

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 17, 2008**

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Preadmore 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/Treasurer
Rolland Olney, Public Works Director
Dennis O'Brien, Parks & Cemetery Superintendent
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: October 20, 2008

The Minutes of October 20, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Naeyaert,
to approve the payment of bills in the amount of \$69,422.11 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

MOTION by Preadmore, second by Naeyaert,
to move Agenda Item No. 7K to Agenda Item No. 7A and adjust the remaining
items appropriately.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Provide Staff Authorization to Negotiate for Professional Services for the City Hall/Police Station

This venture has been discussed for several years due to space, maintenance, and structure issues of the current building. The City has been preparing during this time by purchasing four properties on Park Street directly adjacent to the current city hall, visiting several municipal facilities, and reserving one million dollars for the project.

The QBS process prioritizes value over cost in the selection of Architectural and Engineering services. Four firms in the regional area were invited to submit qualifications. The process established Christman Company of Lansing as the most qualified firm to negotiate the project scope and associated fee.

Colburn informed Council regarding the exhibits provided relating to the Qualifications – Based Selection process (QBS) for retaining professional services for the construction of a new City Hall/Police Station.

MOTION by Whipple, second by Naeyaert,
to authorize staff to negotiate a contract for professional services to design and construct a City Hall/Police Station with Christman Company, and bring the contract to City Council for approval. If a contract is not negotiated with Christman Company, staff is to follow in order of rankings of the QBS process further negotiations with a qualified company.

A lengthy discussion ensued regarding the safety record of the Christman Company.

MOTION by Bruno, second by Whipple,
to defer authorizing staff to negotiate a contract for professional services to design and construct a City Hall/Police Station to the next regular meeting to allow a safety representative to attend that meeting to address the safety issues that have occurred under the leadership of the Christman Company.

Yes (6) Bruno, Clark, Naeyaert, Preadmore, Waltz, Whipple

No (1) Mulvany

MOTION APPROVED

Presentation – 2007- 2008 Financial Statements

Aaron Stevens of Abraham & Gaffney provided an outline, charts and graphs for his presentation of the 2007-2008 audit of the financial statements. He stated that the City has received an “unqualified opinion.” Abraham & Gaffney recommended that the City adopt a Fraud Risk Management Program, which the city will implement in the 2008/2009 fiscal year.

MOTION by Whipple, second by Waltz,
to accept the City of Mason 2007-2008 Financial Statements and place them on file.

MOTION APPROVED UNANIMOUSLY

Ordinance No. 170 – An Ordinance to Amend Chapter 86, Vegetation, to Update the Official Street Tree Species List for the City

Bruno informed Council regarding the amendment to Chapter 86 of the Code to update the official street tree species list. Councilmember Bruno serves as City Council Liaison to the City of Mason Tree Commission. Tree Commission Chairperson Michael Canteberry, Public Works Director Rolland Olney, and Parks & Cemetery Superintendent Dennis O'Brien were present.

MOTION by Preadmore, second by Naeyaert,
to consider Ordinance No. 170 as read for the first time.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-47 – Approval of MDOT Cost Agreement for Traffic Signal Control

Resolution No. 2008-47 was introduced by Waltz and seconded by Naeyaert.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-47
A RESOLUTION ACCEPTING A COST SHARING AGREEMENT WITH THE MICHIGAN
DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL CONTROL
November 17, 2008**

WHEREAS, the Michigan Department of Transportation requires participation of the City of Mason regarding maintenance and operation of the traffic signal located at the intersection of M36 (Cedar Street) and West Columbia Street; and

WHEREAS, the annual estimated cost for operations and maintenance of the traffic signal is \$912.00, which cost would be split fifty percent by the State of Michigan and fifty percent by the City of Mason.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council approves the traffic signal agreement with the State of Michigan and authorizes the City Administrator to sign on the City's behalf.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-48 – Authorization for Change in Standard Streetlighting Contract
Resolution No. 2008-48 was introduced by Naeyaert and seconded by Whipple.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008- 48
CHANGE AUTHORIZATION FOR THE STANDARD STREETLIGHTING CONTRACT
BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY
November 17, 2008**

WHEREAS, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the street lighting service as provided in the Standard Street Lighting Contract between the Company and the City of Mason, dated October 28, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract for Work Order Number DD 10026995 & DD 10017367 for the removal of two (2) streetlights and the installation of four (4) streetlights on E. Ash Street (M-36) east of Temple Street, heretofore submitted to and considered by the Council.

NOW THEREFORE BE IT RESOLVED, that the Mason City Clerk be and is authorized to execute such authorization for change on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

MOTION – Maple Grove Cemetery Expansion Plan

Olney informed Council regarding the process the Cemetery Board used for defining a design for the expansion of Maple Grove Cemetery. Don Heck of Wolverine Engineers and Michael Canteberry of Land Design Collaborative worked together and presented three conceptual plans for the Board to consider. The Board recommended that Council approve Concept 1 based on its compatibility with the existing historic cemetery. Mr. Canteberry and Mr. Heck presented the proposed expansion plans to Council, focusing on Concept 1. A brief discussion ensued.

MOTION by Bruno, second by Naeyaert,
to accept Maple Grove Cemetery Expansion Plan Concept 1 and place on file.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-49 – Naming of Streets within Maple Grove Cemetery

Olney informed Council regarding the Cemetery Board's process of choosing street names for current and future streets within Maple Grove Cemetery. O'Brien stated that he and Tree

Commission Member and former sexton of the Maple Grove Cemetery Melvin Brown searched historic records to identify sextons that served within the 150 year existence of the Maple Grove Cemetery and found there were eight. The names were narrowed down to those who had a significant impact on the cemetery, with one exception, Mr. Leslie "Dutch" Bruno. Mr. Bruno was instrumental in the paving of the cemetery streets. The street names are offered in memory and in honor of those who served as sextons and advocated for the Maple Grove Cemetery. Resolution No. 2008-49 was introduced by Bruno and seconded by Naeyaert.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-49
NAMING OF STREETS WITHIN MAPLE GROVE CEMETERY
November 17, 2008**

WHEREAS, the City of Mason desires to name the streets within Maple Grove Cemetery and to add them to the current street inventory; and

WHEREAS, by doing so these streets may be maintained with designated street maintenance funds; and

WHEREAS, the City of Mason Board of Cemetery Trustees met on Tuesday, July 22, 2008 and made a recommendation to the Mason City Council that the following street names be considered for approval: Maple Grove Trail, Stroud Street, Squires Circle, White Street, Taylor Street, Brown Street, Dutch Lane, and Tyler Circle.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council hereby approves the naming of streets within Maple Grove Cemetery as recommended by the Mason Board of Cemetery Trustees including approval of the arrangement of said streets as shown on the Cemetery Site Plan map depicted on page 14 of the Maple Grove Cemetery Expansion Plan dated October 2008, with said Cemetery Site Plan to be considered an attachment to this resolution by reference.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-50 – A Resolution Amending the Industrial Facilities Exemption Certificate and Agreement with Gestamp US Hardtech, Inc.

Colburn stated that Stacey Brown and Donna Graham were present representing Gestamp US Hardtech, Inc. Resolution No. 2008-50 was introduced by Naeyaert and seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-50
A RESOLUTION AMENDING THE INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE AND AGREEMENT WITH GESTAMP US HARDTECH, INC.
November 17, 2008**

WHEREAS, on October 16, 2006 the City of Mason and Gestamp U.S. HardTech, Inc. entered into an Industrial Facilities Exemption Agreement pursuant to 1974 PA 198 providing a tax abatement of land and building improvements of \$12,000,000 and machinery, equipment, furniture and fixtures of approximately \$47,100,000 totaling an investment of approximately \$59,100,000; and

WHEREAS, on June 2, 2008 the City of Mason expanded the October 16, 2006 application and agreement by an additional \$10,000,000 due to additional values of real property investment, thereby increasing the total Industrial Facilities Exemption request for land and building improvements to \$22,000,000; and

WHEREAS, Gestamp U.S. HardTech has invested over \$100,000,000 within the City of Mason and exceeded its agreed goal of employing at least 221 full-time employees at the facility; and

WHEREAS, Gestamp U.S. HardTech has requested the City of Mason to consider amending the Industrial Facilities Exemption Agreement by reducing or eliminating the employment level

requirements from the required 221 full-time employees and clarifying that Gestamp U.S. HardTech is in compliance with the Industrial Facilities Exemption Agreement dated October 16, 2006; and

WHEREAS, the request is a special consideration due to the state of the economy and the global automotive industry, upon which Gestamp U.S. HardTech is 100% reliant.

BE IT HEREBY RESOLVED, that the City Council of the City of Mason finds and determines that the amendment of the Gestamp U.S. HardTech, Inc. Industrial Facilities Exemption Certificate considered, together with the aggregate amount of certificates previously granted and currently in force under 1974 PA 198, shall not have the effect of substantially impeding the operation of the City of Mason, or impairing the financial soundness of any taxing unit which levies ad valorem property taxes in the City of Mason; and

NOW, THEREFORE, BE IT RESOLVED, that the Industrial Facilities Exemption Agreement of October 16, 2006 with Gestamp U.S. HardTech is hereby amended by eliminating the minimum requirement of designated full-time employees and further, that Gestamp U.S. HardTech is considered to be in full compliance with the Industrial Facilities Exemption Agreement dated October 16, 2006.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-51 – A Resolution Recommending that the City Council Not Amend or Adopt a New Master Plan.

Resolution No. 2008-51 was introduced by Mulvany and seconded by Naeyaert.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-51
A RESOLUTION DETERMINING TO NOT AMEND OR ADOPT A NEW MASTER PLAN
November 17, 2008**

WHEREAS, Section 45(2) of Public Act 33 of 2008 (Michigan Planning Enabling Act) requires that, "At least every 5 years after the adoption of a Master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan"; and

WHEREAS, The City of Mason's current master plan was adopted in April, 2004; and

WHEREAS, The "Maintaining a Current Master Plan" component of Chapter four of the Master Plan lists the "important questions" that should be asked when evaluating the plan as the following:

1. Does the Plan present valid and current inventory data (Appendices)?
2. Does the discussion of planning issues and goals/objectives (Chapter Two) continue to be appropriate for the City today and, if not, what additions, deletions or other revisions should be considered?
3. Does the Future Land Use Strategy (Chapter 3) continue to reflect the preferred strategy for addressing development and preservation and, if not, what revisions should be considered?

WHEREAS, The Planning Commission has determined that the answers to the "important questions" listed above are "yes"; and

WHEREAS, The Planning Commission has adopted Resolution No. 2008-11, recommending that the City Council not amend or adopt a new master plan at this time.

NOW THEREFORE BE IT RESOLVED, the Mason City Council does hereby determine to not amend or adopt a new Master Plan for the City of Mason at this time.

RESOLUTION APPROVED UNANIMOUSLY

MOTION – To Determine Standing to Appeal Regarding the Decision of the Planning Commission to Deny a Request to Amend the Approved Site Plan for the Village of Franklin Farms

On October 14, 2008, the Mason Planning Commission denied a request to amend the approved site plan and special use permit for the Villages of Franklin Farms to allow a permanent driveway entrance at the cul-de-sac on Northbrook Street. Colburn informed Council that the two appeals were submitted, reviewed by staff and the City Attorney, and found to be sufficient.

MOTION by Naeyaert, second by Preadmore,
to grant standing to the residents listed in the appeal letters of November 4, 2008, and October 18, 2008 regarding the Planning Commission decision to deny the amendment to the special use permit and final site plan approving a driveway entrance at Northbrook Street.

MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Preadmore,
to set Thursday, December 18, 2008, at 6:30 p.m. in the City Hall Community Room to consider the appeals submitted regarding the Planning Commission decision to deny the amendment to the special use permit and final site plan approving a driveway entrance at Northbrook Street.

MOTION APPROVED UNANIMOUSLY

MOTION – Amend the 2008-2009 Fiscal Year Budget

A motion to defer action regarding amending the 2008-2009 Fiscal year Budget was approved at the October 20, 2008, regular meeting. Discussion ensued regarding the appropriate fund to use to add to the Hayhoe family donation for construction of Hayhoe Riverwalk Phase II.

MOTION by Naeyaert, second by Preadmore,
To approve the amendment to the 2008-2009 Fiscal Year Budget as presented.

MOTION by Whipple, second by Bruno,
to amend the main motion by inserting a budget line for the contribution to Capital Improvement for the Hayhoe Riverwalk and transfer \$75,000 from the General Fund to the Hayhoe Riverwalk line item.

Yes (3) Bruno, Preadmore, Whipple
No (4) Clark, Mulvany, Naeyaert, Waltz

MOTION FAILED

VOTE ON THE MAIN MOTION

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz
No (2) Bruno, Whipple

MOTION APPROVED

DISCUSSION – Requirements of the City Council Rules of Order

A brief discussion was held regarding the requirements of the City Council rules of order in accordance with Resolution No. 2001-22.

UNFINISHED BUSINESS

McGinty reported at the request of Council regarding investigatory powers of the Council. Mr. McGinty stated that it is a legislative decision of the Council. He recommended Council gain a better factual basis than it has and request a report from the City Administrator to identify the factual elements of the issue. Council can then review the information it has and decide whether to commence an investigation.

*Preadmore and Whipple were excused by the Mayor to respond to a fire call from the Mason Fire Department at 9:25 p.m.

It was the consensus of Council to defer consideration of this matter to the next regular meeting under unfinished business to receive comments from Councilmember Preadmore.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding current Planning Commission business. Clark informed Council regarding current Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Scott Powers of 737 West Dexter Trail thanked Council for their dedication and service to the community. Mr. Powers requested that Mr. Whipple resign his seat, or that Council take action to remove him from his office.

ADJOURNMENT

The meeting adjourned to at 9:45 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor