

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 15, 2008**

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

Present: Councilmembers: Bruno, Clark, Mulvany, Waltz, Whipple
Absent: Councilmembers: Naeyaert, Preadmore,
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: December 1, 2008

The Minutes of December 1, 2008 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Preadmore
to approve the payment of bills in the amount of \$361,204.32 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Roger Bauer of 608 East Maple Street thanked Council for the fruit basket he received for his volunteer service on the Traffic Commission. He also thanked Councilmembers Whipple and Mulvany for their many years of service to the community.

Mayor Clark welcomed Boy Scout Troop #763.

PUBLIC HEARING

Special Assessment Roll for the Sidewalk Improvements

Clark opened the public hearing for the special assessment roll for sidewalk improvements at 7:37 p.m.

Robert Hubble of 307 South Rogers Street asked if homeowners would be allowed to make sidewalk repairs rather than pay the assessment. Mr. Hubble was advised to contact City Hall to obtain sidewalk installation standards.

Clark stated that a letter of opposition was submitted by Gerald De Voss, property owner of 430 and 432 East Ash Street.

Clark closed the public hearing at 7:39 p.m.

REGULAR BUSINESS

Special Assessment Resolution No. 3, Project No. 2009-01

MOTION by Whipple, second by Waltz,
to consider Resolution No. 3, Project No. 2009-01 and Resolution No. 4, Project No.
2009-01 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No 3, Project No. 2009-01 was introduced by Waltz and seconded by Bruno. A brief discussion was held concerning the current economy and its effect on Mason residents. It was discussed that Michigan law imposes liability on cities for unsafe sidewalks, and that the city offers financing for assessments.

**CITY OF MASON
2009 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 3
PROJECT NO. 2009-1
December 15, 2008**

WHEREAS, the City Council of the City of Mason, pursuant to the provisions of Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter, did on Monday, the 20th day of October, 2008, adopt resolutions tentatively approving the installation and construction of certain sidewalk improvements (the "Project," described below), and the establishment of a special assessment district therefore for the purpose of defraying all or a portion of the cost of the Project, which Project and special assessment district therefore are more specifically hereinafter described; and

WHEREAS, this City Council did meet in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 15th day of December, 2008, at 7:30 o'clock, p.m., the time, date and place set by the City Council to conduct a public hearing to hear any objections to the Project and to the proposed special assessment district therefore; and

WHEREAS, estimates of cost of said Project are on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make the following described sidewalk improvements:

The installation of sidewalks and related improvements, and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: 660 N Cedar, 700 Buhl, 628 Curtis, 630 Curtis, 706 Curtis, 705 Curtis, 701/703 Curtis, 605/621 Curtis, 225 Peachtree, 223 S Rogers, 401 E Maple, 307 S Rogers, 320 Steele, 315/315.5 E Ash, 423 E Ash, 439 E Ash, 314 E Ash, 424 E Ash, 430/432 E Ash, 535 Maine, 522 Maine, 528 Maine, 534 Maine, 120 Lawton, 124 Lawton, 200 Lawton, 210 Lawton, 216 Lawton, 111 Lawton, 117 Lawton, 123 Lawton, 129 Lawton, 209 Lawton, 215 Lawton, 303 Lawton, 309 Lawton, 315 Lawton, 321 Lawton, 402 Lawton, 406 Lawton, 627 E Ash, 703 E Ash.

2. The City Council hereby approves the plans and estimate of cost for the Project in the sum of \$55,925, and approves the additional estimated sum of \$8,390 to defray legal, financing and administrative costs. Of the estimated total cost of \$64,315, the City Council determines to assess \$38,939.52 of that amount against benefiting property owners in the City.

3. The City Council determines that the special assessment district for the Project shall consist of the lots and parcels of land in the area of the City described in **Exhibit A**, attached hereto and incorporated herein by reference, and excluding all streets and other land deemed not benefited.

4. The City Council hereby directs the City Assessor to make, and report to the City Council within thirty (30) days from the date of this resolution, a special assessment roll in which shall be described all of the parcels of land to be assessed as set forth with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amounts shall be such relative proportion of

the whole sum to be levied against all parcels of land in the special assessment district as, on a front foot basis, the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district, all in accordance with Section 66-7 of the City's Code of Ordinances, and subject to review and modification by the City Council.

5. When the City Assessor shall have completed the special assessment roll, he shall affix thereto his certificate, pursuant to Chapter 66-9 of the City's Code of Ordinances, stating that said roll was made pursuant to a resolution of the City Council, adopted on December 15, 2008, for the purpose of paying that part of the cost which the City Council decided should be paid and borne by special assessment for the Project, that in making such assessment he has, as near as may be, and according to his best judgment, conformed in all things to the directions contained in the resolution of the City Council hereinbefore referred to, and the Charter of the City relating to such assessment, and the City Assessor shall then, within thirty (30) days from the date of this resolution, report the special assessment roll with his certificate attached thereto to the City Council.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

RESOLUTION APPROVED UNANIMOUSLY

Special Assessment Resolution No. 4, Project No. 2009-01

Resolution No. 4, Project No. 2009-01 was introduced by Bruno, and seconded by Waltz.

**CITY OF MASON
2009 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 4
PROJECT NO. 2009-1
December 15, 2008**

WHEREAS, by resolution adopted Monday, December 15, 2008, the City Council of the City of Mason determined to install and construct the more particularly hereinafter-described sidewalk improvements (the "Project") and assess all or a portion of the cost thereof against the property deemed benefited by the Project, all in accordance with Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter; and

WHEREAS, the City Assessor has prepared and reported to the City Council a special assessment roll assessing all or a portion of the cost of the Project to the property benefited thereby with her certificate attached thereto pursuant to Section 66-9 of the City's Code of Ordinances; and

WHEREAS, the City Council desires to schedule a public hearing to review and hear objections to the special assessment roll.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The special assessment roll shall be filed with the office of the City Clerk and shall be available for public examination during regular business hours on regular business days.

2. The City Council shall meet at 7:30 o'clock in the p.m., on Monday, the 16th day of March, 2009, in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing and hearing objections to the special assessment roll.

3. The City Clerk shall cause notice of the hearing and the filing of the special assessment roll to be given to all interested property owners as provided by Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter. The notice as published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
CITY OF MASON
INGHAM COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE
SPECIAL ASSESSMENT ROLL FOR THE
2009 SIDEWALK IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT 2009-1**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the 2009 Sidewalk Improvements Special Assessment District 2009-1, and any other interested persons:

PLEASE TAKE NOTICE that the City Assessor has reported to the City Council and filed in the office of the City Clerk for public examination a special assessment roll prepared by him, which roll includes all properties that are within the 2009 Sidewalk Improvements Special Assessment District 2009-1, and are benefited by the proposed sidewalk improvement project generally described as follows:

The installation and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: 660 N Cedar, 700 Buhl, 628 Curtis, 630 Curtis, 706 Curtis, 705 Curtis, 701/703 Curtis, 605/621 Curtis, 225 Peachtree, 223 S Rogers, 401 E Maple, 307 S Rogers, 320 Steele, 315/315.5 E Ash, 423 E Ash, 439 E Ash, 314 E Ash, 424 E Ash, 430/432 E Ash, 535 Maine, 522 Maine, 528 Maine, 534 Maine, 120 Lawton, 124 Lawton, 200 Lawton, 210 Lawton, 216 Lawton, 111 Lawton, 117 Lawton, 123 Lawton, 129 Lawton, 209 Lawton, 215 Lawton, 303 Lawton, 309 Lawton, 315 Lawton, 321 Lawton, 402 Lawton, 406 Lawton, 627 E Ash, 703 E Ash.

The special assessment roll has been prepared for the purpose of assessing a portion of the costs of the acquisition and construction of the sidewalk improvement project and work incidental thereto within the special assessment district, as more particularly shown on the plans of the City's engineers, which are on file and available for public examination with the City Clerk at the City Hall, 201 West Ash Street, Mason, Michigan, within the City. The total estimated assessment there under is \$38,939.52.

PLEASE TAKE FURTHER NOTICE that the City Assessor has further reported that the assessment against each parcel of land within the special assessment district is such relative portion of the whole sum levied against all parcels of land in the special assessment district as the benefit to such parcel bears to the total benefit to all parcels of land in the district.

PLEASE TAKE FURTHER NOTICE that the City Council will meet on Monday, the 16th day of March, 2009, at 7:30 o'clock, p.m., in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing the proposed special assessment roll and hearing any objections thereto. The special assessment roll may be examined at the office of the City Clerk during regular business hours of regular business days until the time of the hearing and may further be examined at the hearing.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the special assessment roll, and/or the amount of an assessment, to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 30 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the 2009 Sidewalk Improvements special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: December 15, 2008

Martin Colburn, Clerk
City of Mason
Ingham County, Michigan

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

RESOLUTION APPROVED UNANIMOUSLY

First Reading – Ordinance No. 174 – An Ordinance to Conditionally Rezone the Property Located at 514 West Columbia Street from R2F Two Family Residential to C-2 General Commercial with the Condition that the Uses on the Property be Limited to Employee Parking

Haywood spoke briefly regarding the Planning Commission's consideration of the request to conditionally rezone the property located at 514 West Columbia Street from R2F Two Family

Residential to C2 General Commercial with the condition that the uses on the property by limited to employee parking by Speedway SuperAmerica. The Planning Commission's motion to recommend adoption of Ordinance No. 174 to City Council resulted in a tie vote. McGinty suggested that proposed Ordinance No. 174 could be more detailed by referencing the applicant's letter of request including all of the items mentioned as part of the condition, inserting a signature block on the ordinance for the applicant indicating voluntary agreement to the conditions listed in the ordinance, and a timeline requirement within which the use would be established. Discussion ensued. Steve Ray of L&R Construction Services, representing the applicant, responded to comments to redesign access to the proposed employee parking lot and stated that he would comply with ordinance landscaping and screening. McGinty informed Council regarding the terms and conditions of conditional rezoning mandated by the Zoning Enabling Act. Discussion ensued.

MOTION by Whipple second by Bruno,
to remand Ordinance No. 174 back to the Planning Commission.
Yes (4) Bruno, Clark, Waltz, Whipple
No (1) Mulvany
Absent (2) Naeyaert, Preadmore
MOTION APPROVED

Resolution No. 2008-53 – Mayoral Appointments to City Boards and Commissions

MOTION by Whipple, second by Waltz,
to consider Resolutions No. 2008-53 and No. 2008-54 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-53 was introduced by Waltz and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-53
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 15, 2008**

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following appointments/reappointments to the specified boards and commissions of the city and that each term shall commence January 1, 2009 and expire on December 31 of the year noted.

Board of Ethics	Patrick Price	2011
	Ralph Taggart	2011
Downtown Development Authority	Tim Gaylord	2012
	Jamie Robinson	2012
Historic District Commission	Albert Schulien	2011
	James Mulvany	2011
	Michael Waltz (City Council Liaison)	2012
Planning Commission	Matthew Smith	2011
	Rod Hunt	2011
	Ron Kenroy	2011
	Jon Vincent	2009
Traffic Commission	Larry Briggs	2011
	Arthur Bush	2011
Tree Commission	Michael Canteberry	2010
	Melvin Brown	2010
	Laura Duane	2010

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-54 – City Council Appointments to City Boards and Commissions

Resolution No. 2008-54 was introduced by Bruno and seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-54
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 15, 2008**

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby make the following appointments/reappointments to the specified boards and commissions of the city and that each term shall commence January 1, 2009 and expire on December 31 of the year noted:

Board of Review	Larry Howe	2011
Building Authority	Norman Austin	2011
Cemetery Board	Melvin Brown	2011
Election Commission	Robin Naeyaert	2009
Local Development Finance Authority	Gary Naeyaert	2012
	Ted Stroud (Vevay)	2012
Utility Rate Study Committee	Ruben Droscha	2011
Zoning Board of Appeals	Dale Harbach	2011
	James Maddix (alternate)	2011

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-55 – City Administrator Performance Evaluation for 2008 Calendar Year

Resolution No. 2008-56 – City Administrator Employment Contract Amendment No. 7

Clark apologized to Council for the late submittal of the City Administrator’s evaluation and contract documents.

MOTION by Bruno, second by Waltz,
to defer Resolutions No. 2008-55 and No. 2008-56 to the January 5, 2009 meeting
to allow Council to review the computation results.

MOTION APPROVED UNANIMOUSLY

Executive Session – Collective Bargaining Agreement

MOTION by Waltz, second by Whipple,
to adjourn to executive session to discuss the collective bargaining agreement.

Yes (5) Bruno, Clark, Mulvany, Waltz, Whipple

No (0)

Absent (2) Naeyaert, Preadmore

MOTION APPROVED UNANIMOUSLY

Council adjourned to executive session at 8:19 p.m. and reconvened at 8:35 p.m.

Resolution No. 2008-57 – FOP Supervisory Division Labor Agreement

MOTION by Waltz, second by Whipple,
to consider Resolution No. 2008-57 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-57 was introduced by Waltz and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION 2008-57
FOP SUPERVISORY DIVISION LABOR AGREEMENT
December 15, 2008**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that it does hereby ratify an Agreement between the City of Mason and Mason City Employees, Capitol City Lodge #141, Fraternal Order of Police Labor Program, Inc., Mason Police Department Supervisory Division, dated July 1, 2008 – June 30, 2011; and

RESOLVED FURTHER, the Mayor and City Administrator are hereby authorized to execute said Agreement on behalf of the City Council.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Discussion was held regarding 344 South Jefferson. The specific dates Council granted to conduct building repair and restoration have expired. Due to weather conditions, the work will be completed this week.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed Council regarding current Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

The meeting adjourned at 8:44 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor