearly it was not.

Dale Spencer, Ovid resident, said he is a wrecker driver in Lansing and he asked that the City look into whether All Star Towing is operating legally. He went on to explain that the contract his company holds with the City of Lansing is audited at random times by the City to ensure the terms of the contract are being adhered to.

Mayor Eveleth asked how the rotation idea had worked in the past. Public Safety Director Lenkart indicated that Central Dispatch is responsible for contacting wrecker companies when their services are needed. In 2016 they notified the City that they would no longer support the rotation scheme so the City switched to securing wrecker services on a contract basis.

Councilmember Law said he felt that the current towing company has given the City a black eye because of its poor business practices. He noted that multiple complaints had been filed by customers and he has begun to collect disputed bills in an effort to document the problem. He asked the Public Safety Director if copies of the license and insurance for the company had been requested. Public Safety Director Lenkart indicated that the bid required they have insurance and that information was given to Council when the bid was awarded.

There was discussion between Councilmembers and staff regarding what happens when there is a breach of trust with vendors, whether the City ever audits vendors, whether an audit requirement could be added to the towing contract, whether the rotation system could possibly be reinstated, why the rotation system ended in the first place, and the need to shore up the contract to ensure that customers don't get stuck with additional charges. Council requested staff look into the matter. City Manager Henne indicated he would meet with Councilmember Law and any legal questions from Councilmembers on the matter should be sent to City Attorney Gould.

## **CONSENT AGENDA**

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

**\*2023 Local Grade Crossing Surface Program Application – S. Chestnut Street.** Approve application to the FY2023 Local Grade Crossing Surface Program for reconstruction of the Huron & Eastern Railroad crossing on South Chestnut Street as follows:

### **RESOLUTION NO. 142-2022**

#### **AUTHORIZING APPLICATION TO THE FY2023 LOCAL GRADE CROSSING SURFACE PROGRAM FOR HURON & EASTERN RAILROAD CROSSING ON S. CHESTNUT STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Engineering Department recommends the reconstruction of the Huron & Eastern railroad crossing on S. Chestnut Street; and

WHEREAS, the Michigan Department of Transportation offers its portion of state funds for this work via the Local Grade Crossing Surface Program; and

WHEREAS, the City of Owosso proposes an application to the Program for the 2023 fiscal year to secure a Local Grade Crossing Surface Program project for said crossing; which shall be paid for 60 percent (60%) by a MDOT grant and forty percent (40%) by Huron & Eastern Railroad, as outlined in the application.

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 proceed with the proposed railroad crossing improvements.
- SECOND: application for a Local Grade Crossing Surface Program award to reconstruct the Huron & Eastern railroad crossing on S. Chestnut Street is authorized and the City is willing to participate in this program.
- THIRD: the proper city staff members are authorized to sign the application documents.

**Master Plan Implementation Goals: 3.22**

**\*2023 Local Grade Crossing Surface Program Application – S. Chipman Street.** Approve application to the FY2023 Local Grade Crossing Surface Program for reconstruction of the Huron & Eastern Railroad crossing on South Chipman Street as follows:

**RESOLUTION NO. 143-2022**

**AUTHORIZING APPLICATION TO  
THE FY2023 LOCAL GRADE CROSSING SURFACE PROGRAM FOR  
HURON & EASTERN RAILROAD CROSSING ON S. CHIPMAN STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Engineering Department recommends the reconstruction of the Huron & Eastern railroad crossing on S. Chipman Street; and

WHEREAS, the Michigan Department of Transportation offers its portion of state funds for this work via the Local Grade Crossing Surface Program; and

WHEREAS, the City of Owosso proposes an application to the Program for the 2023 fiscal year to secure a Local Grade Crossing Surface Program project for said crossing; which shall be paid for 60 percent (60%) by a MDOT Grant and forty percent (40%) by Huron & Eastern Railroad, as outlined in its application.

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 proceed with the proposed railroad crossing improvements.
- SECOND: application for a Local Grade Crossing Surface Program award to reconstruct the Huron & Eastern railroad crossing on S. Chipman Street is authorized and the City is willing to participate in this program.
- THIRD: the proper city staff members are authorized to sign the application documents.

Master Plan Implementation Goals: 3.22

**\*2023 Local Grade Crossing Surface Program Application – Woodlawn Avenue.** Approve application to the FY2023 Local Grade Crossing Surface Program for reconstruction of Huron & Eastern Railroad crossing on Woodlawn Avenue as follows:

**RESOLUTION NO. 144-2022**

**AUTHORIZING APPLICATION TO  
THE FY2023 LOCAL GRADE CROSSING SURFACE PROGRAM FOR  
HURON & EASTERN RAILROAD CROSSING ON WOODLAWN AVENUE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Engineering Department recommends the reconstruction of the Huron & Eastern railroad crossing on Woodlawn Avenue; and

WHEREAS, the Michigan Department of Transportation offers its portion of state funds for this work via the Local Grade Crossing Surface Program; and

WHEREAS, the City of Owosso proposes an application to the Program for the 2023 fiscal year to secure a Local Grade Crossing Surface Program project for said crossing; which shall be paid for 60 percent (60%) by a MDOT Grant and forty percent (40%) by Huron & Eastern Railroad as outlined in its application.

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 proceed with the proposed railroad crossing improvements.
- SECOND: application for a Local Grade Crossing Surface Program award to reconstruct the Huron & Eastern railroad crossing on Woodlawn Avenue is authorized and the City is willing to participate in this program.
- THIRD: the proper city staff members are authorized to sign the application documents.

Master Plan Implementation Goals: 3.22

**\*COSSAP Grant Acceptance.** Authorize acceptance of a Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) Grant in the amount of \$373,864.00 from the U.S. Department of Justice and administered by the Michigan State Police to develop and expand overdose prevention programs as follows:

**RESOLUTION NO. 145-2022**

**ACCEPTING A COMPREHENSIVE OPIOID, STIMULANT, AND SUBSTANCE ABUSE PROGRAM (COSSAP) GRANT FROM THE U.S. DEPARTMENT OF JUSTICE TO DEVELOP AND EXPAND OVERDOSE PREVENTION PROGRAMS**

WHEREAS, in May of 2021, the City of Owosso partnered with the Michigan State Police and Shiawassee Health and Wellness in applying for a COSSAP grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; and

WHEREAS, the COSSAP grant will help to develop and expand Opioid overdose prevention programs; and

WHEREAS, the city of Owosso was awarded a \$373,864.00 grant in September 2022 based on said application; and

WHEREAS, said grant will be administered by the Michigan State Police.

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

FIRST: the city of Owosso, Michigan, does hereby accept the terms of the U.S. Department of Justice COSSAP Grant Agreement for MSP Project Number: COSSAP-06, as administered by the Michigan State Police, for the development and expansion of overdose prevention programs.

SECOND: the city of Owosso does hereby specifically agree, but not by way of limitation, as follows:

- to appropriate all funds necessary to complete the project during the project timeline.
- to maintain satisfactory financial accounts, documents, and records, and to make them available to the Department for auditing at reasonable times.
- to implement the project and provide such funds, services and materials as may be necessary to satisfy the terms of the agreement.

THIRD: the mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, COSSAP Grant Agreement between the City of Owosso, Michigan and the Michigan State Police for MSP Project No. COSSAP-06.

Master Plan Implementation Goals: 3.1

**\*Change Order – 2022 Sidewalk Replacement Program.** Approve Change Order No. 1 to the 2022 Sidewalk Replacement Program contract with Lopez Concrete Construction, LLC increasing the contract in the amount of \$21,500.00 for additional sidewalk repairs, including a section of the James S. Miner River Walk adjacent to the city hall parking lot, and authorize payment to the contractor up to the revised contract amount of \$133,750.00 utilizing the existing \$20,000.00 contingency, plus \$1,500.00 from the Parks Fund, upon satisfactory completion of the work as follows:

**RESOLUTION NO. 146-2022**

**AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE CITY OF OWOSSO AND LOPEZ CONCRETE CONSTRUCTION, LLC FOR THE 2022 SIDEWALK PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Lopez Concrete Construction, LLC on March 21, 2022 for sidewalk replacements on various streets throughout the city; and

WHEREAS, city staff has received sidewalk complaints in various locations within the city and wishes to make additional sidewalk repairs utilizing the pre-approved contingency funds; and

WHEREAS, sidewalk sections along the James S. Miner River Trail adjacent to the city hall parking lot are also in need of repair; and



WHEREAS, Lopez Concrete Construction, LLC has agreed to make the additional sidewalk repairs and a change order is necessary to increase the contract amount.

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 amend the 2022 Sidewalk Program contract with Lopez Concrete Construction, LLC increasing the contract in the amount of \$21,500.00 for additional sidewalk repairs, bringing the contract total to \$133,750.00.
- SECOND: the mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 1 to the Contract for Services between the City of Owosso and Lopez Concrete Construction, LLC.
- THIRD: the accounts payable department is authorized to pay Lopez Concrete Construction, LLC for work satisfactorily completed up to the revised contract amount of \$133,750.00.
- FOURTH: the above expenses shall be paid, in part, from the previously approved \$20,000.00 contingency for this contract, with the remaining \$1,500.00 coming from Park Fund Account No. 101-751-818.000-JAMESMINOR.

Master Plan Implementation Goals: 1.12, 1.26

**\*Balancing Change Order - 2021 North Gould Street Project Engineering Services Contract.**

Approve Balancing Change Order No. 1 to the 2021 North Gould Street Project Engineering Services Contract with Fleis & Vandenbrink Engineering, Inc. reducing the total contract amount by \$38,171.00 to balance contract quantities and costs as follows:

**RESOLUTION NO. 147-2022**

**AUTHORIZING BALANCING CHANGE ORDER NO. 1 TO  
THE CONTRACT FOR ENGINEERING SERVICES WITH  
FLEIS & VANDENBRINK ENGINEERING, INC. FOR  
THE 2021 N. GOULD ST. REHABILITATION PROJECT –  
ENGINEERING SERVICES CONTRACT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fleis & Vandenbrink Engineering Inc. on January 6, 2020 for engineering services for the 2021 N. Gould St. Rehabilitation Project in the amount of \$132,900.00; and

WHEREAS, the contract amount must be balanced based on changes to actual costs due to changes in the scope of services; and

WHEREAS, the Director of Engineering has reviewed the change order as requested and has determined it to be fair and reasonable.

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

- FIRST: the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to change the contract with Fleis & Vandenbrink Engineering, Inc. to reflect the actual scope of work performed, resulting in a reduction of cost to the city of Owosso in the amount of \$38,171.00 as outlined in Balancing Change Order No. 1.
- SECOND: the mayor and city clerk are requested and authorized to sign Balancing Change Order No. 1 to the Engineering Services Contract between the City of Owosso, Michigan and Fleis & Vandenbrink Engineering, Inc for the 2021 N. Gould St. Rehabilitation Project.
- THIRD: the Accounts Payable department is authorized to make payment up to the final revised contract amount totaling \$94,729.00 for said project.
- FOURTH: the above expenses shall be paid from the Major Street Account No. 202-451-818.000-NGOULDST21 (\$92,809.00) and from the Water Account No. 591-901-972.000-NGOULDST21 (\$1,920.00).

**Purchase Order Amendment - Sodium Hypochlorite.** Authorize amendment to Purchase Order Nos. 43688 & 43689 with JCI Jones Chemicals, Inc. for bulk Sodium Hypochlorite, increasing the unit price from \$1.59/gallon to \$1.79/gallon, and raising the total estimated cost by \$8,176.95 for the FY 2022-2023, and further authorize payment to the supplier up to \$94,036.95 based on unit prices for actual quantities required as follows:

**RESOLUTION NO. 148-2022**

**AUTHORIZING INCREASE TO THE PURCHASE ORDERS  
FOR SODIUM HYPOCHLORITE WITH JCI JONES CHEMICALS, INC.  
DUE TO INCREASES IN THE COST OF RAW MATERIALS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan approved Purchase Order Nos. 43688 & 43689 with JCI Jones Chemicals, Inc. for the supply of bulk sodium hypochlorite utilizing the Mid-Michigan Water Bulk Chemical Consortium contract for the FY 2022-2023; and

WHEREAS, the raw material costs have increased, and JCI Jones Chemicals, Inc. is utilizing its ability to increase the price per gallon necessitating amendment to said purchase orders.

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 purchase sodium hypochlorite from JCI Jones Chemicals, Inc. at the increased price of \$1.7919 per gallon with an estimated remaining usage of 40,500 gallons for FY2022-2023.
- SECOND: the accounts payable department is authorized to submit payment to JCI Jones Chemicals, Inc., in an amount up to \$94,036.95 based on unit prices and actual quantities delivered.
- THIRD: the above expenses shall be paid from the wastewater and water fund following delivery, and chargeable to account 599-548-743.300 in the amount of \$70,527.71 and to account 591-553-743.000 in the amount of \$23,509.24.

Master Plan Implementation Goals: 3.4

**\*Contract Authorization- Lime Residuals Removal.** Authorize contract with Rocky Ridge Development, LLC for the removal of Water Treatment Plant lime residuals at \$31.90 per cubic yard for fiscal year 2022-2023 with a total amount not to exceed \$398,750.00, and further authorize payment according to unit prices upon successful completion of the work or a portion thereof as follows:

**RESOLUTION NO. 149-2022**

**AUTHORIZING CONTRACT WITH  
ROCKY RIDGE DEVELOPMENT, LLC OF SYLVANIA, OHIO  
FOR REMOVAL OF LIME RESIDUAL MATERIAL AT THE WATER TREATMENT PLANT**

WHEREAS, the City has determined it necessary to remove lime residual material from its Water Treatment Plant lagoons to gain lagoon capacity; and

WHEREAS, at the direction of City Council staff sought proposals for the removal of lime residuals and directly negotiated with potential contractors in an effort to secure the best price available; and

WHEREAS, Rocky Ridge Development, LLC of Sylvania, Ohio is hereby determined to be qualified, responsible, and timely to provide such services.

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 employ Rocky Ridge Development, LLC to remove spent lime from Water Treatment Plant Lagoon #4, in the approximate quantity of 12,500 cubic yards, in the amount of \$31.90/CY for fiscal year 2022-2023.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign the Contract for Services between the City of Owosso, Michigan and Rocky Ridge Development, LLC in an amount not to exceed \$398,750.00 for fiscal year 2022-2023.
- THIRD: the accounts payable department is authorized to pay Rocky Ridge Development, LLC according to unit prices up to the contract amount for work satisfactorily completed and inspected by the Director of Public Services or his designee.
- FOURTH: the above expenses shall be paid from the Water Fund Account 591-553-934.000.

Master Plan Implementation Goals: 3.4

**Warrant No. 622.** Authorize Warrant No. 622 as follows:

Vendor	Description	Fund	Amount
Waste Management	Refuse Hauling Services	WWTP/ Streets	\$12,366.37
Gould Law PC	August 2022 – Services	General Fund	\$11,916.32

**Boards and Commissions Appointment.** Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Charles Suchanek	Zoning Board of Appeals (filling the unexpired term of R. Horton)	06-30-2023

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**\*Owosso Historical Commission Charitable Agency Fund Agreement**

City Manager Henne explained that moving the OHC’s endowment fund to the Shiawassee Community Foundation would help the OHC earn better returns on their investment and provide donors with an easy way to donate more endowment funds to the Commission.

Councilmember Pidek inquired where the initial endowment came from. Mr. Henne acknowledged that the endowment was so old that its origins are uncertain, though the rules for spending the money had remained intact.

Motion by Councilmember Pidek to approve the Charitable Agency Fund agreement between the Owosso Historical Commission and the Shiawassee Community Foundation in the amount of \$21,244.04 for the investment of endowment funds as follows:

**RESOLUTION NO. 150-2022**

**AUTHORIZING THE EXECUTION OF THE ADVISED CHARITABLE AGENCY FUND AGREEMENT BETWEEN THE OWOSSO HISTORICAL COMMISSION AND THE SHIAWASSEE COMMUNITY FOUNDATION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, Owosso Historical Commission has restricted endowment funds in the amount of \$21,244.04; and

WHEREAS, the Owosso Historical Commission has decided to invest the endowment funds with the Shiawassee Community Foundation where the original investment could not be withdrawn but the interest could be used specifically for the Commission.

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 an agreement with the Shiawassee Community Foundation for the investment of endowment funds belonging to the Owosso Historical Commission.
- SECOND: the mayor and city clerk are hereby authorized to execute the Advised Charitable Agency Fund agreement, with the Shiawassee Community Foundation in the amount of \$21,244.04, substantially as attached.
- THIRD: the accounts payable department is authorized to submit payment to the Shiawassee Community Foundation for \$21,244.04.
- FOURTH: the amount of \$21,244.04 shall be paid from the Historic Sites Account 297-000-005.100.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

### **MML Annual Meeting Delegate**

Motion by Mayor Pro-Tem Osika designating Councilmember Fear as the City's primary delegate and Mayor Pro-Tem Osika as the alternate delegate for the upcoming MML Annual Meeting.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

### **COMMUNICATIONS**

Carl Ludington, Building Board of Appeals. Letter of Resignation.

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

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

Tanya Buckelew, Planning & Building Director. August 2022 Inspections Report.

Tanya Buckelew, Planning & Building Director. August 2022 Certificates Issued Report.

Kevin D. Lenkart, Public Safety Director. August 2022 Fire Report.

Owosso Historical Commission. Minutes of September 12, 2022.

### **CITIZEN COMMENTS AND QUESTIONS**

James Maurer, 1607 Henry Street, explained why the rotation system for towing calls ended, saying the insurance companies notified Central Dispatch that they would sue them and a wrecker service that was overcharging customers. As a result, Central Dispatch stopped using the rotation system and required individual jurisdictions to determine which service they would use.

Dean Gaffner, owner of Gaffner Towing & Recovery, noted that officers in other communities call for wrecker services. He went on to say that he was not questioning the City's bid process, what he was trying to say is that the bid and contract left things wide open for added fees.

Dale Spencer, Ovid resident and tow truck driver in Lansing, said he believed the City's towing company was committing insurance fraud by billing insurance companies for more than the \$75 stipulated by the contract. He suggested that various fees be clearly defined in future contracts.

Rob Vangorder, 522 Corunna Avenue, echoed Mr. Spencer's comments.

Eddie Urban, 601 Glenwood Avenue, talked about metal detecting in State parks, his mounting health issues, and his frustration with the VA.

James Maurer suggested that the City contact Central Dispatch about reinstating the rotation system for City calls as he believes they rotate providers for the Sheriff's Department and the State Police.

Tom Manke, 2910 W. M-21, thanked the Maurers for removing the abandoned car in Rosevear Park.

William King, 653 Woodlawn Avenue, said he was very disheartened by the City, the County, and the Schools. He said he felt things are corrupt, it makes him sick, and its not the town he grew up in as a child.

Mark Dawson, 828 Wilkinson Street, said he had recently moved to the City and not long ago he received a violation for parking in his front yard. He said a number of people in his neighborhood park in their front yard and he wondered why he was singled out.

Karla McCurdy, owner of 312 S. Oak Street, said she had recently purchased a property in the City at the State tax sale. Within hours of receiving notice that she owned the property she drove to the location to mow the yard, only to discover the City had mowed it within the last couple of days. She contacted the City and was told she would not be charged for the service, yet three months later she received a bill. Multiple attempts to resolve the situation have come to no avail.

She asked what could be done to find a resolution. City Manager Henne indicated that the property owners could dispute the charges at the hearing for unpaid invoices in October, or he could investigate things this week. If it came down to a simple timing issue he said it could be rectified.

**NEXT MEETING**

Monday, October 03, 2022

**BOARDS AND COMMISSIONS OPENINGS**

Brownfield Redevelopment Authority – term expires June 30, 2026  
Building Board of Appeals – term expires June 30, 2023  
Building Board of Appeals – Alternate - term expires June 30, 2025  
Building Board of Appeals – Alternate - term expires June 30, 2024  
Owosso Historical Commission – term expires December 31, 2023  
Zoning Board of Appeals – Alternate – term expires June 30, 2024

**ADJOURNMENT**

Motion by Councilmember Law for adjournment at 8:36 p.m.

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

\_\_\_\_\_  
Christopher T. Eveleth, Mayor

\_\_\_\_\_  
Amy K. Kirkland, City Clerk

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