

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 21, 2008**

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Bruno led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning and Planning Director
Rolly Olney, Public Works Director
Sam Bibler, POTW Superintendent
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: July 7, 2008

The Minutes of July 7, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of \$1,144,696.40 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Ordinance No. 166 – An Ordinance to Amend the City of Mason Zoning Ordinance to Permit Outdoor Food and Drink Service by Right in the Commercial Zoning District and Establish Standards for Food and Drink Service Areas Located in the Public Right-of-Way – First Reading

Discussion ensued regarding what standards would be applied for administrative review by the Zoning & Development Director.

MOTION by Preadmore, second by Naeyaert,
To consider Ordinance No. 166 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-30 – A Resolution Accepting Funds from the Hayhoe Family, and Authorizing Entering Into Two Contracts with Aggregate Industries to Construct the Hayhoe Riverwalk – Phase II and Mitigation Area

Discussion ensued whether the Rayner Bond Fund should be dedicated formally to this project at this time.

MOTION by Whipple, second by Bruno,
to consider Resolution No. 2008-30 as read with the removal of "Iva Bond Trust
Fund" in the sixth whereas.

ROLL CALL VOTE:

Yes (3) Bruno, Preadmore, Whipple

No (4) Clark, Mulvany, Naeyaert, Waltz

MOTION FAILED

MOTION by Naeyaert, second by Preadmore,
to consider Resolution No. 2008-30 as read with the following edits: correct
"\$250,00" to read "\$250,000" in the first whereas; strike "Iva Bond Trust Fund"
and insert "Rayner Bond Fund" in the sixth whereas.

ROLL CALL VOTE:

Yes (4) Clark, Mulvany, Naeyaert, Waltz

No (3) Bruno, Preadmore, Whipple

MOTION APPROVED

Resolution No. 2008- 30 was introduced by Bruno and seconded by Preadmore.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-30
RESOLUTION ACCEPTING FUNDS FROM THE HAYHOE FAMILY, AND
AUTHORIZING ENTERING INTO TWO CONTRACTS WITH AGGREGATE INDUSTRIES
TO CONSTRUCT THE HAYHOE RIVERWALK – PHASE II AND MITIGATION AREA
JULY 21, 2008**

WHEREAS, The City Council respectfully accepts a generous gift of \$250,000.00 from the Hayhoe family; and

WHEREAS, The Hayhoe family dedicates these funds expressly for the creation of the Hayhoe Riverwalk Phase II in the proximity of Sycamore Creek; and

WHEREAS, it is the intent and understanding of the Hayhoe family that these funds will be established in a "Reserved Account," to insure that these funds and any interest are used solely for the Hayhoe Riverwalk, and if for any reason this pathway is not constructed, this contribution will revert back; and

WHEREAS, on April 15, 2008 two bids were publicly opened; Contract A for the Hayhoe Riverwalk-Phase II, and Contract B-Mitigation area construction; and

WHEREAS, Aggregate Industries was selected as low bidder with Contract A in the amount of \$253,370.95 and Contract B in the amount of \$109,989.25, totaling \$363,360.20; and

WHEREAS, funding of the Hayhoe Riverwalk – Phase II is a combination of \$250,000 donated by the Hayhoe Family and \$113,360.20 city funds within the Rayner Bond Fund, with an additional \$20,000 contingency.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Mason, that the gift of \$250,000 be received and accepted with much appreciation to the Hayhoe family.

AND FURTHERMORE BE IT RESOLVED, the City Council of the City of Mason hereby authorizes the City Administrator signatory authority to enter into two contracts with Aggregate Industries for the construction of the Hayhoe Riverwalk – Phase II and Mitigation Area, creating the Riverwalk from the Maple Grove Cemetery, across Sycamore Creek to Howell Road.

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz

No (2) Bruno, Whipple

RESOLUTION APPROVED

MOTION – Waiver of Administrative Fee for the Collection of 2008 Real Ad Valorem Taxes Requested by Kiwanis Village

Annually, the Board of Directors for Kiwanis Village of Mason, Inc. requests the City of Mason to waive the 1% administrative fee collected for real estate taxes. The Kiwanis Club of Mason provides affordable housing for Senior Citizens and disabled persons from the Mason area. The State of Michigan pays the taxes in accordance with senior citizen housing legislation and asks owners to request a waiver because the fees are not covered by the legislative act. In recognition of the service provided by the Kiwanis, the City has historically waived the fee.

MOTION by Whipple, second by Preadmore,
to waive the one percent administrative fee for 2008 real estate taxes collected
for Kiwanis Village.

MOTION APPROVED UNANIMOUSLY

REPORT – 2008 Code Enforcement Mid-Year Report – David Haywood, Zoning & Development Director

Haywood presented the 2008 Code Enforcement Mid-Year Report to Council.

MOTION by Naeyaert, second by Whipple,
to amend the agenda by adding Agenda Item No. 7(E), Motion – Digester Roof Repair.

MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Whipple,
to amend the agenda by adding Agenda Item No. 7(F), Motion – Street Closure
for Neighborhood Block Party on Vanderveen Drive.

MOTION APPROVED UNANIMOUSLY

Motion – Digester Roof Repairs

City Council previously approved a bid from Harper Construction Co. to repair the roofs on both digesters at the POTW. At that time, staff informed Council that there may be additional repairs needed that could not be anticipated until removal of the existing roofs. Unfortunately, severe deterioration was discovered in the decking. The Harper proposal is attached with supporting photographs as further evidence of the need for repairs. The cost of this project will increase by \$43,728.00.

MOTION by Bruno, second by Naeyaert,
to approve the proposal from Harper Industrial Construction, Inc. in the amount
of \$43,728.00 to repair the decking on the digesters' roofs and to approve the
necessary budget amendment.

MOTION APPROVED UNANIMOUSLY

Motion - Request – Street Closure for Neighborhood Block Party on Vanderveen Drive

A letter was received late Friday, July 18, 2008, on behalf of the residents of Vanderveen Drive requesting the closure of Vanderveen Drive from addresses 524 to 540, July 26, 2008, from 3:30 p.m. to 7:30 p.m.

MOTION by Bruno, second by Naeyaert,
to approve the street closure for addresses 524 to 540 Vanderveen Drive for the
residents to hold a neighborhood block party from 3:30 p.m. to 7:30 p.m. on July
26, 2008.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Discussion was held regarding the status of the City's request for participating membership with the Capital Area District Library, MDOT's progress regarding traffic signal installation for the Jefferson and Ash Street intersection and if there is time to reconsider the pole upgrade, progress of the soil erosion ordinance, and the inspection and billing from the Ingham County Drain Commission for East Columbia Street.

NEW BUSINESS

Clark informed Council regarding a meeting with U.S. Representative Mike Rogers. Clark inquired about the funds requested to assist with the construction of the new water treatment plant. Representative Rogers told him that it appears Congress is passing a continuing resolution budget and there will not be any funds allocated at this time.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding current Planning Commission business. Bruno informed Council regarding Tree Commission business. Clark informed Council regarding Downtown Development Business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor