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Judge to decide shelter dispute at city's request

Lease on building never signed

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A committee of city council members recommended on Tuesday — and the recommendation was adopted — that the city seek legal means in determining the ownership of the humane shelter and the land on which it sits.

Originally, the issue was understood to mean that the city owned the building and the Forrest City Area Humane Society owned the land. The city is trying to take the land, citing wording in the lease about what would happen if the area is annexed. However, the Humane Society now holds that it owns the land and the building. A lease on the building was never signed.

The committee met before the regular city council meeting. Councilman Glenn Shepherd, who is also one of the committee members, said no progress was being made in discussions between the committee and the Humane Society, and he made several proposals.

One was to "discontinue working with the Humane Society and have Mr. (Alan) Cline (city attorney) take it to the court system and have the judge tell us what we need to do and what they need to do."

That was the only recommendation adopted by the full council later. Shepherd had some other suggestions to the committee, which were either rejected or tabled for later

consideration by the committee.

The most controversial of the recommendations was to change the locks at the shelter. "We're not totally shutting them out," said Shepherd. He said a key to the shelter would be available, at the police department, for Humane Society members to use during regular working hours.

The other committee members — Chris Oswald and Cecil Twillie — expressed some discomfort with the idea of changing the locks. Oswald asked Cline what he thought.

"That will prompt some sort of action," said Cline. "I'm not real crazy about changing the locks...I think we run the risk of offending whatever judge gets assigned to that case. I think we run the risk of starting out as the bad guy."

Shepherd also recommended that if the building is awarded to the Humane Society, "I'd make the recommendation at that point that we pull out and build a facility somewhere else."

Cline went a little further saying he believes the city should start preparing for "plan B" in case the shelter is awarded to the Humane Society.

"If the judge rules that it's their building, we can't just start then, looking for something else to do. We have to have a contingency plan in place," said Cline. "I've been thinking a lot about this — a lot more than I ever wanted to. I think that somebody needs to sit down and

See SHELTER on Page 2

SHELTER

(Continued from Page 1)
come up with a strategic plan of what the city wants the animal control program to look like."

He said one option would be not to have an animal control program at all, which he said would cause a lot of controversy over strays. He said the city could have a minimal program in which city employees pick up strays, keep them for five days and then turn them over to the Humane Society.

Cline continued, "From a legal standpoint, that's what I would do. Simply because, when we bring in these animals, we're responsible for them. And the longer you keep them the more responsible you become."

Cline said a possibility would be to construct a small building in which dogs could be kept in humane conditions for five days.

"At the end of those five days, the Humane Society is called. They can make a choice, they can take that dog and do whatever they want to with it," said Cline.

Another suggestion, which was not objected to but tabled for consideration at a later date, was to establish "a standard operating procedure for care — how you clean it, when you clean

it, sanitize it, the whole thing, so we have a working document on what to do at the facility," said Shepherd. He said there are guidelines from the Humane Society nationally which could be used as a model. It was agreed that suggestion could be looked into if the city is awarded the shelter.

The only recommendation voted on by the full council was the one to seek a resolution of the ownership issue through the courts.

After the council meeting, Gayden Schwartz, a Humane Society member, confirmed that it is the society's position that they own the building as well as the land. She also said that if a judge awards the Humane Society the building, the Humane Society will run it, including paying utilities. It was brought out during the meeting that the utilities average about \$600 a month.

The original bid awarded for the Humane Shelter, built with public funds, was \$160,000 by Murdock Construction. After some disagreements over construction and alleged workmanship issues, it was estimated that the final price would be closer to \$200,000.