

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

PRESIDING OFFICER: MAYOR ROBERT J. TEICH, JR.

OPENING PRAYER: PASTOR BRUCE NOBLE
CHURCH OF GOD 7TH DAY

PLEDGE OF ALLEGIANCE: JULIE WEATHERWAX
DAUGHTER OF THE MAYOR

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

ABSENT: Councilmember Janae L. Fear.

APPROVE AGENDA

Motion by Councilmember Olson to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 16, 2024

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of September 16, 2024 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Curwood Festival Donation

Curwood Festival representative Shelly Collison was on hand to present a donation of \$1,000 to the City from the Curwood Festival for the maintenance of Curwood Castle.

Domestic Violence Awareness Month Proclamation

Mayor Teich read aloud the following proclamation of the Mayor's Office declaring the month of October 2024 as Domestic Violence Awareness Month in the City of Owosso:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING OCTOBER 2024 AS
DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, domestic violence is a prevalent and preventable issue impacting all demographics in Owosso and is defined as a pattern of behaviors used by one partner to maintain power and control over another partner in a close personal relationship; and

WHEREAS, abusers can be violent and use fear to control their victim(s) by violating an individual's dignity, humanity, security, and privacy through the intentional and systematic use of psychological, sexual, financial, and physical coercive control and abuse; and

WHEREAS, we must devote ourselves to protect vulnerable and at-risk members of our society through organizations and other agencies like the National Coalition Against Domestic Violence that have displayed dedicated commitment to eradicating domestic violence; and

WHEREAS, we remind domestic violence victims that help is available and urge victims and families to seek aid from the National Domestic Violence Hotline (800-799-7233), the Michigan Coalition to End Domestic and Sexual Violence and The SafeCenter of Owosso.

NOW, THEREFORE, I, Robert J. Teich, Jr., Mayor of the City of Owosso, Michigan, do hereby proclaim the month of October 2024 as Domestic Violence Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge the hard work, dedication and kindness of the individuals that provide assistance and services to victims of domestic violence.

Proclaimed this 7th day of October, 2024.

The Mayor presented the signed proclamation to the Hannah Gottschalk, CEO of the SafeCenter.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Chris Owens, 520 E. Mason Street, read aloud a letter he wrote in response to a letter he received from a Councilmember, expressing his feeling that two people can disagree but don't have to hate each other.

Shelly Collison, Shiawassee District Library Board Member, gave an update on the goings on at the Library, noting that membership continues to grow, and the children's department has been completely updated.

Bill Moull, 1335 W. North Street, thanked Council for declaring October as Domestic Violence Awareness Month in the City. He said that he frequently works with people that are victims of abuse and community support of those victims is crucial to their healing. He also thanked the Councilmembers for the work they do on the City Council.

CONSENT AGENDA

Councilmember Pidek indicated that he would like to recuse himself from voting on the Consent Agenda as he has a conflict of interest with the traffic control order request item, noting that he is a partial owner of Taphouse Specialty Meats.

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

Proposed Special Assessment District No. 2025-103 - Hazards & Nuisances. Authorize Resolution No. 1 setting a public hearing for Monday, October 21, 2024 at 7:30 p.m. to receive citizen comment regarding proposed Special Assessment District No. 2025-103, Hazards & Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating, or removing of hazards and nuisances as follows:

RESOLUTION NO. 166-2024

**SPECIAL ASSESSMENT DISTRICT NO. 2025-103
HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances 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 o'clock p.m., on Monday, October 21, 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.

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 – HAZARDS AND NUISANCES
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating, or removing of hazards and nuisances on the property listed below.

Parcel #	Address	Srvc Code	Amount
050-010-015-001-00	667 GLENWOOD AVE	WEEDS	\$580.00
050-010-015-005-00	651 GLENWOOD AVE	CLEAN	\$336.06
050-010-015-014-00	615 GLENWOOD AVE	WEEDS	\$270.00
050-010-016-020-00	616 GLENWOOD AVE	WEEDS	\$405.00
050-113-008-031-00	1229 MILWAUKEE ST	TREE	\$455.61
050-113-017-007-00	1415 LYNN ST	WEEDS	\$150.00
050-114-003-010-00	1116 STATE ST	CLEAN	\$4,219.36
050-114-006-001-00	1122 S CEDAR ST	WEEDS	\$270.00
050-240-003-006-00	621 N SAGINAW ST	WEEDS	\$290.00
050-250-000-008-00	602 N SHIAWASSEE ST	WEEDS	\$140.00
050-340-003-005-00	911 LINGLE AVE	WEEDS	\$135.00
050-390-004-012-00	1260 ADAMS ST	WEEDS	\$1,111.20
050-420-004-005-00	612 BROADWAY AVE	WEEDS	\$135.00
050-420-005-009-00	755 DIVISION ST	WEEDS	\$1,488.50
050-553-000-008-00	1500 MCMILLAN AVE	WEEDS	\$150.00
050-601-000-027-00	807 MICHIGAN AVE	WEEDS	\$135.00
050-602-040-008-00	1404 S CHIPMAN ST	WEEDS	\$135.00
050-651-000-013-00	415 GENESEE ST	CLEAN	\$994.46
050-651-022-007-00	222 CORUNNA AVE	WEEDS	\$680.00
050-652-003-006-00	321 E STEWART ST	CLEAN	\$255.39
050-652-008-004-00	808 DIVISION ST	WEEDS	\$140.00
050-652-010-024-00	917 S PARK ST	WEEDS	\$540.00
050-652-010-025-00	S PARK ST	WEEDS	\$405.00
050-652-010-026-00	S PARK ST	WEEDS	\$405.00
050-660-022-004-00	216 S ELM ST	WEEDS	\$614.56
050-710-001-012-00	915 CORUNNA AVE	WEEDS	\$565.96
			<u>\$15,006.10</u>

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

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

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 assessment 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, October 21, 2024 for the purpose of reviewing said Special Assessment Roll- Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

First Reading & Set Public Hearing – Parks & Recreation Commission Ordinance. Conduct first reading and set a public hearing for Monday, October 21, 2024 at 7:30 p.m. to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article IV, Boards and Commissions, Division 3, Parks and Recreation Commission, Section 2-242. *Members; appointment, terms, voting, officers*, of the Code of Ordinances as follows:

RESOLUTION NO. 167-2024

**SETTING A PUBLIC HEARING TO
AMEND CHAPTER 2, ADMINISTRATION,
ARTICLE IV, BOARDS AND COMMISSIONS,
DIVISION 3, PARKS AND RECREATION COMMISSION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has established by ordinance, a Parks and Recreation Commission to provide quality park and recreation opportunities based upon cost, efficiency, and community need; and

WHEREAS, the Parks and Recreation Commission is currently made up of 7 voting members; and

WHEREAS, it is the desire of the Parks and Recreation Commission to add a Student Member to the Commission; and

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

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

SECTION 1. AMENDMENT. That Chapter 2, Administration, Article IV, Boards and Commissions, Division 3, Parks and Recreation Commission, Section 2-242. *Members; appointment, terms, voting, officers* shall be amended as follows:

Sec. 2-242. - Members; appointment, terms, voting, officers.

- (a) The members of the parks and recreation commission shall consist of seven voting (7) members appointed by the mayor and approved by the council. The mayor or the designee of the mayor, with council approval, shall be an ex-officio member of the commission. The Mayor shall also appoint, with council approval, one (1) student member.
- (b) The seven voting (7) members shall have terms of two (2) years. The first appointment of the seven (7) members shall be staggered so that three (3) members are appointed for a one-year term and four (4) members shall be appointed to two-year terms. Thereafter each appointment of a member shall be for a two-year term unless it is an appointment to fill a vacancy in office that occurs prior to completion of a term. The student member shall serve a term of one (1) year. The ex-officio member of the commission shall serve for an indefinite term at the pleasure of the mayor.
- (c) Each voting member shall be entitled to one (1) vote. The ex-officio and student member shall not have a vote. Any action shall require a majority vote of the members present at a meeting constituting a quorum. A quorum shall consist of at least four (4) voting members.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, October 21, 2024 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed amendments to Chapter 2, Administration, of the Code of the City of Owosso.

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 20 days after approval.

Master Plan Implementation Goals: 3.14

Traffic Control Order Request – Taphouse Annual Rib Cook-off. Approve the request from Richard Taphouse for the closure of the Water Street parking lot (Lot #5) and the alley between Main and Exchange Streets and bounded by Water and Ball Streets on Sunday, October 13, 2024 from 12:00 p.m. - 5:00 p.m. for the Taphouse Annual Rib Cook-off, waive the insurance requirement, and further approve Traffic Control Order No. 1522 formalizing the request.

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

***Change Order – 2023 Sanitary Sewer Repair Project Contract.** Approve Change Order No. 2 to the 2023 Sanitary Sewer Repair Project Contract with Glaeser-Dawes Corporation increasing the amount \$18,934.88 for the immediate replacement of storm sewer pipe beneath the property at 1220 Buckley Drive, and further approve payment up to the amount of \$389,849.75 as follows:

RESOLUTION NO. 168-2024

**AUTHORIZING CHANGE ORDER NO. 2
TO THE CONTRACT BETWEEN THE CITY OF OWOSSO AND
GLAESER DAWES CORPORATION
FOR THE 2023 SANITARY SEWER REPAIR PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Glaeser Dawes Corporation on March 20, 2023 for the 2023 Sanitary Sewer Repair Project to perform open-cut sanitary sewer repairs on various streets throughout the city; and

WHEREAS, Change Order No. 1 was approved on July 15, 2024 for additional sanitary sewer repairs for the 2024 construction season; and

WHEREAS, the storm sewer outlet pipe running beneath the property at 1220 Buckley Drive has severely deteriorated and is in need of immediate repair; and

WHEREAS, Glaeser Dawes Corporation has agreed to make this repair to this storm sewer, and a change order in the amount of \$18,934.88 is necessary to increase the contract amount for this additional repair.

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 Sanitary Sewer Repair Project contract with Glaeser Dawes Corporation to increase the contract amount to complete an additional storm sewer repair.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 2 in the amount of \$18,934.88; an increase to the Contract for Services between the city of Owosso and Glaeser Dawes Corporation, revising the total current contract amount from \$370,914.87 to \$389,849.75.
- THIRD: the Accounts Payable department is authorized to pay Glaeser Dawes Corporation for work satisfactorily completed up to the revised contract amount of \$389,849.75.
- FOURTH: the above additional expenses shall be paid from Local Street Fund Account No. 203-463-818.000.

Master Plan Implementation Goals: 3.4

***Change Order – Washington Park Smart Homes Lift Station Project Engineering Services Contract.** Approve Change Order No. 2 to the Washington Park Smart Homes Lift Station Project Engineering contract with Tetra Tech increasing the contract amount \$133,000.00 for modifications to the design due to a new site plan and the inclusion of construction administration services, and further authorize payment to the engineer up to the amount of \$193,400.00 upon satisfactory completion of the work as follows:

RESOLUTION NO. 169-2024

**AUTHORIZING CHANGE ORDER NO. 2 TO
THE CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH
TETRA TECH FOR
THE WASHINGTON PARK SMART HOMES LIFT STATION PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a Contract with Tetra Tech on February 22, 2022 for engineering services for the Washington Park Smart Homes Lift Station Project in the amount of \$57,500.00; and

WHEREAS, Change Order No. 1 in the amount of \$2,900.00 was approved on November 7, 2022 increasing the total contract amount to \$60,400.00; and

WHEREAS, City staff has requested Tetra Tech to perform additional services for design engineering, construction administration, and lift station programming given the new site plan for the project; and

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

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to change the contract with Tetra Tech for the additional cost of \$133,000.00 as outlined in the change order.
- SECOND: the Mayor and City Clerk are requested and authorized to sign Change Order No. 2 to the Engineering Services Contract between the City of Owosso, Michigan and Tetra Tech for the Washington Park Smart Homes Lift Station Project.

THIRD: the Accounts Payable department is authorized to make payment up to the contract amount, including the change order, totaling \$193,400.00 for the Washington Park Smart Homes Lift Station Project.

FOURTH: the above expenses shall be paid from the Sewer Fund Account No. 590-549-818.000-WASHPARK21, and other funds as appropriated.

Master Plan Implementation Goals: 1.4, 3.4

***Change Order - MI-HOPE Grant Project.** Approve Change Order No. 3 to the contract with Merkel & Kenney, Inc. for the MI-HOPE Grant Project, adding \$9,801.00 for additional work and materials required for the first eight homes and further approve payment to the contractor up to the adjusted contract amount of \$226,606.00 upon satisfactory completion of the work or portion thereof as follows:

RESOLUTION NO. 170-2024

**AUTHORIZING CHANGE ORDER NO. 3
TO THE MSHDA MICHIGAN HOUSING OPPORTUNITIES PROMOTING
ENERGY EFFICIENCY (MI-HOPE) GRANT PROGRAM
AND BID AWARD TO MERKEL & KENNEY, LLC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved the bid award to Merkel & Kenney, LLC on April 1, 2024 for the MI-HOPE Grant Project in the amount of \$192,341.00 to complete home improvement projects for eleven selected residential homes; and

WHEREAS, seven of the eleven projects to date have exceeded the original bid amount due to unexpected maintenance, materials, and labor requirements; and

WHEREAS, the city of Owosso requested and received approvals from MSHDA to allow the contractor to exceed the bid amount to perform the needed repairs/replacements.

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 MI-HOPE Grant Project increasing the amount \$9,801.00, bringing the new project total to \$226,606.00 and detailed as follows:

Shiawassee	additional \$2,611.00 for doors and framing repairs
Frazer	additional \$4,790.00 for gutters, additional window and doors
Saginaw	additional \$2,400.00 for new gutters, labor and trim repairs from new windows

SECOND: the mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 3 in the amount of \$9,801.00; an increase to the MI-HOPE Grant Project with Merkel and Kenney, LLC, revising the total grant amount to \$226,606.00.

THIRD: the accounts payable department is authorized to pay Merkel & Kenney, LLC for work satisfactorily completed up to the revised amount of \$226,606.00.

FOURTH: the above expenses shall be paid from 254.200.818.000-MSHDAMIHOPE, after funds are received from MSHDA.

Master Plan Implementation Goals: 1.14, 6.6

***Change Order – WWTP Solids Handling Project Contract.** Approve Change Order No. 6 to the WWTP Solids Handling Project contract with Sorensen Gross Company increasing the contract amount \$3,793.00 to replace malfunctioning sludge tank sensors and authorize payment up to \$4,743,348.00 upon satisfactory completion of the work as follows:

RESOLUTION NO. 171-2024

**AUTHORIZING CHANGE ORDER NO. 6
TO THE WWTP SOLIDS HANDLING IMPROVEMENTS PROJECT CONTRACT
BETWEEN THE CITY OF OWOSSO AND
SORENSEN GROSS COMPANY**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Sorensen Gross Company, on February 7, 2022 for the construction and installation of solids/sludge handling process equipment, known as the Wastewater Treatment Plant (WWTP) Solids Handling project, an approved 2022 SRF planned project; and

WHEREAS, the project is now underway, a malfunction in the sludge tank level sensors has been discovered, and a change order is necessary to reconcile contract work and supplies to remedy the problem.

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) Solids Handling Project contract with Sorensen Gross Company increasing the contract amount for the purchase and installation of updated laser sensors in the sludge tank.
- SECOND: the Mayor and City Clerk are instructed and authorized to sign the document substantially in form attached as Change Order No. 6 in the amount of \$3,793.00; an increase to the Contract for Services between the City of Owosso and Sorensen Gross Company, revising the total current contract amount from \$4,739,555.00 to \$4,743,348.00.
- THIRD: the Accounts Payable department is authorized to pay Sorensen Gross Company for work satisfactorily completed up to the revised contract amount of \$4,743,348.00.
- FOURTH: the above expenses shall be paid from the Wastewater Fund, and SRF Bond Funds.

Check Register – September 2024. Affirm check disbursements totaling \$5,013,689.12 for September 2024.

Warrant No. 647. Authorize Warrant No. 647 as follows:

Vendor	Description	Fund	Amount
Owosso Charter Township	Payment per 2011 Water Agreement	WATER	\$19,644.99
Caledonia Charter Township	Payment per 2006 Water District Agreement	WATER	\$50,225.19

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSTAIN: Councilmember Pidek.

ABSENT: Councilmember Fear.

ITEMS OF BUSINESS

***Demolition Authorization & Contract Approval – 609 Martin Street**

Master Plan Implementation Goals: 1.1, 1.13, 2.6

Motion by Councilmember Pidek authorizing the demolition and removal of the foundation and debris at 609 Martin Street, approve bid award to SP Powells Sand and Soil, LLC in the amount of \$8,050.00, and further authorize payment to the contractor upon satisfactory completion of the work as follows:

RESOLUTION NO. 172-2024

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
SP POWELLS SAND AND SOIL, LLC FOR
THE COURT ORDERED REMOVAL OF FOUNDATION AND ALL OTHER
DEBRIS AT 609 MARTIN STREET**

WHEREAS, the house at 609 Martin Street was dilapidated and uninhabitable; and

WHEREAS, the house was removed, but the foundation and other debris remained on the property despite a court order; and

WHEREAS, the city of Owosso, Shiawassee County, Michigan, determined that the city must remove the foundation and other debris to eliminate blight in the neighborhood; and

WHEREAS, the city of Owosso sought bids to remove the foundation and all other debris at 609 Martin Street; a bid was received from SP Powells Sand and Soil, LLC and it is hereby determined that SP Powells Sand and Soil, LLC is qualified to provide such services 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 remove the foundation and other debris located at 609 Martin Street.
- SECOND: the City of Owosso has further determined that it is advisable, necessary and in the public interest to employ SP Powells Sand and Soil, LLC for said removal.
- THIRD: the mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Removal at 609 Martin Street with SP Powells Sand and Soil, LLC in the amount of \$8,050.00.
- FOURTH: the accounts payable department is authorized to pay SP Powells Sand and Soil, LLC for work satisfactorily completed on the project up to the bid amount.
- FIFTH: the above expenses shall be paid from the General Fund 101-720-818.000.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Fear.

Discontinuance of Service – ACE Portal

City Manager Nathan R. Henne explained that of the City's approximately 6,600 water accounts only 4% were taking advantage of the ACE Portal after over three years. The annual cost for the service is approximately \$23,000. Staff has plans to notify the people that do use the service and provide them with potential alternatives.

Councilmember Olson asked if it was possible to recoup any of the initial \$80,000 the City paid when the portal was originally implemented. Utilities Director Ryan E. Suchanek indicated that the amount in question paid for programming necessary to integrate the ACE Portal with BS&A, and as such would not be recoverable.

Motion by Mayor Pro-Tem Osika to discontinue service with Harris UCA for the ACE Portal due to a lack of utilization as follows:

RESOLUTION NO. 173-2024

**APPROVE DISCONTINUING SERVICE PROVIDED BY
HARRIS UTILITY CONSUMER ANALYTICS OF CHICAGO, ILLINOIS
FOR THE ACE CUSTOMER PORTAL SYSTEM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, entered into a contract for the installation of an automatic meter reading (AMR) Fixed Network Administrator system with Aclara by the adoption of Resolution 37-2017 on March 20, 2017; and

WHEREAS, the City and Director of Public Services & Utilities added and implemented a new customer service for water customers called the Aclara Adaptive Consumer Engagement (ACE) Portal to allow customers to better understand and manage their water billing account and water usage.

WHEREAS, utilization of the ACE portal is currently less than 4% of the City's residents.

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, and in the public interest to discontinue the ACE Portal service with Harris Utility Consumer Analytics.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Fear.

***Escrow Agreement – Washington Park Smart Homes Development Project**

City Manager Henne indicated that this agreement will ensure that the administrative engineering costs the City incurs for the Washington Park Smart Homes Development Project will be paid by the project developer.

Motion by Councilmember Pidek to authorize an escrow agreement with Venture Housing III, Inc. establishing an escrow account for the payment of engineering related expenses incurred by the City for the Washington Park Development Project as follows:

RESOLUTION NO. 174-2024

AUTHORIZING ESCROW AGREEMENT FOR THE PAYMENT OF MUNICIPAL ENGINEERING, CONSTRUCTION ADMINISTRATION, CONSULTING, AND OTHER AGENCY FEES FOR THE WASHINGTON PARK DEVELOPMENT PROJECT

WHEREAS, the Developer, Venture Housing III, Inc., a Michigan company, is undertaking the installation of public infrastructure (the "Project") to serve the proposed Washington Park residential development in the City of Owosso, and such infrastructure shall meet all specifications set forth by the City's engineering standards and relevant ordinances; and

WHEREAS, the City of Owosso, a Michigan municipal corporation, will require third-party professionals, including municipal engineering services, construction administration, and other consulting professionals (collectively, the "Third-Party Professionals") to review and oversee the Project's design, installation, and compliance with all applicable local, state, and federal regulations; and

WHEREAS, the Developer has agreed to fully reimburse the City for all reasonable and documented out-of-pocket expenses related to these services, as well as any fees charged to the City by other agencies (the "Other Agency Fees"); and

WHEREAS, the City and the Developer wish to establish an escrow account to ensure the timely payment of said expenses and fees throughout the duration of the Project; and

WHEREAS, the Developer has agreed to deposit an initial sum of One Hundred Thirty-Seven Thousand One Hundred Dollars (\$137,100) into the escrow account and to maintain a minimum balance of One Hundred Thousand Dollars (\$100,000) during the Project's progression.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, MICHIGAN that:

FIRST: the City Council authorizes the establishment of an escrow agreement between the City of Owosso and Venture Housing III, Inc. for the payment of municipal engineering, construction administration, consulting, legal expenses, and other agency fees associated with the Washington Park development project.

SECOND: the Mayor and City Clerk are authorized and directed to execute the Escrow Agreement on behalf of the City of Owosso.

THIRD: the Finance Director is directed to oversee the escrow funds in accordance with the terms of the Escrow Agreement, including receiving deposits from the Developer and disbursing funds as necessary to cover the fees and expenses incurred by the City and its Third-Party Professionals.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Fear.

COMMUNICATIONS

Brad A. Barrett, Finance Director. Revenue & Expenditure Report - August 2024.
Owosso Historical Commission. Minutes of September 9, 2024.
Historic District Commission. Minutes of September 18, 2024.
WWTP Review Board. Minutes of September 24, 2024.
Parks & Recreation Commission. Minutes of September 25, 2024.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

City Manager Henne thanked Mayor Teich and Councilmember Haber for their help in packing the truck trailer that is headed to North Carolina to support the victims of Hurricane Helene. Councilmember Haber indicated Councilmember Law was present as well.

City Attorney Sott J. Gould indicated that the Council should have voted on whether to allow Councilmember Pidek to abstain from the Consent Agenda vote, and he would like the Council to remedy the oversight at this time.

Motion by Councilmember Law to allow Councilmember Pidek to abstain from the Consent Agenda vote due to a conflict of interest.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Fear.

NEXT MEETING

Monday, October 21, 2024

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2026
Building Board of Appeals – Alternate - term expires June 30, 2025
Downtown Historic District Commission – term expires June 30, 2027
Planning Commission - term expires June 30, 2027
Zoning Board of Appeals – Alternate – term expires June 30, 2027
Zoning Board of Appeals – Alternate – term expires June 30, 2025

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 8:03 p.m.

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

Robert J. Teich, Jr., Mayor

Amy K. Kirkland, City Clerk

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