

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JANUARY 16, 2024  
7:30 P.M.  
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

**PRESIDING OFFICER:** MAYOR ROBERT J. TEICH, JR.

**OPENING PRAYER:** PASTOR DON FIELDS  
CALVARY BAPTIST CHURCH

**PLEDGE OF ALLEGIANCE:** MIKE CATLIN

**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 Pidek to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 2, 2024**

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of January 2, 2024 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Chief of Police Commendations**

**Christine Ferguson and Serenity Fowler**

Public Safety Director Kevin D. Lenkart presented commendation awards to citizens Christine Ferguson and Serenity Fowler for their actions on December 19, 2023. While taking in a snack at Bryant Elementary School, Serenity recognized that her fellow classmate Aubry began choking and was in distress. Serenity notified school staff of the problem. Teacher Christine Ferguson immediately administered the Heimlich maneuver and was successful in dislodging the food blocking Aubry's windpipe, saving her life. Both student and teacher received a standing ovation for their heroic efforts.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Kylie Moss, 5843 W. Dewey Road, introduced herself saying she had recently moved her home base and two businesses to Westown Owosso from Genesee County. Amani Grace Diagnostics and Amani Grace Homecare will host a grand opening event Monday, January 22, 2024 at their new location, 810 W. Main Street, Owosso. Ms. Moss invited all to attend.

Tom Manke, 2910 W. M-21, said he had attended the fire on Milwaukee Street earlier today and witnessed emergency service workers doing a great job in fighting the fire. He said he was concerned by the fact that the closest fire hydrant did not appear to be working and wondered if it was due to a lack of maintenance.

Geno Phillips, 17201 W. Ridge Road, Oakley, commented on his objection to the new Good Vibrationz store and its adult content. He asked if the City had inspected the business to determine if an adult entertainment license is warranted and if the results of that inspection are available to the public.

Jeff Turner, 204 Oakwood Avenue, said that the City Manager had promised him his alley would be graded. He said he wasn't pleased because the work was never done and now the ground is frozen.

Don Fields, 650 South Street, thanked Public Safety personnel for doing regular security checks on their building. He went on to say that he felt the City wasn't enforcing the adult entertainment ordinance impartially, noting that Sideline held another drag show event without an adult entertainment license. He asked who was responsible for enforcing the ordinance.

Mike Cline, 204 Stratford Drive, said his recent FOIA request was unfairly denied, and details regarding the event in question had been released to the Argus Press. He said the residents need to know the details of what happened in this incident.

Mayor Teich responded to Mr. Phillips's questions noting that Good Vibrations did not apply for an adult entertainment permit, it is not currently considered an adult establishment, and the police are scheduled to inspect the business within the week. He also responded to Mr. Cline saying he was aware of his issue but was unable to comment regarding an on-going investigation.

City Manager Henne responded to Mr. Turner saying he had received a report from the DPW that the alley was graded in early December, but he will have them take another look to see if it needs gravel.

### **CONSENT AGENDA**

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

**Special Assessment District No. 2024-01.** Authorize Resolution No. 4 setting a public hearing for Monday, February 5, 2024 to receive citizen comment regarding Special Assessment District No. 2024-01 for Stewart Street, from Shiawassee Street to Washington Street for reconstruction as follows:

#### **RESOLUTION NO. 03-2024**

#### **SPECIAL ASSESSMENT RESOLUTION NO. 4 SETTING A PUBLIC HEARING FOR SPECIAL ASSESSMENT DISTRICT NO. 2024-01 STEWART STREET, A PUBLIC STREET, FROM SHIAWASSEE STREET (M-52) TO WASHINGTON STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m., on Monday, February 5, 2024 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

#### **NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

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

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

**Street Reconstruction**

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, February 5, 2024 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**Master Plan Implementation Goals: 3.4, 3.7, 3.13**

**\*Change Order – WWTP Improvements Project – Phase 1.** Approve Change Order No. 1 to the WWTP Improvements Project - Phase 1 contract with RCL Construction Co., Inc. increasing the contract amount by \$73,672.00 for adjustments to pipe routing and the installation of new tees, hydrants, and valves, and authorize payment to the contractor up to \$18,626,796.00 as follows:

**RESOLUTION NO. 04-2024**

**AUTHORIZING CHANGE ORDER NO. 1  
TO THE WWTP IMPROVEMENTS PROJECT - PHASE 1 CONTRACT  
WITH RCL CONSTRUCTION COMPANY, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with RCL Construction Co., Inc., on June 20, 2023 for the construction and installation of the Phase 1 Improvements process equipment and systems, known as the Wastewater Treatment Plant (WWTP) Improvements Project - Phase 1, an approved 2023 SRF planned project; and

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

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 amend the Wastewater Treatment Plant (WWTP) Improvements Project - Phase 1 contract with RCL Construction Co., Inc. to increase the contract amount to update contract work and supplies to be used.
- SECOND: The Mayor and City Clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 1 in the amount of \$73,672.00; an increase to the Contract for Services between the City of Owosso and RCL Construction Co., Inc., revising the total current contract amount from \$18,553,124.00 to \$18,626,796.00.
- THIRD: The Accounts Payable department is authorized to pay RCL Construction Co., Inc. for work satisfactorily completed up to the revised contract amount of \$18,626,796.00.
- FOURTH: The above expenses shall be paid from the Wastewater Fund, and SRF Bond Funds.

**Master Plan Implementation Goals: 3.4, 3.7**

**\*MDOT Cost Sharing Agreement - Stewart Street Reconstruction.** Approve cost sharing agreement with the Michigan Department of Transportation for the reconstruction of Stewart Street from Shiawassee Street to Washington Street in the amount of \$1,958,900.00 and further approve payment up to the contract amount upon presentation of an approved invoice(s) as follows:

**RESOLUTION NO. 05-2024**

**AUTHORIZING EXECUTION OF MDOT COST AGREEMENT  
FOR THE RECONSTRUCTION OF STEWART STREET  
FROM SHIAWASSEE ST (M-52) EASTERLY TO WASHINGTON STREET**

WHEREAS, Stewart Street, from Shiawassee Street (M-52) to Washington 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 in road improvements of this road; and

WHEREAS, after review, city staff recommends approval of MDOT Cost Agreement No. 23-5504 for the proposed hot mix asphalt paving work along Stewart Street from Shiawassee Street (M-52) easterly to Washington Street; including intersection improvements, storm sewer replacement, concrete curb and gutter replacement, concrete sidewalk and ramp improvements, 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 road improvements of Stewart 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: The city of Owosso has theretofore determined that it is advisable, necessary and in the public interest to approve MDOT Contract No. 23-5504 for the proposed road improvements of Stewart Street, from Shiawassee Street (M-52) easterly to Washington Street.
- SECOND: That the City of Owosso is willing to participate in the project and cost as illustrated within said contract.
- THIRD: That the Mayor and City Clerk are hereby authorized to sign the Agreement as attached.
- FOURTH: The City Council hereby directs staff to allocate \$1,573,900.00 from the Major Street Fund (\$976,500.00) and the Water Fund (\$597,400.00), and other funds as appropriate, and to receive another \$385,000.00 from Federal Small Urban Grant Program Funds for a total of \$1,958,900.00 to fund this project and directs the City Manager to proceed with the project, in accordance with the MDOT Contract Agreement.

Master Plan Implementation Goals: 3.4, 3.7, 3.13

**Warrant No. 639.** Authorize Warrant No. 639 as follows:

Vendor	Description	Fund	Amount
Owosso Charter Township	Quarterly Charge Back per 2011 Water Agreement	Water	\$17,039.14
Caledonia Charter Township	Quarterly Charge Back per 2006 Water Agreement	Water	\$39,325.03
Total			\$56,364.17

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**Closed Session**

Motion by Councilmember Fear to authorize holding closed session at the conclusion of the second session of Citizen Comments and Questions for the purpose of consulting with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

Tanya S. Buckelew, Planning & Building Director. December 2023 Building Department Report.  
Tanya S. Buckelew, Planning & Building Director. December 2023 Code Violations Report.  
Tanya S. Buckelew, Planning & Building Director. December 2023 Inspections Report.  
Tanya S. Buckelew, Planning & Building Director. December 2023 Certificates Issued Report.  
Kevin D. Lenkart, Public Safety Director. December 2023 Police Report.  
Kevin D. Lenkart, Public Safety Director. December 2023 Fire Report.  
Downtown Development Authority. Minutes of January 3, 2024.

**CITIZEN COMMENTS AND QUESTIONS**

Mike Cline, 204 Stratford Drive, reported that he had complained about a wrecked car that had been parked in the street for over 60 days but a week later no ticket had been issued and the car remained on the street. He filed a FOIA request for information on the issue and was denied because there were no records to give. He asked the City Manager to look into the problem.

Tom Manke, 2910 W. M-21, gave kudos to the City's new downtown parking attendant, commending them for being even-handed.

Councilmember Law said he is thankful that the City does not strictly enforce the overnight parking rule because there are many properties in town that have room for only a single car in their driveway, that being said he agreed that disabled cars sitting in the street should be ticketed.

**ADJOURNED TO CLOSED SESSION AT 8:03 P.M.**

**RETURNED FROM CLOSED SESSION AT 8:44 P.M.**

**APPROVAL OF THE MINUTES OF CLOSED SESSION OF MAY 15, 2023**

Motion by Councilmember Olson to approve the Minutes of the Regular Meeting of May 15, 2023 as presented.

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

**NEXT MEETING**

Monday, February 05, 2024

**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 Mayor Pro-Tem Osika for adjournment at 8:45 p.m.

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

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Robert J. Teich, Jr., Mayor

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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.