

**OWOSSO CITY COUNCIL
REGULAR MEETING**

MAY 18, 2015

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND RAY STRAWSER
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

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

ABSENT: Councilperson Robert J. Teich, Jr.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 30, 2015

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Special Meeting of April 30, 2015 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 4, 2015

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Special Meeting of May 4, 2015 as presented.

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

STUDENT REPRESENTATIVE REPORT

OWOSSO HIGH SCHOOL STUDENT REPRESENTATIVE REPORT

No one from the High School was in attendance to present the report.

PROCLAMATIONS / SPECIAL PRESENTATIONS

SWEARING-IN CEREMONY - FIRE DEPARTMENT EMPLOYEES C. KINGSBURY & L. LITTLE

Mayor Frederick and Public Safety Director Lenkart led a ceremony to swear in the City's newest firefighters: Connor Kingsbury and Layne Little. Family members for both men were present to observe the ceremony and pin badges on their loved ones.

FIREFIGHTER PROMOTION – R. BREWBAKER

Mayor Frederick and Public Safety Director Lenkart led a ceremony honoring firefighter Richard Brewbaker for his promotion to Lieutenant. Lieutenant Brewbaker's family was on hand to observe the honor and apply his badge.

WAYFINDING PROJECT UPDATE

Gordon Pennington gave a brief presentation detailing progress on the development of a wayfinding system, branding, and civic signage for the city. He noted that a fully integrated design concept is ready to go and could be used to raise awareness of our local assets. He said he was looking for feedback from Council as to next steps.

The meeting briefly recessed from 8:03 p.m. to 8:07 p.m. to allow the presentation set-up to be dismantled.

PUBLIC HEARINGS

2015-16 PROPOSED CITY BUDGET

The Public Hearing was conducted pursuant to Chapter 8 of the City Charter to receive citizen comment regarding proposed 2015-2016 City Budget.

There were no citizen comments.

Councilpersons Bandkau indicated he would like information on the fund balances and water rates prior to consideration of adoption of the budget.

Councilperson Fox asked for information regarding the replacement of water mains and the waste water treatment plant.

The proposed budget is scheduled for adoption at the June 1, 2015 meeting.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, indicated he would like to the City invest more money in its park system.

Mayor Frederick applauded the Shiawassee Community Mental Health Authority on the celebration of their 50th anniversary, saying they were the 3rd such organization in the state and they should be commended for all of the work they do for the community.

CITY MANAGER REPORT

City Manager Donald D. Crawford indicated he had nothing to report at the current time.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the Mayoral Boards and Commissions appointment of Janae Fear to the Planning Commission, filling the unexpired term of T. Kurtz expiring June, 30, 2019.

Warrant No. 502. Approve Warrant No. 502 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network engineering support – April 2015	Various	\$10,192.00
William C. Brown, P.C.	Professional services – April 14, 2015 – May 10, 2015	General	\$10,481.82
B S & A Software	Annual service and support fees- May 1, 2015 – May 1, 2016 Building Department Delinquent Personal Property Internet services	General	\$ 8,078.00

*Check Register— April 2015. Affirm check disbursements totaling \$ 490,474.72 for the month of April 2015.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

ITEMS OF BUSINESS

FIRST READING AND SET PUBLIC HEARING - FERAL/STRAY CAT TRAP-NEUTER-RETURN ORDINANCE

City Attorney William C. Brown distributed his revision of the proposed ordinance. He also distributed a resolution naming a “cat care organization”. He indicated that should the Council choose to adopt the TNR ordinance the resolution would be utilized to formally name the cat care organization authorized to assist in the care of stray/feral cats in the community.

Motion by Councilperson Fox to conduct the first reading of the ordinance set a public hearing for Monday, June 1, 2015 to receive citizen comment regarding the proposed addition of Chapter 5, Animals, Article III, Feral Cat Trap-Neuter-Return Program, to the Code of Ordinances of the City of Owosso as follows:

RESOLUTION NO. 41-2015

**FIRST READING & SET PUBLIC HEARING FOR
AN ORDINANCE TO ADD TO THE CODE OF ORDINANCES
CHAPTER 5 ANIMALS ARTICLE III-FERAL/STRAY CAT TRAP-NEUTER-RETURN**

WHEREAS, communities across the country (urban, suburban, rural) are faced with growing feral/stray cat populations; and

WHEREAS, a local law addressing community cats will reduce the population of free-roaming cats, positively affect potential disease and nuisance concerns, and improve the quality of life for the citizens of Owosso; and

WHEREAS, approaches like trap-and-euthanize have failed to solve the problem; and
WHEREAS an increasing number of communities are enacting local laws to regulate and support the practice of Trap-Neuter-Return (TNR) programs as a solution; and

WHEREAS, an ordinance authorizing TNR is needed due to other existing ordinances such as feeding bans, a maximum number of animals per household, requirements against cats being at large, etc. which effectively impede TNR efforts; and

WHEREAS, these provisions can make it difficult/impossible for caretakers, the individuals who manage colonies of cats, to do their work legally, making an ordinance allowing TNR and exempting caretakers from these other laws a prerequisite for the establishment of a community-wide TNR program; and

WHEREAS, it is in the community's best interest to identify colonies and their caretakers, and offer resources to care responsibly for the cats through TNR; and

WHEREAS, the goal is to establish reasonable standards for performing TNR by providing protections to caretakers who adhere to the ordinance's terms and conditions and by clearly defining the duties of all involved parties, including caretakers, animal welfare organizations, animal control agencies and the city; and

WHEREAS, it is in the best interest of the city of Owosso to protect the health, safety and welfare of residents through managed care of community cats by setting the following standards.

NOW THEREFORE BE IT ORDAINED by the city council of the city of Owosso, Michigan, Shiawassee County, Michigan that the Code of Ordinances be amended as follows:

SECTION 1: ADDITION. Adding to Chapter 5 Animals an Article III, Feral/Stray Cat Trap-Neuter-Return

ARTICLE III. – FERAL/STRAY CAT TRAP-NEUTER-RETURN

Sec. 5-40 Purpose.

The purpose of this article is to set the following standards for management of feral and community cats.

Sec. 5-41 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning.

Caretaker means any person who regularly provides food /water/shelter to a feral cat colony.

Cat care organization means the organization recognized by the city to oversee a trap-neuter-return (TNR) program to reduce the feral cat population, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of feral/stray cats.

Eartip means a mark identifying a feral or stray cat as having been sterilized, specifically, the removal of the tip of the cat's left ear while the cat is anesthetized.

Feral cat means a cat that is free roaming, not socialized to people and not an owned cat.

Feral cat colony and **colony** mean a group of feral or stray cats that congregate, more or less, together as a unit and share a common food source.

Foster home means a household in which cat(s)/kitten(s) are temporarily placed for providing shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Kitten means a member of the species *felis catus* under the age of 10 weeks.

Nuisance means conduct by feral or stray cat that disturbs the peace, including (a) habitually or continually howling or making loud noises and (b) destroying property and as defined in Section 18-1 of this Code.

Owned cat means a cat that is a companion to a person, is regularly fed and is sheltered in that same person's habitation.

Shelter means a structure that provides feral/stray cats with protection from weather-related elements and natural enemies.

Sterilize means to spay or neuter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as trap-neuter-return.

TNR program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, and returned to the location where they were captured and provided with long-term care by a caretaker.

Sec. 5-42 Management of feral cat colonies.

A TNR program shall be permitted and caretakers shall be entitled to maintain feral cat colonies according to the terms and conditions of this Article.

Sec. 5-43 Caretaker requirements.

It shall be the responsibility of a caretaker to:

- (a) register all feral cat colonies managed by the caretaker with the cat care organization pursuant to the requirements of Sec. 5-44;
- (b) make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies and eartipped by a licensed veterinarian;
- (c) provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats;
- (d) make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- (e) make reasonable efforts to remove, socialize, and find permanent adoptive homes or foster homes for kittens born to colony cats; and
- (f) make reasonable efforts to work with the city and the cat care organization to resolve any complaints concerning the colony of cats managed by the caretaker.

Sec. 5-44 Feral cat colony registration.

Upon registration of a feral cat colony, the caretaker shall provide the cat care organization with:

- (a) address, telephone number and, if applicable, email address of the caretaker;
- (b) location of the colony; and
- (c) approximate number of cats in the colony and the number currently sterilized/vaccinated.
- (d) the cat care organization shall provide the Clerk of the City of Owosso with current listings of all registered feral cat colonies.

Sec. 5-45 Change of caretaker.

If a caretaker is unable or unwilling to continue in that role, the caretaker shall notify the cat care organization and shall make reasonable efforts to secure a replacement caretaker. The cat care organization shall advise the Clerk of the City of Owosso whenever a caretaker ceases to function as such.

Sec. 5-46 Ordinance enforcement.

Nothing in this Article shall interfere with the right of the city to:

- (a) investigate nuisance complaints allegedly caused by a feral or stray cat or feral cat colony. If a cat/cats belonging to a registered feral cat colony is causing a nuisance, the city shall give the caretaker written notice delineating the nuisance and location of the cat or cats with

specificity, including the person making the complaint. The caretaker shall have thirty (30) days from the date that written notice was provided to alleviate the nuisance. If the caretaker fails to effectively address the nuisance after thirty (30) days, the city shall have the right to remove the offending cat or cats;

- (b) seize and remove a registered feral cat colony if the caretaker regularly fails to comply with the requirements of Sec. 5-43 and the caretaker does not correct the situation within thirty (30) days of being given written notice by the city delineating the failures with specificity;
- (c) a caretaker in compliance with this Article shall be exempt from all provisions of this code that impose requirements on cats that are owned, kept, harbored, or in the custody of a person.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect twenty (20) days after its passage.

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. PUBLIC HEARING. A public hearing is set for Monday, June 1, 2015 at 7:30p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

PROPERTY SALE – FORMER SUGAR BEET FACTORY PROPERTY -TWENTY ONE DAY POSTING

City Manager Crawford noted that the issue of road access still needs to be addressed and a small parcel of property located in Owosso Charter Township will need to be annexed to complete the sale. He also explained that the final price will be on a per acre basis dependent on the actual acreage that is sold.

Council expressed their excitement about the prospective economic development opportunity presented by the sale of the property.

Motion by Mayor Pro-Tem Eveleth to authorize twenty-one (21)day posting period for sale of city owned property located at 1509 West Oliver Street (former Sugar Beet Factory property) to Cargill, Incorporated for approximately \$75,000 as follows:

RESOLUTION NO. 42-2015

**AUTHORIZING 21-DAY POSTING FOR
A PROPERTY SALE CONTRACT
WITH CARGILL, INCORPORATED**

WHEREAS, the city of Owosso, Michigan ("city") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Owosso City Charter adopted April 6, 1964, as amended ("charter"); and

WHEREAS, the city owns certain vacant industrial-zoned property known as 1509 W. Oliver, commonly known as part of the sugar beet property; and

WHEREAS, the city is not currently utilizing the land and desires to sell the land for industrial purposes and an offer has been received and a contract prepared for sale of the property; and

WHEREAS, a sale contract has been made between the city of Owosso and Cargill, Incorporated, a Delaware Corporation for sale of the property which is attached hereto; and

WHEREAS, Charter Section 14.3 (b)(2) provides for a twenty-one-day (21) posting period to allow public inspection of the proposed purchase contract.

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

- FIRST: the city of Owosso is the owner of property that is suitable for industrial development and a sale contract has been proposed with Cargill Corporation for industrial purposes.
- SECOND: the city council approves the posting of said sale contract for a period of at least 21 days to allow for public inspection.*

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Teich.

COMMUNICATIONS

T. Kurtz, Planning Commission. Letter of Resignation.
Richard C. Williams, Finance Director. Revenue & Expenditure Report – April 2015.
Charles P. Rau, Building Official. April 2015 Building Department Report.
Charles P. Rau, Building Official. April 2015 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. April 2015 Police Report.
Kevin D. Lenkart, Public Safety Director. April 2015 Fire Report.
Parks & Recreation Commission. Minutes of April 27, 2015.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, welcomed Cargill to the community. He also inquired what other property the City had available for sale offering to get the word out in an attempt to help sell the property. It was noted the City had a map showing all City-owned parcels as well as a policy for the sale of said parcels. The SEDP is aware of all the parcels with marketable potential and actively markets them where appropriate.

Councilperson Fox noted that Eagle Scout candidate Zack Matusek had collected enough funds to complete the second phase of his project to install playground equipment in Adams Park.

Mayor Frederick noted his appreciation for the grass-roots efforts of individuals and groups to improve the City's parks during this time of economic hardship.

Councilperson Bandkau announced that he and his wife are in the process of purchasing a new home located outside the City limits and intends to move from the City by the end of June. He said it had been a distinct pleasure to serve the residents in the City and intends to stay on until he is no longer a resident. Congratulations to Mr. Bandkau and his family was offered as they open this new chapter in their lives.

NEXT MEETING

Monday, June 01, 2015

BOARDS AND COMMISSIONS OPENINGS

Historical Commission, expires December 31, 2017
Parks & Recreation Commission, expires June 30, 2017
Planning Commission, expires June 30, 2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:26 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

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