

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF DECEMBER 5, 2022
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR ROBERT J. TEICH, JR.

OPENING PRAYER: PASTOR DEB GRAZIER
FIRST CONGREGATIONAL CHURCH OF OWOSSO

PLEDGE OF ALLEGIANCE: COUNCILMEMBER NICHOLAS L. PIDEK

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Fear to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF ORGANIZATIONAL MEETING OF NOVEMBER 21, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Organizational Meeting of November 21, 2022 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 21, 2022

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of November 21, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Mayor Robert J. Teich, Jr. addressed all those present on the need to treat each other with respect and civility, despite the emotional nature of the topic of the day. He went on to read aloud the Rules for Addressing City Council and the Rule of Civility and asked that people address him when speaking.

Dr. Gary Duehring, 5150 Hickory Hollow Lane, Commander of American Legion Post 57, spoke about showing respect to the flag, the republic, and military veterans by standing during the Pledge of Allegiance, and that not doing so was disrespectful to the people that fought for our freedoms. He said he would like some consideration for what the flag represents.

Mark Drayton, 1165 N. Ball Street, 13-year Marine and Army veteran, said he lost military brothers and sisters due to service and that sitting during the Pledge disrespects those that gave their lives. He suggested any Councilmember doing so should be recalled.

Stephen Schlaack, 926 N. Washington Street, said he wanted to correct some assumptions that were made at the last meeting regarding the religious affiliation of Owosso residents. He distributed census statistics for the county that showed less than 25% of residents consider themselves to be religious. He asked that Council work to represent everyone in the community, and that residents come together and share with others all the great things about Owosso.

Patrice Martin, 615 N. Park Street, said she appreciated the sentiment of the opening prayer, though she didn't participate in it. She said we need to look at the possibility of what exists in people of different though, embrace new ideas, and move forward.

Tom Manke, 2910 W. M-21, said the statistics distributed earlier are "BS" and the Owosso community doesn't have many Progressives but it has lots of mainstream Democrats and Republicans. He spoke about a secret group of Progressive women he believes are out to change things. He suggested they accept and work with the community instead.

Mike O'Leary, 901 Huntington Drive, two-time veteran, said it is detestable not to honor the flag and the only reason the person in question can sit is because of the flag.

Robert Hooper, 708 Fletcher Street, spoke about the origin of prayer at government meetings and the idea that ignoring God is detrimental to a community. He went on to say that the intent of the founding fathers was to figure out how to get along without fighting one another, that unity would be impossible without respecting others and their differences.

Stacey Jamison, 425 N. Water Street, said the online rhetoric has been disheartening and not representative of what we want to be as a community. She encouraged everyone to examine their own behavior and be an example for the next generation.

Greg Brodeur, Shiawassee County Commission Chairman, gave an update on County events including: bids for the rehabilitation of the Courthouse, the status of the new Veteran's facility, progress on replacing the County Coordinator, work on next year's budget, and the early success of the county land bank.

Rose Hooper, 708 Fletcher Street, asked that Ms. Olson respect the values of the community that she has now joined.

Isaiah Nash, Owosso resident, spoke emotionally about starting the school day with the Pledge and respecting those that fought for our freedoms, saying that the Pledge honors the sacrifice of all veterans.

Mayor Teich announced that the initial 30-minute time period for Citizen Comments had expired. He asked if there was anyone else that wished to comment. One person raised their hand.

Motion by Councilmember Law to extend the first session of Citizen Comments and Questions by a period of four minutes to allow Eddie Urban to speak.

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

Eddie Urban, 601 Glenwood Avenue, spoke about being wounded four times during his service in Cambodia and Vietnam, saying that at one point he was forced to attack the enemy with just a knife. He said he often wondered if anyone on the Council would give their life for the country if war came to the U.S. He encouraged everyone to try to get along and love one another. The audience responded with applause.

Councilmember Law pointed out that the statistics distributed by Mr. Schlaack were for the entire county, not just the City, and the City's numbers could be higher. He also spoke about earning respect, showing respect to others, and the need to listen when you want to be heard.

CONSENT AGENDA

Motion by Councilmember Fear to approve the Consent Agenda as follows:

First Reading & Set Public Hearing – Zoning Ordinance Amendment. Conduct first reading and set a public hearing for **Tuesday, January 3, 2023** at 7:30 p.m. to receive citizen comment on the proposed amendments to Chapter 38, Zoning, of the Code of Ordinances, to allow drive-through window service at marijuana retail locations as follows:

RESOLUTION NO. 181-2022

SETTING A PUBLIC HEARING TO AMEND VARIOUS SECTIONS OF CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES TO ALLOW DRIVE-THRU WINDOW SERVICE AT MARIHUANA RETAIL LOCATIONS

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

WHEREAS, the Planning Commission held a public hearing on November 28, 2022, at its regularly scheduled meeting, regarding a request to amend various sections of Chapter 38,

Zoning, to allow the purpose noted. Two citizens spoke, one in favor of the proposed amendments, the other, opposed; and

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

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

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

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

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

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

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

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

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

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

- (9) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing - police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 2. ~~*Indoor activities.* All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive thru window service.~~
 - 2. **Contactless or limited contact transactions. A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be**

completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

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

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

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

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6. PUBLIC HEARING. A public hearing is set for Tuesday, January 3, 2023 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed amendments to the Code of Ordinances.

SECTION 7. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 8. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

Master Plan Implementation Goals: 1.17

2023 Income Threshold Poverty Exemptions. Adopt the 2023 Income Threshold Poverty Exemptions, as required by Public Act No. 390 of 1994 as follows:

RESOLUTION NO. 182-2022

CITY OF OWOSSO POVERTY EXEMPTION GUIDELINES FOR 2023

WHEREAS, the adoption of guidelines for poverty exemptions is within the purview of the city council; and

WHEREAS, the homestead of persons who by reason of poverty are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994(MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, City of Owosso, Shiawassee County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the applicant and all persons residing in the household; and

WHEREAS, pursuant to Public Act 253 of 2020, if a person qualifies, the Board of Review shall grant either a 100%, 50% or 25% reduction in taxable value for the applicable tax year, or any other percentage reduction approved by the state tax commission. However, the City of Owosso elects to give only 100% reduction to approved applicants; and

WHEREAS, to be eligible, a person shall do all the following on an annual basis:

- Be the owner and occupy the principal residence of the property for which an exemption is applied.
- Submit an application on the form provided by the State of Michigan, available through the City Assessor's office. The application constitutes an appearance before the Board of Review for the purpose of preserving the applicant's right to appeal.
- Provide proof of residency for all residents in the home.
- Supply a copy of federal and state income tax returns filed in the current year for all adult residents if available, or immediately preceding year if current is unavailable, and/or a signed affidavit stating income tax returns are not required to be filed (Treasury Form 4988).
- Supply copies of six-months-worth of income evidence for the previous year (pay stubs, benefit statement, etc.) for all residents 18 years old and over. Additional stubs may be requested later.
- **If the applicant fails to supply all the required documents or if it is found that the information supplied is fraudulent, the application shall be denied.**

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Owosso City Council that the Board of Review shall follow the above stated policy and the below stated guidelines in granting or denying an exemption.

Applicant's income shall not exceed the poverty income thresholds listed here. Income of students under the age of 18 years shall **not** be included as income.

2023 Income Standards Poverty Threshold

Total number of persons residing in homestead	Annual allowable income
1 person	\$21,120
2 persons	\$24,160
3 persons	\$27,160
4 persons	\$30,160
5 persons	\$32,600
6 persons	\$37,190
7 persons	\$41,910
8 persons	\$46,630
Each additional person, add	\$4,720

BE IT FURTHER RESOLVED, if asset levels exceed the items/amounts below, the individual/property owner shall **not be eligible for a Property Tax Poverty Exemption**.

- Assets (except the original homestead, essential household goods and the first \$8,000 of the market value of a motor vehicle), less what is owed on said vehicle, shall not exceed \$5,000 (five thousand dollars) for individual applicant and/or \$7,000 (seven thousand dollars) per household if more than one financial contributor.

***Grant Application Authorization – Michigan DNR Spark Grant.** Approve application for a Michigan DNR Spark Grant in the amount of \$752,500.00 for improvements to the existing James Miner River Trail and construction of the unimproved trail section between Washington Street and the Oakwood Bridge as follows:

RESOLUTION NO. 183-2022

**SEEKING A SPARK GRANT FOR THE
JAMES MINER RIVER TRAIL IMPROVEMENT PROJECT**

WHEREAS, the City of Owosso wishes to submit an application to the Michigan Department of Natural Resources Spark Grant Program for improvements to a portion of the James Miner River Trail; and

WHEREAS, the location of the proposed project is within the jurisdiction of the City of Owosso; and

WHEREAS, the proposed project, if completed, will be a benefit to the community; and

WHEREAS, the City Council supports the James Miner River Trail Improvement Project and the corresponding application to the Spark Grant Program for trail improvements along the James Miner Trail; and

WHEREAS, with this resolution of support it is acknowledged that the City of Owosso is not committing to any obligations; financial or otherwise.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Owosso hereby supports the submission of a grant application for \$752,500 to the Michigan Department of Natural Resources Spark Grant Program.

Master Plan Implementation Goals: 4.5, 5.3, 5.34, 6.6

***Discharge of Rental Rehab Mortgage & Regulatory Agreement.** Authorize discharge of the Rental Rehab Deferred Payment Mortgage and the associated Regulatory Agreement for Restriction of Use and Occupancy Michigan Rental Rehab Program as it relates to the property at 114 N. Washington Street (Woodworth Properties, LLC & Curwood Storage, LLC) and further authorize the Mayor and City Clerk to execute appropriate documents as follows:

RESOLUTION NO. 184-2022

AUTHORIZING DISCHARGE OF MORTGAGE FOR THE PROPERTY AT 114 N. WASHINGTON STREET

WHEREAS, on November 8, 2016 the City of Owosso, Shiawassee County, Michigan filed a lien on the property located at 114 N. Washington Street as a component of a Rental Rehabilitation Grant through the Michigan State Housing Development Authority; and

WHEREAS, the Rental Rehabilitation Program requires the owner to subsidize rent for a five (5) year period as a requirement of the grant program; and

WHEREAS, the five-year subsidized rent requirement expired on September 14, 2021.

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 discharge its mortgage lien for the Rental Rehabilitation Grant for the property at 114 N. Washington Street.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached, Discharge of Mortgage.

2023 Schedule of Meetings. Adopt the 2023 Boards and Commissions Meeting Schedule as follows:

**CITY OF OWOSSO
SCHEDULE OF REGULAR MEETINGS
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2023**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2023. The Board, dates, time and place of said regular meetings shall be as follows:

CITY COUNCIL					
The 1 st and 3 rd Monday of each month, except as noted – 7:30 p.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 03*	MAR 06	MAY 01	JUL 03	SEP 05*	NOV 06
JAN 17*	MAR 20	MAY 15	JUL 17	SEP 18	NOV 20
FEB 06	APR 03	JUN 05	AUG 07	OCT 02	DEC 04
FEB 21*	APR 17	JUN 20*	AUG 21	OCT 16	DEC 18
DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET			DOWNTOWN HISTORIC DISTRICT COMMISSION		
The 1 st Wednesday of each month, except as noted – 7:30 a.m., local prevailing time			The 3 rd Wednesday of each month - 6:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Conference Room		
JAN 04	MAY 03	SEP 06	JAN 18	MAY 17	SEP 20
FEB 01	JUN 07	OCT 04	FEB 15	JUN 21	OCT 18
MAR 01	JUL 05	NOV 01	MAR 15	JUL 19	NOV 15
APR 05	AUG 02	DEC 06	APR 19	AUG 16	DEC 20
OWOSSO HISTORICAL COMMISSION			PARKS & RECREATION COMMISSION		
The 2 nd Monday of each month, except as noted – 6:00 p.m., local prevailing time			The 4 th Wednesday of each month, except as noted – 7:00 p.m., local prevailing		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		

JAN 09	MAY 08	SEP 11	JAN 25	MAY 24	SEP 27
FEB 13	JUN 12	OCT 10*	FEB 22	JUN 28	OCT 25
MAR 13	JUL 10	NOV 13	MAR 22	JUL 26	DEC 06*
APR 10	AUG 14	DEC 11	APR 26	AUG 23	
PLANNING COMMISSION			WWTP Review Board		
The 4 th Monday of each month, except as noted – 6:30 p.m., local prevailing time			The 4 th Tuesday of each month, 4:30 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso Wastewater Plant, Administration Building 1410 Chippewa Trail, Owosso		
JAN 23	MAY 22	SEP 25	JAN 24	MAY 23	SEP 26
FEB 27	JUN 26	OCT 23	FEB 28	JUN 27	OCT 24
MAR 27	JUL 24	NOV 27	MAR 28	JUL 25	NOV 28
APR 24	AUG 28	DEC 11*	APR 25	AUG 22	DEC 26
ZONING BOARD OF APPEALS			* = Rescheduled due to legal holiday on regular meeting date or other scheduling conflict		
The 3 rd Tuesday of each month, except as noted – 9:30 a.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 17	MAY 16	SEP 19			
FEB 21	JUN 20	OCT 17			
MAR 21	JUL 18	NOV 21			
APR 18	AUG 15	DEC 19			

***Balancing Change Order - Water Tower and Standpipe Rehabilitation Project.** Approve Balancing Change Order No. 1 to the contract with L&T Painting Company Inc. for additional work and materials for the Water Tower and Standpipe Rehabilitation Project, a 2022 DWSRF project, increasing the contract amount \$8,200.00, and further approve payment to the contractor upon satisfactory completion of project or portion thereof up to the amount of \$606,500.00 as follows:

RESOLUTION NO. 185-2022

**AUTHORIZING BALANCING CHANGE ORDER NO. 1
TO THE CONTRACT BETWEEN THE CITY OF OWOSSO AND
L&T PAINTING COMPANY INC.
FOR THE 2022 STANDPIPE AND ELEVATED TOWER REHAB PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with L&T Painting Company Inc., on March 21, 2022 for rehabbing both the water distribution system Standpipe and Elevated Tower during the 2022 construction season; and

WHEREAS, the project is now complete, and a balancing change order is necessary to reconcile contract work and supplies used.

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 approve Balancing Change Order No. 1 to the 2022 Standpipe and Elevated Tower Rehabilitation Project contract with L&T Painting Company Inc., increasing the contract amount by \$8,200.00 to reflect actual work performed and supplies used.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign the document substantially in form attached as Balancing Change Order No. 1 to the Contract for Services between the City of Owosso and L&T Painting Company Inc., increasing the total contract amount from \$598,300.00 to \$606,500.00.
- THIRD: the Accounts Payable department is authorized to pay L&T Painting Company Inc. for work satisfactorily completed up to the revised contract amount of \$606,500.00.
- FOURTH: The above expenses shall be paid from Water Fund Account # 591-901-972.200-DWRF745801

Master Plan Implementation Goals: 3.4

Emergency Repair Authorization - Fire Department Engine 1. Authorize payment to Front Line Services, Inc. for emergency repair and replacement of parts on Fire Department Engine 1 in the amount of \$14,376.12 as follows:

RESOLUTION NO. 186-2022

**AUTHORIZING PAYMENT TO
FRONT LINE SERVICES, INC.
FOR EMERGENCY REPAIR OF OWOSSO FIRE DEPARTMENT ENGINE 1**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has a Fire Department vehicle Engine 1 that required emergency repairs; and

WHEREAS, the City directed Front Line Services, Inc., to proceed and make the necessary repairs, which subsequently totaled \$14,376.12; and

WHEREAS, the Public Safety Chief has reviewed the detailed billing from Front Line Services, Inc. for the cost of the repair and recommends payment in the amount of \$14,376.12 for the work that was satisfactorily completed.

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 was necessary and in the public interest to contract with Front Line Services, Inc. for emergency repairs to Owosso Fire Department vehicle Engine 1.
- SECOND: the Accounts Payable department is authorized to submit payment to Front Line Services Inc. in the amount of \$14,376.12 as authorized this 5th day of December, 2022.
- THIRD: the above expenses shall be paid from the Fire Department vehicle repair fund, 101-336-933-400.

***Flexible Spending Account Terms Adoption.** Authorize acceptance of the terms governing the Flexible Spending Accounts available to City employees, with an effective date of January 1, 2023 as follows:

RESOLUTION NO. 187-2022

ADOPTING THE CITY OF OWOSSO FLEXIBLE SPENDING PLAN

WHEREAS, the City of Owosso, a Michigan municipal corporation, provides a cafeteria plan for its employees; and

WHEREAS, under the tax laws of the United States of America the City Council must adopt a resolution for the calendar year effective January 1, 2023 and subsequent years.

NOW THEREFORE, the City Council of the City of Owosso, Michigan (the employer) resolves:

- FIRST: that the form of Cafeteria Plan, including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January 1, 2023 presented and attached, is approved and adopted and that the duly authorized agents of the city are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.
- SECOND: that the Administrator is instructed to take such actions that they deem necessary and proper to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.
- THIRD: that attached as Exhibit 1, is a true copy of the *City of Owosso Flexible Spending Plan* approved and adopted in this resolution.
- FOURTH: that all prior resolutions and documents for the City of Owosso Flexible Spending Plan are rescinded as of January 1, 2023.

***MDOT Cost Sharing Agreement - W. North Street Reconstruction.** Approve cost sharing agreement with the Michigan Department of Transportation for the reconstruction of W. North Street from Shiawassee Street to Hickory Street in the amount of \$347,000.00 and further approve payment up to the contract amount upon presentation of an approved invoice(s) as follows:

RESOLUTION NO. 188-2022

**AUTHORIZING EXECUTION OF MDOT COST AGREEMENT FOR
IMPROVEMENTS ON NORTH STREET FROM SHIAWASSEE STREET (M-52)
EASTERLY TO HICKORY STREET**

WHEREAS, North Street, from Shiawassee Street (M-52) to Hickory Street, is a part of the National Functional Classification Road system; and

WHEREAS, the City is required to provide a safe and expedient road system for users which requires proper maintenance of the roadway; and

WHEREAS, the City has applied for, and is now approved to receive, Federal Small Urban Program Funds to assist with improvements to this street; and

WHEREAS, after review, city staff recommends approval of MDOT Cost Agreement No. 22-5513 for the proposed hot mix asphalt paving work along North Street from Shiawassee Street (M-52) easterly to Hickory Street; including intersection improvements, storm drainage, concrete curb and gutter, concrete sidewalk and ramp, permanent signing, and pavement marking work; and all together with necessary related work and water main replacement (also referred to as 'project'); and

WHEREAS, the Michigan Department of Transportation requires the City of Owosso adopt a resolution indicating its willingness to participate in the improvements to North Street as set forth in the agreement.

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 approve MDOT Contract No. 22-5513 for the proposed street improvements to North Street, from Shiawassee Street (M-52) easterly to Hickory Street.
- SECOND: the City of Owosso is willing to participate in the project and cost as illustrated within said contract.
- THIRD: the Mayor and City Clerk are hereby authorized to sign the Agreement as attached.
- FOURTH: staff is directed to allocate \$1,350,000.00 from the Major Street Fund (\$644,000.00) and the Water Fund (\$706,000.00) and to receive another \$347,000.00 from Federal Small Urban Grant Program Funds for a total of \$1,697,000.00 to fund this project and directs the City Manager to proceed with the project, in accordance with the MDOT Contract Agreement.

***Purchase Authorization - Multi-function Copiers.** Authorize agreement with Ricoh USA, Inc., through the State of Michigan's MiDEAL purchasing program, for the purchase of 3 Ricoh multi-function copiers, supplies, and service for a 5-year period in the amount of \$17,210.00 as follows:

RESOLUTION NO. 189-2022

AUTHORIZING THE PURCHASE OF THREE MULTI-FUNCTION COPIERS FROM RICOH USA, INC.

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a need to replace the three current ten year old copiers at City Hall and the Public Safety Department with new, current model multi-function copiers that are more efficient; and

WHEREAS, it has been determined that the best interest of the City would be served by purchasing directly from the manufacturer through a State of Michigan bid contract that has been extended to local units through the MiDEAL Extended Purchasing Program; and

WHEREAS, Sec. 2-345 of the Code of Ordinances allows for the use of cooperative purchasing for the procurement of any supplies, services or construction with one or more other governmental bodies.

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 purchase one Ricoh IMC3000 copier and two Ricoh IMC4500 copiers from Ricoh USA, Inc., via State of Michigan Contract No. 180000000366, in an amount estimated at \$17,210.00 (depending on usage).
- SECOND: the Mayor, City Clerk and/or Finance Director are authorized to execute appropriate documents to complete the sale with Ricoh USA, Inc.
- THIRD: the Finance Department is authorized encumber and make payment from

Account No. 101-261-978000 upon the delivery, installation, training and proper documentation of all three copiers.

Warrant No. 624. Authorize Warrant No. 624 as follows:

Vendor	Description	Fund	Amount
J & H Oil	Fleet Gas Usage	Multi	\$11,250.84

***Check Register – November 2022.** Affirm check disbursements totaling \$1,989,573.89 through November 30, 2022.

Motion supported by Councilmember Olson.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

***Easement Acceptance - Don & Metta Mitchell Amphitheater Grounds**

Master Plan Implementation Goals: 5.1, 5.2, 5.9, 5.12, 7.1

City Manager Nathan R. Henne explained that the amphitheater was built in the 1990's on what was then the Middle School property. The City owns the structure but has never owned the property it sits on. Staff approached the Owosso Public Schools about the possibility of getting a lease or an easement for the amphitheater before the Schools sell the property for redevelopment. The Schools recognized the value the amphitheater provides to the community and approved a permanent easement allowing access to the theater by the public and the City.

Mr. Henne went on to request Council update the date on the document to the current date.

Motion by Councilmember Pidek to approve the acceptance of a permanent easement from the Owosso Public Schools for the usage and maintenance of the grounds surrounding and leading to the Don & Metta Mitchell Performing Arts Center (Amphitheater) for the sum of One Dollar (\$1.00), and update the date of the document to the current date as follows:

RESOLUTION NO. 190-2022

**ACCEPTING A DEED OF EASEMENT FOR USE AND MAINTENANCE OF
THE DON & METTA MITCHELL PERFORMING ARTS CENTER
(AMPHITHEATER)
LOCATED ON THE PROPERTY
AT 219 N. WATER STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, operates and maintains the Don & Metta Mitchell Performing Arts Center (amphitheater) for the benefit of the public; and

WHEREAS, the City of Owosso does not own, nor does it have a recorded easement to, the grounds leading to and surrounding the amphitheater, located on the former Middle School property at 219 North Water Street; and

WHEREAS, it is in the City's interest to secure ownership or easement to said grounds to allow continued access, maintenance, and use of the amphitheater by the public; and

WHEREAS, the Owosso Public Schools, property owner, is willing to grant said permanent easement to the City of Owosso for the sum of \$1.00.

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 agree to the terms set forth in the attached Deed of Easement for the Don & Metta Mitchell Performing Arts Center (amphitheater) from the Owosso Public Schools.

SECOND: the mayor and city clerk are instructed and authorized to sign the document

substantially in the form attached, Deed of Easement between the City of Owosso, Michigan and Owosso Public Schools, in the amount of \$1.00.

THIRD: the city clerk is instructed to file said easement with the Shiawassee County Register of Deeds.

FOURTH: The above expenses shall be paid from the General Fund, 101.756.974.000.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Brad A. Barrett, Finance Director. Financial Report – October 2022
Owosso Historical Commission. Minutes of November 14, 2022.
Planning Commission. Minutes of November 28, 2022.

CITIZEN COMMENTS AND QUESTIONS

Gary Duehring, 5150 Hickory Hollow Lane, thanked Council for standing and representing the residents of the City, and said we will be a stronger union if we mutually respect one another.

Mike Eckmyre, 2100 N. Hintz Road, said he is a veteran that has lost friends and family to war, and that disrespecting the flag is an insult to him and all other veterans. He said the Councilmember in question should be recalled for mocking the flag in a government setting.

Rose Hooper, 708 Fletcher Street, said she has lived in various spots across the country and that she had to learn to live with the folks in each community. She also noted that it was asking very little to stand for the people that fought for our flag.

Stephen Schlaack, 926 N. Washington Street, said he didn't intend to cause confusion with his data on religious affiliation, that upon further investigation he found that census data revealed that 33.8% of City of Owosso residents reported being religious. He cautioned people about the dangers of mob mentality. He went on to say that he wants someone that thinks critically and stands for their convictions as his representative and asked that Councilmembers work for the benefit of all residents.

Tom Manke, 2910 W. M-21, encouraged Council to look into resurrecting the plans to build a parking lot near the Arts Council in light of the fact that the old middle school will be redeveloped and amphitheater patrons will no longer be able to use the middle school lot for parking. He also suggested that if Council was willing to allow marijuana to be sold through a drive-through window they should allow wine to be sold in the same fashion.

Greg Brodeur, Shiawassee County Commission Chairman, asked if Council had any questions for him.

Robert Hooper, 708 Fletcher Street, said he has never appreciated Eddie Urban more than he has today, saying he is an example to us all. Eddie is a product of our past and should be respected, yet it behooves us all to be informed about other ideologies.

Eddie Urban, 601 Glenwood Avenue, thanked Council for extending the first Citizen Comment time just for him.

Mayor Pro-Tem Osika invited everyone to attend the holiday party at Curwood Castle on Thursday from 5:30 p.m. – 7:30 p.m.

Councilmember Haber asked for a round of applause for all the veterans in the audience. They were given a standing ovation.

Councilmember Olson said that while she does not stand for the Pledge, she does turn to look at the flag when the Pledge is being recited. She has family members that are veterans and understands hers is a complicated stance. She said she is doing what she can to change things that she feels are objectionable as silence only serves the status quo. She said she deeply appreciates all that veterans have done for our country and that her right to protest came at the expense of veterans. She is not anti-American; she simply wants to hold the country to a higher ideal.

Councilmember Fear thanked everyone for coming to the meeting. She also thanked everyone that ran for City Council, noting they did so because they love this community and want to give back. She said it's a lot of work to be a Councilmember, and its difficult at times, and she respects those that have stepped forward to give back to the community. There are people of all stripes in the community and all of them need to be respected. She hoped they could end the controversy tonight and put the community first.

NEXT MEETING

Monday, December 19, 2022

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – term expires June 30, 2026
Building Board of Appeals – Alternate - term expires June 30, 2024
Building Board of Appeals – Alternate - term expires June 30, 2025
Downtown Historic District Commission – term expires June 30, 2023
Downtown Historic District Commission - term expires June 30, 2024
Downtown Historic District Commission – term expires June 30, 2025
Owosso Historical Commission – 2 terms expire December 31, 2022
Owosso Historical Commission – term expires December 31, 2023
SATA Board of Directors – term expires October 1, 2025

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 8:42 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.