

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MAY 1, 2023
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR ROBERT J. TEICH, JR.

OPENING PRAYER: PASTOR BRUCE NOBLE
OWOSSO CHURCH OF GOD - SEVENTH DAY

PLEDGE OF ALLEGIANCE: MICHAEL ECKMYRE, QUARTERMASTER/ADJUTANT
VFW POST 9455

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

ABSENT: Councilmember Jerome C. Haber.

APPROVE AGENDA

Motion by Councilmember Fear to approve the agenda with the following addition:

SPECIAL PRESENTATIONS:

1. Buddy Poppy Sale.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 17, 2023

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of April 17, 2023 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Buddy Poppy Sale

Mike Eckmyre, Quartermaster/Adjutant of VFW Post 9455, was present on behalf of the Post's Buddy Poppy Queen for the ceremonial first sale of the season to the Mayor, who detailed the tradition of the City Mayor purchasing the first Buddy Poppy of the season. It was noted proceeds from the sale of the Buddy Poppy benefit disabled and needy Veterans as well as various programs provided by the Veteran's Administration.

PUBLIC HEARINGS

2023-2024 Proposed Budget

A Public Hearing was conducted pursuant to Chapter 8 of the City Charter to receive citizen comment regarding the proposed 2023-2024 City Budget.

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

The budget will be considered for adoption at the May 15, 2023 Council meeting.

Ordinance Amendment – Chapter 28, Taxation

Stricken by Council at the meeting of May 15, 2023.

City Manager Nathan R. Henne explained the proposed ordinance amendment comprised of two components. One would bring continuity to the billing of all City taxes and the other would establish legal compliance with state law regarding the interest charged on late taxes. He went on to detail the amendments in greater detail, saying the City currently collects a 1% administration fee on all non-City millages but does not spread the charge to all City millages. According to state law, the fee must be applied to all millages appearing on the tax bill or none of them. ~~Should Council approve the proposed amendment, residents would see an increase in their summer tax bill of approximately 5.5%.~~

City Manager Henne noted that the second component involves the interest charged on taxes that are paid after the due date. State law clearly defines the amount of interest that should be charged and when it should be charged, and the City's ordinance currently is not in step with

either requirement. In order to bring the ordinance into compliance with the law, interest should be charged on the first of each month subsequent to the due date at the rate of 1% for up to six months or until the taxes are paid or turned over to the County as delinquent.

A public hearing was conducted to receive citizen comment regarding the proposed amendments to Sec. 32-1, Taxes and collection charges, of Article I, *In General*, of Chapter 28, Taxation, of the Code of Ordinances.

The following people commented regarding the proposed amendments:

Tom Manke, 2910 West M-21, feels this Council raises taxes each meeting and is out to get people, constantly asking for more money.

Joseph Moore, 304 Michigan Avenue, inquired what this money will be spent on and if it will be spent to improve the streets.

Bruce Noble, 215 Cass Street, said he appreciates the City's desire to comply with the law and inquired if everyone pays the same administration fee.

Mike Martin, 915 East King Street, spoke about issues with street repair and suggested the City install more brick streets similar to Michigan Avenue as they seem to hold up well.

Patricia VanLuven, 6143 Pittsburg Road, suggested using the revenue to develop amenities like green space, Farmers' Markets, and neighborhood lighting to draw people like her own children back to live in the community.

Councilmember Olson inquired where the extra revenue will be allocated. City Treasurer Katherine R. Fagan indicated all funds raised by the administration fee would be used to defer the costs incurred in the assessing of property values, in collecting property tax levies, and in the review and appeal processes, as required by law. She went on to note that she had reached out to numerous jurisdictions within the state and all of them indicated they were charging this administration fee.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Fear that the following ordinance be adopted:

ORDINANCE NO. 838

**APPROVING AMENDMENT TO CHAPTER 32, TAXATION,
OF THE CODE OF ORDINANCES
TO BRING THE ORDINANCE INTO COMPLIANCE WITH STATE LAW**

WHEREAS, the City of Owosso, Shiawassee County, Michigan has an ordinance that establishes the parameters for the collection of City taxes; and

WHEREAS, the ordinance has become outdated and must be amended to bring it into compliance with the General Property Tax Act, Act 206 of 1893, as amended; and

WHEREAS, the City Council held a public hearing on May 1, 2023, heard all interested persons, and deliberated on the proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Chapter 32, Taxation, Article I, *In General*, Sec. 32-1, Taxes and collection charges, shall read as follows:

Sec. 32-1. — Taxes and collection charges.

- (a) City taxes, assessments and charges due and payable July 1 that are paid on or before August 31 shall be collected by the city treasurer without additional charge. There shall be added to such taxes, assessments and charges not paid collection charges of one (1) percent on the first day of September and one (1) percent on the first day of each succeeding month thereafter until the closing of the city tax roll, when turned over delinquent to County Treasurer. The collection charge herein provided shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. City taxes, assessments and charges unpaid at the closing of the city tax roll shall be noted on the billing for the December tax roll upon which the county and school taxes are collected.
- (b) Taxes, assessments and charges on the December tax roll paid on or before February 14 of the succeeding year shall be collected by the city treasurer without additional charge. There shall be added to such taxes, assessments and charges not paid and city taxes, assessments and charges remaining unpaid an additional three (3) percent collection charge until the end of February.
- (c) The City imposes for the years 2023 and thereafter a property tax administration fee of one percent of the property tax.

(d) The City Treasurer is hereby directed to collect the one percent property tax administration fee hereby authorized.

SECTION 2. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

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 May 22, 2023.

Motion supported by Councilmember Olson.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

CITIZEN COMMENTS AND QUESTIONS

Jeff Turner, 204 Oakwood Avenue, inquired about a burned-out house and code enforcement issues in his neighborhood. He reminded Council that families from out of town that attend football games and baseball tournaments are seeing this blight as their first impression of the City.

Tom Manke, 2910 West M-21, announced the 59th Annual Prayer Breakfast will take place at the Z Hall on May 4, 2023. He also noted the Original Owosso Farm Market will begin on May 6, 2023 in the Harbor Freight parking lot.

Joseph Moore, 304 Michigan Avenue, inquired if the City would have incurred a penalty if changes to the ordinance governing tax collection had not been made.

Mike Martin, 915 East King Street, requested extra enforcement of the speed limit in the East King Street area.

In response to Mr. Turner's inquiry, City Manager Henne noted the County land bank has been awarded monies for blight removal and the house at 1404 Chipman Street has been recommended for funding and the City is working with property owners at 326 Dewey Street.

Councilmember Fear noted code enforcement is complaint-based and complaints can be submitted via the website or phone.

Councilmember Pidek noted that the City had first right of refusal for the Dewey Street property and is satisfied they refused. He also noted there are technological resources available to make code enforcement more efficient.

CONSENT AGENDA

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

Set Public Hearing – FY2024 DWSRF Project Plan Amendment. Set a public hearing for Monday, May 15, 2023 to receive citizen comment regarding the proposed amendments to the Drinking Water State Revolving Fund (DWSRF) Project Plan for the 2024 fiscal year as follows:

RESOLUTION NO. 69-2023

SETTING A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT REGARDING THE DWSRF PROJECT PLAN AMENDMENT TO REPLACE AGING INFRASTRUCTURE

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has been working to detail the next phase of infrastructure improvements at the Water Treatment Plant and the water distribution system for the 2024 fiscal year; and

WHEREAS, these improvements are required to comply with regulatory requirements and to increase the reliability of service to residents and customers, and

WHEREAS, changes in the economic environment and circumstances on the ground have necessitated an amendment to the original 2019 project plan; and

WHEREAS, a project plan amendment has been developed, updating the schedule for the replacement of water mains and lead service lines, introducing new WTP upgrades, and amending design/construction engineering plans, with an estimated cost of \$3,498,970.00; and

WHEREAS, the City is seeking funding for this phase of the project from EGLE's Drinking Water State Revolving Fund (DWSRF); and

WHEREAS, the DWSRF program requires that a hearing be held to receive public comment regarding the proposed project plan amendment.

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

FIRST: as required by EGLE's Drinking Water State Revolving Fund program, a public hearing is set for Monday, May 15, 2023 at 7:30 p.m. in the City Hall Council Chambers to review proposed amendments to the City's DWSRF Project Plan for FY2024, including new upgrades at the WTP and changes to the project schedule and estimated costs.

Set Public Hearing – OPRA District– 902 West Main Street. Set a public hearing for Monday, June 5, 2023 to receive citizen comment regarding the application from DBMA Owosso, LLC to establish an Obsolete Property Rehabilitation District for the property located at 902 West Main Street as follows:

RESOLUTION NO. 70-2023

**SETTING PUBLIC HEARING TO CONSIDER ESTABLISHING
AN OBSOLETE PROPERTY REHABILITATION DISTRICT
FOR THE PROPERTY COMMONLY KNOWN AS
902 WEST MAIN STREET**

WHEREAS, a request was received April 4, 2023 for an Obsolete Property Rehabilitation Act (OPRA) tax exemption from DBMA Owosso, LLC, owners of the property at 902 West Main Street; and

WHEREAS, PA 146 of 2000 requires that a property must be located in an established Obsolete Property Rehabilitation District to be eligible for an exemption; and

WHEREAS, PA 146 of 2000 further requires that a public hearing must be held and notice of said hearing provided prior to the establishment of an OPRA District.

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

FIRST: a public hearing is called for Monday, June 5, 2023 at or about 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing comments from those within the proposed district, and any other resident or taxpayer, of the City of Owosso.

SECOND: the City Clerk gives the notifications required by law.

THIRD: the City staff is directed to investigate and determine if the qualifications of the act are satisfied and report findings at the hearing.

Master Plan Implementation Goals: 1.9, 3.21, 4.14

Longest Table Fundraiser Traffic Control Order. Approve application of Kelleigh Tanton, Executive Director of the Lebowsky Center, for a street closure, as noted, on Saturday, June 17, 2023 from 2:00pm to 10:00pm for the Longest Table Fundraiser and authorize Traffic Control Order No. 1495 formalizing the request.

Curwood Festival Traffic Control Order. Authorize application from the Curwood Festival for use of various parking lots and streets from May 31, 2023 at 9:00 a.m. through June 5, 2023 at 6:00 a.m. for the annual Curwood Festival and further authorize Traffic Control Order No. 1496 formalizing the action.

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

The Shi-Tri 2023 Traffic Control Order. Approve request from Fitness Coliseum and the Friends of the Shiawassee River for use of various parking lots and streets from Saturday, May 20, 2023 at 8:00am through 2:00pm Sunday, May 21, 2023 for The Shi-Tri, and approve Traffic Control Order No. 1497 formalizing the action.

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

Change Order - 2023 Water Service Line Identification Project. Approve Change Order No. 1 to the contract with Monchilov Sewer Service LLC for the 2023 Water Service Line Identification

Project increasing the contract \$91,652.50 for the investigation of 160 additional addresses, funded as part of the City's Drinking Water Asset Management Grant (DWAM) and further approve payment to the contractor up to the contract amount, including Change Order No. 1, upon satisfactory completion of the project or portion thereof as follows:

RESOLUTION NO. 71-2023

**AUTHORIZING CHANGE ORDER NO. 1
TO THE CONTRACT BETWEEN THE CITY OF OWOSSO AND
MONCHILOV SEWER SERVICE LLC
FOR THE 2023 WATER SERVICE LINE IDENTIFICATION PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Monchilov Sewer Service LLC, on March 20, 2023 for the 2023 Water Service Line Identification Project as part of the Drinking Water Asset Management (DWAM) grant through the Michigan Department of Environment, Great Lakes, and Energy; and

WHEREAS, the bids for the project came in lower than the DWAM grant estimate so additional water service lines can be added to the contract for identification as part of the DWAM grant; and

WHEREAS, Monchilov Sewer Service LLC has agreed to identify the additional water service lines and a change order is necessary to increase the contract amount.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to amend the 2023 Water Service Line Identification Project contract with Monchilov Sewer Service LLC to increase the contract amount to identify additional water service lines.
- 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 \$91,652.50; an increase to the Contract for Services between the City of Owosso and Monchilov Sewer Service LLC, revising the total current contract amount from \$163,791.50 to \$255,444.00.
- THIRD: The accounts payable department is authorized to pay Monchilov Sewer Service LLC for work satisfactorily completed up to the revised contract amount of \$255,444.00.
- FOURTH: The above expenses shall be paid from Water Fund Account No. 591-552-818.000-DWAMEGLE21.

Master Plan Implementation Goals: 3.4

Change Order – DWAM Grant - Engineering Services Agreement. Approve Change Order No. 1 to the DWAM Grant - Engineering Services Agreement with OHM Advisors for the provision of additional administrative services for an additional 160 addresses in the amount of \$24,500 and authorize payment up to the contract amount plus Change Order No. 1 upon satisfactory completion of the work or portion thereof as follows:

RESOLUTION NO. 72-2023

**AUTHORIZING CHANGE ORDER NO. 1 TO THE DRINKING WATER ASSET MANAGEMENT
(DWAM) GRANT – ENGINEERING SERVICES CONTRACT
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, authorized the Drinking Water Asset Management (DWAM) Grant – Engineering Services Contract with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors on January 18, 2022; and

WHEREAS, bids for the original scope of work came in well under budget, leaving thousands of dollars on the table; and

WHEREAS, a request was developed to add an additional 160 addresses to the contract in order to fully utilize the funds awarded by the DWAM Grant; and

WHEREAS, OHM Advisors has submitted a proposal in the amount of \$24,500.00 it has been determined that the scope of additional administrative services is acceptable and approval is recommended.

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 Change Order No. 1 to the Drinking Water Asset Management (DWAM) Grant – Engineering Services Contract with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors, to include administrative services for an additional 160 addresses.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign Change Order #1 to the DWAM Grant – Engineering Services Contract, between the City of Owosso, Michigan and Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors, substantially in the form attached, in an amount not to exceed \$24,500.00.
- THIRD: the accounts payable department is authorized to submit payment to OHM Advisors, in the amount of \$145,310.00 for said services.
- FOURTH: the above additional services in the amount of \$24,500.00 shall be paid from the Water Funds Accounts 591-901-972.100 upon satisfactory completion of the work or portion thereof, to be reimbursed by the DWAM Grant.

Professional Services Agreement – Audit Services. Approve an agreement with Berthiaume & Co. CPAS to provide independent financial audits of the city and its component units for fiscal years ending June 30, 2023 through June 30, 2025, with an option to extend the contract for two additional years, at a cost not to exceed \$30,800.00 for the first year as follows:

RESOLUTION NO. 73-2023

**AUTHORIZING A MULTI-YEAR SERVICE AGREEMENT WITH
BERTHIAUME & CO. CPAS FOR AUDITING SERVICES
FOR FISCAL YEARS ENDING JUNE 30, 2023 THROUGH JUNE 30, 2025**

WHEREAS, the City of Owosso, Michigan is required to have an independent audit performed annually according to the Government Accounting Standards Board, American Institute of Certified Public Accountants, Government Accountability Office and the State of Michigan; and

WHEREAS, the City of Owosso Charter states an independent audit shall be made of all accounts of the city government at the close of each fiscal year (section 8.14); and

WHEREAS, obtaining the services of a certified public accountant is necessary to prepare the audit of the financial statements and it is hereby determined that Berthiaume & Co. CPAS of Saginaw, Michigan are 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 engaging Berthiaume & Co. CPAS, is advisable and necessary, to conduct and prepare an audit of the basic financial statements and single audit for the City of Owosso, Michigan;
- SECOND: the service agreement for fiscal years ending June 30, 2023 through June 30, 2025, with the option for two additional years, between the City of Owosso and Berthiaume & Co. CPAS, is hereby approved; and
- THIRD: the Mayor and City Clerk are hereby instructed and authorized to sign a Professional Services Agreement, substantially in the form attached, for the City of Owosso.
- FOURTH: the Accounts Payable Department is authorized to submit annual payments according to the submitted auditing proposal and as indicated below from various funds being audited:

Year 1 ending June 30, 2023	\$30,800
Year 2 ending June 30, 2024	\$29,050
Year 3 ending June 30, 2025	\$30,350
Year 4 ending June 30, 2026	\$31,715 <i>(optional)</i>
Year 5 ending June 30, 2027	\$33,135 <i>(optional)</i> .

Bid Award – 2023 Sewer Televising Project. Approve bid award to Rogue Industrial Services, LLC for the 2023 Sewer Televising Project in the amount of \$24,852.50, plus contingency in the amount of \$10,000.00 with written consent, and further approve payment to the contractor upon satisfactory completion of the project as follows:

RESOLUTION NO. 74-2023

**AUTHORIZING AWARD OF THE 2023 SEWER TELEVISIONING PROJECT
TO ROGUE INDUSTRIAL SERVICES, LLC OF BLOOMFIELD HILLS, MICHIGAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has assembled a list of problem segments of sanitary and storm sewer on various streets in the City which require televising to determine the proper course of action to restore them to full service; and

WHEREAS, the City of Owosso sought bids for the televising of these segments of sanitary and storm sewer as part of the 2023 Sewer Televising Project, and the low responsive and responsible bid was received from Rogue Industrial Services, LLC in the amount of \$24,852.50; and

WHEREAS, Rogue Industrial Services, 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: it has heretofore determined that it is advisable, necessary and in the public interest to employ Rogue Industrial Services, LLC to televise segments of the sanitary and storm sewer as part of the 2023 Sewer Televising Project.
- 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, Michigan and Rogue Industrial Services, LLC in the amount of \$24,852.50.
- THIRD: the Accounts Payable department is authorized to pay Rogue Industrial Services, LLC for work satisfactorily completed on the project up to the initial contact amount of \$24,852.50, plus a contingency in the amount of \$10,000.00 to be utilized only upon prior written approval, for a total of \$34,852.50.
- FOURTH: the above expenses shall be paid from the FY2022-2023 Major and Local Street Maintenance Funds accounts 202-463-818.000 and 203-463-818.000 in the amount of \$8,871.25 each, Sewer Account No. 590-549-818.000 in the amount of \$7,110.00, and other funds as appropriate.

Master Plan Implementation Goals: 3.4

Purchase Authorization – MMRMA Insurance. Authorize the purchase of general liability, property and auto insurance policies with the Michigan Municipal Risk Management Authority (MMRMA) for the coverage period from July 1, 2023 to July 1, 2024 to in the amount of \$284,215.00, and further authorize payment up to the total premium amount for the coverage period as follows:

RESOLUTION NO. 75-2023

**AUTHORIZING PAYMENT OF ANNUAL INSURANCE PREMIUM WITH
MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY (MMRMA)**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has been a member of Michigan Municipal Risk Management Authority since September 1, 1986; and

WHEREAS, Michigan Municipal Risk Management Authority was created by authority granted by the laws of the State of Michigan to provide risk financing and risk management services to eligible Michigan local governments; and

WHEREAS, the City of Owosso will be provided general liability, auto and property insurance coverage for a period of July 1, 2023 to July 1, 2024 by MMRMA; and

WHEREAS, cooperative purchasing is an exception to competitive bidding per Section 2-345 of the City of Owosso Code of Ordinances.

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 remain a member of and seek annual liability, property and auto insurance coverage from Michigan Municipal Risk Management Authority.
- SECOND: the Finance Director is instructed and authorized to sign the document substantially in the form attached as the coverage proposal and addendum between the City of Owosso and Michigan Municipal Risk Management Authority.

THIRD: the accounts payable department is authorized to pay Michigan Municipal Risk Management Authority premium for annual coverage estimated at \$284,215.00.

FOURTH: the above expense shall be paid from various funds as outlined in the approved FYE 6-30-2024 budget as identified under the account code 810.000 – Insurance & Bonds.

Warrant No. 628. Authorize Warrant No. 628 as follows:

Vendor	Description	Fund	Amount
Waste Management	Service Period 04-01-2023 to 04-15-2023	WWTP	\$10,848.16

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

ITEMS OF BUSINESS

Burning Brush at Aiken Road Brush Site

City Manager Henne and Public Utilities Director Ryan E. Suchanek detailed the rising costs for grinding brush as well as the increase in the amount of brush being collected and dropped off at the Aiken Road Site, prompting this possible solution. The proposed controlled burns would be supervised by the DPW in cooperation with the Fire Department, using the State of Michigan Fire Marshal guidelines to govern procedures. This request is for one season only and applies to only excess brush. The City will continue to pursue grinding the brush as its primary means of disposal.

Mayor Pro-Tem Osika inquired how many days would be required to complete the burn. Director Suchanek estimated several days for each burn. Councilmember Olson inquired about cost savings. The City is estimated to save between \$30,000 - \$40,000 using this method. The timing of the burns will be weather dependent, and are anticipated to be completed within the next month, if possible.

Motion by Councilmember Olson to grant permission to hold a series of controlled burns of brush at the City-owned Aiken Road Brush Site as follows:

RESOLUTION NO. 76-2023

APPROVAL OF THE BURNING OF BRUSH AT THE CITY-OWNED AIKEN ROAD BRUSH SITE

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has seen a massive influx of brush at the City's Aiken Road Brush Site; and

WHEREAS, this brush needs to be managed and handled with limited funding; and

WHEREAS, staff is seeking permission to hold a series of controlled burns at the City's Aiken Road Brush Site, away from residents, as a means of cost effectively disposing of excess brush. 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 hold a series of controlled burns at the City-owned Aiken Road Brush Site with guidance from the Owosso Fire Department.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Planning Commission Bylaws Amendments

Motion by Councilmember Law to approve the amended Owosso Planning Commission Bylaws to comply with the Zoning Enabling Act as follows:

RESOLUTION NO. 77-2023

**ADOPTING THE
AMENDED BYLAWS OF THE CITY OF OWOSSO PLANNING COMMISSION**

WHEREAS, the City of Owosso Planning Commission is a public body which is responsible for holding its own meetings in accordance with the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended; and

WHEREAS, the members of the Planning Commission have amended the bylaws governing the operation of the Commission and are submitting them to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED that the Owosso City Council hereby approves the bylaws of the City of Owosso Planning Commission as follows, such bylaws to be effective immediately:

**BYLAWS
CITY OF OWOSSO, MICHIGAN
PLANNING COMMISSION**

ARTICLE I. Purpose

The purpose of the City Planning Commission shall be to oversee the orderly growth of the City, to perform the functions of a Planning Commission as set forth in the City of Owosso Zoning Ordinance, Chapter 38 of the Owosso City Code, Public Act No. 33 of 2008 and Public Act 110 of 2006, as amended, to perform other duties assigned to it by the City Council from time to time.

ARTICLE II. Membership

Section 3.1 Membership: As provided in the state statute, the Board shall consist of nine (9) members. Two (2) members of the Board may be members of the Council other than the Mayor, as ex officio members, to be designated by the Council. One of the regular members of the Board shall be a member of the Zoning Board of Appeals and six (6) other persons who are not officers or employees of the City, having the qualifications of elective officers set forth in the Charter and representing in so far as is possible different professions or occupations to be appointed by the Mayor, subject to the confirmation of the Council.

All ex officio members appointed under this subsection shall have full voting rights.

There shall be no compensation for a member of the planning commission, except that reasonable expenses may be allowed in case of necessity with prior approval of the city council.

Section 3.2 Term of Office: The term of each appointed member shall be three (3) years or until his or her successor takes office.

Section 3.3 Removal from Office: After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body.

ARTICLE IV. Officers

Section 4.1 A Chairperson, Vice-Chairperson and Secretary shall be elected by the Commissioners from their members at the first meeting of the commission for each fiscal year which begins July 1.

Section 4.2 If a vacancy shall occur for the Vice-Chairperson or Secretary, Planning Commissioners shall nominate and elect a member of the Commission to serve the remainder of the term of office.

Section 4.3 The Chairperson shall preside at all meetings of the Planning Commission and shall appoint all committees.

Section 4.4 The Vice-Chairperson shall assume the duties and authority of the Chairperson in his absence or incapacity. If the Chairperson resigns or is removed from the Planning Commission, the Vice-Chairperson shall assume the position of the Chairperson for the remainder of the Chairperson's term of office.

Section 4.5 The Secretary shall keep the minutes and records, conduct correspondence and perform such other duties as may be assigned by the Chairperson.

ARTICLE V. Meetings

Section 5.1 The Planning Commission shall hold its regular monthly meetings in the City Council Chambers, located at 301 W. Main St., Owosso, Michigan on the fourth Monday of each month. All meetings shall begin at 6:30 p.m. and must end by 8:30 p.m., unless adjournment is postponed by action of the majority of the Commissioners present. Additional meetings may be scheduled on the city's annual calendar to reflect additional planning needs or conflicts with holidays and other meetings.

Section 5.2 Special meetings may be called by the Chairperson with prior notice to each Commissioner of the meeting's purpose and date; such notice must be made at least five (5) days in advance of the meeting.

Section 5.3 An agenda for each meeting shall be prepared at the direction of the Chairperson or his/her designee and sent to each Commissioner to be delivered in a predetermined format not later than four (4) days before the meeting. This agenda shall indicate any parcels of land for which any action of the Commission is contemplated.

Section 5.4 A quorum of five (5) Commissioners must be present to officially transact business at any regular or Special Meeting of the Commission. A simple majority of Commissioners present and constituting a quorum, shall decide all issues.

Section 5.5 Commissioner's attendance records shall be reviewed as needed with no less than one review completed in each calendar year. The Chairman or his/her designees shall prepare a report, said report to be submitted to the Mayor and Commissioners. Action may be taken in accordance with state statute if attendance or duty becomes an issue of concern for the Chairman or the Mayor and City Council.

Section 5.6 Parliamentary procedure at all meetings of the Commission shall generally be in accordance with the Robert's Rules of Order.

Section 5.7 Order of Business. The secretary or the designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:

Call to order.

Roll call.

Approval of agenda.

Approval of minutes from previous meeting.

Election of officers, if necessary.

Public comments (not related to an agenda item).

Public hearings. The Chair will declare a public hearing open and state its purpose.

2) The Planning and Building Director and/or the City Planner present the petitioner's request and factual information concerning the general location area of the case and section of the zoning ordinance that pertain to the petition for rezoning.

3) The applicant, through himself or his agent, may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.

The Chair will then open the floor to public comments or questions. Based on nature of the hearing or number of those in attendance, the Chair may allow comments freely or direct an orderly approach through any means that expands the ability of all who are interested in expressing their opinion or asking questions.

Comments Out of Order. The Chair shall rule out of order: any irrelevant remarks, which are personal about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not pertinent to the petition.

Rebuttal. Anyone may ask the Chair questions on presentations or information given at this hearing. The Chair will seek an answer to this question. No discussion shall take place between any two or more people except between the Chair and the individual who has the floor.

Close the public hearing. At this point all public participation on the issue ends.

Members of the Planning Commission may question or request clarification with any interested party on any matter related to the case.

Business section of case

Discussion: Commissioners review facts based on all information presented. Discussion continues until a member is confident enough to propose a motion that includes a “finding of fact” with those conclusions that are reached. The findings of fact, at a minimum shall answer the following questions as they may pertain to the petition:

What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?

What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

What is the impact of the amendment on the ability of the City and other agencies to provide adequate public services and facilities that might reasonably be required in the future if the petition is approved?

Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?

Does the petitioned zoning change generally comply with adopted Future Master Plan for the City of Owosso?

Motion is proposed on the findings of facts. (Recess option – see Section 5.8) Support of the motion is required.

Discussion on the motion.

Action on the motion.

Site plan reviews. The Planning Commission shall consider site plan reviews after all public hearings and associated actions on those hearings. If members of the public other than the applicant for the site plan review are in attendance, those persons may approach the Commission as provided for in the public hearing format. The Commission and Planning Director shall also follow their respective roles to maintain order during the meeting. The motion to pass on a site plan review must make a finding of conformance to all city ordinances and may attach conditions as provided for in the zoning ordinance. A site plan review may be postponed for cause without the necessity of public posting as required in a public hearing format.

Items of business. This section of the meeting shall consider all items unrelated to elections, rezoning petitions, and site plan reviews.

Commissioner/Citizen comments.

Adjournment.

Section 5.8 Recesses. The Members, through a motion and support may recess a public hearing or a decision on an action of a petition for the lack of sufficient information, insufficient time to consider all viewpoints on a petition, the necessity for a site visit, or elapsed time of the meeting (see Section 5.1). For a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and/or public hearing reconvenes over 36 hours after the action to recess, the reconvened meeting shall be posted at least 18 hours before the time of the reconvened meeting. Upon reconvening a roll call shall be taken as the first order of business.

ARTICLE VI. General Provisions

Section 6.1 Ethical Principles for Public Planning Officials: The following statement of ethics applies to the practices of Owosso public planning officials.

Serve the Public Interest. The primary obligation of planners and public planning officials is to serve the public interest.

Support Citizen Participation in Planning. Because the definition of the public interest is continuously modified, the planner and public planning official must recognize the right of citizens to influence planning decisions that affect their well-being. They should advocate a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies in plan-making.

Recognize the Comprehensive and Long-range Nature of Planning Decisions. The planner and public planning official must recognize and have special concern for the comprehensive and long-range nature of planning decisions. The planner and official must balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. The planner and official must continuously gather and consider all relevant facts, alternatives, and means of accomplishing them. The planner and official should explicitly evaluate all consequences before making a recommendation or decision.

Expand Choice and Opportunity for All Persons. The planner and public planning official must strive to expand choice and opportunity for all persons, recognize a special responsibility to plan for the needs of disadvantaged people, and urge changing policies, institutions, and decisions that restrict their choices and opportunities.

Facilitate Coordination Through the Planning Process. The planner and public planning official must facilitate coordination. The planning process should enable all those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interest. The planner and official must ensure that individuals and public and private agencies possibly affected by a prospective planning decision receive adequate information far enough in advance of the decision.

Avoid Conflict of Interest. To avoid conflict of interest and even the appearance of impropriety, the public planning official who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to relations, friends, groups, or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and leave any chamber in which such deliberations are to take place. The official must not discuss the matter privately with any other official voting on the matter.

Render Thorough and Diligent Planning Service. The planner and public planning official must render thorough and diligent planning service. Should the planner or official believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If the official has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the official must not participate in that decision.

Not Seek or Offer Favors. The public sector planner and public planning official must seek no favor. The planner and official must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be of their duties or was intended as a reward for any recommendation or decision on their part.

Not Disclose or Improperly Use Confidential Information for Financial Gain. The planner and public planning official must not disclose or improperly use confidential information for financial gain. The planner and official must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner or official has verified the facts and issues involved, has exhausted efforts to obtain reconsideration of the matter and has sought separate opinions on the issue from other planners or officials.

Ensure Access to Public Planning Reports and Studies on an Equal Basis. The public planning official must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to the official must be made available in the same form to the public in a timely manner at reasonable or no cost.

Ensure Full Disclosure at Public Hearings. The public planning official must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.

Maintain Public Confidence. The public planning official must conduct himself/herself publicly so as to maintain public confidence in the public planning body, the official's unit of government, and the official's performance of the public trust.

Respect Professional Codes of Ethics and Conduct. The planner and public planning official must respect the professional codes of ethics and conduct established by the American Institute of Certified Planners (AICP) Commission and by several professions related to the practice of planning. Professional codes commonly establish standards of professional conduct and include provisions that protect the integrity of professional judgment and describe and professional's responsibility to the public, clients, employers, and colleagues.

ARTICLE VII. Adoption and Amendments

Section 7.1 These Bylaws are to be adopted by a simple majority of a quorum of the Commission at a regularly scheduled meeting of the Commission. The proposed Bylaws must be presented to the full membership at least five (5) days prior to the meeting when adoption is scheduled on the agenda. Amendments of the original Bylaws may take place at the meeting(s) of their original adoption; thereafter amendments must follow the procedures outlined in Section 7.2 herein.

Section 7.2 These Bylaws must be amended by a majority affirmative vote of the quorum of Commissioners present at a regular or special meeting of the Commission. Proposed amendments must be presented to all Commission members not later than five (5) days before the meeting of the Commission.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Amended Notice of Intent to Issue Revenue Bonds and Right to Referendum - CWSRF Project No. 5711-01

Motion by Councilmember Pidek to approve the amended resolution of Notice of Intent to Issue Revenue Bonds and Right to Referendum thereof for the proposed issuance of bonds to finance 2023 CWSRF Project No. 5711-01 for the WWTP Nitrogen and Roughing Towers Replacement Project as follows:

RESOLUTION NO. 78-2023

**AUTHORIZING PUBLICATION
OF AMENDED NOTICE OF INTENT TO ISSUE BONDS**

WHEREAS, the City of Owosso (the "City") proposes to issue its revenue bonds, in one or more series (the "Bonds") under Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), to finance improvements to the City's wastewater treatment system (the "System"), including without limitation, replacement of three treatment towers at the City's wastewater treatment plant and all other work, equipment, and site improvements necessary and incidental thereto (the "Project"); and

WHEREAS, the City Council adopted its Resolution Declaring Official Intent to Reimburse Project Expenditures with Bond Proceeds and Authorizing Publication of Notice of Intent to Issue Bonds at its regular meeting November 7, 2022 (the "Original Resolution"); and

WHEREAS, pursuant to Act 94 and the Original Resolution, on November 25, 2022, the City published its notice of intent to issue Bonds in the aggregate principal amount of \$15,600,000 (the "Original Notice") to finance a portion of the costs of the Project; and

WHEREAS, the City has determined in consultation with its engineers that the costs of the Project have increased; and

WHEREAS, an amended notice of intent to issue the Bonds (the "Amended Notice") must be published in order to increase the maximum principal amount of Bonds expected to be issued for the Project by an additional \$3,400,000 and to clarify the source of repayment of the Bonds to comply with the requirements of Section 33 of Act 94.

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

1. The project shall consist of the system improvements described in the preamble hereto.
2. The maximum aggregate principal amount of bonds expected to be issued for the project is \$19,000,000.
3. The city hereby reaffirms its official intent to issue the bonds to finance the costs of the project, and hereby reaffirms its expectation as announced in the original resolution to reimburse the city's advances to the project as described in the original resolution pursuant to the reimbursement regulations.
4. The bonds shall be authorized by proper proceedings subsequent to this resolution.
5. The clerk is hereby instructed to publish the following amended notice attached hereto as exhibit a once in a newspaper of general circulation in the city, which amended notice shall supersede and replace in its entirety the original notice.
6. Except as described in this resolution, all prior resolutions and parts of resolutions insofar as they may be in conflict with this resolution are hereby rescinded.

EXHIBIT A

**AMENDED NOTICE OF INTENT TO ISSUE BONDS
BY THE CITY OF OWOSSO, MICHIGAN**

NOTICE IS HEREBY GIVEN, that the City of Owosso, Michigan, intends to issue revenue bonds, in one or more series, in the principal amount of not to exceed \$19,000,000 for the purpose of defraying the cost of improvements to the City's wastewater treatment system (the "System"), including without limitation, replacement of three treatment towers at the City's wastewater treatment plant and all other work, equipment, and site improvements necessary and incidental thereto, and to pay the costs of issuing the bonds and capitalized interest, if any.

The bonds will mature in not to exceed forty (40) years after the date of original issuance, and will bear interest from their date at a rate or rates to be determined at the time of sale thereof but in no event to exceed such rates as may be permitted by law.

The bonds will be issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and a resolution of the City Council and will be payable from the net revenues of the System and any improvements, enlargements and extensions thereto, and a statutory lien on said revenues will be established by said resolution. The City of Owosso will covenant and agree to fix and maintain at all times while any of the bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the System and of the principal of and interest on the bonds when due and to provide for such other expenditures and funds for the System as are required by the resolution authorizing the issuance of bonds. In addition, the bonds may be secured by the full faith and credit of the City as limited by applicable constitutional, statutory, and charter limitations on the taxing power of the City as well as by any other lawfully available funds of the City.

RIGHT TO PETITION FOR REFERENDUM

This notice is given, by order of the City Council of the City of Owosso, to and for the benefit of the electors of the City of Owosso in order to inform them of their right to petition for a referendum upon the question of the issuance of the aforesaid bonds. The bonds will be issued, without submitting such a question to a vote of the electors, unless within 45 days after the date of publication of this notice a petition requesting a referendum upon such question, signed by not less than 10% or 15,000 of the registered electors in the City of Owosso, whichever is the lesser, shall have been filed with the undersigned City Clerk. In the event that such a petition is filed, the bonds will not be issued unless and until the issuance thereof shall have been approved by the vote of a majority of the electors of the City of Owosso qualified to vote and voting thereon at a general or special election.

FURTHER INFORMATION

Further information relative to the issuance of said bonds and the subject matter of this notice may be secured at the office of the City Clerk of the City of Owosso, 301 West Main Street, Owosso, Michigan 48867.

This notice is given pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Amy K. Kirkland, CMC
City Clerk
City of Owosso

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Haber.

Proposed Discussion Period – City Council

City Manager Henne outlined the purpose for the proposed discussion period as an opportunity for Councilmembers to informally discuss agenda items or strategic planning. It will be open to the public, but have no citizen comment period, it will not be recorded, and no decisions, polls or motions will be permitted to remain in compliance with the Open Meetings Act. This implementation would fulfill a goal discussed during the Council's latest Strategic Planning sessions. Attendance at said discussion periods will not be mandatory but encouraged.

Councilmember Law expressed his concern that discussions about agenda items should be part of the official record. Councilmember Pidek suggested communication regarding these sessions be clear and concise when publicized.

Motion by Councilmember Olson to approve adding a 30-minute Council discussion period immediately preceding all regular City Council meetings beginning May 15, 2023 as follows:

RESOLUTION NO. 79-2023

**AMENDING THE MEETING TIME OF CITY COUNCIL
TO INCLUDE A 7:00 P.M. DISCUSSION PERIOD**

WHEREAS, the Council of the City of Owosso, Shiawassee County, Michigan, held an organizational meeting on November 21, 2022 and established the meeting dates and times for the 2023 regular meeting schedule; and

WHEREAS, the Council resolved to meet at 7:30 p.m. for regular meetings of the City Council on the first and third Mondays of the month – subject to change due to federal holidays that require the occasional Tuesday meeting; and

WHEREAS, in 2022, the City Council received recommendation from its strategy session to begin holding informal workshops to discuss agenda items or any issue the Council wishes to discuss; and

WHEREAS, many cities utilize these informal discussion periods to ensure transparency and understanding of the issues they face; and

WHEREAS, these discussion periods will be open to the public but will not be recorded as part of the regular Council meeting.

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 add a 30-minute informal Council discussion period before every regular Council meeting beginning May 15, 2023.
- SECOND: these discussion periods will begin at 7:00 p.m. before said regular Council meeting.
- THIRD: these discussion periods will be open to the public but a public comment period will not be offered.
- FOURTH: these discussion periods will not be recorded in the minutes of the regular meeting.
- FIFTH: no decisions will be made by Council during these discussion periods. All formal decisions must be made on the record during the regular meeting that starts at 7:30 p.m. after the discussion period.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: Councilmember Law.

ABSENT: Councilmember Haber.

COMMUNICATIONS

Ryan E. Suchanek, Director of Public Services & Utilities. 2022 Water Quality Report.
Owosso Historical Commission. Minutes of April 10, 2023.
Zoning Board of Appeals. Minutes of April 18, 2023.
Owosso Planning Commission. Minutes of April 24, 2023.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 West M-21, suggested the Argus Press could publish the information for the Council discussion period that was approved and he will disseminate the information to his readership.

Bruce Noble, 215 Cass Street, inquired as to the timing of the prayer with the addition of the new discussion period. It was noted that the timing of the prayer would remain unchanged.

Joseph Moore, 304 Michigan Avenue, suggested the wood from the Aiken Road site be utilized by residents to heat their homes and possibly make it into a fun, community event once a month.

NEXT MEETING

Monday, May 15, 2023, 7:30 p.m.

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 Law for adjournment at 9:16 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