

**OWOSSO CITY COUNCIL  
REGULAR MEETING**

**JUNE 1, 2015**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** PASTOR MARLENE WEBSTER  
THE INTERSECTION CHURCH

**PLEDGE OF ALLEGIANCE:** CLAIRE HILLIKER  
MISS MICHIGAN AMERICAN US PAGEANT PRINCESS

**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 Councilperson Bailey to approve the agenda with the following addition:

**CONSENT AGENDA**

6. Boards and Commissions Appointments. Approve the following Mayoral boards and commissions appointment:

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Philip Hathaway*	Downtown Historic District Commission	06-30-2018

\*Indicates reappointment

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

***APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 18, 2015***

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of May 18, 2015 as presented.

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

***PROCLAMATIONS / SPECIAL PRESENTATIONS***

Mayor Frederick acknowledged the presence of members of Mrs. Ladd's 5<sup>th</sup> grade class from Bryant Elementary School.

**"MAKING A DIFFERENCE"**

Council heard a presentation by Owosso 2<sup>nd</sup> grade student Claire Hilliker the current Miss Michigan American US Pageant Princess regarding her favorite American Dr. Martin Luther King, Jr., a man that made a difference.

Mayor Frederick pointed out and briefly detailed the series of documents presented to Council this evening.

***PUBLIC HEARINGS***

**ORDINANCE AMENDMENT – CHAPTER 5, ANIMALS**

The proposed amendment would establish a Feral/Stray Cat Trap-Neuter-Return ordinance to help deal with the overabundance of feral/stray cats in the City.

City Manager Donald D. Crawford noted that the office that will register cat colony care takers will be the Code Enforcement Office. He also noted that should Council adopt the proposed ordinance they will be presented with a resolution naming a cat care organization that will undertake the activities listed in the ordinance. Lastly, he expressed his support for the ordinance amendment saying it will help with the stray cat issue.

A public hearing was conducted to receive citizen comment regarding the proposed addition of Chapter 5, Animals, Article III, *Feral Cat Trap-Neuter-Return Program*.

The following people commented regarding the proposed amendment:

Elmer Walworth, 1344 West King Street, said that while he appreciated what Council was trying to do he felt that returning spayed/neutered cats to the place they were found will not solve the problem because they would still be around to get into garbage and defecate in people's flower beds.

An anonymous phone comment supporting efforts to manage stray cats in town was received via the Code Enforcement Office prior to the meeting.

There were no further citizen comments.

Councilperson Bailey addressed Mr. Walworth's concerns saying that while it seems counterintuitive to put the cats back where you found them research has clearly shown that a TNR (trap-neuter-release) program is an effective way reduce the number of stray cats.

Councilperson Bandkau said he had a lot of questions about the proposed ordinance saying he found certain sections to be very vague and he felt the overall ordinance was unenforceable. He said he thought that adoption of the proposed ordinance would only create loopholes for those that hoard animals.

Councilperson Greenway noted that cats that are being cared for are not usually the cats that get into people garbage and create problems. She said she has noticed a distinct difference in the stray cats in her neighborhood since they've been neutered.

City Attorney William C. Brown noted that he had reviewed the language and agreed that it was not perfect, but could be amended if necessary.

Councilperson Bailey noted that you cannot legislate kindness. She said there is always someone that will feed a stray animal. This ordinance seeks to provide the resources that people need to take care of stray cats.

Councilperson Fox said he was concerned that a registered care taker could cease caring for a colony and there may be no one else interested in taking responsibility for them. He said the idea sounded good on paper but there was no guarantee it would work in Owosso. He also expressed concern for potential health issues presented by allowing people to have cat colonies.

Mayor Frederick noted that the City already has existing colonies that are not cared for and their numbers are not being managed, he said that even if the ordinance was not a complete success it would mark a distinct improvement over what is going on now.

Councilperson Bailey noted that 83 local cats were spayed or neutered in May alone. She hopes to one day work Community Cats right out of business!

Whereas, the Council, after due and legal notice, has met and having heard all interested persons, motion by Councilperson Teich that the following ordinance be adopted:

**ORDINANCE NO. 766**

**AN ORDINANCE TO ADD TO THE CODE OF ORDINANCES  
CHAPTER 5 ANIMALS ARTICLE IV-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 Program

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

##### **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 June 22, 2015.

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.

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: Councilpersons Bandkau and Fox.

**CITIZEN COMMENTS AND QUESTIONS**

Joe Nowacki, 710 Ament Street, said his street floods when there is a heavy rain and the storm sewers around his house now have an odor emanating from them. He inquired what he should do to prevent the storm backwater from coming into his house and asked that someone look into the issue and find a resolution.

Claire Hilliker, Miss Michigan American US Pageant Princes, noted that one man’s trash is another man’s treasure saying that a lot of garbage could actually be turned into art if people took a second look. She also encouraged people to recycle.

Tom Manke, business owner at 118 South Washington Street, said he thought the new TNR (Trap-Neuter-Release) program was a good idea. He also indicated that he is upset that no one has been arrested in his battery case, streets need to be fixed, people are homeless and hungry and he would like Council to attend to those matters.

Kirk Preston, 1227 Adams Street, expressed his frustration with a house in his neighborhood that has been vacant for almost 10 years and is in a constant state of disrepair. He asked that the City look into who is paying the property taxes and hold them responsible for upkeep on the home. He said he would be happy to help resolve the situation in any way he could.

Marsha Ladd, 5<sup>th</sup> grade teacher at Bryant Elementary, noted that her students were in the final stages of completing an International Baccalaureate unit on how decisions are made with a special concentration on how decisions are made at all levels of government. She thanked Assistant City Manager Montenegro for her hospitality tour prior to the meeting.

Christopher Howard, Bryant Elementary School 5<sup>th</sup> grade student and Student Council Representative, read aloud his essay on the things he learned about the City of Owosso, its laws and ordinances, and how it functions.

City Manager Crawford indicated he had not been aware of a storm sewer problem in Mr. Nowacki’s neighborhood. He also noted that the City is waiting for its new sewer cleaner and would not be able to attend to Mr. Nowacki’s concerns immediately.

Mayor Frederick asked that staff look into the status of the Adams Street home and report back at a future meeting.

Councilperson Bailey noted that she had recently had the opportunity to take her young granddaughter to the splash pad at Bentley Park and had a marvelous time, saying there were lots of people there enjoying all the park has to offer.

Councilperson Fox noted that he had been contacted by a resident living near the skate park and they reported that cars go in and out of the park at all hours and the kids do not take care of the equipment but rather vandalize it.

**CITY MANAGER REPORT**

City Manager Crawford distributed and briefly detailed the Project Status Report for May.

**CONSENT AGENDA**

Motion by Councilperson Fox to approve the Consent Agenda as follows:

**First Reading and Set Public Hearing - Rezoning Request.** Conduct first reading and set a public hearing for June 15, 2015 to receive citizen comment regarding request to rezone the 7 parcels bound by Clinton, Shiawassee, Genesee, and Elm Streets, from I-1 Light Industrial District to B-1 Local Business District as follows:

**RESOLUTION NO. 44-2015**

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE PARCELS OF REAL PROPERTY ALONG SOUTH SHIAWASSEE STREET AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from Midwest V, LLC on behalf of the owner of real property identified as Lots 1-4 AL & BO WILLIAMS ADDITION, to rezone the parcels from I-1 Light Industrial District to B-1 Local Business District; 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 recognizes the value in rezoning the seven (7) parcels

along S. Shiawassee Street for economic development and growth; 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 the following parcels:

Parcel Address	Current Zoning	Amended Zoning
202 S. Shiawassee	I-1	B-1
206 S. Shiawassee	I-1	B-1
210 S. Shiawassee	I-1	B-1
214 S. Shiawassee	I-1	B-1
511 Clinton	I-1	B-1
502 Genesee	I-1	B-1
508 Genesee	I-1	B-1

and

WHEREAS, the item must now be considered by City Council and a public hearing by the Council is required before any such ordinance amendment can be acted upon.

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 Address	Parcel Number	Current Zoning	Amended Zoning
202 S. Shiawassee	050-660-021-001-00	I-1	B-1
206 S. Shiawassee	050-660-021-003-00	I-1	B-1
210 S. Shiawassee	050-660-021-004-00	I-1	B-1
214 S. Shiawassee	050-660-021-005-00	I-1	B-1
511 Clinton	050-660-021-002-00	I-1	B-1
502 Genesee	050-660-021-006-00	I-1	B-1
508 Genesee	050-660-021-007-00	I-1	B-1

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, June 15, 2015 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.

**First Reading and Set Public Hearing – General Industrial Zoning District Ordinance Amendment.** Conduct first reading and set a public hearing for June 15, 2015 to receive citizen comment regarding the proposed amendment to Section 38-312, Principal uses permitted, of Article XIV, I-2 General Industrial Districts, Chapter 38, Zoning, of the Code of Ordinances of the City of Owosso to better reflect the current land use and impose limitations on certain uses by requiring a special use permit as follows:

**RESOLUTION NO. 45-2015**

**FIRST READING & SET PUBLIC HEARING FOR  
AN ORDINANCE AMENDING SECTION 38-312, PRINCIPAL USES PERMITTED,  
OF THE OWOSSO CITY ZONING CODE REGARDING  
I-2 GENERAL INDUSTRIAL ZONING**

WHEREAS, the City of Owosso Zoning Code Section 38-312, Principle uses permitted, outlines specific uses allowed in the I-2, General Industrial District, zoning designation; and

WHEREAS, the uses permitted within the I-2 zoning district need modification to meet current use needs while imposing stricter limitations on certain types of land use by requiring a special use permit.

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

SECTION 1. AMENDMENT. That existing Section 38-312, Principal uses permitted, of the Owosso City Code be amended to read:

**Sec. 38-312. - Principal uses permitted.**

In an I-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an I-1 district;
- ~~(2) Grain elevators;~~
- (2) **Onsite** heating and electric power generating plants, ~~and all necessary uses using conventional fuels or renewable resources;~~
- (3) Gasoline or petroleum storage;
- (4) Railroad yards;
- (5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
  - ~~a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;~~
  - ~~b. Blast furnace, steel furnace, blooming or rolling mill;~~
  - ~~c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;~~
  - ~~d. Petroleum or other inflammable liquids, production or refining;~~
  - ~~e. Smelting of copper, iron or zinc ore;~~
  - ~~f.~~
  - a. Junkyards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that one property line abuts a railroad right-of-way.
- (6) Foundry operations within a closed building.**
- (7) Any other use which shall be determined by the council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this section. The council may impose any required setbacks and/or performance standards so as to insure public health, safety and general welfare;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

**Additional uses allowed by special use permit:**

- (1) Grain elevators;**
- (2) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:**
  - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;**
  - b. Blast furnace, steel furnace, blooming or rolling mill;**
  - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;**
  - d. Petroleum or other inflammable liquids, production or refining;**
  - e. Smelting of copper, iron or zinc ore;**

SECTION 2. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 3. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective 20 days after approval.

SECTION 5. 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 6. PUBLIC HEARING. A public hearing is set for Monday, June 15, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

**Contract Renewal – General Engineering Services.** Approve the required annual renewal of the General Engineering Services contracts with Spicer Group Inc., Fishbeck, Thompson Carr & Huber, Inc., and Fleis & Vandenbrink, Inc. to provide engineering services through June 30, 2016 as follows:

**RESOLUTION NO. 46-2015**

**AUTHORIZING THE RENEWAL OF AGREEMENTS  
FOR PROFESSIONAL ENGINEERING SERVICES WITH  
SPICER GROUP, INC.  
FISHBECK, THOMPSON, CARR & HUBER, INC.  
FLEIS & VANDENBRINK ENGINEERING, INC.**

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to contract for professional engineering services for various public improvement projects in the city; and

WHEREAS, in March 2014 Council approved a series of three-year contracts with engineering firms Spicer Group, Inc., Fishbeck, Thompson, Carr & Huber Inc., and Fleis & Vandenbrink Engineering Inc. which require renewal on an annual basis; and

WHEREAS, Spicer Group, Inc., Fishbeck, Thompson, Carr & Huber Inc., and Fleis & Vandenbrink Engineering Inc., have provided the City with satisfactory services to date and renewal of their respective agreements is recommended.

NOW THEREFORE BE IT RESOLVED by the city of Owosso, county of Shiawassee, state of Michigan:

- FIRST: that the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to renew the contracts with the firms of Spicer Group, Inc., Fishbeck, Thompson, Carr, & Huber Inc., and Fleis & Vandenbrink Engineering Inc., to provide professional engineering services for future engineering projects.
- SECOND: that the mayor and city clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-SG, Renewal of Agreement for Professional Engineering Services with Spicer Group, Inc..\*
- THIRD that the mayor and city clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-FTCH, Renewal of Agreement for Professional Engineering Services with Fishbeck, Thompson, Carr & Huber Inc..\*
- FOURTH that the mayor and city clerk are hereby instructed and authorized to sign the document attached as; Exhibit C-FV, Renewal of Agreement for Professional Engineering Services with Fleis & Vandenbrink Engineering, Inc..\*
- FIFTH that the city manager of the city of Owosso is hereby instructed to receive cost proposals from each of these three firms for future projects and make recommendation to City Council for acceptance and award in accordance with the city of Owosso Purchasing Policy for the period renewed through June 30, 2016.

**Professional Services Agreement – Gould Street Resurfacing Project Engineering Services.** Approve professional services agreement with Fleis & Vandenbrink, Inc. for design engineering and construction administration services related to the Gould Street Resurfacing Project in the amount of \$73,700.00 and authorize payment up to the contract amount as terms of the contract are fulfilled as follows:

**RESOLUTION NO. 47-2015**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
FOR PROFESSIONAL ENGINEERING SERVICES WITH  
FLEIS & VANDENBRINK, INC.  
FOR THE GOULD STREET RESURFACING PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary resurfacing of Gould Street, from M-71 (Corunna Ave.) to M-21 (Main St.); and

WHEREAS, this project requires the services of a professional engineering firm; and

WHEREAS, the City sought proposals from its QBS list of firms to perform such work; and

WHEREAS, Fleis & Vandenbrink, Inc. is selected as the most qualified firm to perform such work and offers to complete full design and construction administration services of said project in return for compensation in an amount not to exceed of \$73,700.00.



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 employ the firm of Fleis & Vandenbrink, Inc. to provide professional engineering services for the Gould Street Resurfacing Project.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Addendum to an Agreement for Professional Engineering Services 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 \$73,700.00 to Fleis & Vandenbrink, Inc. upon successful completion of stated work.
- FOURTH: The above expenses shall be paid from the street bonds

**Warrant No. 503.** Authorize Warrant No. 503 as follows:

Vendor	Description	Fund	Amount
Waste Management	Disposal charges- May 1, 2015 – May 15, 2015	WWTP	\$ 5,014.60

**Boards and Commissions Appointments.** (This item was added to agenda.) Approved the following Mayoral boards and commissions appointment:

Name	Board/Commission	Term Expires
Philip Hathaway**	Downtown Historic District Commission	06-30-2018

\*\*Indicates reappointment

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

Mayor Frederick thanked Councilperson Bandkau and Assistant City Manager Montenegro for working with a local business owner that had concerns with the zoning classifications saying their efforts had been very helpful in bringing about a resolution to the issue.

**ITEMS OF BUSINESS**

**FOIA POLICY UPDATE**

City Manager Crawford explained that access to records has been an issue over the years with some communities putting up major road blocks to people that try to get information. In order to prevent such abuses in the future the legislature passed an amendment to the Michigan Freedom of Information Act, the trouble is that the new act is very complicated and will cost the City more money to implement than the current procedures. He explained that the current policy allowed for a flat fee for information based on the number of pages that required printing. The new policy requires the use of a six page worksheet to calculate the fee for each request separately. He further noted that all communities in Michigan must adopt a new policy conforming to the amended law.

Mayor Frederick inquired whether the City had seen abuses of the current policy by average citizens. City Manager Crawford indicated that by and large individual citizens were not the source of the problem which was more likely to involve a lawyer or business.

Councilperson Fox noted that years ago people used to be able to obtain an accident report from the City for free but this is no longer the case. Public Safety Director Kevin Lenkart noted that parties involved in accident can receive an accident report for free via their insurance company.

Councilperson Bandkau wanted to know what would happen to the average fee for FOIA requests under the new policy. Public Safety Director Lenkart noted that the two comparisons they had performed indicated the new policy would be more expensive for citizens.

Motion by Councilperson Teich to adopt a new FOIA Policy reflecting recent changes in the Michigan Freedom of Information Act, to take effect July 1, 2015.

**RESOLUTION NO. 48-2015**  
**ADOPTING CITY OF OWOSSO**  
**FOIA POLICY**  
**PROCEDURES AND GUIDELINES**

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

WHEREAS, in its capacity as a public body, the City of Owosso receives Freedom of Information Act requests; and

WHEREAS, these requests must be responded to in adherence with the FOIA act, being MCL 15.231, *et seq* (the "Act"); and

WHEREAS, the City previously adopted a policy to ensure that FOIA requests are addressed in an efficient and consistent manner pursuant to established published procedures and guidelines and to implement charges for responding to FOIA requests; and

WHEREAS, the State Legislature made significant changes in the FOIA procedures and requirements (2014 PA 563), to be effective July 1, 2015.

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

FIRST: The FOIA Policy, Procedures and Guidelines dated June 1, 2015 is hereby adopted.

SECOND: The City of Owosso has determined that the fees associated with FOIA will be determined by the FOIA Policy.

THIRD: The FOIA Policy, Procedures and Guidelines will become effective July 1, 2015.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

**POLICE COMMAND CONTRACT**

Motion by Councilperson Teich to approve contract with the Police Officers Labor Council – Command Unit for a three year term beginning July 1, 2015 and ending June 30, 2018.\*

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

**POLICE PATROL CONTRACT**

Motion by Councilperson Fox to approve contract with the Police Officers Labor Council – Patrol Unit for a three year term beginning July 1, 2015 and ending June 30, 2018.\*

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

**2015-16 DOWNTOWN DEVELOPMENT AUTHORITY GENERAL APPROPRIATIONS RESOLUTION**

Mayor Frederick noted once again that he was very pleased with the zero-based budgeting process the DDA/Main Street Board has used the last couple of years saying it makes for a very solid conservative budget.

Motion by Councilperson Bailey to adopt the DDA General Appropriations Resolution authorizing the levy of the Downtown Development Authority millage for the 2015-2016 fiscal year.

**RESOLUTION NO. 49-2015**

**GENERAL APPROPRIATIONS RESOLUTION FOR  
DOWNTOWN DEVELOPMENT AUTHORITY - 2015-16**

WHEREAS, the Authority board met to consider a proposed budget for fiscal year 2015-16, and after deliberations and public input approved a budget; and

WHEREAS, the Owosso City Council held a public hearing on the proposed budget on May 18, 2015; and,

WHEREAS, it is the intent of the Downtown Development Authority to levy a tax for general operating purposes pursuant to Public Act 197 of 1975 based on the budget summary attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically MCL 211.34(d) provide for an annual compound millage reduction calculation applied to the maximum millage rate of two mills authorized by MCL 125.1662; and

WHEREAS, the millage reduction commonly known as the "Headlee" rollback results in a maximum operating millage rate of 1.9484 for which the Authority is authorized to levy.

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2015 shall be the rate of 1.9484 per \$1,000 of taxable value of the 2015 assessment roll for the district as approved by the Board of Review.

The levy will generate a revenue yield for operating purposes as follows:

GENERAL OPERATING	1.9484 MILLS	\$26,942
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Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

**2015-16 CITY BUDGET ADOPTION**

City Manager Crawford explained that action to approve the budget and appropriation for the 2015-16 fiscal year should be broken into three motions: one to approve the proposed budget, one to amend that budget to include funding for the police contracts, and one to approve the appropriation for the year.

Councilperson Fox inquired about how much of the water, sewer, and waste water treatment plant fund balances was actually available. He wanted to know if there were funds available and plans in place to replace the City's infrastructure, saying he wanted to see a plan for the replacement of water and sewer lines that is coordinated with street projects. City Manager Crawford indicated the City always tries to coordinate those efforts, but unexpected problems do develop each year. He went on to say that the City will be repairing/replacing a major line in the water plant, installing water mains to the Fisher landfill area (per DEQ order), and installing water and sewer lines for the Sonoco plant and possibly the Cargill plant (if the project goes through).

**Amend 2015-16 Proposed Budget -**

Motion by Councilperson Fox to approve amendment to the 2015-16 Proposed Budget taking the newly approved police contracts into account (pages 15-16 and 43-44 of the proposed budget document) and designating the use of fund balance for this purpose.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

**Adopt 2015-16 Proposed Budget, as amended -**

Motion by Councilperson Greenway to approve the proposed 2015-16 Budget with the amendments noted.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

**Approve 2015-16 Appropriation Resolution -**

Motion by Councilperson Bailey to adopt the General Appropriations Resolution for the 2015-2016 Adopted Budget, as amended.

**RESOLUTION NO. 50-2015**

**GENERAL APPROPRIATIONS RESOLUTION - 2015-16**

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter, the City Council has received the proposed budget for the fiscal year beginning July 1, 2015 and held a public hearing on May 18, 2015; and

WHEREAS, it is the intent of the City Council to levy ad valorem and specific property taxes for general operating purposes of the City; for payment of principal and interest on voted indebtedness; and for special voted millage to support public transportation, based on the budget summary for fiscal year 2015-16 attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically, MCL 211.34(d) provide for a compound millage reduction calculation applied to the City Charter maximum authorized operating millage rate of fifteen mills per thousand of taxable value; and

WHEREAS, this millage reduction commonly known as the Headlee rollback results in a maximum operating millage rate of 13.0370 for which the City is authorized to levy; and

WHEREAS, the Garbage Disposal Plants Act, MCL 123.261, allows the City to levy up to three mills on all taxable property to provide for the collection and disposal of certain solid wastes; and

WHEREAS, it has been determined that a levy of one mill per \$1,000 of taxable value is required to operate a solid waste recycling program; and

WHEREAS, the voters approved, by a majority, in an election held on August 7, 2012, a millage, not to exceed .3333 mills per \$1,000 of taxable value to support public transportation; and

WHEREAS, the board of the Shiawassee Area Transportation Authority has requested funding from the City equating to a millage of .3285 mills per thousand of taxable value for which the City is authorized to levy; and

WHEREAS, it has been determined that a millage rate of .4973 mills per thousand of taxable value is required for the annual debt service on unlimited tax general obligations bonds.

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2015 shall be the rate of 14.8628 per \$1,000 of taxable value of the 2015 assessment roll as approved by the Board of Review; and

The total levy shall be composed of the constituent rates for purposes and with revenue yields described as follows:

GENERAL OPERATING	13.0370	\$3,120,755
GARBAGE DISPOSAL	1.0000	\$239,376
DEBT SERVICE	.4973	\$119,044
SATA	<u>.3285</u>	<u>\$78,637</u>
	14.8628	\$3,557,812

(This item is continued on the next page.)

2015-16 BUDGET REPORT

FUND	DESCRIPTION	2013-14 ACTUAL	2014-15 AMENDED BUDGET	2015-16 RECOMMEND ED BUDGET
101	GENERAL FUND	6,706,318	6,873,325	6,941,875
202	MAJOR STREET FUND	1,144,748	1,611,450	860,550
203	LOCAL STREET FUND	787,785	597,450	542,575
273	CDBG REVOLVING LOAN FUND	68,645	20,000	35,250
275	HOUSING & REDEVELOPMENT	74,483	398,700	230,650
283	OBRA FUND-DISTRICT#3-CONAGRA	1,897	10,900	12,350
288	OBRA FUND-DISTRICT#8:SUGARBEET	0	0	6,500
289	OBRA:DISTRICT#9(ROBBIN'S LOFT)	2,290	2,500	2,225
291	OBRA FUND-DIST#11(CAPITOL BOWL)	8,695	7,975	9,525
292	OBRA FUND-DIST#12(WOODARD LOFT)	31,497	28,950	37,725
293	OBRA-DIST#13 WESNER BUILDING	0	550	775
296	DOWNTOWN DEVELOPMENT AUTH.	215,893	226,700	177,225
297	HISTORICAL FUND	70,903	106,075	68,200
325	DEBT SERVICE-2010 GO BONDS	57,568	57,150	56,650
327	2013 UTGO	250	70,800	62,850
397	2009 LTGO DEBT	75,295	74,150	77,800
411	CAPITAL PROJECTS- STREET PROGRAM	316,536	235,675	37,600
466	CAPITAL PROJECTS-BUILDING AUTH	30,528	0	0
494	DDA CONSTRUCTION FUND	115,757	1,068,250	0
588	TRANSPORTATION FUND	75,332	65,450	76,100
590	SEWER FUND	1,370,790	1,426,595	1,700,000
591	WATER FUND	2,059,893	2,423,523	3,486,000
599	WASTEWATER FUND	1,699,194	2,099,000	2,048,000
661	FLEET MAINTENANCE FUND	402,533	934,550	758,475

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

Downtown Development Authority/Main Street. Minutes of April 1, 2015.

Downtown Historic District Commission. Minutes of April 15, 2015.

Downtown Development Authority/Main Street. Minutes of April 28, 2015.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, business owner at 118 South Washington Street, said that other communities do not require a FOIA request for an accident report and the City's practice of requiring a formal request was implemented by the current Public Safety Director.

Joe Nowacki, 710 Ament Street, inquired why he was "paying taxes on a big drain" if his property gets flooded every time it rains hard.

Mike Tillotson, 1299 South Shiawassee Street, noted a couple of areas out at Hopkins Lake that need some attention including the approach to a footbridge and a swampy area that needs mowing.

Mayor Frederick commented on the wonderful Memorial Day Parade held recently and said it was nice to have elected officials from other local communities participate in the event.

**NEXT MEETING**

Monday, June 15, 2015

**BOARDS AND COMMISSIONS OPENINGS**

Historical Commission, expires December 31, 2017  
Planning Commission, expires June 30, 2016

**ADJOURNMENT**

Motion by Councilperson Teich for adjournment at 8:55 p.m.

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

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Benjamin R. Frederick, Mayor

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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.