

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MARCH 6, 2023
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR ROBERT J. TEICH, JR.

OPENING PRAYER: PASTOR GARY BEAL
CHURCH OF JUBILEE

PLEDGE OF ALLEGIANCE: FRANK LIVINGSTON

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

ABSENT: Mayor Pro-Tem Susan J. Osika.

APPROVE AGENDA

Motion by Councilmember Law to approve the agenda as presented.

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

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

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

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Swearing In Ceremony – Fire Department Employee

Mayor Teich performed the swearing in ceremony for the City's newest firefighter Gavin Rose. Gavin's badge was pinned by his grandfather, Eric Galant, who is a retired City of Flint Fire Captain. Also in attendance was Gavin's fiancée Lily Remington and their son, Eric.

PUBLIC HEARINGS

Ordinance Amendment – Chapter 28, Special Assessments

The proposed amendment would reduce the interest rate for special assessments from six percent to three percent per annum.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Sec. 28-15, *Partial Payments*, of Chapter 28, Special Assessments, of the Code of Ordinances.

There were no citizen comments regarding the proposed amendment received prior to, or during the meeting.

Councilmember Olson indicated she was pleased to pass on the savings to citizens.

Councilmember Pidek noted his house has a special assessment and asked if any other councilmembers had an outstanding special assessment to which Councilmember Law indicated he did also.

Motion by Councilmember Fear to recuse both Councilmember Law and Pidek, who both have special assessments currently open on their properties, from the vote to amend the Special Assessment Ordinance.

Motion supported by Councilmember Haber.

Roll Call Vote.

AYES: Councilmembers Olson, Fear, Haber, and Mayor Teich.

NAYS: None.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilmember Olson that the following ordinance be adopted:

ORDINANCE NO. 837

APPROVING AMENDMENT TO CHAPTER 28, SPECIAL ASSESSMENTS, SECTION 28-15, PARTIAL PAYMENTS, OF THE CODE OF ORDINANCES TO REDUCE THE INTEREST RATE ON UNPAID SPECIAL ASSESSMENTS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, utilizes the special assessment process to attach charges to individual properties for a portion of the cost of street maintenance and for the cost of remediating hazards and nuisances on said property; and

WHEREAS, the City Council, at its discretion, may provide for the payment of special assessments in annual installments over a period of years, with interest charged on the unpaid balance; and

WHEREAS, the City would like to reduce this interest rate to provide a bit of financial relief to its citizens during this time of high inflation; and

WHEREAS, the City Council held a public hearing on March 6, 2023, in which there was no one to be heard, and deliberated on the proposed ordinance amendment.

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

SECTION 1. AMENDMENT. That Sec. 28-15, *Partial Payments*, of Chapter 28, Special Assessments, of the Code of Ordinances of the City of Owosso, Michigan, is hereby amended to read as follows:

CHAPTER 28. — SPECIAL ASSESSMENTS

Sec. 28-15. — Partial payments.

The council may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed twenty (20) in number. The first and subsequent installments of a special assessment roll shall be due upon such dates as the council shall fix in the resolution confirming the special assessment. The installments of the special assessment rolls shall bear interest at the rate of three (3) percent per annum; provided, however, if the bonds are issued in anticipation of the special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to one (1) percent above the average rate of interest borne by the bonds. Such interest shall commence on the date of the first installment and shall be paid annually on each installment due date. The full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due dates thereof. Deferred installments shall be collected without penalty until ninety (90) days after the due date thereof, after which time such installments shall be considered as delinquent and such penalties on the installments shall be collected as are provided in the Charter to be collected on delinquent general city taxes.

Any existing Special Assessment with a remaining balance as of September 1, 2023, shall be calculated from said date forth, at three (3%) percent per annum until paid in full. The City shall not refund nor retroactively adjust any Special Assessment previously paid in full or in part to any real property owner assessed prior to September 1, 2023.

SECTION 2. 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 3. 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 4. EFFECTIVE DATE. This amendment shall become effective March 27, 2023.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Fear, Olson, Haber, Mayor Teich.

NAYS: None.

RECUSED: Councilmembers Law, Pidek.

ABSENT: Mayor Pro-Tem Osika.

USDA Loan Application

Master Plan Implementation Goals: 3.2

City Manager Nathan R. Henne noted the current fire truck has exceeded its expected useful life by ten years. The turnaround time to order this type of equipment is approximately eighteen months. This will need to be bid out and it was suggested the brand name be eliminated from the resolution.

Robert Hooper, 708 Fletcher Street, asked what happens to the old firetruck. Public Safety Chief Kevin D. Lenkart noted it will be sold at auction.

Motion by Councilmember Fear to remove the reference to the brand of fire truck (HME) from the resolution.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

A public hearing was conducted pursuant to USDA Loan guidelines to receive citizen comment regarding the proposed application for a USDA Rural Development Community Facilities and Equipment Loan to finance the purchase of a new fire truck, necessary for the operation of the Fire Department.

Motion by Councilmember Haber to approve the resolution authorizing the submission of a loan application to the USDA as follows:

RESOLUTION NO. 35-2023

**CONDUCT A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT
REGARDING SUBMISSION OF AN APPLICATION TO THE
USDA RURAL DEVELOPMENT COMMUNITY FACILITIES DIRECT LOAN PROGRAM
FOR THE PURCHASE OF A FIRE TRUCK**

WHEREAS, the City of Owosso, Shiawassee County, Michigan has a full-time fire department requiring the use of fire trucks; and

WHEREAS, these vehicles must be periodically replaced to ensure a mechanically sound and reliable fleet is available at all times and the current pumper (Engine 1) is twenty-five years old and needs to be replaced; and

WHEREAS, the USDA has a loan program that provides low-interest financing for the purchase of fire apparatus and this loan program requires a public hearing to solicit public comment on the community's loan application; and

WHEREAS, the USDA is offering a loan with an interest rate of 3.75% over the course of fifteen (15) years to finance the purchase of a Fire Truck (pumper) at a cost estimated at \$877,000.00; and

WHEREAS, a public hearing was held on this application on Monday, March 6, 2023 in which all interested parties were heard.

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

FIRST: it has theretofore been determined that it is advisable, necessary and in the public interest to authorize city staff to submit a loan application for low-interest financing to the USDA Rural Development Community Facilities Direct Loan Program for the purchase of a fire truck.

SECOND: the City further commits to the terms of the grant as noted above.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

Special Assessment District No. 2023-04 – Roll Correction

City Manager Nathan R. Henne explained there was an error in the parcel number on approved Special Assessment Roll No. 2023-04, Center Street. The originally approved Parcel No. 050-450-000-007-00 will be corrected to Parcel No. 050-450-000-042-00. The law requires we hold the public hearing for the property owner to be afforded the opportunity to be heard regarding the special assessment.

A public hearing was conducted to receive citizen comment regarding authorization of a correction to the roll for Special Assessment District No. 2023-04, Center Street from King Street to North Street for street resurfacing.

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

Motion by Councilmember Pidek to approve the following resolution:

RESOLUTION NO. 36-2023

**A RESOLUTION APPROVING THE CORRECTED ROLL FOR
SPECIAL ASSESSMENT DISTRICT NO. 2023-04
CENTER STREET
FROM KING STREET TO NORTH STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the corrected special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

**Center Street from King Street to North Street
Street Resurfacing**

and;

WHEREAS, all interested parties were heard and after carefully reviewing said corrected special assessment roll the Council deems said corrected special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 05-2023 approved at the January 17, 2023 City Council meeting shall be rescinded.
2. Said corrected special assessment roll as prepared by the City Assessor in the amount of \$135,453.82 is hereby confirmed and shall be known as Special Assessment Roll No. 2023-04.
3. Said corrected special assessment roll shall be divided into ten (10) installments, the first of which shall be due and payable on September 1, 2023, 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, 2023.
4. 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, 2023 and shall be paid annually on each installment due date.
5. Said corrected special assessment roll shall be placed on file in the office of the City Clerk who shall attach her 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, Haber, Olson, Pidek, Law, and Mayor Teich.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

CITIZEN COMMENTS AND QUESTIONS

Ed Urban, 601 Glenwood. He saluted Gavin Rose and his grandfather and then shared a poem. He wanted to thank all the people that help him out saying life is sweet even when it's bitter.

Patrice Martin, 615 N. Park St. She shared her support of events and festivals in Owosso and her concerns about the Traffic Control Order Policy update and fee schedule increases. She outlined how four of the seven Master Plan goals aim to create quality of life and quality of place for all. She noted the policy needs to be clarified to encourage compliance and the proposed fees seem excessive.

Pastor Gary Beal, Church of Jubilee. Spoke on behalf of the Owosso Area Ministerial Association regarding the homeless and appealed to Council to address the issue alongside community partners.

Tom Manke, 2910 West M-21 spoke regarding the food distribution stand on Corunna Avenue being deemed unsafe by the City with a fine being issued. He raised concerns about replacing the structure in the winter. He also addressed the idea that this is the first time since 1835 that issues regarding where the homeless could and could not go have surfaced. The stand needs to be removed or replaced in March to avoid fines.

Councilmember Haber noted an extra thirty days was given by the City Manager to remedy the situation addressed by Mr. Manke.

City Manager Nathan R. Henne clarified a letter had been originated by the Building Department, not a citation, regarding the unsafe structure on Corunna Avenue and time would be afforded for it to be fixed.

Councilmember Law asked what the matter was with the structure mentioned on Corunna Avenue. The structure is unsafe and falling down.

Councilmember Pidek reiterated questions posed by citizen Patrice Martin about the Traffic Control Order Policy and fees.

Mayor Teich noted Pro-Tem Osika is on the mend from health issues and will be involved with Curwood Castle's 100th anniversary celebration on Tuesday, March 14, 2023 at 1:00 p.m.

CONSENT AGENDA

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

***Contract Authorization – CDBG Third Party Administrator.** Approve contract with Northern Consultants Inc. for administrative services related to the City's management of the CDBG grant for rental rehabilitation at 114-116 West Main Street at a cost not to exceed \$13,745.00 paid for by the Michigan Economic Development Corporation as follows:

RESOLUTION NO. 37-2023

AUTHORIZING THE SELECTION OF A CERTIFIED GRANT ADMINISTRATOR

FOR THE 114-116 W. MAIN STREET RENTAL REHABILITATION PROJECT USING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City of Owosso sought proposals from consultants for management and administrative services required by the City for the administration/implementation of a proposed Community Development Block Grant (CDBG) if funded by the state; and

WHEREAS, the project for which funds will be requested consists of the rehabilitation of seven (7) apartments on the third floor of the building located at 114-116 West Main Street; and

WHEREAS, the City of Owosso posted a Request for Proposal (RFP) on the City website and submitted said RFP to MITN and the MEDC for posting on their respective websites looking for a certified grant administrator (CGA) for the 114-116 West Main Street Rental Rehabilitation Project; and

WHEREAS, two proposals were received from the RFP; and

WHEREAS, staff recommends awarding the bid to Northern Consultants Inc. as it was the proposal found to be most reasonable and the company meets the CGA requirements with a score of 65 out of 90 points using the scoring criteria from the RFP; and

WHEREAS, the entire cost for the certified grant administrator will be paid for by the MEDC as part of the grant.

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 Northern Consultants Inc. to provide administrative consulting services as the Certified Grant Administrator for the CDBG 114-116 W. Main Street Rental Rehabilitation Project in the amount of \$13,745.00.
- SECOND: the City Manager of the City of Owosso is hereby instructed and authorized to sign the document attached as Contract for Consultant Services: Community Development Block Grant Program Consultant Services – 114-116 West Main Street Rehabilitation Project with Northern Consultants Inc.
- THIRD: the above expenses shall be paid by the MEDC, with City fund 254.200.818.000 serving as a flow through for funds expended on this project.

Emergency Repair Authorization – Osburn Well. Approve emergency repair of the Osburn Well by Northern Pump & Well, Inc. and authorize payment to the contractor in the amount of \$34,866.00 as follows:

RESOLUTION NO. 38-2023

**APPROVING EMERGENCY REPAIR
OF THE OSBURN WELL BY
NORTHERN PUMP & WELL, INC. OF LANSING, MICHIGAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to maintain a constant supply of water to its City and regional customers in accordance with state and federal regulatory requirements; and

WHEREAS, the ability to pump and deliver treated water on demand to customers is compromised when raw water production wells become plugged or inoperable; and

WHEREAS, the City's Director of Public Services and Utilities has reviewed the necessity for the replacement and repair of pump components and the well casing of the Osburn Well and recommends authorizing Northern Pump & Well, Inc. to provide these services in the amount of \$34,866.00; and

WHEREAS, it is essential that the Osburn Well be returned to service as soon as possible to ensure that the supply of City water is stable and reliable.

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 approve emergency repair to the Osburn Well by Northern Pump & Well, Inc. of Lansing, Michigan and to waive the competitive bidding process as normally required by the City Purchasing Policy.
- SECOND: The contract between the City of Owosso and Northern Pump & Well, Inc. shall be in the form of a City Purchase Order.
- THIRD: The Accounts Payable Department is authorized to submit payment to Northern Pump & Well, Inc. in the amount of \$34,866.00 upon the successful return of the Osburn Well to service.
- FOURTH: The above expenses shall be paid from account no. 591-901-972.200.

Master Plan Implementation Goals: 1.5, 3.4, 3.10

***Professional Services Agreement – Palmer 3A & Juniper 1 Well Houses Project – Construction Administration Services.** Approve Addendum No. 5 to the Utilities General Engineering Contract with OHM Advisors to provide construction administration and observation services in the amount not to exceed \$197,000.00 for the Palmer 3A and Juniper 1 Wellhouse Project, contingent upon receipt of DWSRF funding for the project, and further approve payment to the engineer upon satisfactory completion of the project or portion thereof as follows:

RESOLUTION NO. 39-2023

**AUTHORIZING THE EXECUTION OF ADDENDUM NO. 5 TO
THE AGREEMENT FOR PROFESSIONAL UTILITIES ENGINEERING SERVICES
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS
FOR CONSTRUCTION ENGINEERING SERVICES FOR
THE PALMER 3A & JUNIPER 1 WELL HOUSES PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is scheduled to begin the Palmer 3A & Juniper 1 Well Houses Project in early June of this year; and

WHEREAS, the City requested assistance with contract administration and construction observation responsibilities for the project and OHM Advisors of Livonia, Michigan has provided a proposal for the necessary construction administration, observation and closeout services necessary for the project; and

WHEREAS, the Director of Public Services & Utilities has reviewed the proposal and verified the engineering services as necessary for the construction services to add the new infrastructure, and hereby recommends authorizing OHM Advisors to provide these engineering services in the amount not to exceed of \$197,000.00; and

WHEREAS, will fund from the Water Fund for engineering administration and observation services for the Palmer 3A & Juniper 1 Well Houses Project.

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 contract with OHM Advisors for the provision of contract administration, construction observation and closeout services for the Palmer 3A & Juniper 1 Well Houses Project, contingent upon the City securing loan funding for construction of the project through the State's DWSRF Program.
- SECOND: The Mayor and City Clerk are instructed and authorized to sign the document, substantially in the form attached as Addendum No. 5 to the General Utilities Engineering Services Contract with Orchard, Hiltz & McCliment, Inc. dba OHM Advisors, in an amount not to exceed \$197,000.00.
- THIRD: The Accounts Payable Department is authorized to submit payment to OHM Advisors for work satisfactorily performed, in an amount not to exceed \$197,000.00.
- FOURTH: The above services shall be paid from the Water Fund Account 591.901.972.200-DWRLF23-24 upon satisfactory completion of the work or portion thereof as defined in the contract.

Master Plan Implementation Goals: 1.5, 3.4

***Bid Award – 2023 Street Patches Program.** Authorize bid award to S.A. Smith Paving & Trucking, Inc. dba Smith Sand & Gravel as the low bidder for the 2023 Street Patches Program in the amount of \$130,675.00, further authorize a contingency amount of \$10,000.00 to be utilized upon written permission, and approve payment up to the bid amount, plus the contingency if utilized, upon satisfactory completion of the work or a portion thereof as follows:

RESOLUTION NO. 40-2023

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2023 STREET PATCHES PROGRAM
WITH S.A. SMITH PAVING & TRUCKING, INC. dba SMITH SAND & GRAVEL
OF OWOSSO, MICHIGAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that the temporary street patches on many streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub-base of the street and accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the City of Owosso sought bids to permanently patch said areas; and

WHEREAS, S.A. Smith Paving & Trucking, Inc. dba Smith Sand & Gravel submitted the low and responsive bid, and it is hereby determined that S.A. Smith Paving & Trucking, Inc. dba Smith Sand & Gravel is qualified 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 S.A. Smith Paving & Trucking, Inc. dba Smith Sand & Gravel for pavement patching as required for the 2023 Street Patches Program.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services between the City of Owosso and S.A. Smith Paving & Trucking, Inc. dba Smith Sand & Gravel, in the amount of \$130,675.00.

THIRD: The Accounts Payable Department is authorized to pay S.A. Smith Paving & Trucking, Inc. dba Smith Sand & Gravel for work satisfactorily completed in the amount of \$130,675.00, plus a contingency amount of \$10,000.00 upon written authorization, for a total of \$140,675.00.

FOURTH: The above expenses shall be paid from FY2023-24 Major and Local Street Maintenance Fund Accounts 202/203-463-818.000, Water Fund Accounts 591-552-818.000, 591-552-818.000-LSLID0000, and 591-552-818.000-LSLREPLACE, Sewer Fund Account 590-549-818.000, and other funds as appropriate.

***Bid Award – 2023 Sidewalk Program.** Approve bid award to KMI Road Maintenance, LLC for the 2023 Sidewalk Program in the amount of \$151,875.00, plus a contingency of \$8,000.00 for additional restoration and replacement services required during the fiscal year, and further approve payment to the contractor up to \$159,875.00 upon satisfactory completion of project or portion thereof as follows:

RESOLUTION NO. 41-2023

AUTHORIZING AWARD OF THE 2023 SIDEWALK PROGRAM TO KMI ROAD MAINTENANCE, LLC OF NORTH BRANCH, MICHIGAN

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined sections of the sidewalk on various streets in the City have become misaligned, deteriorated, or damaged and that replacement is advisable, necessary, and in the public interest; and

WHEREAS, the City of Owosso sought bids for the replacement of these sections of sidewalk as part of the 2023 Sidewalk Program, and the low responsive bid was received from KMI Road Maintenance, LLC in the amount of \$151,875.00; and

WHEREAS, KMI Road Maintenance, LLC is hereby determined to be qualified 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 KMI Road Maintenance, LLC to replace sections of damaged or misaligned sidewalk as part of the 2023 Sidewalk Program.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, contract for services between the City of Owosso and KMI Road Maintenance, LLC in the amount of \$151,875.00.

THIRD: The Accounts Payable Department is authorized to pay KMI Road Maintenance, LLC for work satisfactorily completed on the project up to the initial contact amount of \$151,875.00, plus a contingency in the amount of \$8,000.00 upon written authorization, for a total of \$159,875.00.

FOURTH: The above expenses shall be paid from FY2023-24 Major and Local Street Maintenance Funds accounts 202-463-818.000 and 203-463-818.000, and other funds as appropriate.

***Bid Award – Tree Removal – Option 1.** Approve bid award to Burman's Tree Services, LLC for the 2023 Tree Removal Contract – Option 1 in the amount of \$18,708.49, with a contingency amount of \$5,000.00 to be shared between the contracts for Option 1 and Option 2, and further approve payment to the contractor upon satisfactory completion of the project or portion thereof as follows:

RESOLUTION NO. 42-2023

AUTHORIZING AWARD OF THE 2023 SPRING TREE REMOVAL CONTRACT – OPTION 1 TO BURMAN'S TREE SERVICES, LLC OF CHELSEA, MICHIGAN

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that maintenance and removal of city owned trees within the street right of way is required, and in the public interest to maintain an aesthetically pleasing community, and to avoid risk of property damage and risk to the general public; and

WHEREAS, the City of Owosso sought bids to perform the 2023 Spring Tree Removal; and the low responsive bidder for Option 1 was received from Burman's Tree Services, LLC in the amount of \$18,708.49; and

WHEREAS, Burman's Tree Services, LLC of Chelsea, Michigan is hereby determined to be qualified 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 Burman's Tree Services, LLC for 2023 Spring Tree Removal.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, contract for services between the City of Owosso and Burman's Tree Services, LLC in the amount of \$18,708.49.

THIRD: The Accounts Payable Department is authorized to pay Burman's Tree Services, LLC for work satisfactorily completed in the amount of \$18,708.49 plus a contingency in the amount of \$5,000.00, upon written authorization, to be shared between the Option 1 and Option 2 awarded contracts.

FOURTH: The above expenses shall be paid from accounts 202/203-480-818.000.

***Bid Award – Tree Removal – Option 2.** Approve bid award to Ronald's Tree Service LLC for the 2023 Tree Removal Contract – Option 2 in the amount of \$9,200.00, with a contingency amount of \$5,000.00 to be shared between the contracts for Option 1 and Option 2, and further approve payment to the contractor upon satisfactory completion of the project or portion thereof as follows:

RESOLUTION NO. 43-2023

AUTHORIZING AWARD OF THE 2023 SPRING TREE REMOVAL CONTRACT – OPTION 2 TO RONALD'S TREE SERVICE LLC OF FENTON, MICHIGAN

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that maintenance and removal of city owned trees within the street right of way is required, and in the public interest to maintain an aesthetically pleasing community, and to avoid risk of property damage and risk to the general public; and

WHEREAS, the City of Owosso sought bids to perform the 2023 Spring Tree Removal; and the low responsive bidder for Option 2 was received from Ronald's Tree Service LLC in the amount of \$9,200.00; and

WHEREAS, Ronald's Tree Service LLC of Fenton, Michigan is hereby determined to be qualified 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 Ronald's Tree Service LLC for 2023 Spring Tree Removal.

SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, contract for services between the City of Owosso and Ronald's Tree Service LLC in the amount of \$9,200.00.

THIRD: The Accounts Payable Department is authorized to pay Ronald's Tree Service LLC for work satisfactorily completed in the amount of \$9,200.00 plus a contingency in the amount of \$5,000.00, upon written authorization, to be shared between the Option 1 and Option 2 awarded contracts.

FOURTH: The above expenses shall be paid from accounts 202/203-480-818.000.

Bid Award – 2023-2024 Kornerhorn Parts. Approve bid award to Etna Supply Company for Kornerhorn Parts in the amount of \$23,667.50 and further approve payment to the contractor according to unit prices upon satisfactory receipt of said parts as follows:

RESOLUTION NO. 44-2023

**AUTHORIZING PURCHASE OF KORNERHORN PARTS
FROM ETNA DISTRIBUTORS, LLC dba ETNA SUPPLY COMPANY OF
GRAND RAPIDS, MICHIGAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to replace noncompliant water service lines serving private property; and

WHEREAS, kornerhorns will be required in the replacement of said noncompliant water service lines and the purchase of additional kornerhorn parts is necessary; and

WHEREAS, the City has sufficient funds to purchase said parts from its water fund; and

WHEREAS, the City of Owosso sought bids for kornerhorn parts, and a bid was received from Etna Distributors, LLC dba Etna Supply Company, and it is hereby determined Etna Distributors, LLC dba Etna Supply Company is qualified to provide said parts and that it has submitted the lowest responsible and responsive bid.

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 purchase award the 2023-2024 Kornerhorn Parts Bid to Etna Distributors, LLC dba Etna Supply Company.
- SECOND: The contract between the City of Owosso and Etna Distributors, LLC dba Etna Supply Company shall be in the form of and a City purchase order in an amount not to exceed \$23,667.50.
- THIRD: The accounts payable department is authorized to pay Etna Distributors, LLC dba Etna Supply Company for materials supplied up to the purchase order amount of \$23,667.50.
- FOURTH: The above expenses shall be paid from Account No. 591-000-101.000.

Master Plan Implementation Goals: 3.4, 3.10

***Check Register – February 2023.** Affirm check disbursements totaling \$2,753,707.13 through February 28, 2023.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

ITEMS OF BUSINESS

Special Events Traffic Control Order Policy Update

The Special Events Policy and Fee Schedule are two separate items; the policy revisions will be discussed first. City Manager Nathan R. Henne recommended the implementation of an application fee at the very least as these requests require review from many departments within the City, using staff time. He will propose DPW check the refuse bins on Fridays before the Farmers Market to alleviate some of the burden of refuse removal and the Farmers Market will be in touch with their vendors who produce the most refuse to mitigate some of the issue. Councilmembers deliberated on the proposed changes, reviewing each in detail, providing input and asking pertinent questions. It was noted the barricades do need to be 2011 MDOT Class III and those may be rented from the City.

Motion by Councilmember Pidek approving amended updates to the Rules and Regulations for the Issuance of Certain Traffic Control Orders instituting new deadlines, fees, and requirements for removing rubbish post-event as follows: The request for event requiring the use of City streets shall be submitted to the Public Safety Department at least 30 days prior and not more than 120 days prior to the first day of the event. Unless the application requests the closure of a state trunkline, in which case the application must be submitted at least forty-five (45) days prior to the event as both the City and State are required to vet the request. Any request received 14-29 days

will be subject to an expedited fee to be set by Council resolution. These changes are to be applied under the sections entitled, "Parking Lots" and "Parades and Similar Events," as applicable. The remaining proposed changes will be implemented as presented.

RESOLUTION NO. 45-2023

**APPROVE AMENDMENTS TO THE RULES AND REGULATIONS
FOR THE ISSUANCE OF CERTAIN TRAFFIC CONTROL ORDERS POLICY**

WHEREAS, the City of Owosso is host to over twenty-five (25) special events per year requiring the closure of public streets or parking lots and additional services from City staff, resulting in substantial costs to the City; and

WHEREAS, the Rules and Regulations for the Issuance of Certain Traffic Control Orders Policy, promulgated pursuant to the provisions of section 7.18 of the Owosso City Charter, was created to govern the public's use of City streets and parking lots for special events; and

WHEREAS, said rules and regulations must be amended to incorporate charges for the use of City personnel and equipment.

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 amend the Rules and Regulations for the Issuance of Certain Traffic Control Orders Policy to address a portion of the costs borne by the City for special events held within the City limits.

SECOND: the Rules and Regulations for the Issuance of Certain Traffic Control Orders Policy is hereby approved, effective March 7, 2023, as follows:

**CITY OF OWOSSO
RULES AND REGULATIONS FOR THE
ISSUANCE OF CERTAIN TRAFFIC CONTROL ORDERS**

AUTHORITY. These rules and regulations are promulgated pursuant to the provisions of section 7.18 of the Owosso City Charter.

APPLICABILITY. These rules and regulations shall be applicable to traffic control orders approved by the City Council for the use of parking lots subject to the provisions of section 33-43 of the Owosso City Code and streets other than for their usual and customary purposes.

APPROVAL BY THE COUNCIL REQUIRED. The approval of the City Council is required before the issuance of any traffic control order for the use of parking lots and streets for events, parades and the like, regardless of the duration or frequency of the use.

RESCINDING OF TRAFFIC CONTROL ORDERS. The City Council may at any time rescind any traffic control order issued pursuant to these regulations, upon the receipt of a recommendation from the City Manager or upon its own initiative, when the Council determines that the interests of the City and its citizens are best served through such action. Traffic control orders approved pursuant to these regulations may also be superseded by temporary traffic control orders issued by the appropriate City officials when such action is required to safeguard the public health, safety and welfare.

PARKING LOTS. The following conditions shall pertain to the issuance of traffic control orders prohibiting parking in City parking lots when such lots are to be used for events or other purposes:

1. The request for use of a City parking lot shall be submitted to the Public Safety Department at least thirty (30) days and not more than one hundred twenty (120) days prior to the first day of the event. Any request received fourteen (14) to twenty-nine (29) days prior will be subject to an expedited fee to be set by Council resolution. Except in such cases that must be reviewed by the Zoning Board of Appeals, per paragraph 4 below.
2. Applicants requesting the use of a parking lot shall complete an application form containing the name of the individual or organization making the request, the name, title, address, email and telephone number of the primary contact person, the dates and hours for which the request is made, and a detailed description of the use for which the request is made.

In addition to the application form, the applicant shall submit the following items at the time the request is made:

- a. Map of event area with event location highlighted
 - b. Rules or policies applicable to persons participating in the proposed event
 - c. Proof of Insurance
 - d. Executed Hold Harmless Agreement
 - e. Application fee (set by Council resolution)
3. The City Council may deny the request for a traffic control order prohibiting parking if:
 - The City Council determines that the loss of such parking would present an unreasonable hardship for area businesses or their customers.
 - The applicant has failed to submit a request that complies with the requirements of this policy or other applicable ordinances, laws or rules; or
 - For such other reasonable cause or causes as the City Council might determine.
 4. Nothing stated herein shall abrogate the duty of an applicant to apply to the zoning board of appeals as required by Owosso City Code section 38-504(4)(b) for a conditional use permit if the intended use is not allowed in the zoning district involved. In such case, the notice requirements of the zoning ordinance shall apply.

PARADES AND SIMILAR EVENTS. The following conditions shall pertain to the issuance of traffic control orders regulating parking and traffic necessary to permit parades, foot races, walk-a-thons and similar events on public streets.

1. The request for an event requiring the use of City streets shall be submitted to the Public Safety Department at least thirty (30) days prior and not more than one hundred twenty (120) days prior to the first day of the event. Unless the application requests the closure of a state trunkline, in which case the application must be submitted at least forty-five (45) days prior to the event as both the City and State are required to vet the request. Any request received fourteen (14) to twenty-nine (29) days prior to the first day of the event will be subject to an additional expedited fee to be set by Council resolution.
2. Applicants requesting the use of City streets for an event shall complete an application form containing the name of the individual or organization making the request, the name, title, address, email and telephone number of the primary contact person, the dates and hours for which the request is made, and a detailed description of the use for which the request is made.

In addition to the application form, the applicant shall submit the following items at the time the request is made:

- a. Map of event area with event location highlighted
 - b. Rules or policies applicable to persons participating in the proposed event
 - c. Proof of Insurance
 - d. Executed Hold Harmless Agreement
 - e. Application fee (set by Council resolution)
3. The City Council may deny the request for a traffic control order regulating parking and traffic on public streets for a proposed event if:
 - The City Council determines that such regulations would represent an unreasonable hardship for motorists, pedestrians and property owners and occupants that might be affected by the event;
 - The City Council determines that the duration of the event or the frequency of occurrence of similar events would represent an unreasonable hardship for motorists, pedestrians, and property owners and occupants that might be affected by the event or events.
 - The applicant has failed to submit a request that complies with the requirements of this policy or other applicable ordinances, laws or rules; or
 - For such other reasonable cause or causes as the City Council might determine.
 4. Approval by the City Council of a request for a traffic control order shall not diminish in any way the obligations of event organizers and participants to comply with applicable provisions of City ordinances and state law pertaining to the use of street rights-of-way, nor shall such approval eliminate the requirement to apply for and obtain the necessary permits for the occupancy and use of street rights-of-way issued by the City Engineer.

APPEAL PROCEDURE. Rules and policies applicable to events and activities organized in such a manner as to constitute an invitation to members of the general public to participate in the event or activity shall comply with all applicable local, state and federal laws and regulations and shall include, at a minimum, a process for appealing decisions that have the effect of denying participation or imposing limitations on participation beyond those generally applicable to all other participants.

COSTS FOR MAINTENANCE, REPAIRS, UTILITIES AND SECURITY. The City Manager, or their designee, shall have the authority to impose charges for the costs of application processing, maintenance and repair of City properties and facilities, for the use of City equipment and City personnel, for the use of utilities, and for the provision of security associated with events and activities for which traffic control orders are issued, when such costs exceed the costs associated with the ordinary public use of such properties and facilities. All use of traffic control equipment will meet the requirements set forth by MDOT.

A deposit or a bond may be required to cover such costs before issuance of the requested traffic control order.

Applications may be denied based on unpaid invoices from previous events.

Fees shall be set by resolution of the Owosso City Council.

REFUSE. Applicants are responsible for providing adequate trash receptacles for their event, as well as the proper off-site disposal of waste generated by the event. Applicant(s) shall make provisions for periodic checking and dumping of garbage receptacles during the event. All receptacles and waste must be removed from the premises following the completion of the event or additional fees will be applied.

HOLD HARMLESS AND INDEMNIFICATION. The submission of a request by an individual or organization for a traffic control order pursuant to these rules and regulations shall constitute an agreement to indemnify and hold the City and its officers and employees harmless from any and all liability arising from the event or activities for which the request is made.

INSURANCE. The individual or organization requesting a traffic control order pursuant to these rules and regulations shall provide evidence to the City of a Certificate of Insurance and Endorsement acceptable to the City evidencing General Liability insurance for the event or activity in the minimum amount of \$1,000,000 per occurrence. Coverage shall name the City of Owosso as additional insured and declare the policy to be primary and non-contributory to any other insurance the City has; provided, however, that the City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

NOTIFICATION. Notification shall be provided to the Downtown Development Authority Director and/or the Westtown Corridor Improvement Authority Chairperson for events proposed within Authority boundaries.

Motion supported by Councilmember Olson.

Roll Call Vote.

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

NAYS: None.

Fee Schedule Amendment

City Manager Nathan R. Henne outlined the proposed fees and the estimated amount of in-kind labor and time is contributed to each of these events by the City. One of the Master Plan goals of the City is fiscal responsibility and it is difficult to quantify the benefit provided to residents through the administration of festivals and events.

Motion by Councilmember Pidek approving the amended updates to the Fee Schedule to include fees for Traffic Control Orders as follows: Application Fee \$30; MDOT Fee \$50; Fire Truck (event fee) \$150; Tent (over 400 square feet) \$125; Expedited fee additional \$15.

RESOLUTION NO. 46-2023

UPDATING THE SECTION 12 OF THE CITY OF OWOSSO FEE SCHEDULE TO INCLUDE FEES FOR TRAFFIC CONTROL ORDERS ISSUED FOR SPECIAL EVENTS

WHEREAS, the *City of Owosso Code of Ordinances* provides for the establishment of many fees, licenses, fines and charges to be established by resolution; and

WHEREAS, on August 5, 2013 the City Council adopted Resolution No. 90-2013 creating a schedule of fees, licenses, fines and charges; and

WHEREAS, the City Council recently adopted amendments to the Rules and Regulations for the Issuance of Certain Traffic Control Order Policy permitting the assessment of fees for the use of City equipment and personnel for special events; and

WHEREAS, the Fee Schedule must be updated to reflect these new fees, in particular Section 12 Public Safety.

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

- FIRST: the attached Section 12, Public Safety, of the City of Owosso Fee Schedule is hereby adopted as amended, effective February 22, 2023.
- SECOND: any parts of resolutions and memoranda in conflict with this resolution are hereby repealed.
- THIRD: this resolution is intended to preserve all existing charges and fees set forth in any resolution, ordinance, or law which are not in conflict with this resolution and attached schedule and to fulfill the requirements of any ordinance authorizing the City Council to establish fees by resolution.
- FOURTH: fees for public records not set forth in this resolution and attached schedule, or in any other resolution, ordinance, or law, shall be set by the City Manager in accordance with Act 442 of the Public Acts of 1976, as amended.
- FIFTH: fees for public services not specifically set forth in this resolution and the attached schedule or in any other resolution, ordinance, or law may be established by the City Manager, who shall promptly notify the City Council in writing of each of them. The City Manager shall establish fees for public services based upon the cost of providing the public service.

12.PUBLIC SAFETY	
• Ambulance fees – adjusted to the screen rates approved by commercial insurance companies	
➤ In-facility transports	\$250.80
• Dog license	As per Shiawassee County
• False alarm fee – fee may be waived by authority of Public Safety Director. First two fire and police alarms are not fined. The occupant will be notified of the 1 st or 2 nd violation by letter	
➤ False alarm FIRE: 3 rd call	\$250
➤ False alarm FIRE: 4 th and subsequent fire alarms	\$500
➤ False alarm POLICE: 3 rd call	\$50
➤ False alarm POLICE: 4 th and subsequent police alarms	\$100
• Fire Inspection Fees	
➤ Annual fire inspection	\$0
➤ Fire alarm field test	\$100
➤ Certificate of occupancy	\$100
➤ Change in liquor license site inspection	\$150
➤ Sprinkler system hydrostatic test (per riser)	\$100
➤ Observe fire flow test	\$100
➤ Tent Permit (over 400 square feet)	\$125
• Fire Plan Review, Permit and Inspection schedule	\$100
➤ Plan review for fire alarm system (fee based on square footage)	
❖ 0 – 2,500 sq. ft.	\$100
❖ 2,500 – 10,000 sq. ft.	\$200
❖ 10,001 – 50,000 sq. ft.	\$250
❖ Over 50,000 sq. ft.	\$500
• Fire run	\$500
• Gun registration	\$10
• Peddler's permit	
➤ Per month	\$50
➤ Per year (expiring December 31 st)	\$200
• Portable breath test (PBT)	
➤ ½ month	\$15
➤ Full month	\$30
• Sex offender initial registration	\$35
• Traffic Control Order	
➤ Traffic Control Order Application	\$30
➤ MDOT Closure Application	\$50
➤ Expedited Application Fee (if submitted 14-29 days prior to first day of event)	\$15 additional
➤ Fire Truck	\$150 per event

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: Councilmembers Haber, Law.

ABSENT: Mayor Pro-Tem Osika.

Scheduling of Budget Meeting(s)

Motion by Councilmember Fear setting a special meeting to discuss the 2023-2024 Proposed Budget on Tuesday, April 11, 2023 at 6:00 p.m. in the City Hall Council Chambers.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

COMMUNICATIONS

- Brad A. Barrett, Finance Director. Financial Report – January 2023.
- Historic District Commission. Minutes of February 15, 2023.
- Owosso Historical Commission. Minutes of February 23, 2023.
- WWTP Review Board. Minutes of February 28, 2023.

CITIZEN COMMENTS AND QUESTIONS

Patrice Martin, 615 North Park Street, thanked Council for the robust dialogue and discussion regarding the Traffic Control Policy update. Though homelessness is not easy to solve, there is a local planning body that would be willing to collaborate with Council.

Eddie Urban, 601 Glenwood, detailed a donation he had given to an Army/Navy soldier. Nice masks are available at Harbor Freight.

Robert Hooper, 708 Fletcher Street, applauded Council for working decently and in order with thought, care and concern with the issues presented to them during discussion of the policy updates.

Tom Manke, 2810 West M-21, congratulated the Councilmembers on the way they worked together to make decisions. He detailed a possible lawsuit regarding violation of his First and Fourth Amendment rights.

Pastor Gary Beal, Church of Jubilee, confirmed the meeting of April 11, 2023 was a public meeting. He offered his prayers for a speedy recovery for Mayor Pro-Tem Osika.

NEXT MEETING

Monday, March 20, 2023

BOARDS AND COMMISSIONS OPENINGS

- Building Board of Appeals – Alternate - term expires June 30, 2024
- Building Board of Appeals – Alternate - term expires June 30, 2025
- Zoning Board of Appeals – Alternate – term expires June 30, 2024
- Zoning Board of Appeals – Alternate – term expires June 30, 2025

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 9:43 p.m.

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

Robert J. Teich, Jr., Mayor

Carrie A. Farr, Deputy 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.