

OWOSSO CITY COUNCIL

AUGUST 18, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK
OPENING PRAYER: REVEREND PEG FAULMANN
ST. JOHNS UNITED CHURCH OF CHRIST
PLEDGE OF ALLEGIANCE: COUNCILMAN ROBERT J. TEICH, JR.
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 changes:

Remove Consent 4. Bid Award – Digital Two-way Radios & Licensing
Remove Consent 7. Third Party Administrator
Move Consent 6. Bid Award – 2014 Street Patches Program to Item of Business 4.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 4, 2014

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of August 4, 2014 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE – TRI-MER CORPORATION

A public hearing was conducted to receive citizen comment regarding the application from Tri-Mer Corporation for an Industrial Facilities Exemption Certificate for real and personal property proposed for the facility at 1400 Monroe Street.

The following people commented regarding the application for tax abatement:

Bret Ruess, Vice President of Tri-Mer Corporation, briefly detailed the company's plan for expansion noting they will be using local contractors for the construction and a local bank for the financing. He thanked Council for their support of their business to date and asked for their continued support as they embark on this expansion.

Justin Horvath, President/CEO of the SEDP, noted Tri-Mer continues to grow and is one of the real success stories of the area having started business in 1960. He said support of this application would indicate to the business world that Owosso has a pro-business attitude.

Mayor Frederick said it was nice to hear of a story like this, a long-standing local company that continues to grow and create new jobs.

Motion by Mayor Pro-Tem Eveleth to approve the following resolution authorizing a new Industrial Facilities Tax Exemption Certificate as it relates new real and personal property for Tri-Mer Corporation for a period of 12 years:

RESOLUTION NO. 121-2014

**APPROVING APPLICATION OF TRI-MER CORPORATION,
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES
FOR REAL PROPERTY AND PERSONAL PROPERTY
AT 1400 MONROE/MCMILLAN STREET**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on March 19, 1979, this City Council, by resolution established an Industrial Development District; and

WHEREAS, Tri-Mer Corporation, has filed an application for Industrial Facilities Exemption Certificates with respect to real and personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on August 18, 2014, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of and/or acquisition of the real property had not begun earlier than six (6) months before July 25, 2014, the date application received for the Industrial Facilities Exemption Certificates; and

WHEREAS, construction of the real property is calculated to and will, at the time of issuance of the certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificates, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

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

FIRST: The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Tri-Mer Corporation, for the Industrial Facilities Exemption Certificate, with respect to Real Property and Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

Real Parcel

BLKS 8 & 9 GEO T ABREYS WOODLAWN PARK ADD ALSO VACATED ABREY AVE & ALLEYS ADJ & WITHIN SD BLKS; EXCEPT, PART OF BLKS 8 & 9, GEO T ABREYS WOODLAWN PARK ADD DESC AS BEG AT A POINT N00°42'06"E ALONG THE W LN OF BLK 8 AND E LN OF MCMILLAN 528.55' FROM SW COR OF SAID BLK 8 TO POB, TH CONT N00°42'06"E ALONG SAID W LN OF BLK 8 AND E LN OF MCMILLAN AV 206.85', TH S89°58'12"E 443.36', S01°05'45"W 206.87', N89°58'12"W 441.94' TO W LN BLK 8 AND POB.; and

District

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.

is hereby approved.

THIRD: The Industrial Facilities Exemption Certificates, when issued, shall be and remain in force for a period of 12 years.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ORDINANCE AMENDMENT – B & E OF MOTOR VEHICLE

The proposed addition to the Code of Ordinances would prohibit the breaking and entering of a motor vehicle.

A public hearing was conducted to receive citizen comment on the proposed addition of Sec. 19-67, Breaking and Entering of a Motor Vehicle, to the Code of Ordinances of the City of Owosso.

The following people commented regarding the proposed amendment:

Tom Manke, business owner at 118 South Washington Street, inquired whether it would be illegal under the new ordinance for someone to open the door of a vehicle if they saw a child or an animal locked inside on a hot day.

Eddie Urban, 601 Glenwood Avenue, said he had asked the Sheriff if the City could adopt such an ordinance or if the County already had a similar law in place.

Public Safety Director Kevin Lenkart responded to both gentlemen saying the ordinance would not apply to someone trying to ensure the safety of a child or animal and that many municipalities have similar statutes on their books.

City Attorney William C. Brown noted a typographical error that needed to be corrected prior to adoption.

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 be adopted:

ORDINANCE NO. 755

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 breaking 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.

This ordinance shall take effect September 8, 2014.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Lisa Stechschulte, 725 River Street, relayed her concerns with continued open burning going on in town and the effects it will have on kids as the school year starts. She said there is nowhere for people bothered by smoke to go on burn days saying that smoke even infiltrated the hospital's corridors. She said the current ordinance does not work for people with breathing issues and asked who it really benefits. Lastly, she asked why citations were not issued when burning violations are investigated by police.

Joe Kayanek, 114 North Howell Street, relayed his frustration with the water department saying he knows that the last winter was tough on water lines but the City water line leaking near his home really needs to be fixed. Calls to the Utilities Director have not resulted in a resolution. He said his sump pump runs continually and run-off from the leak is flooding property in the area.

Shelah Hockman, 705 Campbell Drive, had questions about the latest Police Report, specifically the list of fires investigated but not ticketed, asking why citations were not issued in those instances.

Greg Remington, GLS Building Trades Council representative, invited everyone to the sportsman's dinner to be held September 20th at 1251 West Hill Road in Flint to raise money to send kids to hunter safety school free of charge. Tickets are \$20 per person. He also inquired about the contract for work at the Arts Council and mentioned that local contractors are being stonewalled on the hospital housing project behind Home Depot.

Rodney Weinert, 524 Martin Street, wanted to know if anything has been done about the cats in his neighborhood yet.

Eddie Urban, 601 Glenwood Avenue, read aloud a brief article about the nuisance cat problem in Gladwin. He also pointed out that Gladwin offers a free outdoor movie for children during the summer and he thought it might be something that Owosso could do as well.

In response to Mr. Kayanek's concerns City Manager Crawford said he would look into the water leak issue.

There was discussion regarding burning complaints, when a situation warrants an investigation, and when a fire warrants a citation. Public Safety Director Lenkart noted that not every complaint is an automatic violation. He said he would look into the individual instances noted on the July Police Report and report back to Council at a future meeting.

CITY MANAGER REPORT

City Manager Crawford noted that he has tried to find a nuisance fire himself and found it very difficult to locate.

He went on to relay that the Consent item regarding the Third Party Administrator was pulled from the agenda because negotiations with the potential contractor had not reached a conclusion in time for the meeting.

CONSENT AGENDA

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

Conduct First Reading and Set Public Hearing - Rezoning Request. Conduct first reading and set a public hearing for September 15, 2014 to receive citizen comment regarding request to rezone the parcel commonly known as 1011 Corunna Avenue, from B-1, Local Business District, to B-4, General Business District as follows:

RESOLUTION NO. 122-2014

**CONDUCT FIRST READING AND SET A PUBLIC HEARING FOR
AN ORDINANCE TO AMEND CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES
TO REZONE THE PARCEL AT 1011 CORUNNA AVENUE
AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso adopted a Master Plan in 2012 which includes a future land use plan; and

WHEREAS, the Planning Commission desires to carefully implement prudent changes suggested by the Master Plan; and

WHEREAS, an application has been received requesting the rezoning of the parcel at 1011 Corunna Avenue to facilitate plans for a propane filling station for school buses; and

WHEREAS, the Planning Commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the Planning Commission finds that the proposed rezoning meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of parcel 050-010-034-004-00, 1011 Corunna Avenue from a B-1 local business district zone to a B-4 general business district zone; and

WHEREAS, a public hearing by the City Council is required before any such ordinance amendment can be approved.

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

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, Zoning Districts and Map, reflect the following change, to be noted on the official map and filed with the city clerk:

Parcel or Area	Parcel Number	Current Zoning	Proposed Zoning
1011 Corunna Avenue	050-010-034-004-00	B-1	B-4

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, September 15, 2014 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

State Trunkline Maintenance Contract. Approve Contract No. 2014-0389 with the Michigan Department of Transportation governing the maintenance of state highways within the City limits, with an effective term of October 1, 2014 to September 30, 2019 as follows:

RESOLUTION NO. 123-2014

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR
MAINTENANCE OF STATE TRUNKLINES
WITHIN THE CITY LIMITS**

WHEREAS, within the city limits of Owosso, Shiawassee County, Michigan, there are several state trunklines (M-21, M-52, M-71) and bridges owned by the State of Michigan; and

WHEREAS, these trunklines require constant maintenance and the Michigan Department of Transportation (MDOT) has found that contracting with the City for maintenance of said trunklines and bridges is in the best interest of the public; and

WHEREAS, MDOT has presented the City with Contract No. 2014-0389 formalizing the responsibilities and duties of each party, with a term from October 1, 2014 through September 30, 2019.

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

- FIRST: The State Trunkline Maintenance Contract No. 2014-0389 with the Michigan Department of Transportation for the term of October 1, 2014 through September 30, 2019 is hereby approved.
- SECOND: That Director of Public Services Mark Sedlak is hereby designated as the Contract Administrator.
- THIRD: That the Mayor and City Clerk are hereby authorized to execute the document as attached, Exhibit A, State Trunkline Maintenance Contract No. 2014-0389.

Change Order No. 2 – Gould Street Bridge Engineering Services Contract. Authorize Change Order No. 2 to the contract with Fishbeck, Thompson, Carr & Huber, Inc. for engineering services for the repair of the Gould Street Bridge, increasing the contract in the amount of \$30,800.00 for additional repairs beyond the original contractual scope of services as follows:

RESOLUTION NO. 124-2014

**RESOLUTION AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT
WITH
FISHBECK, THOMPSON, CARR & HUBER, INC.
FOR BRIDGE ENGINEERING SERVICES
FOR GOULD STREET BRIDGE OVER SHIAWASSEE RIVER**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a contract with Fishbeck, Thompson, Carr & Huber, Inc. on August 5, 2013 for Bridge Engineering Services for the Gould Street Bridge over the Shiawassee River; and

WHEREAS additional construction administration and material testing services are necessary, that are beyond the original contractual scope of services; and

WHEREAS, Fishbeck, Thompson, Carr & Huber, Inc. are willing to perform the additional services at an increased fee amount of \$30,800.00, and

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 Fishbeck, Thompson, Carr & Huber, Inc. for an additional cost to the City of Owosso of \$30,800.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Amendment #2 to the Bridge Engineering Services Contract between the City of Owosso, Michigan and Fishbeck, Thompson, Carr & Huber, Inc.
- THIRD: The above expenses shall be paid from the Major Street Construction Contractual Services Fund, account 202-451-818000.

Bid Award – Digital Two-way Radios & Licensing. (This item was removed from the agenda.)

Bid Award – 2014 John Deere 310SK Backhoes. Waive competitive bidding requirements and authorize the joint purchase of two 2014 John Deere 310SK Backhoes for the DPW through State of Michigan Contract No. 071B1300116 with AIS Construction Equipment Corporation in the amount of \$187,572.00, and further authorize payment up to the contract amount upon satisfactory receipt of said equipment as follows:

RESOLUTION NO. 125-2014

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
PURCHASE OF TWO (2) 2014 JOHN DEERE 310SK BACKHOES
FROM AIS CONSTRUCTION EQUIPMENT CORPORATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has established a purchasing cycle to maintain a healthy work vehicle fleet and backhoes used by the Department of Public Works are in need of replacement; and

WHEREAS, City Ordinance allows for exceptions to competitive bidding requirements when the public interest is best served by joint purchase with, or purchase from, another unit of government; and

WHEREAS, it is hereby determined that the public interest would be best served by executing a joint purchase through the State of Michigan, Contract No. 071B1300116 with AIS Construction Equipment Corporation, for the purchase of two (2) 2014 John Deere 310SK backhoes. This is a budgeted item from the Revolving equipment Fund.

WHEREAS, the current backhoes may be traded in to AIS for \$40,000.00 or they may be sold for a better price through the MITIN Surplus Auction System, whichever is greater. Any monies received from the sale of the two current backhoes would be returned to the Revolving Equipment Fund to offset the purchase price of the new equipment.

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

FIRST: it has been heretofore determined that it is advisable, necessary and in the public interest to purchase two (2) John Deere 310SK backhoes From AIS Construction Equipment Corporation in the amount of \$187,572.00.

SECOND: the Council recognizes the current equipment will be sold or traded in at a later date, with the proceeds to be placed in the Revolving Equipment Fund.

THIRD: 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 AIS Construction Equipment Corporation for the purchase of the above listed equipment.

FOURTH: the Accounts Payable department is authorized to execute payment of up to \$187,572.00 to AIS Construction Equipment Corporation upon satisfactory receipt of said equipment.

FIFTH: the above expenses shall be paid from the Revolving Equipment Fund.

Bid Award – 2014 Street Patches Program. (This item was moved to Items of Business 4.)

Bid Award – Third Party Administrator. (This item was removed from the agenda.)

Warrant No. 486. Authorize Warrant No. 486 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services – July 15, 2014 – August 11, 2014	General	\$10,166.00
Logicalis, Inc	Network engineering support- July 2104	General	\$ 8,092.00
B S & A Software	Annual service/support fees- Aug 1, 2014 – August 1, 2015	General/ Water/ Sewer	\$11,488.00

*Check Register–July 2014. Affirm check disbursements totaling \$858,726.33 for the month of July 2014.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

*Due to its length, full text of the Check Register is not included in the minutes. A copy of this document will be kept on file in the Clerk’s Office.

ITEMS OF BUSINESS

LOCAL SAFETY PROGRAM FUND APPLICATION - WEST NORTH STREET

City Manager Crawford noted this application is coming before Council because staff felt the project to replace the North Street culvert over Corlett Creek may be a good fit for the Local Safety grant program and application may result in funds to assist with the project.

Councilperson Bandkau inquired whether Owosso Township would be sharing in any of the costs of the project because of the culvert’s proximity to the boundary line. City Manager Crawford noted that the culvert is contained entirely within the City limits and thus is the City’s responsibility.

Motion by Mayor Pro-Tem Eveleth to approve grant application to the Michigan Department of Transportation Local Safety Program for roadway safety improvement funds to assist in street improvements along North Street over Corlett Creek, authorize participation in the Local Safety Program, and further authorize commitment of City funds equal to a 20% match plus the cost of project design and engineering for the project as follows:

RESOLUTION NO. 126-2014

RESOLUTION AUTHORIZING APPLICATION FOR TRANSPORTATION LOCAL SAFETY PROGRAM FUNDS FOR NORTH STREET IMPROVEMENTS

WHEREAS, The City of Owosso, Shiawassee County, Michigan, Public Service Department recommends the reconstruction of a portion of North Street and the replacement of the box culvert over Corlett Creek; and

WHEREAS, the Michigan Department of Transportation offers special funding known as Transportation Local Safety Program funds for this type of work; and

WHEREAS, safety improvement projects must be within an eligible federal-aid urbanized area, such as Owosso; and

WHEREAS, the City of Owosso proposes to procure federal Local Safety Program funds for the purpose of providing an 80 percent (80%) federal match to the City's 2010 Street Bond funds as outlined in its application.

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 proceed with the proposed roadway improvements.
- SECOND: the City of Owosso is actively seeking federal Local Safety Program funds to partially fund the widening and reconstruction of North Street and replacement of the box culvert over Corlett Creek; and is willing to participate in this program.
- THIRD: the appropriate city officials are hereby authorized to sign the application documents and are further authorized to obligate City funds as a match of the project cost up to the amount noted in the application.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

MML DELEGATE

No one expressed interest in attending this year's conference in Marquette, as such, no delegate was appointed.

NUISANCE CAT DISCUSSION

Councilperson Bailey lead a discussion regarding the establishment of a potential community based spay/neuter program to address neighborhood cat colonies including nuisance cats, feral cats, etc. She said she will be attending a conference in September to learn tactics to combat the issue and to acquire resources that may assist in a trap neuter release program. She also hopes to organize a study of the problem in an effort to take advantage of any grant funding that may be available. There was discussion that a team approach would work well to help combat the issue and volunteers would be needed to make it work. Councilperson Bailey said she hoped to learn more about potential short-term efforts that can be undertaken to help people like Mr. Weinert who are already overwhelmed with nuisance cats.

BID AWARD – 2014 STREET PATCHES PROGRAM

Councilperson Fox indicated he had asked this item be pulled for discussion because he wanted to make sure that the large street patch on East Oliver Street would be included in this contract. Staff indicated they had planned to add the patch to the contract.

Motion by Councilperson Fox to approve the low bid of Bibi, Inc. aka Black Jack Asphalt, authorize a contract for the 2014 Street Patches Program in the amount of \$46,776.00 to permanently repair utility cuts in otherwise good pavement, and further authorize payment up to the contract amount upon satisfactory completion of the work as follows:

RESOLUTION NO. 127-2014

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2014 STREET PATCHES PROGRAM
WITH BIBI, INC. AKA BLACK JACK ASPHALT**

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

WHEREAS, the city of Owosso sought bids to permanently patch said areas; a bid was received from Bibi, Inc. aka Black Jack Asphalt; and it is hereby determined that Bibi, Inc. aka Black Jack Asphalt 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 employ Bibi, Inc. aka Black Jack Asphalt for pavement patching as part of the 2014 Street Patches Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and Bibi, Inc. aka Black Jack Asphalt in the amount of \$46,776.00.
- THIRD: The accounts payable department is authorized to pay Bibi, Inc. aka Black Jack Asphalt for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid from account 591-552-833.300 and 591-552-833.200 Water Maintenance Fund.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

J. Forster, Historical Commission. Letter of Resignation.
Charles P. Rau, Building Official. July 2014 Building Department Report.
Charles P. Rau, Building Official. July 2014 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. July 2014 Police Report.
Kevin D. Lenkart, Public Safety Director. July 2013 Fire Report.
Downtown Development Authority/Main Street. Minutes of July 2, 2014.
Downtown Development Authority/Main Street. Minutes of August 6, 2014.
Planning Commission. Minutes of August 11, 2014.

Mayor Frederick commended Joni Forster for her work on the Historical Commission, saying her work would be reflected for a long time to come.

CITIZEN COMMENTS AND QUESTIONS

Gordon Pennington, 417 East Oliver Street, said he has noticed increasing numbers of kids loitering in the Emerson School park both during the day and at night. He has seen evidence of drug use at the park and after having talked with some of the kids he is concerned that these kids not only have nowhere to go but some haven't eaten. He said the Public Safety Department has been very helpful addressing neighborhood concerns about the issue but he wanted to bring the problem to Council's attention because their help may be needed to fully address the situation.

Rodney Weinert, 524 Martin Street, said that he has heard of people in town feeding not only stray cats but raccoon and skunks. He said that something has to be done about such activities as it creates problems, and effort needs to be made to approach the people that are the source of the problems. He also relayed a story about the Humane Society agreeing to take kittens only if the "donor" agreed to pay for their neutering and food.

Mayor Frederick asked that people remember that in some instances a nuisance animal population is a symptom of the mental illness of a resident, yet another reason why the

trap/neuter/release concept works best to control such populations. He also noted that Mr. Weinert's story about a woman having to pay to feed and treat the kittens she dropped off at the Humane Society was a product of necessity as the Humane Society simply doesn't have the capacity to deal with any more cats.

Tom Manke, business owner at 118 South Washington Street, thanked Councilperson Bailey for broaching the subject of nuisance cats. He said he supported a catch and release program, though he was skeptical the local vets would be in favor of such a program. He suggested someone look into creating a neuter clinic staffed with veterinary students to keep the costs down. Lastly, he wanted to know when Pearce Street would be up for reconstruction.

Eddie Urban, 601 Glenwood Avenue, said it would be helpful if cats had to wear tags so they could easily be identified and returned to their owner. He noted that in the Gladwin area people that feed stray cats could end up with a bear visiting their home as well!

Councilperson Bailey said she supports the idea that people should take responsibility for animals they are feeding. She said she hoped that the establishment of a neuter clinic would not only reduce the cost for such services but also cause people to take better care of their animals in general.

Councilperson Teich gave an update on the Westown parking lot saying he had spoken with neighboring land owners and one was willing to include their property in the proposed lot, while the other two were not. He indicated that he had a goal of seeing the house removed by winter and construction of the lot next spring.

Councilperson Fox indicated he had received more cash donations for the Firefighters' Memorial as well as an offer to donate granite benches. He further indicated he hopes to have the project completed by next fall.

Councilperson Bandkau explained to Mr. Manke that Pearce Street is not slated for reconstruction at this time but the list of streets they have assembled is by no means exhaustive. He said Rome wasn't built in a day and the streets of Owosso won't be reconstructed in three years.

Mayor Frederick reminded everyone that Owosso is hosting this year's Veterans' Day Parade in November. He also thanked Council members for stepping forward to impact specific issues in the community.

ADJOURNMENT

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

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk