

OWOSO CITY COUNCIL

AUGUST 4, 2014

7:32 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND CAL EMERSON

PLEDGE OF ALLEGIANCE: JUSTIN HORVATH
SEDP PRESIDENT/CEO

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following amendment:

Move Consent # 2 to Items of Business # 4
Add Item of Business # 5 - set a special meeting to discuss the DIG project and street ballot/bond proposal.

Motion supported by Council person Teich and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 21, 2014:

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of July 21, 2014 as presented.

Motion supported by Councilperson Bandkau and concurred in unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – RENTAL REGISTRATION PERIOD

A public hearing was held to hear citizen comment regarding the proposed amendment to Chapter 8, Buildings and Building Regulations, Article VII, Rental Dwelling Registration, Section 8-154(a), Registration, to change the rental registration period to 5 years, reflecting the changes made to the Fee Schedule in April 2014.

No public comments were offered.

Councilperson Bailey wanted to see that something in the ordinance states that unless there is a complaint the inspection period will not change. She indicated she thought this was a reflection of policy rather than ordinance, and stated she is surprised to see it on the agenda. She said the fee change shows no fee change listed.

Tyler Leppanen, Housing Program Manager, explained the change was amend the registration period to five years to reflect the change in the Fee Schedule from \$25 every two years to \$25 every five years. Councilperson Bailey expressed thanks to Mr. Leppanen for sharing rental inspections brochures as the information would be useful to tenants because it contains basic safety and quality of life. Mayor Frederick shared that a Tenants and Landlords booklet is published by the legislature that you can read online or through Ben Glardon's office or Joe Hune's office.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the following ordinance amendment be adopted:

ORDINANCE NO. 754

**AN ORDINANCE AMENDING SECTION 8-154(a)
OF THE OWOSSO CITY CODE REGARDING RENTAL REGISTRATION**

WHEREAS, the city of Owosso has an ordinance on its books requiring the registration of rental dwelling units every two years with a fee of \$25.00; and

WHEREAS, the City Council has passed a resolution to modify the fee schedule to every five years and the ordinance needs to be amended to reflect that change; and

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 8, Buildings and Building Regulations, Article VII, *Rental Dwelling Registration*, Section 8-154(a), Registration, be amended as follows:

SECTION 1. Section 8-154 (a) of the Owosso City Code is hereby amended to read:

Sec. 8-154(a). Registration.

- (a) *Compliance required.* All rental dwelling unit owners are required to register their rental dwelling units every five years pursuant to this article and shall comply with the following:
- (1) All existing rental dwelling units property shall be registered within 180 days of the effective date of the ordinance.
 - (2) All newly constructed rental dwelling units shall be registered prior to any use or occupancy as a rental dwelling unit and every five years thereafter.
 - (3) A new owner shall register a rental dwelling unit, which is sold, transferred or conveyed, within 30 days of the date of the closing of such sale. Any existing registration shall be transferred to the new owner and shall be valid until its expiration or revocation for noncompliance with city codes and ordinances.
 - (4) All existing nonrental dwelling units, which are converted to rental dwelling units, shall be registered prior to the date on which the property is first occupied for rental purposes and every five years thereafter. Failure to comply will result in penalties as described in this ordinance or by resolution.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective August 25, 2014.

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.

Motion supported by Councilperson Fox.

Roll Call Vote

Ayes: Councilpersons Teich, Bandkau, Fox, Mayor Pro-Tem Eveleth, Councilperson Greenway, Mayor Frederick.

Nays: Councilperson Bailey.

CITIZEN COMMENTS AND QUESTIONS

County Commissioner John Horvath encouraged council and attendees to vote tomorrow, August 5th.

Sheila Hockman of 705 Campbell Drive, expressed her feelings regarding the proposal to shut down the cable access channels. She said she though the public cable station is important to keep, especially for the homebound because they can hear news and events from their home. She also suggested the city use the public cable station to advertise events. Ms. Hockman then addressed burning in Owosso saying burning is still going on and people are still suffering. She said she doesn't understand why fires don't get reported or ticketed. Lastly, Ms. Hockman asked people to please remember to vote.

Ed Urban of 601 Glenwood Avenue, talked about item #4 on the agenda regarding breaking and entering. He said everyone needs to remember to lock car doors and he hopes that stiff fines will be in place for those who break into cars.

Phil Hathaway, 736 Elmwood Street, inquired into the road conditions in Owosso. He shared his concern about Owosso's ability to keep up with the aging infrastructure. He said the City needs to address the roads and he hoped council would have a long and hardy conversation about a bond issue, saying he believed that was the way to go.

Justin Horvath, President/ CEO of the SEDP, discussed business item #1 from the agenda saying Tri-Mer Corporation is excited about the proposed plans for this site. A representative from the corporation will be in attendance at the next council meeting in two weeks to discuss the improvements.

Rodney Weinert of 524 Martin Street, said he is concerned about the cats in the vicinity of 1413 W. Stewart Street. The home in question is next to his rental unit and is home to a lady known as the "cat lady". She has a lot of cats, 8 of which were on the porch of his rental unit at 1413 W. Stewart at one point. He asked the city to step up and do their job to enforce the 3 cat limit

stating the neighbor has feral cats that she feeds everyday, possibly up to 16, and they are making a mess of his rental unit. He said he would like to see the council live trap the animals and get the count down to three.

Matthew Shepherd of 2264 Ellsworth Road, Perry, stated he too is concerned about the city doing away with public access channels and believes it is imperative for the city to keep them so that people have access to events going on in the city. He said that taking public access away would limit peoples' access as well as the city's ability to be compliant. Lastly, he reminded people to please remember to vote.

Council Comments

Mayor Frederick addressed the public access issue to clarify the City's position regarding the cost of operating the channels. He also noted that council has not had a formal vote on the public access issue yet, only staff proposals were presented for consideration and the Council will address this at a future meeting. The Mayor also mentioned that should the city move forward it would be in a full and open process.

Councilperson Bailey asked about the possibility of getting signs for the parks, possibly stating "See something, say something" in an effort to combat vandalism. She also inquired whether she should make a suggestion to that effect at the next Parks and Recreation Commission meeting.

Mayor Pro-Tem Eveleth asked if the city manager could go over cat rule one more time. City Manager Crawford explained the city does not have much of a program for the control of nuisance cats and is trying to develop one. He stated the issue is an isolated problem in different pockets of the community where people feed stray cats and then they multiply. Mayor Pro-Tem Eveleth asked if the city could do something to help Mr. Weinert. Manager Crawford stated if the city could create a trap, neuter/spay, and release program it would certainly help. Councilperson Bailey stated she is happy to be the contact person for such a program.

Councilperson Fox shared his reasoning to have item # 2 pulled from the consent agenda and placed as business item # 4 saying that people who own cars and leave windows unlocked or doors unlocked are causing a temptation to others. He said he thinks that the public needs to be educated on the importance of using common sense, stating there are always two sides to the story, those who lock their property and those who don't. Mayor Frederick shared his hope people can maintain a lifestyle that doesn't require a bunker mentality. He said he hopes people can have peace of mind and not feel that they have to lock their doors at every moment, even when they are at home. Councilperson Fox stated that people need to remember that we don't live in the same time as when we were young and that things move faster and people need to be prepared.

Councilperson Teich inquired about off-street parking asking if it was possible for the parking subcommittee to work with local businesses on the issue. He said he talked with Carl Lamphere about the parking lot he is donating in Westown and Mr. Lamphere's concern is that even though he is donating the land for the lot he will still have to pay for leased spaces for his employees. Councilperson Teich asked if all the parties involved could meet to discuss options. Mayor Frederick suggested Councilperson Teich be involved in the conversation as well.

Councilperson Greenway stated she falls on the Mayor's side believing it is not convenient to have to lock her car every time she gets out of it. She also agreed with Councilperson Bailey and offered to help her take cats to Lansing to be neutered/spayed stating it is a positive way to get things done.

CITY MANAGER REPORT

City manager Crawford shared the project status report and briefly highlighted various items on the report.

CONSENT AGENDA

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

First Reading and Set Public Hearing. Conduct a first reading and set a public hearing for Monday, August 18, 2014 to receive citizen comment on the Real and Personal Property IFT application from Tri-Mer Corporation for new development and construction at their property located at 1400 Monroe Street as follows:

RESOLUTION NO. 114-2014

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE TRI-MER CORPORATION 1400 MONROE / McMILLAN AVENUE

WHEREAS, a tax abatement application was received July 24, 2014 from Tri-Mer Corporation per the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, an application was also received July 24, 2014 from Tre-Mer Corporation for a Real and Personal Property Industrial Facilities Tax Exemption Certificate; and

WHEREAS, an Industrial Development District was established March 19, 1979 for property described as:

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03°39', E 366.24', TH S 62°27', E 556.27' TH S 01°05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.; and

WHEREAS, the Industrial Facilities Tax Exemption certificate, being part of Act 198 of 1974, is available to the city of Owosso; and

WHEREAS, city of Owosso is a qualified local governmental unit and permits the city of Owosso to grant an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, it was determined by city staff that the Industrial Facilities Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification will be sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010; and

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: the Owosso City Council sets a public hearing for August 18, 2014 at or about 7:30 p.m. in the council chamber for the purpose hearing comments for those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law.

First Reading and Set Public Hearing – B & E of Motor Vehicle. (This item was moved to Items of Business 5. See said item for Resolution No. 115-2014.)

Traffic Control Order No.1317. Approve application of Jaimi Redmond, on behalf of the Gilbert Street residents to close Gilbert Street between Oliver Street and Queen Street on August 24, 2014 from 2:00 PM to 7:00 PM for a block party for neighborhood residents, waive the insurance requirement, and authorize Traffic Control Order No. 1317.

Boards and Commissions Appointments. Approve the Mayoral appointment of Shane Nelson to the Parks and Recreation Commission for a term expiring 06-30-2016 (to fill the unexpired term of Nicole Hathaway).

Change Order No. 3 – DIG Project Part 1 & 3. Approve Change Order No. 3 to the contract with Fleis & Vandenbrink Engineering for the DIG Project, Parts 1 & 3 to add additional work beyond the scope of the original contract in the amount of \$1,749.00 as follows:

RESOLUTION NO. 116-2014

AUTHORIZING CHANGE ORDER #3 TO THE CONTRACT WITH FLEIS & VANDENBRINK ENGINEERING, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR DOWNTOWN INFRASTRUCTURE GRANT PROJECT PARTS 1&3

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fleis & Vandenbrink Engineering Inc. on April 21, 2014 for Engineering Services for the Downtown Infrastructure Grant Project Parts 1&3; and

WHEREAS the city requests additional services of the consultant to analyze existing site conditions of the project site(s) and finds it necessary to have additional work performed beyond the original contractual scope of 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 theretofore determined that it is advisable, necessary and in the public interest to amend the contract with Fleis & Vandenbrink Engineering Inc. for a cost to the City of Owosso of \$1,749.00.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment #3 to the Contract between the City of Owosso, Michigan and Fleis & Vandenbrink, Inc.

THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$71,537.00 to Fleis & Vandenbrink Engineering, Inc. upon successful completion of stated work.

FOURTH: The above expenses shall be paid from the Contractual Services Fund, Account No. 494-901-965-585.

Purchase of New Police Car. Approve the purchase of a 2015 Ford Fusion S from Signature Auto Group of Owosso in the amount of \$17,856.00, waiving competitive bidding requirements in accordance with the *Code of Ordinance of the City of Owosso, Michigan* Section 2-345 (3) as follows:

RESOLUTION NO. 117-2014

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
PURCHASE OF ONE POLICE VEHICLE
WITH SIGNATURE AUTO GROUP OF OWOSSO**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a police department requiring the use of police vehicles; and

WHEREAS, the City of Owosso desires to purchase one new vehicle for the Detective Bureau and a bid was received from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso, holder of the contract for police vehicles with Macomb County; and it is hereby determined that Signature Auto Group of Owosso is qualified to provide such vehicles and that it has submitted the responsible and responsive bid; and

WHEREAS, the City of Owosso may waive competitive bidding requirements in accordance with the *Code of Ordinance of the city of Owosso, Michigan* Section 2-345(3).

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 purchase one 2015 Ford Fusion S from Signature Auto Group of Owosso, utilizing the Macomb County contract, for a cost to the City of Owosso of \$17,856.00

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Signature Auto Group, Inc..

THIRD: Payment to Signature Auto Group in the amount of \$17,856.00 is authorized upon delivery of said police vehicle.

FOURTH: The above expense shall be paid from the Police Division Capital Outlay fund 101-300-978.000.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES Councilperson Bandkau, Mayor Pro-Tem Eveleth, Councilpersons Fox, Greenway, Bailey, Teich, and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

TWENTY ONE DAY POSTING - VACANT OSBURN LAKES PHASE 1 LOTS

Mayor Frederick shared his interest in creating an ad hoc body to work with realtors in the future. Councilperson Teich asked the Mayor to define what the ad hoc committee would do and what the responsibility would be between city and realtor. Mayor Frederick said it would be important to develop accountability and keep up a concerted effort to meet and keep conversations going. The Mayor shared it would be important to send an RFP in the future to potential developers, but we can move forward with 21 day posting and have a more fruitful discussion then.

Motion by Mayor Pro-Tem Eveleth to approve Authorize twenty-one (21)day posting period for sale of city owned property located in the Osburn Lakes, Phase 1 development as follows:

RESOLUTION NO. 118-2014

**AUTHORIZING TWENTY ONE DAY POSTING OF CITY-OWNED PROPERTY
VARIOUS LOTS IN OSBURN LAKES CONDOMINIUM DEVELOPMENT**

WHEREAS, the City owns thirty (30) vacant lots in the Osburn Lakes Condominium Development; and

WHEREAS, the City intends to sell the lots for the sales prices listed on Exhibit A, the attached Resolution No. 39-2011 in the column entitled "New Price"; and

WHEREAS, Section 14.3(b)(2) of the City Charter requires that the resolution authorizing the sale of real estate remain on file with the City Clerk for public inspection for twenty-one (21) days after its original introduction at a meeting of the City Council; and

WHEREAS, it may be necessary to alter the boundaries and sizes of some lots; and

WHEREAS, it will be cumbersome and interfere with the marketability of the lots to post for twenty-one (21) days a proposed sale of individual lots; and

WHEREAS, the City Attorney has opined that this single collective instant Resolution will satisfy the requirements of Owosso City Charter Section 14.3(b)(2).

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

FIRST: The Council finds that it would be cumbersome and interfere with the marketability of the lots to post the sale of each individual lot for twenty-one (21) days and as such approves the twenty-one (21) day posting period for public inspection of this collective Resolution.

SECOND: The lots shall be sold for the prices listed on the column entitled "New Price" on Exhibit A.

THIRD: If it is necessary to alter property lines of lots, the price of the altered lots shall be adjusted by adding or subtracting the square footage of the change based upon the sales prices listed on Exhibit A.

FOURTH: The Mayor and City Clerk are instructed and authorized to execute appropriate documents to consummate said sales.

**EXHIBIT A
RESOLUTION NO. 39-2011**

**ESTABLISHING SALE PRICES
FOR LOTS IN THE OSBURN LAKES SUBDIVISION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, previously determined that it was advisable, necessary and in the public interest to develop the Osburn Lakes Subdivision;

WHEREAS, the city of Owosso retains ownership of 30 lots which the city intends to sell;

WHEREAS, the development agreement provided a price schedule designed to allow the city to recoup development costs and other provisions pertaining to the sale of each lot; and

WHEREAS, the prices established are no longer reasonable in today's market following the real estate market collapse, a new schedule has been proposed;

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 establish the sale price of lots in the Osburn Lakes Subdivision as follows:

Area	Description	Lots	Initial price	New price*
A	60 foot frontage lots with 120-130' depth	16	\$14,600	\$10,040
B-1	Small corner lots and 68 and 69	5	\$15,310	\$10,525
B-2	Large corner lots	5	\$16,100	\$11,070
C-1	Small privacy lots north side of Jackson Drive	8	\$17,500	\$12,030
C-2	Larger privacy lots north side of Jackson Drive	6	\$19,400	\$13,340
D	Walk-out lots/small lots	6	\$22,700	\$15,600
E	Walk-out large privacy lots	11	\$23,250	\$15,980
F	Large basement window	14	\$24,000	\$16,500
G	Walk-out large lots	12	\$25,500	\$17,530

*if sidewalks were installed prior to sale the cost of installation will be added to the price of the lot

SECOND: the city of Owosso will maintain all other sale conditions including but not limited to those requiring that construction begin within one year and that lots shall not be combined.

Motion supported by Councilperson Bandkau.

Roll Call vote.

AYES: Councilperson Teich, Mayor Pro-Tem Eveleth, Councilpersons Greenway, Fox, Bandkau, Bailey, and Mayor Frederick.

NAYS: None.

CAPITAL IMPROVEMENT FUNDING

The Mayor shared that city staff was to have prepared a workable plan by this meeting but acknowledged that due to pressures on staff it is has not been possible to present the plan today. The Mayor stated a special meeting will need to be held regarding street funding options as well as the DIG, which is item of business #5 tonight.

City manager Crawford gave two alternatives for funding the street program as follows:

1. A Headlee override of 1.963 mills per \$1,000. (If the council were to choose to take it up to the lesser limit dictated by the Charter. The Charter does have another provision that would allow the city to go up to 20 mills.) The structure of this particular funding option is flexible and could be an override forever, or it could be for three years as this resolution shows. If this should be adopted the money wouldn't come in until August of 2015 and renewal wouldn't happen until 2016 which wouldn't allow for much work to happen between now and 2016.
2. The second resolution was one that was sent out to voters last year for a \$10 million bond over 25 years. Adoption of this bond would allow the City to address roads that needed more major maintenance.

City Manager Crawford went on to express his concern that the Headlee override model would not bring in enough funding to accomplish enough, saying that along with regular maintenance such as slurry seal, one mile of milling and paving would consume the entire levy for one year. The City needs to keep enough money set aside to be able to do streets the state will help fund. If we don't do it when they are ready then the opportunity will have passed.

Finance Director Richard C. Williams shared a fact sheet that Engineer Randy Chesney had created about the streets and presented the Pavement Management Study sheet from Dr. Abass But. He explained the Pavement Condition Index (PCI) where a perfect is 100, saying it was recommended the City strive for a PCI of no less than 55. Doing so will require a certain amount of money. Using the City's current funding model of \$1.5 million dollar per year it shows a decline in the PCI from 60 to a low of 29 in 2031. Mr. Williams went on to explain that this study had been shared with Council in the past and he felt that the City should focus on repairing or replacing streets based on that study. City Manager Crawford stated tough decisions need to be made on roads, especially after tomorrow's election results. The next time to put something on the ballot again will not happen until January 2016 if we have a presidential primary.

Mayor Frederick asked about preparation for the special meeting, what will Council have for review besides the study from Dr. But, will there be a road listing? City manager Crawford said it goes back to the road list that was already presented, and formed the basis of Councilperson Bandkau's proposal though his took what the City had for a three-year project and spread it out over a 15-year timeline.

Councilperson Bandkau stated he wanted to explain where he was coming from. Sharing feedback he heard he said we lost the last bond because people did not want to pay interest and because the scope of work went beyond what the people wanted saying they want a conservative approach, a maintenance approach. He went on to say that the number one thing the City needs to do is build trust. He understands from a maximization of resources perspective that it is more efficient to maintain roads from a less deteriorated state and bring them up to condition. He understands it is cheaper, but that is not the political decision but rather an engineering decision. He stated that unfortunately we do not always get to make the best engineering decision, sometimes we have to make the right emotional decision, the right thought decision, the right political decision. He went on to say that he doesn't need to see a street list to know this is what the people want. He set his proposal at two years so the City can build trust with the community and so that it becomes so automatic that every two years that Council can just go ahead and put it up again because it will be a habit. He said he understands that the City would like to get it all done in three years but he doesn't think a bond issue would succeed. He said he hasn't heard anyone opposed to a Headlee override and believes the City can prove itself over two years, then maybe at that time the City can go for a bond and go for a larger fix.

Councilperson Teich asked Councilperson Bandkau about specific funding plans saying we need to be on track and be specific to a degree. The goal should be to execute the plan and then see how we do at the end of two years. Councilperson Bandkau stated he wanted to see a two-year street plan to go to people, and then a 3-year, 5-year, and then 10-year street plan.

Motion by Councilperson Bandkau to approve the resolution authorizing a city operating millage restoration proposal for the November 4, 2014 General Election ballot reducing the length from three years (2015-2017) to two years (2015-2016.)

RESOLUTION NO. 119-2014

**AUTHORIZING A CITY OPERATING MILLAGE RESTORATION PROPOSAL FOR
THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan has determined that a street capital improvement program is necessary and that it is in the best interests of the city of Owosso to submit a question to the voters to restore the amount of the city's operating millage that has been reduced due to the Headlee rollback to fund such a capital improvement program; and

WHEREAS, the city council has decided to place the proposal on the November 4, 2014 General Election ballot.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: The following proposition shall be submitted to the electors of the city at the November 4, 2014 General Election:

Millage Proposal

Shall the city of Owosso, Michigan, be permitted to increase its authorized millage rate beginning in 2015 for two years, 2015 to 2016 inclusive by an additional 1.9630 mills (\$1.9630 per \$1,000) on each dollar of the taxable value of all taxable property in the city of Owosso for reconstruction, resurfacing, repairing and otherwise improving city streets, which will restore to the city the charter-authorized millage amount for general purposes which has been reduced by Section 31 of Article IX of the state constitution of 1963, all of which tax revenues would be disbursed to the city of Owosso?

The charter-authorized millage amount has been reduced by required millage rollbacks in recent years to 13.0370. If approved, levy would raise approximately \$470,112 in 2015.

SECOND: The city clerk, the city attorney, and all other city officials are authorized and directed to take any actions necessary to have the proposals placed on the November 4, 2014 General Election ballot.

THIRD: All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Motion supported by Councilperson Teich.

City attorney Brown asked to change the wording in the proposal from value of all real and personal property to value of all taxable property.

Councilperson Fox stated he has not heard people NOT wanting their streets fixed but that they want their streets fixed without having to pay interest. He said the schools built their credibility in the community with their sinking fund projects and he believes if we can get this program kicked off and build our credential up we will win.

Mayor Frederick noted his appreciation for Councilperson Bandkau's work on a bond that was expired and bringing it back into a workable millage.

Roll Call vote.

AYES: Councilpersons Bandkau, Teich, Mayor Pro-Tem Eveleth, Councilpersons Fox, Greenway, Bailey, and Mayor Frederick.

NAYS: None.

FOIA FEE FOR MOBILE VEHICLE RECORDING SYSTEM RECORDINGS

Public safety director Lenkart shared the in-car cameras were installed last week; however the city needs to have a fee in place for processing FOIA requests related to the recordings generated by the systems.

Councilperson Bandkau asked if Michigan is a state where people need to be made aware they are being recorded. Lenkart responded he did not believe so.

Motion by Mayor Pro-Tem Eveleth to approve the following resolution establishing a fee for processing FOIA requests for mobile video recorder recordings.

RESOLUTION NO. 120-2014

RESOLUTION ADOPTING FOIA FEES FOR MOBILE VIDEO RECORDING

WHEREAS, the City of Owosso, County of Shiawassee, State of Michigan is a public body within meaning of the Michigan Freedom of Information Act (MFOIA) ; and

WHEREAS, in its capacity as a public body, the City of Owosso creates, possesses and maintains certain records which fit within definition of the term "public records" as defined in the MFOIA ; and

WHEREAS, the City of Owosso Public Safety Department has a Mobile Video Recorder System (MVRS) that has the capability to record audio and video; and

WHEREAS, the City of Owosso desires to establish a fee in accordance with and pursuant to the provisions of MFOIA for use in connection with requests received by it for the inspection and receipt of copies of MVRS.

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 the fee for a MVRS recording under MFOIA is \$30.00.

SECOND: The stated fee shall be added to the 2013 Fee Schedule, as amended.

Motion supported by Councilperson Teich.

Roll Call vote.

AYES: Councilpersons Bailey, Fox, Teich, Greenway, Bandkau, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

FIRST READING AND SET PUBLIC HEARING – ORDINANCE AMENDMENT – B & E OF A MOTOR VEHICLE

(This item was moved from the Consent Agenda.)

Councilperson Fox asked whether there was a state law to borrow rather than creating a new ordinance. Public Safety Director Lenkart stated no. Councilperson Fox asked for further clarification that this would be a city ordinance and revenues would come back to the city. Public Safety Director Lenkart stated he believed that the revenues would stay with the City and that this was designed as a stand-alone ordinance.

Motion by Councilperson Fox to conduct the first reading and set a public hearing for Monday, August 18, 2014 to receive citizen comment on proposed addition of Section 19-67, prohibiting the breaking and entering of a motor vehicle to the Owosso City Code.

RESOLUTION NO. 115-2014

**SETTING A PUBLIC HEARING FOR
AN ORDINANCE AMENDMENT TO ADD SECTION 19-67
TO PROHIBIT THE BREAKING AND ENTERING OF A MOTOR VEHICLE
TO THE CODE OF ORDINANCES OF THE CITY OF OWOSSO**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, does not have an ordinance prohibiting the breaking and entering of a motor vehicle; and

WHEREAS, adoption of such an ordinance would prohibit the activity and grant the Owosso Public Safety Department the authority to take action against individuals that participate in the activity.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS: that Sec. 19-67. Breaking and Entering of a Motor Vehicle, be added to Chapter 19, Offenses, Article IV, Offenses against property, of the Code of Ordinances of the City of Owosso as follows:

SECTION 1. ADDITION. Section 19-67. Breaking and Entering of a Motor Vehicle shall be added as follows:

Sec. 19-67. Breaking and Entering of a Motor Vehicle.

(a) It shall be unlawful for any person to enter a motor vehicle unless the person:

- (1) Is the owner or lessee of the vehicle, or has some other contractual interest in the vehicle that would entitle the person to enter the vehicle;
- (2) Is the owner or lessee of the real property upon which the vehicle is located; or
- (3) Has permission to enter from an owner, a lessee, or an authorized operator of the motor vehicle, or the owner or lessee of the real property upon which the vehicle is located.

(b) This section shall not apply to:

- (1) A law enforcement officer acting within the scope of the officer's duties.
- (2) A motor vehicle that is lawfully being moved because it is abandoned, inoperable, or improperly parked.
- (3) An employee or agent of an entity that possesses a valid lien on a motor vehicle and who is expressly authorized by the lien holder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.

(c) As used in this section:

- (1) "Enter" includes, but is not limited to, opening a door, trunk or hood of a vehicle, or inserting any part of one's body, or any object connected with the body, into a vehicle, which act shall include breaching the plane of the opened door, window, trunk or engine area.
- (2) Any vehicle that falls within the definition of "motor vehicle" in the state's Michigan Vehicle Code.

SECTION 2. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. EFFECTIVE DATE.

Pursuant to Section 6.4a of the Owosso City Charter, this ordinance shall take effect from and after twenty (20) days from the date of passage.

SECTION 5. PUBLIC HEARING.

A Public Hearing has been set for Monday, August 18, 2014 at 7:30 p.m. in the Owosso City Council Chamber, 301 West Main Street, Owosso, Michigan for the purpose of hearing citizen comment regarding the proposed ordinance.

Motion Supported by Mayor Pro-Tem Eveleth

Roll Call Vote.

AYES: Councilpersons Bandkau, Fox, Greenway, Teich, Bailey, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

SET SPECIAL MEETING TIME

(This item was added to the agenda.)

Motion by Mayor Pro-Tem Eveleth to set a special meeting for Tuesday, August 12, 2014 at 7:00 p.m. in the City Hall Council Chamber to discuss Downtown Infrastructure Grant and the ballot initiative.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Greenway, Mayor Pro-Tem Eveleth, Councilpersons Fox, Teich, Bandkau, and Mayor Frederick.

NAYS: None.

COMMUNICATIONS

Kevin D. Lenkart, Public Safety Director. June 2014 Fire Report.

Historical Commission. Minutes of June 9, 2014.

Planning Commission. Minutes of July 28, 2014.

Parks and Recreation Commission. Minutes of July 28, 2014.

CITIZEN COMMENTS AND QUESTIONS

Greg Weinert, 530 Martin Street, asked Councilperson Bailey how catch and release works. She indicated several cats, up to 20, can be live trapped, transported to surgery, and in 24-hours are released back to the location they were trapped. The goal being to help reduce number of cats being born in those areas.

There was discussion regarding who does the trapping, who organizes such a project, and whether a group can be formed in Owosso.

Ed Urban, 601 Glenwood Avenue, had several questions regarding any potential spay/neuter program. He also offered to let the City use his live traps.

Matt Shepherd said he agrees with Councilperson Bandkau in that if the government was using money as stated then trust would be better rather than one lump fund everything is taken out of.

Councilperson Bailey asked Assistant City Manager Montenegro to introduce Housing Program Manager Tyler Leppanen.

Councilperson Greenway noted that two lights are out on the stage at the Lebowsky Center. She also asked when the next hazardous waste day is scheduled. It was noted that it may be sometime in October.

Councilperson Fox said he is hopeful the ballot proposal will be successful in November if we get everything straightened out.

NEXT MEETING

Monday, August 18, 2014

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:10 p.m.

Motion supported by Councilperson Teich and concurred in by unanimous vote.

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk