CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 16, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Ferris, Mulvany, Naeyaert
Absent: Councilmember: Droscha (excused)
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Application for a Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) for 124 and 140 East Ash Street
Mayor Clark opened the public hearing at 7:34 p.m.

Bruce Johnston, City Housing Consultant, spoke regarding the two-year process of bringing together five to six funding sources for the rehabilitation of 124 and 140 East Ash Street, properties that are determinable signs of blight. He thanked staff for their assistance.

Martin Colburn, City Administrator, addressed matters of the process and project requirements as listed on the MEDC application.

Mayor Clark closed the public hearing at 7:42 p.m.

Resolution No. 2013-51 – Resolution Authori ing the Application for a Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) Designated for the Properties at 124 and 140 East Ash Street, for Removal of the Slum and Blighted Area

MOTION by Naeyaert, second by Brown,
to consider Resolution No. 2013-51 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-51 was introduced by Naeyaert and seconded by Brown.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-51
A RESOLUTION AUTHORIZING THE APPLICATION FOR A MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DESIGNATED FOR THE PROPERTIES AT 124 AND 140 EAST ASH STREET, FOR REMOVAL OF THE SLUM AND BLIGHTED AREA

WHEREAS, the City of Mason is concerned about the economic viability of slum and blighted area within its corporate limits; and

WHEREAS, the slum and blighted area projects a negative visual image of the community, and the proposed project will clearly eliminate objectively determinable signs of blight and will be strictly limited to eliminating specific instances of blight (spot blight); and

WHEREAS, the economic, social, physical, and cultural well-being of the City is adversely affected by the conditions of this slum and blighted area as described in the Community Development Plan in Part II of the MEDC CDBG Application; and

WHEREAS, no project costs, including CDBG and Non-CDBG costs, will be incurred prior to a formal grant award, completion of the environmental review procedures and formal, written authorization to incur costs has been provided by our CDBG Project Manager; and

WHEREAS, this Resolution serves as the City of Mason's local authorization to submit the Michigan CDBG Application; and

WHEREAS, Martin Colburn, Mason City Administrator, will be the person authorized to sign the Part II Application, all its attachments, and to sign the Grant Agreement.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City of Mason to apply for an MEDC CDBG, and gives City Administrator Martin Colburn full signature authority.

RESOLUTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Bruno,
to amend the Agenda by moving Items No. 8(C) Mayoral Appointments to City Boards and Commissions, and 8(D) City Council Appointments to City Boards and Commissions, to Items No. 7(D) and 7(E), listing the remaining items accordingly.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Brown,
to approve the Consent Agenda as follows:

A. Motion – Approval of Minutes – Regular Council Meeting: December 2, 2013
B. Motion – Approval of Bills - $78,380.26
C. Motion – Request to be Excused – City Council Member Jon Droscha
   - Excuse the absence of Councilmember Droscha from the December 16, 2013 meeting.
D. Resolution No. 2013-53 – Mayoral Appointments to City Boards and Commissions

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-53
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 16, 2013

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, 2014 and expire on December 31 of the year noted.

Building Code	Ken Brown	2016
	Eric Harter	2016
Board of Ethics	Kathleen Dean	2016
	William H. Noud, Jr.	2016
Dangerous Buildings Hearing Officer	Bruce Johnston	2016
Downtown Development Authority	Michelle Wall	2017

Historic District Commission	Loren Shattuck	2016
	Mark Cummings	2016
Planning Commission	Seth Waxman	2016
	Tim Fisher	2016
Traffic Commission	Jeff Haueter	2016
	Joe Ghinelli (DDA	2016
	Representative)	2014
	Roger Bauer	2016
Tree Commission	Jim Duthie	2016

E. Resolution No. 2013-54 – City Council Appointments to City Boards and Commissions

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-54
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 16, 2013

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, 2014 and expire on December 31 of the year noted:

Board of Review	Larry Briggs	2016
Building Authority	Mark Howe	2016
Cemetery Board	Scott Shattuck	2016
Election Commission	Elaine Ferris	2015
Local Development Finance Authority	Mark Howe *(filling unexpired term)*	2015
Utility Rate Study Committee	Angela Newton	2016
	Shirley Richards	2016
Zoning Board of Appeals	Douglas Crips	2016
	Bob McCormick	2016
	Harry Spenny	2016

Yes (5) Brown, Clark, Ferris, Mulvany, Naeyaert
No (1) Bruno
Absent (1) Droscha
MOTION APPROVED

REGULAR BUSINESS

Resolution No. 2013-38A – Approval of Application for Industrial Facilities Ta E emption Certificate and Industrial Facilities E emption Agreement with Efficiency Production, Inc.

City Council granted a twelve year tax abatement to Efficiency Production, Inc. (EPI) September 16, 2013, by Resolution No. 2013-38. The resolution was submitted with the IFT application to the State of Michigan Tax Commission for its consideration and approval. Staff was informed by the Tax Commission that required language for an IFT resolution was updated two years ago, which must be inserted and approved by City Council for its consideration of the tax abatement request. McGinty reported to Council regarding the language and action that needed to be taken.

MOTION by Naeyaert, second by Brown,
to consider Resolution No. 2013-38A read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-38A was introduced by Naeyaert, seconded by Brown.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-38A
APPROVAL OF APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND INDUSTRIAL FACILITIES EXEMPTION AGREEMENT WITH EFFICIENCY PRODUCTION, INC.
December 16, 2013

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, Efficiency Production, Inc. ("EPI") has submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of machinery, equipment, and fixtures of approximately $180,445 and real property improvements and additions of approximately $775,000, as set forth in the applicant's application to the City Clerk dated July 16, 2013; and

WHEREAS, the City Council has adopted Council Resolution No. 1992-37, after a public hearing on July 6, 1992, duly noticed by publication, to establish Industrial Development District No. 3 pursuant to Act 198 to encompass the land and territory within which the Applicant proposes to acquire and maintain the building, land improvements, machinery and equipment to be acquired by the Applicant; and

WHEREAS, the description of said property is:

> PART OF NW1/4 OF SEC 16 T2NR1W CITY OF MASON PA 425 AGREEMENT DESC AS: COM AT W 1/4 COR OF SEC 16 - S89N53'41" E ALNG EW 1/4 LN 1161.25 FT TO POB - S89N53'41"E ALNG SD 1/4 LN 762.51 FT TO WLY R/W LN OF CONRAIL RR - N07N08'04"W ALNG SD R/W LN 498.7 FT - ALNG SD R/W LN 157.14 FT ON CURVE TO LEFT, RAD 2861.25 FT, DELTA 03N08'48", CHD BRG N08N41'01"W 157.12 FT - N89N53'41"W 673.73 FT - S000N4'38"E 109.89 FT - SELY 32.98 FT ALNG CURVE TO RT, RAD 75 FT TO R/W LN OF TRILLIUM DR, SWLY ALNG SD R/W LN 44 FT ON CURVE TO RT, RAD 75 FT CHD BRG S29N38'29"W 43.37 FT - S00N04'38"E 474.8 FT TO POB 10.742 AC.
> Commonly known as 685 Hull Road, Mason, Michigan
> TIN 33-19-10-16-100-017

and

WHEREAS, EPI wishes to install a new linear CNC drilling machine and support equipment to its facility on the property legally described above, the value of said personal property to be approximately $180,445 and to construct a building addition of approximately 14,000 square feet at a cost of approximately $775,000 for real property improvements; and

WHEREAS, EPI seeks an Industrial Facilities Exemption Certificate on the personal property for a term of twelve (12) years, as described in its Application, dated July 16, 2013; and

WHEREAS, the City Council met in public hearing on September 16, 2013, as heretofore resolved and noticed, for the purpose of considering approval of said application; and

WHEREAS, the City Council has afforded the applicant, the public, the Assessor, and all of the affected taxing units notice and an opportunity for all persons desiring to be heard, either orally or in writing, with respect to the approval of an Industrial Facilities Exemption Certificate for the applicant; and

WHEREAS, the granting of an Industrial Facilities Exemption Certificate to EPI will not substantially impede the operations or financial soundness of the City of Mason; and

WHEREAS, the aggregate SEV of real and personal property exempt from *ad valorem* taxes within the city of Mason after granting this certificate will not exceed five percent (5%) of an amount equal to the sum of the SEV of the city of Mason plus the SEV of personal and real property thus exempted; and

WHEREAS, the City Council has received and considered a proposed written agreement as required by Section 22 of Act 198 to be entered into between the City and EPI containing the requirements for approval and the terms and conditions under which the Industrial Exemption Facilities Agreement shall be issued and retained;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason finds and determines that the granting of the EPI Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Mason, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Mason; and

BE IT HEREBY RESOLVED, that the application of EPI for an Industrial Facilities Exemption Certificate for real and personal property improvements of $775,000 and $180,445, respectively, on the applicant's property located at 685 Hull Road, Mason, Michigan, as legally described above, is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and EPI shall enter into the written Agreement containing the requirement for approval and issuance of the Industrial Facilities Exemption Certificate and allowing for the revocation of the Certificate if conditions imposed by the City of Mason are not met.

RESOLVED FURTHER, that this Resolution amends and replaces the City of Mason City Council Resolution No. 2013-38, adopted September 16, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Resolution 2013-52 – Approval of Cable Franchise Agreement with Comlink

Colburn informed Council regarding the proposed cable franchise agreement submitted by Comlink, who is proposing to initially serve Ingham County government.

MOTION by Naeyaert, second by Brown,
to consider Resolution No. 2013-52 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-52 was introduced by Naeyaert, seconded by Brown.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-52
A RESOLUTION APPROVING UNIFORM VIDEO
FRANCHISE AGREEMENT SUBMITTED BY COMLINK, LLC
December 16, 2013

WHEREAS, the Uniform Video Services Local Franchise Act, 2006 PA 480 ("Act 480"), adopted by the Michigan legislature effective January 1, 2007, required the Michigan Public Service Commission to issue an order establishing a standardized form for the uniform video services local franchise agreement to use by all franchising entities in Michigan; and

WHEREAS, on December 2, 2013, the Mason City Clerk received an application from Westphalia Broadband, Inc., d/b/a Comlink, dated November 26, 2013, submitting a proposed Uniform Video Service Local Franchise Agreement to the City Clerk in the form published by the MPSC; and

WHEREAS, the City Clerk, upon the advice and recommendation of the City Attorney, has advised the applicant that the proposed franchise agreement is complete in the form required by Act 480 and the uniform franchise published by the MPSC; and

WHEREAS, the submitted franchise leaves the amount of the local franchise fee to be paid pursuant to paragraph VI - Fees, subparagraph A(ii) of the proposed franchise agreement to be an amount as established by the City as franchise entity and leaves the amount of local gross revenues to be paid as support for PEG pursuant to paragraph VIII, subparagraph A-2 of the proposed franchise agreement to be an amount as established by the City as the franchise entity; and

WHEREAS, the Mason City Council, by City Council Resolution No. 2007-35, adopted June 18, 2007, received and placed on file a Uniform Video Service Local Franchise Agreement with Millennium Digital Media Systems, LLC, a Delaware corporation, which provided an annual video service provider fee to be paid to the City of Mason at paragraph VI, subparagraphs A(ii) thereof in the amount of 3.5% of gross revenues and PEG fees to the City of Mason as support for the cost of PEG access facilities and services at paragraph VI, subparagraphs A(ii) thereof in the amount of 0%; and

WHEREAS, subsection 6(1)(a) of Act 480 stipulates that a video service provider shall pay to the franchising entity an annual video service provider fee in an amount equal to the percentage of gross revenues paid to the franchising entity by the incumbent video provider; and
WHEREAS, subsection 6(8) of Act 480 allows the franchising entity to establish a fee to be paid for PEG services in the community in an amount not to exceed the fees currently paid by the incumbent provider, not to exceed 2% of gross revenues; and

WHEREAS, pursuant to paragraph II of the Uniform Video Local Service Franchise Agreement, subsection (M), if the provider is not an incumbent video provider, the provider must note in Attachment 1 to its proposed Uniform Video Local Service Franchise Agreement, the date on which the provider expects to provide video services in the area identified under section 2(3)(e) of the Act as the City of Mason Video Service Area; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The Uniform Video Service Local Franchise Agreement filed with the Clerk on December 2, 2013, by Comlink, LLC, is hereby received and placed on file.

2. Paragraph VI - Fees - on page 4 of the submitted franchise agreement shall be completed by inserting "3.5%" at subparagraph A(ii), which number shall be the percentage of gross revenues to be paid by the provider to the City of Mason during the term of the franchise agreement and that page 4 attached hereto shall be substituted for page 4 of the submitted agreement.

3. Paragraph VIII - PEG Fees - on page 6 of the submitted franchise agreement, shall be completed by inserting 0.0% as the percentage of gross revenues to be paid as support for the cost of PEG access facilities on services. Page 6 attached hereto shall be substituted for page 6 of the submitted agreement.

4. The City Administrator shall transmit to Comlink a copy of this resolution and the completed pages 4 and 6 of the franchise agreement, finding the submitted franchise agreement complete upon the provider noting on Attachment 1, page 2, the date it expects to provide video service in the designated service area.

5. Upon the applicant completing page 1 of Attachment 1 of its proposed Uniform Video Service Local Franchise Agreement by noting the date on which it expects to provide video services in the area identified on Attachment 1 as its video service area footprint, the City Administrator is authorized to execute page 9 of the Video Service Franchise Agreement and page 2 of Attachment 1 to the franchise agreement on behalf of the City of Mason and deliver executed copies to the provider.

RESOLUTION APPROVED UNANIMOUSLY

Discussion City Hall Landscaping Proposals

Haywood spoke briefly regarding the Landscape Services at Mason City Hall Request for Proposals submitted. A brief discussion was held regarding the proposals. The matter will be incorporated in budget discussions for 2014. It was stated that Council could resume discussion of the matter in February, 2014.

UNFINISHED BUSINESS

None.

NEW BUSINESS

It was the consensus of Council to broadcast special meetings where business requiring action is on the agenda.

It was stated that the police department should be provided with a means of visually viewing those who are requesting service after hours at the door to City Hall.

CORRESPONDENCE

All correspondence was distributed. Discussion was held regarding a letter received from American Water Resources of Michigan informing Mason residents of their services. A special notice will be placed on the city website informing residents that the City of Mason has no association with them and no agreements.

LIAISON REPORTS

Naeyaert informed Council regarding the Planning Commission special meeting, December 19, 2013, to hold a public hearing regarding a special use permit for Phases II and III of the Landings at Rayner Ponds.

COUNCILMEMBER REPORTS

Clark informed Council that he attended the Annual New Covenant Christian School Fund Raising Banquet. They are appreciative of the city for participating with them by allowing their students to annually provide service to the City of Mason on Make a Difference Day.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding city business.

EXECUTIVE SESSION - PERSONNEL - CITY ADMINISTRATOR'S EVALUATION

MOTION by Naeyaert,
to adjourn to executive session to discuss the City Administrator's evaluation.
Yes (6) Brown, Bruno, Ferris, Mulvany, Naeyaert, Clark
No (0)
Absent (1) Droscha
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:35 p.m. and reconvened at 8:59 p.m.

MOTION by Naeyaert, second by Brown,
to approve the City Administrator's performance evaluation and place it on file.
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 2, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Chief
John Stressman, Chief of Police

ANNOUNCEMENTS

- Annual Pearl Harbor Remembrance Day at the Monument Site on the Court House Square – December 7, 2013
- Mason Pizza Day – Mason Public Schools Foundation – December 4, 2013
- Mason Area Chamber of Commerce Holiday Party & Member Mixer – December 5, 2013

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Motion – Approval of Minutes – Regular Council Meeting: November 18, 2013
B. Motion – Approval of Bills - $220,081.78

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Local Officer Compensation Commission Recommendation

Doug Cripps, Chair of the Local Officer Compensation Commission (LOCC), stated that the LOCC met on November 7, 2013 to discuss the compensation of City Council members and the Mayor. Bill Shepherd, LOCC member was also present. Mr. Cripps stated that comparative communities were reviewed, and after much discussion, their unanimous recommendation is that compensation for City Council members increase to $60 and the Mayor be increased to $70, an increase of $10 per meeting respectively.

MOTION by Bruno, second by Droscha,
to accept the LOCC recommendation to provide a $10.00 per meeting compensation increase for the Mayor, $70.00, and Council Members, $60.00.
Yes (0)
No (7) Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
MOTION FAILED

Motion Agreement between Delhi Charter Township and the City of Mason for Fire Services within a Certain Area of Alaiedon Township

Minshall stated that Delhi Township has formally proposed entering into an agreement with

the City of Mason and Meridian Township for sub-contracting primary fire response and services on behalf of Delhi to certain areas within Alaiedon Township; Delhi will remain the primary contract holder.

Brian Ball, Interim Fire Chief for Delhi Township, stated that Mason's assigned area of Alaiedon Township would be better served by the agreement because it is more central to Mason than Delhi.

MOTION by Naeyaert, second by Droscha,
to approve the Delhi Charter Township Fire Services Agreement and
Authorize City Administrator and Fire Chief for signature authority.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
It was briefly discussed that residents are not adhering to the "no street parking November 1st to May 1st." Also, a brief discussion was held regarding the scheduled joint workshop for the City Council and Utility Rate Study Commission on January 13, 2014.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council that a special meeting is scheduled for the Planning Commission on December 19, 2013, for the purpose of holding a public hearing regarding a special use permit for the Landings at Rayner Ponds.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

EXECUTIVE SESSION - PERSONNEL - CITY ADMINISTRATOR'S EVALUATION

MOTION by Naeyaert,
to adjourn to executive session to discuss the City Administrator's evaluation.
Yes (7) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned to executive session at 8:02 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 18, 2013

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

Present: Councilmembers: Brown, Clark, Droscha, Ferris, Mulvany
Absent: Councilmembers: Bruno, Naeyaert
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Michelle Wallo, Assistant Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police

ANNOUNCEMENTS

- Mason Community Thanksgiving Day Dinner – Mason First United Methodist Church
- Rayner Park Clean Up – Thank you to November 9, 2013 volunteers

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Droscha, second by Brown,
to approve the Consent Agenda as follows:

A. Motion – Approval of Minutes – Regular Council Meeting: November 4, 2013
B. Motion – Approval of Bills - $53,268.69
C. Motion – Request for Excused Absence – Mayor Pro Tem Robin Naeyaert
   - To excuse the absence of Mayor Pro Tem Robin Naeyaert from the November 18, 2013 City Council Meeting.

MOTION APPROVED UNANIMOUSLY

MOTION by Mulvany, second by Droscha,
to move Agenda Item No. 7(C) Discussion – Used Vehicle Sales as an Accessory Use to Auto Body Shops, to Agenda Item No. 7(A), and move the remaining agenda items accordingly.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Discussion – Used Vehicle Sales as an Accessory Use to Auto Body Shops

Discussion ensued regarding the process of amendments in accordance with city code and whether the amendment would be appropriate for all zoning districts. Haywood summarized the discussion held by the Planning Commission at its November 12, 2013, meeting.

Resolution No. 2013-50 – Resolution for Adopting MERS Defined Benefit Program

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-50 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-50 was introduced by Mulvany and seconded by Ferris.

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2013-50

Defined Benefit Plan Adoption Agreement

November 18, 2013

MERS

The Employer is participating in, or is participating more within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as such may be amended, subject to the terms and conditions herein.

I. Employer Name City of Mason **Municipality #** 33040

If new to MERS, please provide your municipality's fiscal year: ..... Month ..... Day .....

II. Effective Date

Check one:

A. ☐ If this is the initial Adoption Agreement for this group, the effective date shall be the first day of ..... 20.....

☐ The municipality or division is new to MERS, so vesting credit prior to the initial MERS effective date by each eligible participant shall be credited as follows (choose one):

- ☐ All prior service from date of hire
- ☐ Prior service proportional to assets transferred, all service used for vesting
- ☐ Prior service and vesting service proportional to assets transferred
- ☐ No prior service but grant vesting credit
- ☐ No prior service or vesting credit

☐ Link this new division to division number ..... for purposes of determining contributions (Unless otherwise specified, the standard transfer/link rules apply)

B. ☐ If this is an amendment of an existing Adoption Agreement (Defined Benefit division number .....), the effective date shall be the first day of ..... 20..... (Please note: You only need to make changes to your plan throughout the remainder of this Agreement.

C. ☐ If this is a temporary benefit (multiple 2-6 months), the effective dates of this temporary benefit are from ....20.... through ..... (month, day, year) for Defined Benefit division number ..... (Please note: You only need to make changes to your plan throughout the remainder of this Agreement.

D. ☒ If this is for separate employees (one or existing Defined Benefit division) (Division Number(s) 01 General Union) ..... (Title a new division), the effective date shall be the first day of January 20 13

Defined Benefit Plan Adoption Agreement

III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Hybrid Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following groups of employees are eligible to participate:

General Union, Full Time Hired After July 1, 2013
(Name of Defined Benefit Division – e.g. All full time Employees, or Summer Workers)

☐ Only interns will be in this division.

These employees are (check one or both):

- ☒ In a collective bargaining unit (attach cover page, recognition section, signature page)
- ☐ Subject to the same personnel policy

To receive one month of service credit (check one):

- ☒ An employee shall work 18 ..... hours or four days.
- ☐ An employee shall work ..... hours in a month.

All employees as classified under eligible employees, whether full or part time, who meet the criteria must be reported to MERS. If you change your current way of work definition to be more restrictive, the new definition only applies to employees hired after the effective date.

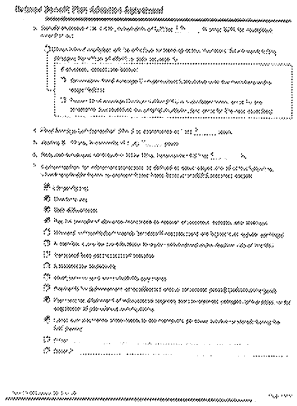
To further define eligibility, check all that apply:

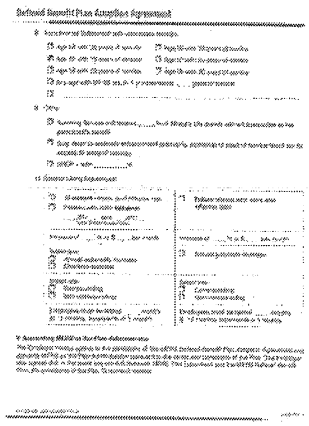
- ☐ **Probationary Periods** are allowed in one-month increments, no longer than 12 months. During this introductory period, the Employer will not report or provide service time for this period, including retroactivity. Service will begin after the probationary period has been satisfied.
  The probationary period will be ..... months.
- ☒ **Temporary employees** in a position normally requiring less than a total of 12 whole months of work in the position may be excluded from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement.
  The temporary exclusion period will be 48.1 months.

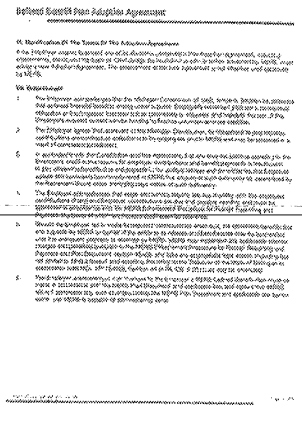
IV. Provisions

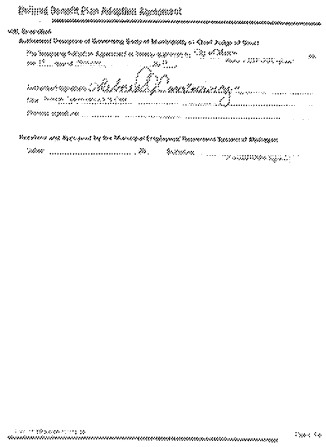
Effective Date: December 31 ..... 20 13

1. This Adoption Agreement will be implemented in conjunction with a current actuarial valuation certified by a MERS actuary that sets contribution rates.
2. Annually, the MERS actuary will conduct an actuarial valuation to determine the employees' contribution rates. Employers are responsible for payment of said contributions at the rate, in the form and at the time that MERS determines.









RESOLUTION APPROVED UNANIMOUSLY

Second Reading and Adoption — Ordinance No. 195 – An Ordinance to Amend Section 94-151 of Chapter 94 – Zoning – of the Code of the City of Mason to Amend Subsection (D) to Add a New Subsection (4) to Permit the Sale of Repaired, Used Vehicles, by Special Use Permit as an Accessory Use to a Body and Paint Shop for Automobiles and Other Vehicles

MOTION by Droscha, second by Ferris,
to consider Ordinance No.195 read for the second time and adopted as amended.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 195
AN ORDINANCE TO AMEND SECTION 94-151 OF CHAPTER 94 – ZONING – OF THE CODE OF THE CITY OF MASON TO AMEND SUBSECTION (d) TO ADD A NEW SUBSECTION (4) TO PERMIT THE SALE OF REPAIRED, USED VEHICLES, BY SPECIAL USE PERMIT AS AN ACCESSORY USE TO A BODY AND PAINT SHOP FOR AUTOMOBILES AND OTHER VEHICLES.

THE CITY OF MASON ORDAINS:

Section 94-151 of Chapter 94 of the Mason City Code is hereby amended to read as follows:

Sec. 94-151. M-1: Light manufacturing district.

(a) Intent and purpose. It is the purpose of this district to provide opportunities for a variety of industrial activities that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and resulting in limited demands for additional public services. Manufacturing operations in this district are generally intended to utilize previously prepared materials as opposed to the use, alteration, or manipulation of raw materials.

(b) Uses permitted by right.

(1) Industrial parks.
(2) Research, development, and prototype manufacturing facilities and offices.
(3) Warehousing, grain elevators, grain storage, refrigerated storage, bulk storage of petroleum products, and general storage.
(4) Local and regional transit and passenger transportation facilities, and trucking terminals, maintenance and service facilities.
(5) Laundry services.
(6) The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, and food products.
(7) Assembly of merchandise such as electrical appliances, and electronic or precision instruments.
(8) Printing, lithographic, blueprinting, copying, and similar uses.

(9) Light manufacturing activity which, by the nature of the materials, equipment, and processes utilized, is to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials:

a. Furniture and fixtures.
b. Paper and paperboard products.
c. Jewelry, silverware and plated ware.
d. Musical instruments and parts.
e. Toys and sporting goods.
f. Signs, advertising displays and canvas products.
g. Office computing and accounting equipment.
h. Jobbing and repair machine shops.

(10) Body and paint shops for automobiles and other vehicles.

(c) Permitted accessory uses. Accessory uses and structures as defined in this chapter.

(d) Uses authorized by special use permit.

(1) Day care facilities serving the principal uses in the M-1 district if the planning commission determines that the nature of the principal use and/or the relative location of the principal use or other uses to the day care facility does not pose any significant threat to the safety of children attending the day care facility (refer to section 94-192(8)).

(2) Public buildings for governmental utility or public service use, including storage yards, transformer stations, and substations (refer to section 94-192(8)).

(3) Communication towers and antennas (refer to section 94-173(d)).

(4) Sale of repaired, used vehicles, by special use permit as an accessory use (refer to section 94-151(c)) to a paint and body shop for automobiles and other vehicles (refer to section 94-151(b)(10)) which meets and complies with the following conditions and criteria.

a. Only the sale of vehicles which have been purchased in a state of disrepair and then repaired at the premises operated as a body and paint shop pursuant to Sec. 94-151(b)(10).
b. The sale of repaired vehicles shall not exceed a total sum of eighteen (18) per calendar year.
c. No advertising shall occur or be placed on the premises indicating the sale of used vehicles. This shall include no "for sale" signage on the vehicle itself unless such vehicle is located on the premises where it is not readily visible to the general public from any nearby roads.
d. No repaired vehicles shall be kept or stored at the front of the site or at any location on the site where they are reasonably visible to the general public from abutting roadways.
e. The owner maintain accurate records on the premises for each vehicle purchased for repair reflecting the date of purchase, purchase price, seller, a brief description of repairs accomplished, and sale price. Such records shall be made available for inspection by the zoning official upon request.
f. Compliance with all other provisions of these Ordinances including the requirements for a Special Use Permit as well as Sec. 94-151(e).
g. The owner complies with any federal, state, or county ordinances or requirements relative to the sale of vehicles, obtains all required licenses and/or permits and maintains them in good standing at all times.
h. For purposes of this subsec. 94-151(d)(4), the following definitions shall apply:

1. "Vehicles" shall mean and refer to automobiles, trucks, motorcycles, and similar items.
2. "State of disrepair" shall mean that the vehicle in question had such damage or necessitated repairs to its power train, chassis, other non-exterior visible items and/or body work and where the necessary repairs, at normal retail pricing would exceed twenty-five percent (25%) of the retail value of the vehicle, after repair.

(e) Development standards. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter.

Effective Date. Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption and mailed in accordance with the requirements of MCL 125.3401. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Droscha and supported by Council Member Ferris with a vote thereon being: YES (4) NO (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 18th day of November, 2013.

Yes (4) Brown, Droscha, Ferris, Mulvany
No (1) Clark
Absent (2) Bruno, Naeyaert
ORDINANCE APPROVED

Motion — 2014 Tree Service Plan

Colburn stated that Express Tree Services had submitted a quote for the removal of trees and stumps, as well as 120 hours of tree trimming for 2014.

MOTION by Droscha, second by Ferris,
to approve the quote of Express Tree Services for the year 2014 in the amount of $18,705.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Brown commented on a newspaper article regarding the Sparrow Urgent Care facility located in Mason.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. He presented a plaque to Mayor Clark and the Council from the University of Michigan, Dearborn, through their college of business, in recognition of the practices of the City of Mason and the policies established by the Council and the good works the city is doing on behalf of private industry and business.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 4, 2013

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

Present:	Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent:	Councilmember: None
Also present:	Martin A. Colburn, City Administrator
	Deborah J. Cwiertniewicz, City Clerk
	Eric Smith, Finance Director/Treasurer
	David Haywood, Zoning & Development Director
	John Stressman, Chief of Police

ANNOUNCEMENTS

- Mason Pizza Day – Mason Public Schools Foundation – November 6, 2013
- Rayner Park Clean Up – November 9, 2013
- Ingham County Veterans Day Memorial Service and Parade – November 11, 2013
- Art Sculpture "Silver Respite" dedication – November 13, 2013
- Mason Community Thanksgiving Day Dinner – Mason First United Methodist Church – November 28, 2013

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Motion – Approval of Minutes – Regular Council Meeting: October 21, 2013
B. Motion – Approval of Bills - $62,412.13
C. Motion – Request for Excused Absence – Councilmember Bruno
   - To excuse the absence of Councilmember Bruno from the November 18, 2013 City Council Meeting.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2013-47 – MERS Employer Resolution Establishing Uniform Transfer Provision

Officer Todd Thie was present for the consideration of his request for an alternate transfer provision that would allow him to choose which plan he prefers with the Municipal Employees' Retirement System (MERS) when he transfers to the Wastewater Treatment Plant.

MOTION by Droscha, seconded by Brown,
to consider Resolution No. 2013-47 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-47 was introduced by Mulvany and second by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-47
November 4, 2014
EMPLOYER RESOLUTION ESTABLISHING
UNIFORM TRANSFER PROVISION

MERS

Introduced: Mulvany
Second: Ferris

WHEREAS, the City of Mason is a participating municipality or court in the Municipal Employees' Retirement System of Michigan ("MERS"); and

WHEREAS, the Standard MERS Transfer Rules became effective in August 2007; and

WHEREAS, under the Standard Rules, all transferees to a new division are covered under the active employee plan in the new division; where the defined benefit plan in the new division is closed to entrants, the accrued defined benefit (based on benefits, service and wages as of transfer date) of transferees is frozen as of transfer date.

WHEREAS, pursuant to Retirement Board action on November 10, 2010, the employing municipality or court will be allowed, on a one-time irrevocable and uniform basis, to adopt for all its MERS divisions (present and future) an alternate policy which allows all transferred employees an individual choice at the time of transfer to either be placed in: (1) the division's open plan, or (2) the closed plan if it is the same plan type, provided there are active employees remaining in the plan type.

WHEREAS, this alternate transfer provision applies to transferred employees only; rehired employees will continue to be enrolled into the active plan; and

NOW THEREFORE BE IT RESOLVED, that effective December 1st, 2013, the Governing Body adopts this Resolution (or for a participating court, the Chief Judge by Administrative Order) for all present and future employee divisions requiring that all transferred employees (select only one):

- [ ] shall be covered under the active employee plan in the division they are transferred into.
- [x] shall be given the individual choice to either be placed in the open plan or the closed division if it is the same plan type (in the division from which the employee is transferred from) provided there are active employees remaining in the closed plan type.

CERTIFICATION FOR PARTICIPATING MUNICIPALITY OR COURT

I hereby certify that this Resolution was adopted by (check one):

- [x] The Governing Body of the Mason City Council at its meeting held on November 4, 2013.
- [ ] Administrative Order No. _____ adopted by the Chief Judge of the _____, on _____, 20___.

Deborah L Cwiertniewicz
(Signature of Authorized Official)

Deborah Cwiertniewicz, City Clerk
(Title)

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-48 – A Resolution to Adopt the 80/20 Cost Sharing Model as Set Forth in Section 4 of Public Act 152

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-48 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-48 was introduced by Mulvany and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-48
A RESOLUTION TO ADOPT THE 80/20 COST SHARING MODEL
AS SET FORTH IN SECTION 4 OF PUBLIC ACT 152
November 4, 2014

WHEREAS, Public Act 152 (PA 152) was designed to lessen the burden of employee healthcare costs on public employers; and

WHEREAS, the communities are given three options for complying with the requirements of PA 152; and

WHEREAS, the options available to the city are:

1) Apply the hard cap (capped dollar amount each employer may pay towards an employee's health care costs;
2) Adopt by majority vote the 80%/20% cost-sharing model;
3) Opt out (exempt itself from) the cost-sharing model as set forth in the act and revisit it prior to the next plan year; and

NOW THEREFORE BE IT RESOLVED, the City of Mason will comply with the contribution limits contained in Section 4 of the Act, the 80%/20% cost sharing option, subject to the limitations contained in Section 5 of the Act pertaining to collective bargaining agreements.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-49 – Approve Funding and Construction of an Apron in Front of the Mason Fire Department and the Sidewalks Within the Local Development Finance Authority (LDFA)

Discussion was held regarding the proposal to replace the drive approach at Mason Fire Station No. 1, and the installation of sidewalks at two locations within the LDFA. In connection with a MDOT Traffic Safety Grant, funds were awarded to place sidewalk at the intersections of Jefferson Street and Kipp Road, and Cedar Street and Kipp Road.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-49 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-49 was introduced by Ferris and seconded by Mulvany. Discussed ensued regarding concerns for installing concrete and asphalt in November.

MOTION by Bruno, second by Naeyaert,
to defer the proposed projects in Resolution No. 2013-49 to the next construction season.
Yes (6) Bruno, Brown, Clark, Droscha, Mulvany, Naeyaert
No (1) Ferris
RESOLUTION APPROVED

Motion – Request to Occupy the Public Right-of-Way

Ms. Brittany Perisco, Pennsylvania State University student and FOTO Canning Chair, submitted a letter requesting to occupy the public right-of-way for the purpose of soliciting funds for the Penn State IFC Panhellenic Dance Marathon, the main benefactor of the Four Diamonds Fund at Penn State Children's Hospital. Penn State students would occupy the sidewalk at the corner of Jefferson and Ash Streets and Jefferson and Maple Streets in groups of two to three, soliciting donations that are collected in canisters on Friday and Saturday, November 8-9, 2013, 7:00 a.m. - 4:00 p.m.

It was the consensus of Council that this type of fund raising should be reserved for those that would benefit the local community. No action was taken.

UNFINISHED BUSINESS

Council determined to meet with City Financial Planner Tom Traciak, November 25, 2013 at 7:00 p.m.

NEW BUSINESS

It was discussed that the police officer job opening had been posted.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
- Brown informed Council regarding the Mason 150 Steering Committee business
- Droscha informed Council regarding Traffic Commission business

COUNCILMEMBER REPORTS
Clark reported that he, Administrator Colburn, David Haywood, and John Sabbadin met with Vevay Township representatives to present Mason's Draft Master Plan.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:10 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 21, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Naeyaert
Absent: Councilmember: Mulvany
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police

ANNOUNCEMENTS

- Rayner Park Fall Clean-Up – October 26, 2013
- Mason/Dansville Coats for Kids – St. James Church Hall – October 26, 2013
- Mason Symphony Halloween Concert –October 25, 2013

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Motion – 2012-2013 Financial Statements – Abraham Gaffney, P.C.

Mr. William I. Tucker IV, CPA from Abraham & Gaffney introduced Amanda Garber, who worked on the audit with him this year. Mr. Tucker elaborated on the outline and graphs he provided to Council. He stated that the city of Mason would again receive an unqualified opinion.

MOTION by Naeyaert, second by Brown,
to accept the 2012-2013 Financial Statements and place them on file.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

It was discussed to move the Minutes of October 7, 2013 to Regular Business.

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Bills - $247,584.01
B. Motion - Request for Excused Absence – Councilmember Mulvany
Excuse the absence of Councilmember Mulvany from the October 21, 2013 City Council Meeting.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Approval of Minutes – Regular Council Meeting October 7, 2013

MOTION by Brown, second by Droscha,
to approve the Minutes of October 7, 2013, with the correction on page 1, under Executive Session, delete 8:24 p.m. and insert 7:41 p.m.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-44 – Fireworks Display Permit

Sandy Dargatz, Manager, Ingham County Fair, informed Council that the Ingham County Fair Board would like to provide a fireworks display following the lighted Parade on Friday, November 29, 2013, beginning at 8:45 p.m. A brief discussion was held regarding logistics of the event.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-44 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-44 was introduced by Ferris, seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-44
FIREWORKS DISPLAY PERMIT
October 21, 2013

WHEREAS, the Ingham County Fair Board (ICFB) has applied for a Fireworks Display Permit to hold a public display following the lighted Parade on Friday, November 29, 2013, beginning at 8:45 p.m.; and

WHEREAS, ICFB has provided the required documentation, a certificate of insurance and site plan; now

BE IT HEREBY RESOLVED, by the City Council of the City of Mason, that it does hereby grant permission to the Ingham County Fair Board to hold a fireworks display at the Ingham County Fairgrounds on the evening of November 29, 2013, commencing at 8:45 p.m. in conjunction with the annual Lighted Parade.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-45 – Mayoral Appointment to the Traffic Commission

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-45 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-45 was introduced by Ferris, seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-45
MAYORAL APPOINTMENT TO THE TRAFFIC COMMISSION
OCTOBER 21, 2013

WHEREAS, in accordance with Mason Code, the Traffic Commission shall have one member in representation of the Mason Downtown Development Authority; now

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Mark Howe to the Traffic Commission commencing October 21, 2013 and expiring December 31, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-46 – Change Order to Local Streets Construction Contract to Reith-Riley Construction Company, Inc. to Construct Maple Grove Cemetery Street E tension

A brief discussion was held regarding terminology that is used relating to rating of streets, such as local, major, and minor streets, by different organizations.

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-46 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-46 was introduced by Ferris, seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-46
CHANGE ORDER TO LOCAL STREETS CONSTRUCTION CONTRACT TO REITH-RILEY CONSTRUCTION COMPANY, INC. TO CONSTRUCT MAPLE GROVE CEMETERY STREET EXTENSION
October 21, 2013

WHEREAS, the City of Mason went out for public bids for the construction of the local streets of North Street from Mason Street to Cedar Street, and Temple Street from East Columbia Street to Ash Street; and

WHEREAS, bids were received and publicly opened on May 14, 2013; and

WHEREAS, the low bidder is Reith-Riley Construction with a bid of $521,502.29.

WHEREAS, a Change Order to the above-referenced local streets bid to increase expenditures by $37,558.50;

BE IT HEREBY RESOLVED, that the Mason City Council approves the expenditures as part of the Fiscal Year 2013-2014 budget totaling $559,060.79 for the construction of local street construction program, and authorizes the City Administrator signature authority.

Yes (5) Brown, Clark, Droscha, Ferris, Naeyaert
No (1) Bruno
Absent (1) Mulvany
RESOLUTION APPROVED

Motion – Approval of the Master Plan Final Draft
Haywood spoke regarding the final draft of the Master Plan and the remaining steps required for adoption.

MOTION by Naeyaert, second by Brown,
to approve the final draft of the Master Plan dated October 11, 2013, for public distribution and public hearing.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Bruno informed Council that the Katsura tree planted on the Hayhoe Riverwalk for 2009 Arbor Day honoree, Deborah L. Powers, needs to be replaced.

Naeyaert informed Council that the family of Jacob Paradise would like to plant a tree at the Skate Park in his memory.

Report – City of Mason Title VI Plan Update
By request of Council, Colburn gave a brief informational report on the Title VI Plan, noting that the plan is available on the City website.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS
Brown reported on a conference he attended under the auspices of his employer.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:40p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 7, 2013

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Ferris led the Pledge of Allegiance and offered the invocation.

Present:	Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent:	Councilmember: None
Also present:	Martin A. Colburn, City Administrator
	Deborah J. Cwiertniewicz, City Clerk
	Eric Smith, Finance Director/Treasurer
	John Stressman, Chief of Police
	David Haywood, Zoning & Development Director

ANNOUNCEMENTS

- Chamber Raffle – Bestsellers – October 10, 2013

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Christian Andersen, System Manger of WOW, gave an update of the rebuild being conducted throughout Michigan. He stated that the city of Mason is scheduled for the beginning of 2014.

EXECUTIVE SESSION – PERSONNEL ISSUE

MOTION by Naeyaert,
to adjourn to executive session to discuss a matter regarding a personnel issue.
ROLL CALL VOTE:
Yes (7) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at [DELETE] ~~8:21~~ [INSERT] 7:41 p.m. The meeting reconvened at 9:48 p.m.

MOTION by Naeyaert, second by Droscha,
to modify the action to three days and two full days be restored on the personnel matter.
ROLL CALL VOTE:
Yes (6) Brown, Bruno, Clark, Droscha, Mulvany, Naeyaert
No (1) Ferris
MOTION APPROVED

PUBLIC HEARINGS

Authori ing the City of Mason to Establish an Obsolete Property Rehabilitation Act District

Colburn spoke to the process to establish an obsolete property rehabilitation district as well as the process of property rehabilitation.

Clark opened the public hearing at 9:53 p.m.

Jeff Burdick, Executive Director of Ingham County Land Bank, elaborated on the letter of request he submitted regarding establishing an obsolete property rehabilitation district.

Being there were no further comments, Clark closed the public hearing at 9:55 p.m.

Resolution 2013-43 To Establish an Obsolete Property Rehabilitation Act District Pursuant to 2000 PA 146

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-43 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-43 was introduced by Ferris, seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-43
A RESOLUTION TO ESTABLISH AN OBSOLETE PROPERTY REHABILITATION ACT DISTRICT PURSUANT TO 2000 PA 146
October 7, 2013

At a regular meeting of the City Council of the City of Mason, Ingham County, Michigan, held on the 7th day of October, 2013, at the City Council Chambers, located at 201 W. Ash Street, Mason, Michigan, at 7:30 p.m., the following resolution was offered by Council member Ferris and seconded by Council member Bruno:

WHEREAS, a qualified local governmental unit has the authority, pursuant to section 3 of Act No. 146 of the Public Acts of 2000, to establish an "Obsolete Property Rehabilitation Act District" within the city of Mason upon the written request filed by the owner of property comprising at least 50% of all taxable value of the property to be located within a proposed Obsolete Property Rehabilitation Act District; and

WHEREAS, the City of Mason, Ingham County, was declared and remains a "qualified local governmental unit" within the meaning of subsection 2(k) of 2000 PA 146 by determination of the Michigan State Tax Commission adopted at its June 12, 2012 meeting; and

WHEREAS, the Ingham County Land Bank has filed a written request with the Mason City Clerk requesting that the City establish an Obsolete Property Rehabilitation Act District on certain tax-reverted property owned by the Ingham County Land Bank located in the city of Mason and described as follows:

East 2/3 of Lot 2; West 2/3 of Lot 3; and North 41 feet of Lot 9, Block 17, Section 9, T2N, R1W, City of Mason, Ingham County, Michigan.

TIN 33-19-10-09-110-021 - commonly known as 124 E. Ash Street
TIN 33-19-10-09-110-007 - commonly known as 140 E. Ash Street
TIN 33-19-10-09-110-015 - being a portion of Alley 17 of the Plat of the City of Mason

and

WHEREAS, the City of Mason finds that the property proposed for the Obsolete Property Rehabilitation Act District is "obsolete property" as defined by section 2(h) of Act 146, that it comprises at least 50% of all taxable value of the property to be located within the proposed Obsolete Property Rehabilitation Act District and otherwise meets the requirements set forth in section 3(1) of 2000 PA 146; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the *Ingham County Community News* of the hearing on the establishment of the proposed district as required by Act 146; and

WHEREAS, on October 7, 2013, a public hearing was held regarding the establishment of the proposed Obsolete Property Rehabilitation Act District and all residents and taxpayers of the City of Mason were afforded an opportunity to appear and be heard thereon; and

WHEREAS, the City of Mason deems it to be in the public interest of the City of Mason to establish the Obsolete Property Rehabilitation Act District as proposed by the applicant;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mason that the following described parcels of land situated in the city of Mason, Ingham County, Michigan, to wit:

East 2/3 of Lot 2; West 2/3 of Lot 3; and North 41 feet of Lot 9, Block 17, Section 9, T2N, R1W, City of Mason, Ingham County, Michigan.

TIN 33-19-10-09-110-021 - commonly known as 124 E. Ash Street
TIN 33-19-10-09-110-007 - commonly known as 140 E. Ash Street
TIN 33-10-10-09-110-015 - being a portion of Alley 17 of the Plat of the City of Mason

be and hereby are established as an Obsolete Property Rehabilitation Act District pursuant to the provisions of Act No. 146 of the Public Acts of 2000, to be known as the City of Mason Obsolete Property Rehabilitation Act District No. 1.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Authori ing City of Mason to Enter into Development Agreement for the Rehabilitation of 124 and 140 E. Ash Street

MOTION by Naeyaert, second by Droscha,
to approve the Development Agreement as to form.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

It was discussed to move the Minutes of September 16, 2013 to Regular Business.

MOTION by Naeyaert, second by Droscha,
to amend the Consent Agenda by moving Agenda Item No. 10(C) – Motion – Streets Closure Request for Mason High School Homecoming Parade, to the Consent Agenda, Item No. 9(C) and to move the agenda items under 10 – Regular Business as appropriate.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as amended:

A. Approval of Minutes – Regular Council Meeting: September 3, 2013
B. Approval of Bills - $543,742.12
C. Motion - Streets Closure Request for Mason High School Homecoming Parade
   Approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason High School Homecoming Parade, October 18, 2013 between 5:00 p.m. and 7:00 p.m.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Approval of Minutes – Regular Council Meeting September 16, 2013

MOTION by Bruno, second by Droscha,
to correct the Minutes of September 16, 2013, page 6, in the title of Resolution No. 2013-41, delete the words, Award of Hayes Park Well Rehabilitation, and insert the words, Award of Well No. 8 Rehabilitation and Cleaning.
MOTION APPROVED UNANIMOUSLY

First Reading – Ordinance No. 195 – An Ordinance to Amend Section 94-151 of Chapter 94 – Zoning – of the Code of the City of Mason to Amend Subsection (D) to Add a New Subsection (4) to Permit the Sale of Repaired, Used Vehicles, by Special Use Permit as an Accessory Use to a Body and Paint Shop for Automobiles and Other Vehicles

MOTION by Droscha, second by Brown,
to take Ordinance No. 195 from the table.
MOTION APPROVED UNANIMOUSLY

Clark stated that Ordinance No. 195 was tabled to allow staff and the city attorney determine the appropriate procedure regarding consideration of zoning ordinance amendments. Specifically, whether it would be considered by the Planning Commission and then referred to the Council with a recommendation, or whether Council would hold first reading and then send it to the Planning Commission for their review and recommendation.

Clark stated his opinion being that Council could initiate zoning amendments, and refer them to the Planning Commission for review.

As a point of order, Brown stated that the motion made September 16, 2013 is on the floor, as a result of the motion to take the ordinance from the table. In recognition of the point of order, Clark restated the motion on the floor:

MOTION by Naeyaert, second by Droscha,
to consider Ordinance No. 195 read for the first time and refer it to the Planning Commission.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-41 – Award of Well No. 8 Rehabilitation and Cleaning

It was discussed that Resolution No. 2013-41 was deferred from the September 16, 2013 meeting, requesting staff to provide the hourly rates from each bid.

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-41 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-41 was introduced by Droscha, seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-41
AWARD OF WELL NO. 8 REHABILITATION AND CLEANING
SEPTEMBER 16, 2013

WHEREAS, it is in the best interests of the City of Mason to maintain our wells; and

WHEREAS, Well No. 8 is in the need of rehabilitation; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of Well No. 8 rehabilitation and cleaning to Northern Pump and Well in the amount of $15,963.00.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS
It was requested to include a report on Title VI Non-Discrimination Plan at the October 21, 2013 meeting.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
No reports at this time.

COUNCILMEMBER REPORTS
Droscha informed Council that he prepared a report on the sessions he attended at the MML Conference, as well as literature he collected. A brief discussion ensued regarding wireless infrastructure.

Clark reported on the sessions he attended at the MML Conference. He suggested that the City enter the Community Excellence Award at the 2014 Regional Meeting.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business. He gave a brief report on the sessions he attended at the MML Conference.

ADJOURNMENT
The meeting adjourned at 10:34 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 16, 2013

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

Present:	Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent:	Councilmember: None
Also present:	Martin A. Colburn, City Administrator
	Deborah J. Cwiertniewicz, City Clerk
	Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Thursday Night Live – September 19, 2013

PEOPLE FROM THE FLOOR

None.

PUBLIC HEARINGS

Application to the Michigan Economic Development Corporation for a Blight Reduction Grant for 124 and 140 East Ash Street, Mason, MI through the Community Development Block Grant Program

Clark opened the public hearing at 7:37 p.m. Being there were no comments, he closed the public hearing at 7:38 p.m.

Resolution No. 2013-37 – A Resolution Authori ing the City of Mason to Apply to the Michigan Economic Development Corporation for a Blight Reduction Grant for 124 and 140 East Ash Street, Mason, MI through the Community Development Block Grant Program

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-37 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-37 was introduced by Droscha, seconded by Mulvany. A brief discussion was held on the process to follow if the grant was not awarded, and the increase in grant funds requested.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-37
A RESOLUTION AUTHORIZING THE CITY OF MASON TO APPLY TO THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION FOR A BLIGHT REDUCTION GRANT FOR 124 AND 140 E. ASH ST MASON, MI THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
September 16, 2013

WHEREAS, the City of Mason is working cooperatively with the Ingham County Land Bank (ICLB), who in turn is working on a Development Agreement with private investors to develop their properties located at 124 and 140 East Ash Street; and

WHEREAS, this is a private/public partnership in which there are numerous components to make this project work financially; and

WHEREAS, the plan is to redevelop blighted properties that are within the Mason Historic District that front the southern exposure of the historic Ingham County Courthouse, and have been acquired by the ICLB due to foreclosure; and

WHEREAS, the concept is to develop the second and third stories of the two properties into ten single bedroom loft apartments, with the first floor designated as commercial space, totaling 23,000 square feet; and

WHEREAS, the City Council held a Public Hearing the evening of September 16, 2013 in regard to a Community Development Block Grant (CDBG) being applied for by the City of Mason through the Michigan Economic Development Corporation (MEDC) to assist blight reduction by rehabilitating loft apartments; and

WHEREAS, this grant request is for $496,000 to eliminate these blighted properties and rehabilitate the properties to code. As required through the CDBG because of its federal funding, these properties are declared blight and a hazard to the community as documented by John Heckaman, City Building Code Inspector; and

WHEREAS, the Mason Historic District Commission met on August 27, 2013, and approved the proposed façade reconstruction for 124 and 140 E. Ash Street; and

WHEREAS, the Mason Historic District Commission has forwarded a letter of support of this project to the Michigan Economic Development Corporation, demonstrating the historic and economic values of this project; and

WHEREAS, the properties have been designated as blight properties, meeting the following requirements:

- Is declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- Is an attractive nuisance to children because of physical condition, use, or occupancy.
- Is a fire hazard or is otherwise dangerous to the safety of persons or property.
- Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

- Is property owned or under the control of a land bank fast track authority, whether or not located within a qualified local governmental unit. Property included within a Brownfield plan prior to the date it meets the requirements of this subdivision to be eligible property shall be considered to become eligible property as of the date the property is determined to have been or becomes qualified as, or is combined with, other eligible property. The sale, lease, or transfer of the property by a land bank fast track authority after the property's inclusion in a Brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act; Now

BE IT HEREBY RESOLVED, by the Mason City Council, that this Public Hearing and Resolution authorizes the City of Mason to apply to MEDC blight reduction grant of $496,000 for 124 and 140 E. Ash St. Mason, MI through the CDBG Program to reduce blight within the City of Mason, due to the conditions of the buildings as listed above, and place these properties to productive use.

RESOLUTION APPROVED UNANIMOUSLY

Efficiency Production, Inc. (EPI) – Re uest for IFT E emption Agreement

Ken Forsberg, Efficiency Production, Inc. (EPI) President, informed Council regarding the request for an industrial facilities exemption. EPI manufactures trench safety equipment. The business expanded by opening rental stores across the country, stocking them with equipment manufactured in Mason. The rentals often are returned needing repair. An addition to the building is necessary to handle storing and repairing the rented equipment. The installation of a new linear drilling machine will be more economical and increase productivity for the business, as well as making the business more competitive.

Clark opened the public hearing at 7:51 p.m. and closed it at 7:52 p.m. as there were no comments from the public.

Resolution No. 2013-38 - Approval of Application for Industrial Facilities E emption Certificate and Industrial Facilities E emption Agreement with Efficiency Production, Inc.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-38 read with the inclusion of, "approval for a period of twelve (12) years" in the BE IT HEREBY RESOLVED paragraph.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-38 was introduced by Droscha, seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-38
APPROVAL OF APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND INDUSTRIAL FACILITIES EXEMPTION AGREEMENT WITH EFFICIENCY PRODUCTION, INC.
September 16, 2013

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, Efficiency Production, Inc. ("EPI") has submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of machinery, equipment, and fixtures of approximately $180,445 and real property improvements and additions of approximately $775,000, as set forth in the applicant's application to the City Clerk dated July 16, 2013; and

WHEREAS, the City Council has adopted Council Resolution No. 1992-37, after a public hearing on July 6, 1992, duly noticed by publication, to establish Industrial Development District No. 3 pursuant to Act 198 to encompass the land and territory within which the Applicant proposes to acquire and maintain the building, land improvements, machinery and equipment to be acquired by the Applicant; and

WHEREAS, the description of said property is:

PART OF NW1/4 OF SEC 16 T2NR1W CITY OF MASON PA 425 AGREEMENT DESC AS: COM AT W 1/4 COR OF SEC 16 - S89N53'41" E ALNG EW 1/4 LN 1161.25 FT TO POB - S89N53'41"E ALNG SD 1/4 LN 762.51 FT TO WLY R/W LN OF CONRAIL RR - N07N08'04"W ALNG SD R/W LN 498.7 FT - ALNG SD R/W LN 157.14 FT ON CURVE TO LEFT, RAD 2861.25 FT, DELTA 03N08'48", CHD BRG N08N41'01"W 157.12 FT - N89N53'41"W 673.73 FT - S000N4'38"E 109.89 FT - SELY 32.98 FT ALNG CURVE TO RT, RAD 75 FT TO R/W LN OF TRILLIUM DR, SWLY ALNG SD R/W LN 44 FT ON CURVE TO RT, RAD 75 FT CHD BRG S29N38'29"W 43.37 FT - S00N04'38"E 474.8 FT TO POB 10.742 AC.

Commonly known as 685 Hull Road, Mason, Michigan
TIN 33-19-10-16-100-017

and

WHEREAS, EPI wishes to install a new linear CNC drilling machine and support equipment to its facility on the property legally described above, the value of said personal property to be approximately $180,445 and to construct a building addition of approximately 14,000 square feet at a cost of approximately $775,000 for real property improvements; and

WHEREAS, EPI seeks an Industrial Facilities Exemption Certificate on the personal property for a term of twelve (12) years, as described in its Application, dated July 16, 2013; and

WHEREAS, the City Council met in public hearing on September 16, 2013, as heretofore resolved and noticed, for the purpose of considering approval of said application; and

WHEREAS, the City Council has afforded the applicant, the public, the Assessor, and all of the affected taxing units notice and an opportunity for all persons desiring to be heard, either orally or

in writing, with respect to the approval of an Industrial Facilities Exemption Certificate for the applicant; and

WHEREAS, the granting of an Industrial Facilities Exemption Certificate to EPI will not substantially impede the operations or financial soundness of the City of Mason; and

WHEREAS, the City Council has received and considered a proposed written agreement as required by Section 22 of Act 198 to be entered into between the City and EPI containing the requirements for approval and the terms and conditions under which the Industrial Exemption Facilities Agreement shall be issued and retained;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason finds and determines that the granting of the EPI 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 a taxing unit which levies ad valorem property taxes in the City of Mason; and

BE IT HEREBY RESOLVED, that the application of EPI for an Industrial Facilities Exemption Certificate for real and personal property improvements of $775,000 and $180,445, respectively, is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and EPI shall enter into the written Agreement containing the requirement for approval and issuance of the Industrial Facilities Exemption Certificate and allowing for the revocation of the Certificate if conditions imposed by the City of Mason are not met.

RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as presented:

A. Approval of Bills - $59,425.16

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Approval of Minutes – Regular Council Meeting September 3, 2013

Discussion was held to correct the Minutes on page two under Regular Business, Resolution No. 2013-36 – AFSCME Agreement, by changing the motion maker to Droscha and the seconder to Brown. The City Clerk was asked to check the information; if a change is required, she will add them to the next regular meeting agenda for approval.

MOTION by Naeyaert, second by Droscha,
to approve the Minutes of September 3, 2013.

MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Droscha,
to amend the agenda by moving Item 8(F) Motion – Request to Occupy the Public Right-of-Way, to Item 8(A), and move the remaining items accordingly.

MOTION APPROVED UNANIMOUSLY

Motion – Re uest to Occupy the Public Right-of-Way

Mr. Carl Brower, member of Kingdom Hall of Jehovah's Witnesses, stated that he is requesting to locate a brochure display in the public-right-of-way, monitored by two members, on Saturday, September 21 and during the remaining Farmers Market days.

MOTION by Naeyaert, second by Droscha,
to approve the request of Mr. Carl Brower to occupy the public-right-of-way during the Farmers Market and Down Home Days.
Yes (6) Brown, Bruno, Droscha, Mulvany, Ferris, Naeyaert
No (1) Clark
MOTION APPROVED

First Reading – Ordinance No. 195 – An Ordinance to Amend Section 94-151 of Chapter 94 – Zoning – of the Code of the City of Mason to Amend Subsection (D) to Add a New Subsection (4) to Permit the Sale of Repaired, Used Vehicles, by Special Use Permit as an Accessory Use to a Body and Paint Shop for Automobiles and Other Vehicles

MOTION by Naeyaert, second by Droscha,
to consider Ordinance No. 195 read for the first time and refer it to the Planning Commission.

Discussion was held regarding concern that this may not be the appropriate time to consider an amendment to the Zoning Ordinance; the current review of the Master Plan revealed the need to review the Zoning Ordinance. Also, the process of referring the ordinance to the Planning Commission was discussed.

MOTION by Bruno, second by Droscha,
to table Ordinance No. 195.
Yes (6) Bruno, Clark, Droscha, Mulvany, Ferris, Naeyaert
No (1) Brown
MOTION APPROVED

Resolution No. 2013-39 – Set Public Hearing for Creation of an Obsolete Property Rehabilitation District (OPRD)

A brief discussion was held regarding the public act providing for redevelopment of obsolete properties that previously were handled as Brownfield Redevelopment properties. This is the first time the City of Mason will be creating a district for rehabilitation of obsolete property under Public Act 146 of 2000. McGinty explained that the City of Mason recently became eligible to consider Obsolete Property Rehabilitation Act districts or to grant tax abatement; Mason was added as a qualified community to do that by a bulletin issued by the State Tax Commission in 2011.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-39 read.

MOTION by Droscha, second by Naeyaert,
to amend Resolution No. 2013-39 in the NOW, THEREFORE, BE IT RESOLVED paragraph, the second sentence, following, “7:30 p.m.” insert, “or as soon thereafter” and in the BE IT FURTHER RESOLVED paragraph, the fourth line, following *Ingham County,* insert *Community.*
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-39 was introduced by Bruno, seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-39
A RESOLUTION TO SET A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF AN OBSOLETE PROPERTY REHABILITATION ACT DISTRICT PURSUANT TO 2000 PA 146

WHEREAS, the City has received a written request from the Ingham County Land Bank requesting that an "Obsolete Property Rehabilitation Act District" be established pursuant to the provisions of 2000 P.A. 146 (Act 146) on certain property owned by the Land Bank in the city of Mason described as follows:

East 2/3 of Lot 2; West 2/3 of Lot 3; and North 41 feet of Lot 9, Block 17, Section 9, T2N, R1W, City of Mason, Ingham County, Michigan.

TIN 33-19-10-09-110-021 - commonly known as 124 E. Ash Street
TIN 33-19-10-09-110-007 - commonly known as 140 E. Ash Street
TIN 33-19-10-09-110-015 - being a portion of Alley 17 of the Plat of the City of Mason

and

WHEREAS, before the City Council may consider and act on its own initiative or upon the request of the Ingham County Land Bank to establish such district, the City Council must, pursuant to section 3 of Act 146, hold a public hearing on the application and give public notice to the applicant, the City Assessor, representatives of the affected taxing units and the general public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mason that a public hearing shall be held on October 7, 2013, at 7:30 p.m. or as soon thereafter, in the City Council chambers for the purpose of considering and acting upon the request of the Ingham County Land Bank that an obsolete property rehabilitation act district be established pursuant to 2000 PA 146 on the property owned by the Ingham County Land Bank described above; and

BE IT FURTHER RESOLVED that the City Clerk shall provide written notice by certified mail to the owners of record of all property within the proposed Obsolete Property Rehabilitation Act District and give public notice of the public hearing by publishing notice to all residents and taxpayers of the City of such hearing in the *Ingham County Community News* not less than 10 days nor more than 30 days prior to the hearing.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-40 – Award of Hayes Park Well Rehabilitation

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-40 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-40 was introduced by Mulvany, seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-40
AWARD OF HAYES PARK WELL REHABILITATION
SEPTEMBER 16, 2013

WHEREAS, it is in the best interests of the City of Mason to maintain our wells; and

WHEREAS, Hayes Park Well is in the need of rehabilitation; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the Hayes Park Well rehabilitation to Layne Christensen Company in the amount of $25,699.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-41 – DELETE ~~Award of Hayes Park Well Rehabilitation~~ INSERT Award of Well No. 8 Rehabilitation and Cleaning

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-41 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-41 was introduced by Droscha, seconded by Mulvany.

MOTION by Naeyaert, second by Droscha,
to defer Resolution No. 2013-41 to the October 7, 2013 meeting.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-42 – Alley Closure to Allow BAD Brewing Company to Hold an Outdoor Event

Mr. Brian Rasdale of BAD Brewing Company stated that he is requesting that the alley between Keans Store Company and BAD Brewing Company be closed on October 5, 2013 from 5:00 p.m. to 1:00 a.m. to hold an outdoor event. The Licensing and Regulatory Affairs (LARA) requires a resolution from the local governmental unit indicating that the licensee has permission to use the municipality owned area.

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-42 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-42 was introduced by Mulvany, seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-42
ALLEY CLOSURE TO ALLOW BAD BREWING COMPANY TO HOLD AN OUTDOOR EVENT
September 16, 2013

WHEREAS, Brian Rasdale of BAD Brewing Company has requested an alley closure to hold an outdoor event on October 5, 2013; and

WHEREAS, Mr. Rasdale has requested the alley be closed between the hours of 5:00 p.m. through 1:00 a.m. to allow set up and tear down, the event is scheduled to be held between the hours of 6:00 p.m. through 12:00 a.m.;

WHEREAS, live music is planned between the hours of 6:00p.m. through 10:00 p.m., in accordance with Mason Code Section 22-36(2); now

NOW, THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the closure of the alley between Keans Store Company and BAD Brewing Company on October 5, 2013 between the hours of 5:00 p.m. and 1:00 a.m. as shown on the diagram submitted to hold an outdoor event.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Councilmember Naeyaert reported that her home cable service continues to be an issue; after a two day outage, a WOW representative told her it would be a week before they could get to her home. She currently has not had service for one week.

CORRESPONDENCE

All correspondence was distributed. Clark read a note that he received from Ms. Susan K. McPhee stating opposition to trimming the City Hall landscape.

LIAISON REPORTS

- Brown informed Council regarding the Sesquicentennial Committee business
- Naeyaert informed Council regarding Planning Commission business. It was the consensus of the Council to meet Monday, September 30, 2013, for a joint meeting with the Planning Commission to review the Master Plan updates.
- Clark informed Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. A brief discussion was held regarding the recent flooding of the Library basement due to a heavy rain fall.

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 3, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Don Hanson, Police Sgt.

ANNOUNCEMENTS

- Sesquicentennial Committee Meeting – September 9, 2013
- Thursday Night Live (rain date concert) – September 5, 2013
- Mason Brass Quintet – Concert at Griffin Park – September 15, 2013

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as presented:

A. Approval of Bills - $317,502.08
B. Motion – Street Closure – Riverwalk Meadows Homeowners Association Annual Neighborhood Picnic
to approve the Riverwalk Meadows Homeowners Association request to close the cul-de-sac on the end of Raging River Road, September 22 between 3:30 p.m. – 6:30 p.m., assembling in front of the 408, 409, and 412 Raging River residences.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Approval of Minutes – Regular Council Meeting August 19, 2013

Discussion was held to correct the Minutes on page four under Liaison Reports and to strike the last paragraph under New Business.

MOTION by Bruno, second by Naeyaert,
to approve the Minutes of August 19, 2013 as corrected.
MOTION APPROVED UNANIMOUSLY

Motion – Utili ation of Right of Way – Harvest Creative Services

Alan Greer of Harvest Creative Services stated that since his appearance before Council on August 5, 2013, he has determined that street closures will not be necessary for the commercial he is planning to shoot in Mason. He is requesting to use the right-of-way

MOTION by Naeyaert, second by Droscha,
to approve the utilization of right-of-way for a commercial shoot by Harvest

Creative Services.
MOTION APPROVED UNANIMOUSLY

E ecutive Session – AFSCME Contract Negotiations

MOTION by Naeyaert,
to adjourn to executive session to discuss a matter involving the AFSCME Contract Negotiations.
ROLL CALL VOTE:
Yes (7) Brown, Bruno, Clark, Droscha, Mulvany, Ferris, Naeyaert
No (0)
MOTION APPROVED UNANIMOUSLY

Council adjourned to executive session at 7:39 p.m. and reconvened at 8:20 p.m.

Resolution No. 2013-36 – AFSCME Agreement

MOTION by [DELETE] ~~Naeyaert~~ [INSERT] *Droscha*, second by [DELETE] ~~Droscha~~ [INSERT] *Brown*,
to consider Resolution No. 2013-36 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-36 was introduced by Naeyaert, seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-36
AFSCME AGREEMENT
September 3, 2013

BE IT HEREBY RESOLVED by the Mason City Council that it does hereby ratify an Agreement between the City of Mason and Mason City Employees, Chapter of Local #1390, Council 25, American Federation of State, County and Municipal Employees, dated September 3, 2013 – September 2, 2016; and

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

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed. A letter from Ms. Kelly Hildebrandt was received by Mayor Pro Tem Naeyaert regarding issues with WOW.

LIAISON REPORTS

- Brown informed Council regarding the Sesquicentennial Committee business
- Mulvany informed Council regarding Historic District Commission business
- Ferris informed Council regarding Tree Commission business

COUNCILMEMBER REPORTS

Clark reported on the success of the Sun-Dried Festival and Sun-Dried Worship Service and thanked local business support, especially those who do not benefit financially from the event, and the Mason Police Department.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:40p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 19, 2013

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: Brown, Bruno, Clark, Droscha, Mulvany, Ferris, Naeyaert
Absent:	Councilmember: None
Also present:	Martin A. Colburn, City Administrator
	Eric Smith, Finance Director/Treasurer
	John Stressman, Chief of Police

ANNOUNCEMENTS

- Sundried Music Festival – August 23 – 24, 2013
- Sundried Worship Festival – August 25, 2013

PEOPLE FROM THE FLOOR

Diane Jackman of 768 West Howell Road, Mason Sycamore Creek Garden Club member and Blue Star Memorial Project Chairperson, invited Council to attend the Blue Star Memorial Marker dedication ceremony at Rayner Park, Friday, September 20, 2013 when a Blue Star Memorial Marker will be placed in a garden created by the Garden Club.

PRESENTATION

Mayor Clark asked Council to join him as he presented three Mayoral Proclamations. The honorees were Mrs. Shirley Grieve, for organizing and hosting a fundraiser during Darrell's 11th Annual Car Show, successfully raising $3,172.00 for donation to the Capital Area Prescription Drug Task Force for printing and publication expenses, and Jamie and Scott Robinson, proprietors of Darrell's Super Market and Hardware and the Vault Delicatessen, for sponsoring Darrell's 11th Annual Car Show, which raised $2,851.00 of the $3,172.00 donated to the Capital Area Prescription Drug Task Force for printing and publication expenses. The third proclamation was presented in honor and recognition of the National Employer Support of the Guard and Reserve Week and Warrant Officer Jordan Murdock, member of the United States Army National Guard and current City of Mason Police Officer.

PUBLIC HEARING

Application to the Michigan State Housing Development Authority (MSHDA) for a Downtown Rental Rehabilitation Grant Under the 2012 Housing Resource Fund Community Development Block Grant (CDBG) Program for 124 and 140 East Ash Street, Mason, Michigan

Clark opened the public hearing at 7:52 p.m.

Martin Colburn, City Administrator, spoke in support of the application to the Michigan State Housing Development Authority (MSHDA) for a Downtown Rental Rehabilitation Grant Under the 2012 Housing Resource Fund Community Development Block Grant (CDBG) Program for 124 and 140 East Ash Street, Mason, Michigan.

Clark closed the public hearing at 7:58 p.m.

Resolution No. 2013-33 – A Resolution Authorizing the City of Mason to Apply to the Michigan State Housing Development Authority Rental Rehabilitation Grant for 124 and 140 East Ash Street Mason, Michigan through the Community Development Block Grant Program

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-33 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-33 was introduced by Droscha and seconded by Brown.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-33
A RESOLUTION AUTHORIZING THE CITY OF MASON TO APPLY TO THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY RENTAL REHABILITATION GRANT FOR 124 AND 140 EAST ASH STREET, MASON, MICHIGAN THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
August 19, 2013

WHEREAS, the City of Mason is working cooperatively with the Ingham County Land Bank (ICLB), who in turn is working on a Development Agreement with private investors to develop their properties located at 124 and 140 E. Ash St.; and

WHEREAS, this is a private/public partnership in which there are numerous components to make this project work financially; and

WHEREAS, the plan is to redevelop blighted properties that are within the Mason Historic District that front the southern exposure of the historic Ingham County Courthouse, and have been acquired by the ICLB due to foreclosure; and

WHEREAS, the concept is to develop the second and third stories of the two properties into ten single bedroom loft apartments, with the first floor designated as commercial space, totaling 23,000 square feet; and

WHEREAS, the City Council held a Public Hearing the evening of August 19, 2013 in regard to a Community Development Block Grant (CDBG) being applied for by the City of Mason through the Michigan State Housing Development Authority (MSHDA); and

WHEREAS, the grant request is for $350,000, or $35,000 per unit, to rehabilitate the second and third floors into ten habitable dwellings built to code. As required through the CDBG because of its federal funding, 51% or more of the housing units must be designated for low to moderate housing tenants for a minimum of five years; and

WHEREAS, the City is utilizing Revitalize, Inc. as the designated contractor to help administer these program funds; now

BE IT HEREBY RESOLVED, by the Mason City Council, that this Public Hearing and Resolution authorizes the City of Mason to apply to MSHDA for a rental rehab grant for 124 and 140 E. Ash St. Mason, MI through the CDBG Program to reduce blight within the City of Mason and place these properties to productive use.

RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as presented:

A. Approval of Minutes – Regular Council Meeting: August 5, 2013
B. Approval of Bills - $191,532.61

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2013-34 – Approval to Purchase a 2014 Ford Sedan Interceptor

Stressman spoke regarding the purchase of a 2014 Ford Sedan Interceptor.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-34 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-34 was introduced by Brown, seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-34
APPROVAL TO PURCHASE A 2014 FORD SEDAN INTERCEPTOR
August 19, 2013

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Police Car No. 86 was approved in the Fiscal Year 2013 - 2014 Budget; and.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2014 Ford Sedan Interceptor for $24,439.00 from Signature Ford.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-35 – Approval to Purchase a 2014 Ford 4x4 Pickup Truck

MOTION by Droscha, second by Naeyaert,
to consider Resolution No. 2013-35 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-35 was introduced by Naeyaert, seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-35
APPROVAL TO PURCHASE A 2014 FORD 4x4 PICKUP TRUCK
August 19, 2013

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Truck No. 31 was approved in the Fiscal Year 2013 - 2014 Budget; and.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2014 Ford 4x4 pickup truck for $21,365.00 from Signature Ford.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Designation of Voting Delegate to the 2013 Michigan Municipal League Annual Meeting

The Annual Michigan Municipal League Convention will be held in Detroit, September 17-20. The annual meeting is scheduled to be held Wednesday, September 18, 2013 at the Detroit Mariott at the Renaissance Center. In accordance with the League Bylaws, Council is requested to select a designee and alternate to attend the meeting by formal action.

MOTION by Naeyaert, second by Droscha,
to appoint Mayor Leon Clark to serve as the City of Mason principal official representative and Councilmember Jon Droscha to serve as an alternate to attend the Annual 2013 MML Convention in Detroit and the annual meeting held Wednesday, September 18, 2013.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Discussion was held to consider seeking the advice of the MSU Landscape Architecture Program for landscape renovations around the city hall parking lot.

NEW BUSINESS

Discussion was held to cut down the plantings around the city hall parking lot for pedestrian and vehicle safety. Staff asked for direction from the entire Council.

MOTION by Naeyaert, second by Bruno,
to have the grass in front of City Hall cut down to a level that allows the sidewalk, the streets and the parking lot visible.
Yes (5) Brown, Bruno, Clark, Droscha, Naeyaert
No (2) Mulvany, Ferris
MOTION APPROVED

It was discussed that the grass should be cut to the height of twelve inches. Administrator Colburn recommended letting a bid for professional services to provide a conceptual landscaping plan for this area.

CORRESPONDENCE

All correspondence was distributed. A letter from Mr. Ken Smith was received by Mayor Clark and Councilmember Bruno regarding a code enforcement matter.

LIAISON REPORTS

Naeyaert informed commissioners regarding current City Council business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:15p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 5, 2013

Clark called the meeting to order at 7:31p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Bruno led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Mulvany, Ferris, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Dan Anderson, Police Officer

ANNOUNCEMENTS

- The Mason High School Class of 1963 held its 50th Class Reunion
- The Mason High School Class of 1978 will hold their reunion this weekend
- Thursday Night Live will feature the Backwoods Band August 8, 2013

PEOPLE FROM THE FLOOR

Stressman introduced newly appointed Police Officer, Dan Anderson. Council welcomed Officer Anderson to the Mason Police Department.

CONSENT AGENDA

By consensus, the Minutes of July 15, 2013, and the bills were removed from the Consent Agenda.

REGULAR BUSINESS

Approval of Minutes – Regular Council Meeting: July 15, 2013

MOTION by Naeyaert, second by Droscha,
to amend the Minutes of July 15, 2013, under New Business, by deleting the words, in the next budget, and inserting the words, by fall of 2013.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Droscha,
to approve the Minutes of July 15, 2013 as amended.
MOTION APPROVED UNANIMOUSLY

Approval of Bills

A brief discussion was held regarding the installation of a video system for the police department interrogation rooms. Stressman spoke regarding legislation mandating that certain criminal interrogations would need to be recorded, as well as the grant that would pay for the system and its installation.

MOTION by Naeyaert, second by Droscha,
To approve the bills in the amount of $74,925.53.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closures – Commercial Shoot
Aaron Greer and Joe Newport of Harvest Creative Services stated that they were seeking Council direction for a commercial shoot in Mason regarding street closures and other particulars of setting up various scenarios. Clark assured them that the City is happy to assist them with the details and suggested that they work with the City Administrator.

UNFINISHED BUSINESS
Discussion was held regarding clearing the South Jefferson Street lot to locate the art work of Dace Koenigsknecht.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed. Clark read a letter received from Allison Doneth, age nine, regarding an art program.

LIAISON REPORTS
Droscha informed Council regarding Traffic Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:15p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 15, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Naeyaert
Absent: Councilmember: Mulvany (excused)
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police

ANNOUNCEMENTS

- Kiwanis invited Council to attend the Tuesday, July 16 meeting – Guest Speaker is from FAN, Families Against Narcotics
- Thursday Night Live! – July18, 2013 on the Courthouse lawn

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as presented:

A. Approval of Minutes – Regular Council Meeting: July 1, 2013

B. Approval of Bills - $55,247.03

C. Motion – Request to be Excused – City Council Member Jim Mulvany
Excuse the absence of Councilmember Mulvany from the July 15, 2013 meeting.

D. Motion – Alley Closure – Bad Brewing Company
Approve the closure of the alley between Bad Brewing Company and Keans Store Co. from Jefferson Street to the end of the Bad Brewing Company building to allow a hot dog vender to sell refreshments for the company's first year anniversary in business.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading and Adoption – Ordinance No. 194 - An Ordinance, Granting to Consumers Energy Company, Its Successors and Assigns, the Right, Power and Authority to Construct, Maintain and Commercially Use Electric Lines Consisting of Towers, Masts, Poles, Crossarms, Guys, Braces, Feeders, Transmission and Distribution Wires, Transformers and Other Electrical Appliances On, Under, Along and Across the Highways, Streets, Alleys, Bridges, Waterways, and Other Public Places, and to Do a Local Electric Business in the City of Mason, Ingham County, Michigan, for a Period of Thirty Years.

Colburn gave a brief summary of proposed Ordinance No 194. McGinty spoke to the legal components of the franchise agreement.

MOTION by Naeyaert, second by Droscha,
to consider Ordinance No.194 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 194

AN ORDINANCE, GRANTING TO CONSUMERS ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND COMMERCIALLY USE ELECTRIC LINES CONSISTING OF TOWERS, MASTS, POLES, CROSSARMS, GUYS, BRACES, FEEDERS, TRANSMISSION AND DISTRIBUTION WIRES, TRANSFORMERS AND OTHER ELECTRICAL APPLIANCES ON, UNDER, ALONG AND ACROSS THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL ELECTRIC BUSINESS IN THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE CITY OF MASON ORDAINS:

Section 1. Grant, term. The City of Mason, Ingham County, Michigan, hereinafter "City," hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, hereinafter referred to collectively as electric lines, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the city of Mason, Ingham County, Michigan, for a period of thirty years.

Section 2. Consideration. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

Section 3. Conditions. Except in cases of emergency, no work requiring any excavation in, opening in, or tunneling under any highway, street, alley, bridge, waterway, or other public place shall be commenced by said Grantee without first obtaining a permit for said work from the City. Except in cases of emergency, no work requiring the obstruction of any portion of any right-of-way for longer than one day shall be commenced by Grantee without first obtaining a right-of-way permit from the City. In cases of emergency, the required permits shall be obtained as soon as practicable after commencement of the work. No highway, street, alley, bridge, waterway, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways so as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision and reasonable control of the City's Public Works Department or its successor.

Section 4. Hold harmless. Said Grantee shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the electric lines hereby authorized. In case any action is commenced against the City on account of the permission herein given, said Grantee shall, upon notice, defend the City and save it free and harmless from all loss, cost and damage arising out of the electric lines. Provided, however, that Grantee's obligations under this Section 4 shall not apply to any loss, cost, damage, or claims arising solely out of the negligence of the City, its employees, or its contractors. Furthermore, in the event that any loss, cost, damage or claims arise out of the joint negligence of the City, its employees or its contractors, Grantee's obligations under this Section 4 shall not apply to the proportional extent of the negligence of the City, its employees or its contractors.

Section 5. Extensions. Said Grantee shall construct and extend its electric distribution system within said city, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

Section 6. **Franchise not exclusive.** The rights, power and authority herein granted, are not exclusive.

Section 7. **Rates.** Said Grantee shall be entitled to charge the inhabitants of said city for electric furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said City, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said City, acting by its City Council, or by said Grantee.

Section 8. **Revocation.** The franchise granted by this ordinance is subject to revocation at the will of the City Council or Grantee and upon sixty (60) days written notice by the party desiring such revocation.

Section 9. **Right of regulation.** The Grantee shall be and remain subject to all charter provisions, ordinances, rules and regulations of the City now in effect, or which are subsequently adopted for the regulation of land uses or for the protection of the health, safety and general welfare of the public; provided, however, that nothing herein shall be construed as a waiver by Grantee of its existing or future rights under State or Federal law.

Section 10. **Use of streets of streets.** The franchise granted by this ordinance is subject to the right of the City to use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them. The Grantee and its contractors and subcontractors shall, at Grantee's own cost and expense, relocate or remove Grantee's facilities from streets, alleys, bridges, and public places whenever (i) the use of such streets, alleys, bridges, and public places by the public for the installation or repair of public improvements, such as, but not limited to, drains, sewers, water mains or pipes, road construction, grading or repair, or (ii) the vacation of any street or public right of way, necessitates such relocation or removal; provided, however, that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state or Federal law. Nothing herein shall restrict or impair Grantee's rights under any statutes or laws regarding the vacation or relocation of public streets. Grantee shall permit joint use of, or attachment to, its poles and other appurtenances located within the streets, alleys and other public places of Grantor in accordance with the rules and regulations of the Michigan Public Service Commission and the Federal Communications Commission, as applicable.

Section 11. **Michigan Public Service Commission, jurisdiction**. Said Grantee shall, as to all other conditions and elements of service not herein fixed that fall within the jurisdiction of the Michigan Public Service Commission, be and remain subject to the rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said City.

Section 12. **Repealer.** This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the City on January 15, 1979 entitled:

> AN ORDINANCE, GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND COMMERCIALLY USE ELECTRIC LINES CONSISTING OF TOWERS, MASTS, POLES, CROSSARMS, GUYS, BRACES, FEEDERS, TRANSMISSION AND DISTRIBUTION WIRES, TRANSFORMERS AND OTHER ELECTRICAL APPLIANCES ON, UNDER, ALONG AND ACROSS THE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES, AND TO DO A LOCAL ELECTRIC BUSINESS IN THE CITY OF MASON, INGHAM COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

Section 13. **Effective date.** This ordinance shall take effect upon the latter of (i) the day after the date of publication thereof and (ii) twenty days after adoption thereof by the City Council; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the City Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said City and said Grantee.

ORDINANCE APPROVED UNANIMOUSLY

Motion – Directory of Charges
Colburn summarized the proposed changes to the Directory of Charges. A brief discussion ensued regarding various City fees. Stressman responded to questions regarding fees for police services.

MOTION by Naeyaert, second by Droscha
to approve the Directory of Charges dated July 15, 2013.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Council asked staff to pursue a request for proposals for LEED landscape renovations around the city hall parking lot to allow estimating the cost of a new landscape plan, working with the American Legion project, for consideration in the next budget.

CORRESPONDENCE
All correspondence was distributed. Clark read a letter received from Allison Doneth, age nine, regarding an art program.

LIAISON REPORTS
- Naeyaert informed Council regarding Planning Commission business
- Clark informed Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:25p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 1, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Don Hanson, Police Sergeant

ANNOUNCEMENTS

- July 4th Events: Old Car Show – Parade – Fireworks
- Farmers Market – July 6, 2013
- Mason resident, Kyle Smith, was introduced; Mr. Smith will be leaving for the US Army in the next two weeks.

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to amend the agenda by moving Agenda Item No. 8(C) Resolution 2013-32 – A Resolution Choosing Dace Koenigsknecht as Artist for Lansing Economic Area Partnership $10,000 Art Grant, from Regular Business to the Consent Agenda.
MOTION APPROVED UNANIMOUSLY

By consensus, the Minutes of June 17, 2013 and the bills were removed from the Consent Agenda and moved to Regular Business as Items 8(A) and (B) accordingly.

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

- Street Closure Request for Mark Street
  - Approve street closure for Mark Street between Columbia and Maple Streets, 8:00 a.m. – 10:00 p.m. on July 4, 2013 for the annual Mark Street neighborhood Independence Day celebration.

- Resolution 2013-32 – A Resolution Choosing Dace Koenigsknecht as Artist for Lansing Economic Area Partnership $10,000 Art Grant

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-32
A RESOLUTION CHOOSING DACE KOENIGSKNECHT AS ARTIST FOR LANSING ECONOMIC AREA PARTNERSHIP 10,000 ART GRANT
JULY 1, 2013

Whereas, the Lansing Economic Area Partnership (LEAP) established a Public Art Grant program, the first of its kind in Mid-Michigan; and

Whereas, the City of Mason accepted the LEAP $10,000 grant and adopted a Public Art Policy; and

Whereas, an Art Selection Committee of seven members was formed with the purpose of reviewing the artists' proposals and making a recommendation to City Council; and

Whereas, the Art Selection Committee reviewed the individual and group scores of all artists' proposals and Dace Koenigsknecht was the unanimous choice by the committee, as they graded and chose an artist based on Visibility (25 points), Design (25 points), Experience (20 points), Durability (20 points) and Cost (10 points); and

Whereas, the City of Mason will enter into a binding contract with Dace Koenigsknecht, commissioning him to create his artwork in stainless steel;

Now, Therefore, Be it Resolved, that the City of Mason gives signature authority to City Administrator Martin Colburn, in order to enter into said contract.

RESOLUTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Minutes – Regular Council Meeting June 17, 2013

MOTION by Naeyaert, second by Droscha,
to correct the Minutes of June 17, 2013, page 9, under Unfinished Business, first line, delete the words, has been, and insert the words, needs to be.
MOTION APPROVED UNANIMOUSLY

Approval of Bills

A brief discussion was held regarding the payment to Shaheen Chevrolet.

MOTION by Naeyaert, second by Droscha,
to approve the bills in the amount of $60,888.85.
MOTION APPROVED UNANIMOUSLY

First Reading and Adoption – Ordinance No. 190-A-2013- An Ordinance to Amend Sections 26-161 and 26-163 of Article IV- Fireworks- of Chapter 26 – Fire Prevention and Protection- of the Code of the City of Mason

Colburn spoke regarding the amendment to Ordinance No. 190-A-2013. This ordinance will be in effect immediately. Concern regarding enforcement in city parks was raised. Hanson spoke regarding enforcement of the ordinance. He cited State law which prohibits consumer fireworks on public or private property without the organization's or person's expressed permission.

MOTION by Naeyaert, second by Droscha,
to introduce Ordinance No. 190-A-2013, consider it read and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 190-A-2013

AN ORDINANCE TO AMEND SECTIONS 26-161 AND 26-163 OF ARTICLE IV - FIREWORKS - OF CHAPTER 26 - FIRE PREVENTION AND PROTECTION - OF THE CODE OF THE CITY OF MASON.

Councilmember Naeyaert moved the adoption of the following ordinance:

THE CITY OF MASON ORDAINS:

Sections 26-161 and 26-163 of Article IV of Chapter 26 of the Code of the City of Mason are hereby amended to read as follows:

Sec. 26-161. Violations declared misdemeanor.

Violations of this article are a municipal civil infraction punishable by a civil fine of not more than $500 for each violation of this article.

Sec. 26-163. Use of consumer fireworks prohibited.

No person except those persons granted a permit pursuant to Section 26-164 of this Article shall display discharge, use or ignite any consumer fireworks within the city, except that on the day preceding, the day of, or the day after a national holiday, a person may discharge, use, or ignite consumer fireworks at any time other than between the hours of 1:00 a.m. and 8:00 a.m.

The City of Mason further ordains that this ordinance is hereby declared to be immediately necessary for the preservation of the public peace, health, or safety and shall become immediately effective after its enactment upon its publication by the city clerk posting copies thereof in conspicuous locations in ten public places in the city and by the clerk immediately thereafter such posting entering in the ordinance book of the city under a record of this ordinance a certificate stating the time and place of such publication by posting of this ordinance.

Number of council members present: Seven (7)
Number of affirmative votes: Seven (7)

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Droscha, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 1st day of July, 2013.

ORDINANCE APPROVED UNANIMOUSLY

Resolution 2013-31- Resolution to Accept a Thirty (30) Foot Permanent Sewer and Water Easement from Capital Regional Airport Authority at Mason Jewett Airport

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-31 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-31 was introduced by Droscha and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-31
RESOLUTION TO ACCEPT A THIRTY (30) FOOT PERMANENT SEWER AND WATER EASEMENT FROM CAPITAL REGION AIRPORT AUTHORITY AT MASON JEWETT AIRPORT
July 1, 2013

WHEREAS, on November 3, 1989, the City of Mason entered into an agreement with Vevay Township, as amended by an agreement dated August 1, 1994 (the 425 Agreement); and

WHEREAS, the agreement was inclusive of a tax sharing agreement, facilitating the creation and growth of the Sycamore Creek Industrial Park; and

WHEREAS, a sanitary sewer system was constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental Quality to serve the properties within the City of Mason and adjacent areas for future development inclusive of Sycamore Creek Industrial Park; and

WHEREAS, this agreement established provisions that properties within Vevay Township may connect to the City of Mason water and sanitary lines; and

WHEREAS, a sanitary sewer main and water main are being constructed parallel to the Mason Jewett Airport Service Road to service the support facilities for Lansing Community College hangar and classrooms for their avionics maintenance training program; and

WHEREAS, it is in the best interest of the City of Mason to acquire a thirty foot permanent easement for maintenance of public utilities at Mason Jewett Airport to provide ingress/egress to the infrastructure improvements; and

WHEREAS, the City Attorney has reviewed and approved the easement agreement for form and the City Engineer's office has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Mulvany informed Council regarding Historic District Commission business
- Ferris informed Council regarding Tree Commission business.
- Brown informed Council regarding the Sesquicentennial Committee business

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:07p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 17, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Kerry Minshall, Fire Chief
Eric Smith, Finance Director
John Stressman, Police Chief
Police Officer Jordan Murdock

ANNOUNCEMENTS

- Councilmember Ferris announced the Blood Drive at the St. James Church in Mason on June 27
- Mayor Clark announced the Open House from WOW was June 19 from 3-6 PM

PEOPLE FROM THE FLOOR

Barb Tornholm of 703 Roosevelt, commented on the Master Plan and the preservation efforts of Mason's historic houses.

Jan Whitmore of 451 Shadow Lane reported that after complaining to WOW the second time, there was a discount on her bill.

Police Chief John Stressman introduced the newest Police Officer Jordan Murdock.

PRESENTATIONS

MOTION by Naeyaert, second by Droscha,
to add Cheryl Lyons to the agenda for a Presentation.
MOTION APPROVED UNANIMOUSLY

- Christian Andersen, System Manager at WOW and Mike Cronan, Engineer Technician at WOW, gave an update and reported that to date, 24% of Mason residents had filed a complaint and on average received a $14.00 credit. They also reported on WOW's community involvement efforts and stated they will be volunteering with the Mason Community Garden efforts, the Mason Chamber of Commerce events and the Sun Dried Music Festival.

- Cheryl Lyons, Head Librarian at the Mason Public Library, gave an overview of the Capital Area District Library's Annual Report.

- Stewart Powell, on behalf of the Art Selection Committee, presented the Committee's recommendation of Dace Koenigsknecht as the artist for the Lansing Economic Area Partnership $10,000 grant.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda with the inclusion of the Agenda Items No. 8 (B-G) of Regular Business as follows:

A. Approval of Minutes – Regular Council Meeting: June 3, 2013
B. Approval of Bills: $61,074.36
C. Resolution No. 2013-22 – Fireworks Display Agreement

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-22
FIREWORKS DISPLAY AGREEMENT
June 17, 2013

BE IT HEREBY RESOLVED, by the Mason City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2013 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fairgrounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for the use of the facilities that day.

D. Resolution No. 2013-23 – Designate Authorizing Signatories

CITY OF MASON
CITY COUNCIL RESOLUTION 2013-23
DESIGNATE AUTHORIZING SIGNATORIES
June 17, 2013

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Eric E. Smith, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

E. Resolution 2013-24 – Amend the 2012-2013 Fiscal year Budget

CITY OF MASON
CITY COUNCIL RESOLUTION 2013-24
AMEND THE 2012-2013 FISCALYEAR BUDGET
June 17, 2013

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2012-2013 fiscal year Budget is hereby amended as per the attached "Exhibit A."

F. Resolution 2013-25- Return Delinquent Water and Sewer Bills to the July 2013 Tax Roll

CITY OF MASON
CITY COUNCIL RESOLUTION 2013-25
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2013 TAX ROLL
June 17, 2013

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2013 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

G. Resolution 2013-26 – Levy 1% Tax Administration Fee

CITY OF MASON
CITY COUNCIL RESOLUTION 2013-26
LEVY 1% TAX ADMINISTRATION FEE
June 17, 2013

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State Education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2013 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% interest on any taxes that remain unpaid from the July tax roll after August 31, 2013 and 3% penalty from the December tax roll after February 14, 2014.

H. Resolution 2013-27 – Return Miscellaneous Bills to the July 2013 Tax Roll

CITY OF MASON
CITY COUNCIL RESOLUTION 2013-27
RETURN MISCELLANEOUS BILLS TO THE JULY 2013 TAX ROLL
June 17, 2013

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2013 Tax Roll.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

First Reading – Ordinance No. 194 — An Ordinance granting to Consumers Energy Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the City of Mason, Ingham County, Michigan, for a period of thirty years.

City Attorney McGinty proposed that the second reading of the Ordinance be postponed until the July 15 agenda, to allow time for inspection.

MOTION
to consider Ordinance No. 194 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-28 – A Resolution Approving a Contract Between the City of Mason, Michigan and the Michigan Department of Transportation for Reconstruction Work Along West Columbia Street

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-28 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-28 was introduced by Brown and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-28
A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF MASON, MICHIGAN AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR RECONSTRUCTION WORK ALONG WEST COLUMBIA STREET
June 17, 2013

WHEREAS, the Michigan Department of Transportation will provide services to reconstruct 0.48 miles of West Columbia Street on behalf of the City of Mason; and

WHEREAS, from the west side of Highway US-127 westerly to the west City limits, including machine grading, aggregate base, hot mix asphalt paving, storm sewer, sidewalk ramp, concrete curb and gutter, aggregate shoulder, guardrail and slope reconstruction; and

WHEREAS, the Michigan Department of Transportation will administer MDOT Contract Number: 13-5116, Control Section: STU 33400, Job Number: 112235; and

WHEREAS, the Chief Elected Officer, Mayor Leon Clark and Chief Administrative Officer, Martin Colburn, are authorized to sign said contract on behalf of the City of Mason, Michigan.

BE IT HEREBY RESOLVED, by the Mason City Council, that the City will contract with the Michigan Department of Transportation to complete MDOT Columbia Street Reconstruction, Contract Number: 13-5116, Control Section: STU 33400, Job Number: 112235, and authorize the Chief Elected Official Leon Clark and Chief Administrative Officer Martin Colburn to sign said contract.

Yes (5) Brown, Droscha, Ferris, Mulvany, Naeyaert
No (2) Bruno, Clark
RESOLUTION APPROVED

Resolution No. 2013-29 – Resolution for Changing MERS Benefits

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-29 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-29 was introduced by Brown and seconded by Naeyaert.

Introduced: M. Brown
Second: R. Naeyaert

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-29

Defined Benefit Adoption Agreement
(For the MERS Defined Benefit Plan)

MERS
Municipal Employees' Retirement System

1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711 www.mersofmich.com

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer Name City of Mason **Municipality #:** 3304

II. Effective Date

Check one:

☐ If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of _____, 20____. The municipality's fiscal year is_____ through _____
Month Year Month Month

☐ Link this new division to division number _____ for purposes of determining contributions (Unless otherwise specified, the standard transfer/rehire rules apply)

☐ Service credit rendered prior to the initial MERS effective date by each eligible employee shall be credited as provided as follows (choose one):

- ☐ All prior service from date of hire
- ☐ Prior service proportional to assets transferred; all service used for vesting
- ☐ Prior service and vesting service proportional to assets transferred
- ☐ No prior service but grant vesting credit
- ☐ No prior service or vesting credit

☒ If this is an **amendment** of an existing Adoption Agreement (division number 01), the effective date shall be the first day of July 1, 2013.
Month Year

☐ If this is a **temporary benefit** that lasts 2-6 months, the effective dates of this temporary benefit are from ___/01/___ through ___/___/___ for division number _____.
Last day of the month

☐ If this is to **separate employees** *from an existing division* (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.
(Month) (Year)

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III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Defined Benefit Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following group of employees are eligible to participate: 01 General Union

☐ Only retirees will be in this division.

These employees are (check one or both):

☑ In a collective bargaining unit (attach cover page, retirement section, signature page)

☐ Subject to the same personnel policy

To receive one month of service credit (check one):

☐ An employee shall work 10 _____ hour days.

☐ An employee shall work _____ hours in a month.

All employees as classified under eligible employees, whether full or part time, who meet this criteria must be reported to MERS.

To further define eligibility, check all that apply:

☐ **Probationary Periods** are allowed in one-month increments, no longer than 12 months. During this introductory period, the Employer will not report or provide service time for this period, including retroactively. Service will begin after the probationary period has been satisfied. The probationary period will be _____ months.

☐ **Temporary employees** in a position normally requiring less than a total of 12 whole months of work in the position may be *excluded* from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement. The temporary exclusion period will be _____ months.

IV. Provisions

Valuation Date: December 31, 20 11

1. This Adoption Agreement will be implemented in conjunction with a current actuarial valuation certified by a MERS actuary that sets contribution rates.
2. Annually, the MERS actuary will conduct an actuarial valuation to determine the employers' contribution rates. Employers are responsible for payment of said contributions at the rate, in the form and at the time that MERS determines.

8. Early Normal Retirement

- ☐ Age 50 with 25 years of service
- ☐ Age 50 with 30 years of service
- ☐ Age 55 with 15 years of service
- ☐ Age 55 with 20 years of service
- ☐ Age 55 with 25 years of service
- ☐ Age 55 with 30 years of service
- ☐ Any age with 20-30 yrs (in 1 yr increments)____ years of service
- ☐ _____

9. Other

- ☐ Surviving Spouse benefit – receive RS _____% of Straight Life benefit
- ☐ Duty death or disability enhancement (add up to additional 10 years of service credit not to exceed 30 years of service)
- ☐ DROP + with _____%

10. Cost-of-Living Adjustment

☐ All **current** retirees as of effective date ☐ Retirees who retire **between** ____/01/____ and ____/01/____ *(one time increase only)*	☐ **Future** retirees who retire after effective date
Increase of _____% or $_____ per month	Increase of _____% or $_____ per month
Select one: ☐ Annual automatic increase ☐ One-time increase	☐ Annual automatic increase
Select one: ☐ Compounding ☐ Non-compounding	Select one: ☐ Compounding ☐ Non-compounding
Employees must be retired _____ months (6-12 months, increments of 1 month)	Employees must be retired _____ months (6-12 months, increments of 1 month)

V. Appointing MERS As The Plan Administrator

The Employer hereby agrees to the provisions of the MERS Plan Document and this Defined Benefit Adoption Agreement, and appoints MERS as the Plan Administrator. The Employer also agrees that in the event any conflict between the MERS Plan Document and the MERS Defined Benefit Plan exists, the provisions of the Plan Document control.

VI. Modification Of The Terms Of The Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

VII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired, and prohibits the use of the Employer's required current service funding to finance unfunded accrued liabilities.
2. The Employer agrees that its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction.
3. In accordance with the Constitution and this Agreement, if at any time the balance standing to the Employer's credit in the reserve for employer contributions and benefit payments is insufficient to pay all service benefits due and payable to the entity's retirees and beneficiaries, the Employer agrees and covenants to promptly remit to MERS the amount of such deficiency as determined by the Retirement Board within thirty (30) days notice of such deficiency.
4. The Employer acknowledges that wage and service reports are due monthly, and the employee contributions (if any) and Employer contributions are due and payable monthly, and must be submitted in accordance with the MERS Enforcement Procedure for Prompt Reporting and Payment, the terms of which are incorporated herein by reference.
5. Should the Employer fail to make its required contribution(s) when due, the retirement benefits due and payable by MERS on behalf of the entity to its retirees and beneficiaries may be suspended until the delinquent payment is received by MERS. MERS may implement any applicable interest charges and penalties pursuant to the MERS Enforcement Procedure for Prompt Reporting and Payment and Plan Document Section 45A(3), and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. The Employer acknowledges that changes to the Employer's MERS Defined Benefit Plan must be made in accordance with the MERS Plan Document and applicable law, and agrees that MERS will not administer any such changes unless the MERS Plan Document and applicable law permit same, and MERS is capable of administering same.

Defined Benefit Adoption Agreement
(For the MERS Defined Benefit Plan)

VIII. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved on the 17 day

of June (Month), 2013 (Year).

Authorized signature: Leon R Clark

Title: Mayor

Witness signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ (Year) Signature: _____ (Authorized MERS Signatory)

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-30 – 2013-2014 Local Streets Program

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-30 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-30 was introduced by Brown and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-30
AUTHORIZATION RELEASING FUNDS FOR LOCAL STREETS CONSTRUCTION—NORTH STREET AND TEMPLE STREET
June 17, 2013

WHEREAS, the City of Mason went out for public bids for the construction of the local streets of North Street from Mason Street to Cedar Street, and Temple Street from East Columbia Street to Ash Street; and

WHEREAS, bids were received and publicly opened on May 14, 2013; and

WHEREAS, the low bidder is Reith-Riley Construction with a bid of $521,502.29.

BE IT HEREBY RESOLVED, that the Mason City Council approves the expenditures as part of the Fiscal Year 2013-2014 budget of $521,502.29 for the construction of North Street and Temple Street projects, and authorizes the City Administrator signature authority.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Bruno reported that the water well needs to be abandoned at the Hart property, where the Michigan State University Federal Credit Union will be building a new facility. Bruno asked the

status of that abandoned well. Colburn said he would investigate and report back to the City Council.

NEW BUSINESS
Brown updated the Council on the Michigan House Bill 4743 regarding fireworks, and advised that the City of Mason Ordinance 190 will need to be amended.

CORRESPONDENCE
All correspondence was distributed, including the Monthly Revenue and Expenditure Report.

LIAISON REPORTS
None.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 9:02 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 3, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
David Haywood, Planning and Zoning Director
Mark Howe, DDA Chairperson
Kerry Minshall, Fire Chief
Eric Smith, Finance Director
John Stressman, Police Chief

ANNOUNCEMENTS

None.

PEOPLE FROM THE FLOOR

Mason Fire Department Second Lieutenant John Sabbadin of 425 S. Lansing Street reported that MMRMA, the City's insurance provider, would not be providing insurance coverage for the July 4 fireworks this year.

William Savage of 3110 W. Harper Road reported higher costs with WOW cable television.

Jan Whitmore of 451 Shadow Lane also reported higher costs with WOW cable television

PRESENTATION

None.

CONSENT AGENDA

MOTION by Brown, second by Droscha,
To amend the agenda by moving Agenda Item No. 7(B), Approval of Bills, to Regular Business.
MOTION APPROVED UNANIMOUSLY

MOTION by Brown second by Droscha,
to approve the Consent Agenda as amended:

- Approval of Minutes – Regular Council Meeting: June 3, 2013

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Brown, second by Droscha,
To Approve the Bills, in the amount of $80,226.22
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-18 – Approval of the Michigan Emergency Management Assistance Compact (MEMAC)

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-18 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-18 was introduced by Mulvany and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-18

APPROVAL OF THE MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT

June 3, 2013

WHEREAS, The State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et.seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for the use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State;

NOW, THEREFORE BE IT RESOLVED, by the Mason City Council that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-19 – Approval of the Mason Fire Department to participate in the Ingham County Mutual Aid Box Alarm System (MABAS)

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-19 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-19 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-19

APPROVAL OF THE MASON FIRE DEPARTMENT TO PARTICIPATE IN THE INGHAM COUNTY MUTUAL AID BOX ALARM SYSTEM

June 3, 2013

WHEREAS, The City of Mason has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, technical rescue, hazardous incident response, and other emergency response services ("Fire Services"); and

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster ("Incidents"); and

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq. (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately; and

WHEREAS, The City of Mason desires to enter into an interlocal agreement, pursuant to the Act, to further improve Fire Services; and

WHEREAS, the Mutual Aid Box Alarm System (MABAS), is a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency mutual aid response; and

WHEREAS, as a result of entering into an interlocal agreement to further improve Fire Services, the Parties are creating the Ingham County MABAS Division; and

WHEREAS, The City of Mason has the authority to execute this Agreement pursuant to resolution of its governing body; and

WHEREAS, The City of Mason desires to commit personnel and equipment to another Party if deemed reasonable upon the request of another Party; and

NOW, THEREFORE BE IT RESOLVED: The City of Mason finds it is the best interest of its citizens from a safety and fiscal standpoint to enter into the Interlocal Agreement creating the Ingham County MABAS Division and agrees to appoint one member to the MABAS Executive Board.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-20 — A Resolution to Accept the Transfer of Property Located at 848 S. Jefferson Street

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-20 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-20 was introduced by Mulvany and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-20

RESOLUTION ACCEPTING THE TRANSFER OF PROPERTY LOCATED AT 848 SOUTH JEFFERSON STREET

June 3, 2013

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases, and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city, village, township on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the current year property is located at 848 S. Jefferson Street, Mason, MI, Parcel #33-19-10-08-428-004**;** and

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City Of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City Of Mason wishes to obtain from the Treasurer the aforementioned property upon which the Treasurer may foreclose.

NOW THEREFORE BE IT RESOLVED, that the City Of Mason wishes to exercise its option under the Act to accept the transfer of property foreclosed upon by the Treasurer but not sold.

This resolution shall be given immediate effect upon the passage of the motion for adoption.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-21 — Resolution for Charitable Gaming License for Sundried Music Festival

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-21 read.
MOTION APPROVED UNANIMOUSLY

Resolution 2013-21 was introduced by Mulvany and seconded by Naeyaert.

RESET PRINT

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-21

State of Michigan
Michigan Gaming Control Board
Office of the Executive Director
P.O. Box 30786
Lansing, MI 48909
Phone: (313) 456-4940
Fax: (313) 456-3405
Email: Millionaireparty@michigan.gov
www.michigan.gov/mgcb

RESOLUTION FOR CHARITABLE GAMING LICENSE
FOR SUNDRIED MUSIC FESTIVAL

June 3, 2013

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL.432.103(K)(ii))

At a regular (REGULAR OR SPECIAL) meeting of the City of Mason (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD)
called to order by Leon Clark on June 3, 2013 (DATE)
at 7:30 PM (TIME) a.m./p.m. the following resolution was offered:

Moved by Mulvany and supported by Naeyaert
that the request from the Sundried Music Festival (NAME OF ORGANIZATION) of Mason (CITY),
county of Ingham (COUNTY), asking that they be recognized as a
nonprofit organization operating in the community for the purpose of obtaining charitable
gaming licenses, be considered for approval (APPROVAL/DISAPPROVAL).

APPROVAL	DISAPPROVAL
Yeas: 7 Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert	Yeas:
Nays: 0	Nays:
Absent:	Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the City of Mason (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD) at a regular (REGULAR OR SPECIAL)
meeting held on June 3, 2013 (DATE).

for SIGNED: _____ (TOWNSHIP, CITY, OR VILLAGE CLERK)

Deborah Cwiertniewicz, City Clerk (PRINTED NAME AND TITLE)

201 W. Ash St. Mason, MI 48854 (ADDRESS)

RESOLUTION APPROVED UNANIMOUSLY

Motion – Master Plan – Approval of Final Draft for Distribution and Schedule Public Hearing

Haywood provided an executive summary and discussion on the updated Master Plan. Council determined that they would like to schedule a workshop for future discussion on June 17, 2013 at 6 PM at City Hall.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Brown reported that a meeting might be beneficial to discuss performance measurement and how it could tie in with the budget and council visioning session.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Droscha informed Council that the next Traffic Commission meeting is July 24, 2013
- Ferris informed Council that the next Tree Commission meeting is June 25, 2013
- Mulvany informed the Council that the next Historic District Commission meeting is June 24, 2013
- Clark informed the Council that the Mason Downtown Development Authority would be meeting June 5, 2013 and that the Local Development Finance Authority met, elected officers, and approved their 2013-2014 budget

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 20, 2013

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present	Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Naeyaert, Mulvany
Absent:	Councilmember: None
Also present:	Martin A. Colburn City Administrator
	Deborah J. Cwiertniewicz, City Clerk
	Eric Smith, Finance Director/Treasurer
	John Stressman, Police Chief

ANNOUNCEMENTS

- Memorial Day Reading of the Names and the Parade will be held, Monday, May 27
- Mason City Council and Mason Schools Joint Recognition Ceremony on May 29

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Colburn introduced Mr. Christian Andrews, System Manager from WOW, who spoke to his recent appointment to WOW. He commented on recent issues and updated progress. Council expressed concerns and encouraged the company to hold citizen's meetings. A formal complaint letter from the City has been forwarded to the Michigan Public Service Commission, requesting that appropriate action be taken to assist the City with gaining better quality from WOW.

CONSENT AGENDA

Approval of Minutes – Regular Council Meeting: May 6, 2013

It was discussed that corrections were made to the Minutes online; however, the hardcopy Minutes passed out did not contain the correction. The Minutes were removed from the Consent agenda for consideration.

MOTION by Naeyaert, second by Droscha
To correct the Minutes of May 6, 2013.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Droscha,
To amend the agenda by moving Agenda Item No. 8(A), Motion – Bid - Uniform DPW, to the Consent Agenda.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Brown,
to approve the Consent Agenda as presented:

- Payment of Bills – total of $62,685.09
- Motion – Bid - Uniform DPW

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
It was discussed that there were technical difficulties with use of the website. Finance Director/Treasurer Eric Smith stated that he has spoken with the Webmaster and that the issues were being rectified.

CORRESPONDENCE
All correspondence was distributed. Clark stated that he had received letters from first graders regarding the amount of duckweed on the pond at Laylin Park and that he would respond to them.

LIAISON REPORTS
- Droscha informed Council that the next Traffic Commission meeting is July 24, 2013
- Ferris informed Council that the next Tree Commission meeting is June 4, 2013
- Naeyaert informed council that the Planning Commission discussed the updated Master Plan and that City Council would see it in the near future.

COUNCILMEMBER REPORTS
Bruno reported that he attended the May 5, 2013 jail ceremony in honor of public safety officers who have given their life while on duty.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:18 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 6, 2013

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Naeyaert
Absent: Councilmember: Mulvany
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Donald Heck, City Engineer

ANNOUNCEMENTS

- School Band Fundraiser Dinner held at A&W tonight
- Thank you from City Council to Tree Commission Chair Brenda Hershberger for the Arbor Day Celebration
- Mason 150 Steering Committee - meets the second Monday of each month

PEOPLE FROM THE FLOOR

John Lower of 703 South Barnes Street, on behalf of his wife, thanked those who assisted in the Rayner Park cleanup efforts. He asked about the status of the cable service transition and when the problems would be solved. McGinty was asked to respond. He stated that the Michigan Uniform Cable Franchise Act took away all local control over customer relations; customer complaints must be made to Michigan Public Service Commission. Mr. Lower also asked about how he may view the proposed budget. He was told that a public copy is available at the City Clerk's Office.

Stan Jordan of 310 East Sycamore Street echoed the concerns stated by Mr. Lower regarding cable service. Also, he stated that he feels city sidewalks are not being maintained as they should. He stated that the audio portion of broadcast meetings is poor in quality.

PRESENTATION

Pat Hicks, Vice President of the Sun Dried Music Festival, Incorporated, informed Council regarding the organization's plans for its annual event. Last year, the organization established itself as a non-profit; therefore, the Downtown Development Authority has shifted its role from Event Underwriter to Event Sponsor. He spoke regarding the organization's investment last year in the Downtown area infrastructure and plans to add water manifolds this year. He elaborated on the particulars planned for the event and requested Council approval for street closures, a waiver of associated fees, and the waiver of the amplified music ordinance until 1:00 a.m. on August 25.

PUBLIC HEARING

FY 2013-2014 Budget

Clark opened the public hearing at 7:54 p.m.

Norm Austin of 331 West Ash Street spoke regarding the proposed budget. He summarized his comments by stating that there needed to be changes in the budget. There should be hiring of

mid-management and employees to fill positions that have been vacated. He ended by saying he feels the city needs to be brought back to the standards that Mason is accustomed to, even if it required paying additional taxes.

Clark closed the public hearing at 8:00 p.m.

Resolution No. 2013-15 – Adoption of the FY 2013-2014 Budget

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-15 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-15 was introduced by Naeyaert and seconded by Droscha.

Colburn gave a brief overview of the FY 2013-2014 Budget, as discussed at the April 10, 11, and 23, 2013 budget meetings.

Extensive discussion was held regarding the proposed Budget. Bruno stated that he would not be voting in favor of the proposed budget as it is presented, due to concern regarding the street improvements for the 2013-2014 fiscal year.

At the request of staff, McGinty provided an opinion regarding street improvements. He informed Council regarding an opinion he had provided years previous where the city assessor confirmed that street assessments must benefit assessed property owners and be reasonably proportionate to the benefit that the property owner will realize. The true cash value must go up at least an amount reasonably equal to the amount of the assessment. The majority of the properties proposed for assessment are accessed on interior streets, not Columbia Street. He also refrenced previous improvements on Jefferson Street The current city assessor confirmed that there would be no benefit to the property owners that do not have access to Columbia Street, nor would it add to curb appeal.

Clark outlined various concerns in the proposed Budget and stated that he would not be voting in favor of the proposed budget as it is presented because it would not accomplish what the residents of Mason deserve.

Council spoke to various Budget items, as well as the consideration of a slight millage increase, of which there was no consensus or action taken.

MOTION by Droscha, second by Naeyaert,
to defer action on Resolution No. 2013-15 to the next regular meeting to all members of the body to be present.
Yes: (2) Brown, Droscha
No: (4) Bruno, Ferris, Naeyaert, Clark
Absent: (1) Mulvany
MOTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION 2013-15
ADOPTION OF THE FY 2013-2014 BUDGET
May 6, 2013

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2013-2014 fiscal year budget on Monday, May 6, 2013 as prescribed by law; now

THEREFORE BE IT RESOLVED, that the proposed 2013-2014 Operating Budget is filed with the City Clerk, providing for the sums of $12,223,470 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2013-2014 fiscal year, and the said amount of $2,879,810 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason.

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2013-2014 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $1,754,086 the sum of $23,550 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2013-2014 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $62,628,423; the sum of $174,345 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that the 2013-2014 Governmental Fund Budgets shall be automatically amended on July 1, 2013 to re-appropriate encumbrances outstanding and reserved on June 30, 2013.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2013-2014 proposed fiscal year budget which is currently on file in the office of the City Clerk.

ROLL CALL VOTE:
Yes: (4) Brown, Ferris, Droscha, Naeyaert
No: (2) Bruno, Clark
Absent: (1) Mulvany
MOTION APPROVED

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as presented:

- Approval of Minutes – Regular Council Meeting: April 15, 2013
- Approval of Bills - $67,683.44
- Motion – Street Closure – Mason Farmers Market Association, Inc
  Approve the request of the Mason Farmers Market Association to use the public right-of-way by allowing the closure of East Maple Street from South Barnes Street to the center portion of the 100 block of East Maple Street, Saturday mornings, July 6, through October 5, 2013, between the hours of 6:00 a.m. and 2:00 p.m.
- Motion – Street Closures – Sundried Music Festival
  Approve the request for the Sun Dried Music Festival Incorporated street closures as follow: Maple Street from the Mason State Bank parking lot entrance to Barnes Street, Jefferson Street from Sycamore Street to Ash Street, Barnes Street from Sycamore to Ash Street, and Ingham Court from Jefferson Street to Mason State Bank exit driveway. Also, for the use of equipment, electrical power, waiver of permits, fees and Section 22-6(2) of the Mason Code for the hours of 10:00 p.m. on August 24, 2013, to 1:00 a.m. on August 25, 2013, as well as from 9:00 a.m. – 12:00 p.m. to allow a community worship service to be held.
- Motion — Request to be Excused – City Council Member Jim Mulvany

Excuse the requested absence for Council Member James Mulvany from the May 6, 2013 regular council meeting.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2013-16 – A Resolution to Accept a Ten Foot Public Utility Easement for 710 Temple Street

Haywood spoke briefly regarding the necessity of a ten foot easement for maintenance of public utilities at 710 Temple Street.

MOTION by Droscha, second by Naeyaert,
to consider Resolution No. 2013-16 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-16 was introduced by Droscha and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013- 16
A Resolution to Accept a Ten Foot Public Utility Easement for 710 Temple Street
May 6, 2013

WHEREAS, Temple Street was constructed in 2005 for the future benefit of the City of Mason and approved as a public street on September 18, 2006 by Resolution No. 2006-36; and

WHEREAS, a sanitary sewer system was constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental Quality to serve the properties adjacent to the street and for future development; and

WHEREAS, the sanitary sewer system was constructed along the east side of Temple Street with stubs extending to the east side of the street; and

WHEREAS, a sanitary sewer main was constructed parallel to the west side of Temple Street to accommodate a medical office building at 710 Temple Street; and

WHEREAS, it is in the best interest of the City of Mason to acquire a ten foot permanent easement for maintenance of public utilities at 710 Temple Street; and

WHEREAS, the City Attorney has reviewed and approved the easement agreement for form and the City Engineer has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-17 – Award of the Well No. 9 Raw Water Main Pro ect

Heck spoke briefly regarding the bid process and recommendation for the Well No 9 raw water line main project.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-17 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-17 was introduced by Naeyaert and seconded by Brown

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-17
AWARD OF THE WELL No. 9 RAW WATER MAIN PROJECT
May 6, 2013

WHEREAS, staff publicly advertised bids for the well No. 9 raw water main project; and

WHEREAS, the bids were opened on April 16, 2013; and

WHEREAS, it is in the best interests of the City of Mason to award bid to the lowest qualified bidder; and

WHEREAS, the raw water main project is in the 2012/2013 budget for well No. 9; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the raw water main project to Concord Excavating & Grading, Inc. for $157,739.50

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed. An invitation will be extended to the new WOW System Manager to address Council.

LIAISON REPORTS
- Droscha informed Council regarding Traffic Commission business
- Clark informed Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business. The upcoming review to be conducted by the LEAP Art Grant committee was briefly discussed.

ADJOURNMENT
The meeting adjourned at 8:37 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 15, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk

ANNOUNCEMENTS

- Kiwanis Open House and Ribbon Cutting – April 28, 2013 – Celebrating 90 Years

PEOPLE FROM THE FLOOR

None.

PRESENTATION

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: April 1, 2013
B. Approval of Bills: $29,867.54

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Farmland Development Rights Agreement Application

Colburn stated that David and Laura Cheney submitted a Farmland Agreement application to the Michigan Department of Agriculture (MDA) under the Farmland and Open Space Preservation Program. The local governing body is required to provide approval or rejection of the application. As required by the MDA, a copy of the application was forwarded to the Ingham Conservation District for review. The Conservation District met Wednesday, March 27, 2013, and had no comment on the application. Council approval permits the 40 acres of land cited in the application into the Farmland and Open Space Preservation Program for an initial period of 10 years.

MOTION by Naeyaert, second by Droscha,
to approve the application of David and Laura Cheney to enter into the Development Rights Agreement to participate in the Farmland and Open Space Preservation Program with the Michigan Department of Agriculture.
MOTION APPROVED UNANIMOUSLY

Motion – Agreement for E change of Services between the City of Mason and Bruce Johnston

Bruce Johnston recently retired from the Ingham County Housing Commission where he worked on matching grants for downtown lofts and a neighborhood stabilization program on behalf of the City. Pursuing a private career, Mr. Johnston is a partner of Revitalize LLC and is currently seeking office space. Revitalize LLC is a consulting firm which specializes in grant writing, community development, housing endeavors with special purpose needs, community based public service projects, consulting for the purpose of finding funds through government funding, and funding through foundations and endowments. Staff recommended entering into an agreement that would provide furnished office space, access to city facilities, and utilities in exchange for Mr. Johnson spending at least five hours per week on promoting and representing the City of Mason in community re-development and economic development activities.

> MOTION by Naeyaert, second by Brown,
> to authorize the City Administrator to sign the Agreement for Exchange of Services between Revitalize LLC and the City of Mason.
> MOTION APPROVED UNANIMOUSLY

Mayoral Proclamation – Arbor Day

Clark commented on the City of Mason being named a Tree City USA by The National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service; this is the 22nd year Mason has received this national recognition. The city of Mason has made a commitment to further the health and welfare of the community forestry program by becoming a Tree City USA. The Tree City USA program is sponsored by The National Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters. Officially recognizing Arbor Day meets one of the criterions set by the Foundation to maintain "Tree City" status.

The Mason Tree Commission selected Deborah Ide as the 2013 Arbor Day honoree. Ms. Ide has chosen a Red Sunset Maple tree for placement at the Pink School House for the Arbor Day Celebration.

Discussion – American Legion Statue Placement

Council discussed placement of the American Legion statues. Bruno stated that the position of American Legion Post 148 is that the statues be placed where they were originally approved, on the berm in front of city hall. Also, the Legion proposes to improve the landscape for visual appreciation of the statues by removing the current landscape on the front of the berm.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion was held to set a third Budget work session prior to considering approval. No action was taken.

It was brought to the attention of Council that a planning commissioner is interested in establishing smoke-free city parks.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Ferris informed Council regarding Tree Commission business.
- Naeyaert informed Council regarding Planning Commission business

COUNCILMEMBER REPORTS
Ferris reported on the MML Conference she attended.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:01 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 1, 2013

Clark called the meeting to order at 7:39 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: Bruno
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Sabbadin, Fire Department Lieutenant
Steven Armstrong, Fire Department Engineer

ANNOUNCEMENTS

- Sesquicentennial Meetings – Regular meeting schedule is the second Monday of each month
- Community Dinner Welcoming Mason's Sister City Kosovo Contingent – April 3, 2013 – Mason First United Methodist Church

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Welcome Mayor Arifi and Contingent of Vitia, Kosovo, Sister City to City of Mason

Mayor Clark and Council welcomed Sister City visitors, Mayor Nexhmedin Arifi, Mr. Jakup Jahiri and Mr. Defrim Piraj to Mason, Michigan from Vitia, Kosovo. Clark commented briefly on the trip to Vitia that he, Martin Colburn, John Sabbadin, and Steve Armstrong took last October to deliver a fire truck, equipment, and supplies donated by the Mason community.

Mayor Arifi, accompanied by interpreter Defrim Piraj, expressed his great pleasure to be in Mason. He thanked Council and the community for the gift of the fire truck and life saving equipment for the citizens of Vitia. He thanked Council for their hospitality, and in closing, he thanked the Mayor and Council, the community, and in general, the United States, who gave a permanent contribution to all Albanian and Kosovo citizens, before, during and after the war with Serbia. He stated that the friendship of Kosovo citizens will be permanent; Albanian and Kosovo citizens have respect for all Americans and will for eternity.

Mayor Clark invited Mayor Arifi to sit with him to reaffirm the Sister City Twinning Agreement by reading the agreement in Albanian and English, followed by signing the agreement together, as they had done originally at the Vitia Municipal Assembly Meeting in October of 2012. At this time Mayor Clark presented Mayor Arifi with City Council Resolution No. 2012-30 – A Resolution to Form a City Alliance with the City of Vitia, Kosovo and a Key to the City. Mayor Clark also presented Mayor Arifi and Defrim Piraj with jackets embroidered with their name and the map of Michigan, depicting the City of Mason. Mayor Arifi presented a plaque to each, Mayor Clark and Mayor Pro Tem Naeyaert, depicting a map of Kosovo. Administrator Colburn was presented a plaque with the Vitina municipal emblem. They presented desk top flags, pens and date books for the Mayor to distribute.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: March 18, 2013
B. Approval of Bills: $69,775.28

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Mason Lions Club – Use of Public Right-of-Way for White Cane Drive

Jennifer Jordan, Mason Lions Club Secretary, stated that The Mason Lions Club is requesting permission to use the public right-of-way for the annual White Cane Drive on the sidewalks of Mason.

Motion by Naeyaert, second by Brown,
to approve the Mason Lions Club's request to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason Friday, April 26 and Saturday, April 27 as requested in the submitted letter.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion was held to utilize funds allotted for the Mayor Exchange program to reciprocate the 2012 visit to Kosovo with our Sister City visitors. The City has not participated in the program for a couple of years and the allotted funds have not been used.

MOTION by Mulvany, second by Droscha,
to pre-approve up to $800 for Council activities during the month of April.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Ferris informed Council regarding Tree Commission business

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. A brief discussion ensued.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 18, 2013

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

Present: Councilmembers: Brown, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: Bruno
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Mason High School and Middle School bands were lauded for their recent accomplishments and awards received

PEOPLE FROM THE FLOOR

Tom Cochran, State Representative for the 67th District, introduced himself and stated that his committee assignments are insurance, transportation, and infrastructure.

PRESENTATION

Mayoral Proclamation

Mayor Clark and Council presented Mr. Leon Langridge with a Mayoral Proclamation in recognition of his retirement. Mr. Langridge served 28 years as a volunteer firefighter on the Mason Fire Department.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: March 4, 2013
B. Approval of Bills: $27,453.58

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2013-13 – A Resolution to Approve Matching Funds and to Authori e an Application to the Michigan Department of Natural Resources Recreation Passport Grant Program

Haywood spoke briefly regarding submittal of an application to the Michigan Department of Natural Resources Recreation Passport Grant Program for funds to remove the existing bridge over the Sycamore Creek near the Maple Grove Cemetery offices and construct an eight foot wide pedestrian bridge and trailhead signage. A brief discussion ensued regarding matching fund sources.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-13 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-13 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-13
A RESOLUTION TO APPROVE MATCHING FUNDS AND TO AUTHORIZE AN APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES RECREATION PASSPORT GRANT PROGRAM
March 18, 2013

WHEREAS, the City of Mason recognizes that the existing bridge over the Sycamore Creek near the Cemetery offices at 213 South Jefferson Street has outlived its usefulness and is in desperate need of replacement; and

WHEREAS, the City of Mason supports the submission of an application titled, "Riverwalk Pedestrian Bridge and Trailhead" to the Michigan Recreation Passport Grant Program for the development of a pedestrian bridge over the Sycamore Creek and trailhead signage to serve as a link between the existing Hayhoe Riverwalk Trail and the existing trailhead parking lot on South Jefferson Street; and

WHEREAS, the proposed project described in the grant application is an action item listed in Section I of the Mason Capital Improvement Plan 2012–2017 as a component of Phase III of the City's non-motorized trail system and Section VII(A)5 of the Mason Five-Year Recreation Plan 2013-2017, and

WHEREAS, the estimated project cost, including matching obligations, is as follows:

City of Mason (general fund match)	$60,131
State Funds (MI Passport Grant)	$30,000
Total Project Cost	$90,131

NOW THEREFORE BE IT RESOLVED, the City Council hereby authorizes submission of a Michigan Recreation Passport Grant Application for the development of a pedestrian bridge over the Sycamore Creek, trailhead parking and associated signage to serve the existing Hayhoe Riverwalk Trail at the Maple Grove Park and Maple Grove Cemetery, and further resolves to make available its financial obligation of $60,131 (67%) of a total $90,131 project cost, during the 2013–2014 fiscal year.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-14 – A Resolution to Approve a New Small Wine Maker License and Entertainment Permit for Bad Brewing Company LLC

Brian Rasdale spoke regarding his application to the Michigan Liquor Control Commission (MLCC) requesting a license for a New Small Wine Maker License to make ciders.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-14 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-14 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-14
A RESOLUTION TO APPROVE A NEW SMALL WINE MAKER LICENSE AND ENTERTAINMENT PERMIT FOR BAD BREWING COMPANY LLC
MARCH 18, 2013

WHEREAS, a local business known as Bad Brewing Company LLC, is located at 440 South Jefferson Street; and

WHEREAS, owners Danielle French and Brian Rasdale have applied to the Michigan Liquor Control Commission (MLCC) to obtain a New Small Wine Maker License and Entertainment Permit; and

WHEREAS, the owners have stated that they plan to make ciders, which are considered wines, in which a license is required by MLCC; and

WHEREAS, the owners have stated the intent to occasionally provide live acoustic music consisting of soloists as well as 2-4 member groups, in which a permit is required by MLCC: and

WHEREAS, the MLCC requires the local legislative body to provide a recommendation for approval or disapproval, as authorized by MCL 436.1501.

NOW THEREFORE, BE IT RESOLVED, that the Mason City Council is recommending that the application of Bad Brewing Company, LLC be considered for approval by the Michigan Liquor Control Commission for a New Small Wine Maker License and Entertainment Permit.

RESOLUTION APPROVED UNANIMOUSLY

Motion –Two Year E tension of Northwood Energy Corporation Oil and Gas Lease

McGinty elaborated on his submitted review of the request to extend the Midland County oil and gas lease operated by Mr. Eugene Hardy of Hardy & Hardy Consulting LLC. He stated that Mr. Hardy is proposing to drill a horizontal well rather than two vertical wells as obligated in the current lease. Horizontal well drilling is a new drilling program that costs substantially more than drilling a vertical well; however, a horizontal well provides higher production rates over a longer period of time. Given the change in technology, it was determined that it would be appropriate to reduce the obligation from six wells to five wells, stipulating that the fifth well be a horizontal well. It was also discussed that the City should be entitled to an additional $10 per net usable acre bonus payment, as it has been in the past when the lease is extended. In addition, royalty payments to the City will increase from 1/6th to 3/16^{ths} after completion of the fifth well.

Mr. Eugene Hardy of Hardy & Hardy Consulting LLC stated that he manages the operations of Northwood Energy Corp. and commented on his submitted report. He stated that due to Michigan Department Environmental Quality (MDEQ) changes in policy and permitting requirements and/or restrictions, they are requesting a two year extension to meet the lease requirements.

MOTION by Naeyaert, second by Ferris,
to approve the extension of Oil and Gas Lease with Northwood Corporation.
MOTION APPROVED UNANIMOUSLY

Motion – 2012 Annual Report– Zoning Development

Haywood elaborated on the 2012 Zoning & Development Annual Report to Council.

MOTION by Droscha, second by Brown,
to accept the 2012 Annual Report for the Zoning & Development Department and place it on file.
MOTION APPROVED UNANIMOUSLY

MOTION by Mulvany, second by Naeyaert,
to amend the agenda by moving Item No. 8(F) Motion – Mason Area Chamber of Commerce Annual Events, before Item No. 8(E) Motion – 2012 Annual Report – Police Department.
MOTION APPROVED UNANIMOUSLY

Motion – Mason Area Chamber of Commerce Annual Events

Doug Klein, Mason Area Chamber of Commerce (MACC) President, gave a brief synopsis of the annual events sponsored by the MACC. On behalf of the MACC, Mr. Klein requested street closings equipment, and staffing, for the various events. Discussion ensued regarding the cost of supporting community events in the coming years considering the economic climate.

MOTION by Mulvany, second by Droscha,
to approve the request for street closures, use of equipment, electrical power, and waiver of permit fees for the 2013 annual community events as outlined in the letter from Doug Klein, MACC Executive Director, dated March 11, 2012.
MOTION APPROVED UNANIMOUSLY

Motion – 2012 Annual Report – Police Department - Chief John Stressman
Stressman elaborated on the 2012 Police Department Annual Report to Council.

MOTION by Mulvany, second by Droscha,
to accept the Police Department 2012 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Discussion – Sister City, Vitina, Kosovo E change
Clark stated that the Vitina, Kosovo contingent, Mayor Nexhmedin Arifi, Mr. Defrim Piraj, and Mr. Jakup Jahiri will be arriving March 30, 2013 and visiting through April 4, 2013. An itinerary of their visit will be determined.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Ferris informed Council regarding Tree Commission business
- Brown informed Council regarding the Sesquicentennial Committee business
- Naeyaert informed Council regarding Planning Commission business
- Clark informed Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS
Council Member Brown stated that he recently passed an examination administered by the National Association of Parliamentarians (NAP).

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 9:51 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 4, 2013

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Ferris led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: Bruno
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Mason Sesquicentennial Committee will meet at City Hall on March 11, 2013.

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Ed Sesi, System Manager of Wide Open West (WOW) Cable, spoke regarding recent outages and developments with the company. He stated that since they took over the business from Broadstripe they have been attempting to update infrastructure and equipment to better serve the customers of the areas they cover, including Mason. He said the recent failures were due to product faults and that the company is acting as fast as they can to rectify all problems and provide a better system for the customer. He apologized for the unforeseen situations that occurred and said that when all improvements are complete the system in Mason will be top quality.

Robert Trezise, President & CEO of Lansing Economic Area Partnership (LEAP) spoke about the advantages of membership in the partnership and informed the Council of recent projects undertaken by the organization and how they affect all of the Greater Lansing area. He encouraged the city's membership in the group.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes
   - Regular Council Meeting: February 18, 2013
   - Special Council Meeting: January 28, 2013

B. Approval of Bills: $77,147.44

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2013-10 – A Resolution Recogni ing the Kiwanis of Michigan Foundation , a Non-Profit Organi ation in the City of Mason

Liz Luttrell-Wilson, past Michigan District Governor at Kiwanis International, and current Vice President at Mason State Bank, spoke on behalf of the “Kiwanis of Michigan Foundation”

regarding the request to identify the club as a non-profit organization in the City of Mason to obtain a Charitable Gaming License from the State of Michigan Bureau of State Lottery.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-10 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-10 was introduced by Ferris and seconded by Mulvany.

Introduced
Second

MICHIGAN LOTTERY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-10
RESOLUTION RECOGNIZING KIWANIS OF MICHIGAN FOUNDATION
AS A NON PROFIT ORGANIZATION IN THE CITY OF MASON
MARCH 4, 2013

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCLA 432.103(b)(i))

At a Regular meeting of the City of Mason
called to order by Mayor Clerk on March 4, 2013
at 7:30 a.m./p.m. the following resolution was offered:

Moved by _____ and supported by _____

that the request from Kiwanis of Michigan Foundation of Mason
county of Ingham, asking that they be recognized as a
nonprofit organization operating in the community for the purpose of obtaining charitable
gaming licenses, be considered for _____

APPROVAL	DISAPPROVAL
Yeas:	Yeas:
Nays:	Nays:
Absent:	Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the Mason City Council at a Regular
meeting held on March 4, 2013.

SIGNED: Deborah J. Cwiertniewicz

Deborah J. Cwiertniewicz

201 West Ash Street, Mason, Michigan 48854

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-11 – A Resolution Adopting the Mason Five-Year Recreation Plan 2013-2017

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-11 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-11 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-11
A RESOLUTION ADOPTING THE MASON FIVE-YEAR RECREATION PLAN 2013-2017
March 4, 2013

WHEREAS, the City of Mason has prepared a Five-Year Recreation Plan which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the planning period between 2013 and 2017, and

WHEREAS, two community workshops were held on June 21 and 28, 2012, in the Training Room at the Mason City Hall to provide an opportunity for citizens to provide input regarding recreation opportunities within the community, and

WHEREAS, citizens were notified of availability of the draft plan on December 30, 2012 and afforded thirty-three days to review and provide comments on a draft of the Five-Year Recreation Plan prior to the Mason City Council taking formal action to adopt the plan, and

WHEREAS, a public hearing was held on February 4, 2013, in the Council Chamber at the Mason City Hall to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Five-Year Recreation Plan, and

WHEREAS, the City of Mason has developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreation needs of the community, and

NOW THEREFORE BE IT RESOLVED, that the City Council adopts the Mason Five-Year Recreation Plan 2013-2017 as a guideline for improving recreation for the residents of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-12 - Mayoral Appointment to the Planning Commission

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-12 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-12 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-12
MAYORAL APPOINTMENT TO THE PLANNING COMMISSION
MARCH 4, 2013

WHEREAS, the resignation of Nancy Cotter on February 26, 2013, created a vacancy on the Planning Commission; now

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Seth Waxman to the Planning Commission of the city to fill the remainder of the unexpired term, commencing March 4, 2013 and expiring on December 31, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Service Agreement With The Mason Softball Association (MSA)

Russ Whipple, Lead Director of the Mason Softball Association (MSA) spoke regarding the benefits of the Service Agreement, specifically that it will give the association the ability to fundraise for MSA, which will keep the costs down for the teams, as well as improve the fields, freeing up city employees for other areas of their duties.

MOTION by Naeyaert, second by Droscha,
to approve the Mason Softball Association (MSA) Service Agreement and authorize the City Administrator to enter into the agreement.
MOTION APPROVED UNANIMOUSLY

Discussion – Review of Codes Relating to Allowable Parking Areas for Recreational Vehicles
Haywood informed the Council of current ordinance parameters for parking recreational vehicles in residential areas. It was discussed that vehicles are permitted to be parked on the driveway, but they are not permitted to be parked in the front yard. It is permissible to park vehicles in the back yard.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Mulvany informed Council regarding Historic District Commission business
- Naeyaert informed Council regarding Planning Commission business

COUNCILMEMBER REPORTS
Council Member Brown stated that he recently attended MML Committee Meetings and offered discussion and feedback regarding planning and zoning issues currently before the State Legislature.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 9:21 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 18, 2013

Clark called the meeting to order at 7:39 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Droscha led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Kerry Minshall, Fire Chief
James Duthie, Code Enforcement Officer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Blood Drive – St. James Church – Thursday, February 21, 2013

PEOPLE FROM THE FLOOR

Kelly Davis of 115 Mechanic Street stated that her neighbor has parked and stored a 30' x 10' recreational vehicle in their back yard, 20' from the Davis' picture window. She asked Council to consider instituting an ordinance regulating the parking of recreational vehicles on residential properties.

PRESENTATION

Colburn read and presented a framed mission statement crafted by Council at a recent visioning session. The Mission Statement read: "*Mason is a community founded upon a respect for our historic past while encouraging an atmosphere that values family, business, the environment, and arts creating a sense of place for present and future generations."*

PUBLIC HEARING

Removal of Dead Trees from Private Property Located on Vacant Property Known as 33-19-10-08-151-006

James Duthie, Code Enforcement Officer, gave an overview of the situation regarding dead ash trees located on vacant property.

Mayor Clark opened the public hearing at 7:53 p.m.

Wayne Bytwerk of 532 Middlebury Lane stated that the three dead Ash trees are located on vacant property adjacent to his. Two of the trees broke, landing in his back yard; one of the trees hit the back of his home at 3:00 a.m. as it fell. He asked Council to take action to remove the dead hazardous trees.

Mayor Clark closed the public hearing at 7:55 p.m.

Resolution No. 2013-07– Authori ation to Remove Dead Trees from Private Property

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-07 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-07 was introduced by Droscha and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-07
AUTHORIZATION TO REMOVE DEAD TREES FROM PRIVATE PROPERTY
February 18, 2013

WHEREAS, stated in Mason Code, it is unlawful to maintain dead hazardous trees after receiving written notification by the City; and

WHEREAS, staff was made aware of hazardous trees located on vacant property known as 33-19-10-08-151-006 on October 22, 2012; and

WHEREAS, upon inspection of the trees, staff confirmed a total of 4 dead hazardous Ash trees and on November 5, 2012, mailed a letter of notice to the property owner requesting voluntary compliance in removal of the trees; and

WHEREAS, the property owner failed to comply in a reasonable and definite time with the order to remove the trees; and

WHEREAS, a public hearing was held by the Mason City Council at a regular City Council meeting on February 18, 2013, at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan to receive public comment regarding said dangerous dead Ash trees; and

WHEREAS, notice of a public hearing was mailed to property owner Paul Hansen and his power of attorney, Mona Darling, inviting Mr. Hansen or his representative to appear at the hearing and provide an opportunity to offer evidence, testimony, or a written statement as to why the Mason City Council should not take the action described in Resolution No. 2013-06; now

THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the Director of Public Works to remove the 4 dead hazardous Ash trees located on vacant private property known as 33-19-10-08-151-006; now

THEREFORE, BE IT FINALLY RESOLVED, that the City Treasurer is hereby authorized to return the cost of cutting and removal to the July 2013 Tax Roll.

RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: February 4, 2013
B. Approval of Bills: $69,511.54

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Ordinance No. 193 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Re one 0.258 Acres of Land Located at 144 North Mason Street from R2F Two-Family Residential to RM Multiple Family Residential

MOTION by Droscha, second by Brown,
to receive and consider the findings report and recommendation of the Planning

Commission regarding proposed Ordinance No. 193.
MOTION APPROVED UNANIMOUSLY

It was discussed that the Planning Commission did not support a recommendation to adopt an ordinance to rezone property located at 144 North Mason Street. As the Planning Commission liaison, Mayor Pro Tem Naeyaert commented on the findings of fact provided by the Planning Commission

Haywood was asked to comment on various aspects of the request relating to the Code.

Attorney McGinty was asked if the findings of fact presented by the Planning Commission, and their rationale for not recommending the zoning ordinance, provide the city legal standing. McGinty replied in the affirmative stating that it was his opinion that there is further support by the comments and discussion of the Comprehensive Plan by the Council.

MOTION by Bruno, second by Droscha,
to affirm the decision of the Planning Commission and deny the rezoning request.
Yes (6) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert
No (1) Clark
MOTION APPROVED

Resolution No. 2013–08 – Approval of the Purchase of a 2013 Ford E pedition Special Service Vehicle

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-08 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-08 was introduced by Droscha and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-08
APPROVAL TO PURCHASE A 2013 FORD EXPEDITION
February 18, 2013

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the Fire Department; and

WHEREAS, A Fire Command vehicle was destroyed in an emergency response call on December 24, 2012; and

WHEREAS, the command vehicle was totaled in an accident, and the city insurance carrier is paying the amount of $24,750.00 to replace the command vehicle and an additional $550.00 for salvage; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2013 Ford Expedition for $28,915.00 from Signature Ford, as the primary command vehicle for the Mason Fire Department.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013–09 – Mayoral Appointment to the Traffic Commission

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-06 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-09 was introduced by Droscha and seconded by Ferris

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-09
MAYORAL APPOINTMENT TO THE TRAFFIC COMMISSION
FEBRUARY 18, 2013

WHEREAS, Mr. Arthur Bush served as a commissioner on the Traffic Commission; and

WHEREAS, Mr. Bush passed away on Sunday, January 27, 2013; and

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Jeff Haueter to the Traffic Commission commencing February 18, 2013 and expiring December 31, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Motion – 2012 Annual Report – Fire Department - Chief Kerry Minshall

Minshall elaborated on the 2012 Fire Department Annual Report to Council.

MOTION by Naeyaert, second by Brown,
to accept the Fire Department 2012 Annual Report and place it on file.
MOTION APROVED UNANIMOUSLY

Motion – Bid for Auditing Services

Smith elaborated on his report regarding the bids received for auditing services. He recommended approving the proposal of Abraham & Gaffney, P.C. It was stated that although Abraham & Gaffney, P.C. were not the lowest bid received, they are the best suited for providing audit services for the city.

MOTION by Naeyaert, second by Droscha,
to accept the three year auditing services bid from Abraham & Gaffney for not more than $60,600 with an option for the following two years as quoted.
MOTION APPROVED UNANIMOUSLY

Motion – Re uest to be E cused – City Council Member Leslie W. Bruno, Jr.

MOTION by Naeyaert, second by Droscha,
to excuse the requested absences for Council Member Leslie W. Bruno, Jr. from the March 4, March 18, and April 1, 2013 regular council meetings.
MOTION APPROVED UNANIMOUSLY

Discussion – WOW (Wide Open West) Service Disruptions

Discussion ensued regarding the disruption of WOW cable television service to the residents of Mason and other areas. Administrator Colburn spoke with representatives of the company and they assured him that they will be in attendance at the March 4, 2013 City Council meeting to discuss the issue.

Discussion – 224 South Jefferson Street Property

Discussion ensued regarding the possible uses for the vacant property located at 224 S. Jefferson Street. Various possibilities were discussed including allowing the placement of the American Legion's war soldier statues, and perhaps outdoor art. It was stated that the American Legion needed to consider this location, because it may be possible that the veterans would maintain the property. Further discussion included opposition to adding more park property maintenance work to the two-person crew that is currently charged with maintaining our parks. It was stated that the statues were originally proposed for the area near city hall, including a new landscape plan. Another option brought forth was that a business owner showed interest in swapping services for up to four parking spaces.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Mulvany stated that the First United Methodist Church may be interested in hosting a community dinner when the visitors from Kosovo are in town.

Clark asked staff to include a report on the next meeting agenda for Codes relating to allowable parking areas for recreational vehicles.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS
Brown reported on the Elected Officials Academy he attended over the weekend.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 9:23 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 4, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
David Haywood, Zoning & Development Director
James Duthie, Code Enforcement Officer
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Five-Year Recreation Plan
Mayor Clark opened the public hearing at 7:35 p.m.

Pam Lower of 703 South Barnes Street stated that she is part of the Rayner Park Rally Club and asked questions regarding the budget and tree planting locations.

Meg Lechleitner of 402 ½ Apt. 3, South Jefferson Street, Bailey Cole of 785 East Maple Street, and Brianna Lound of 534 Maine Court stated that they are working toward their Girl Scout Silver Award. To accomplish this, they would like to build a dog park in the city of Mason and gave a variety of details that the park would include. A location has not been identified as yet.

Barb Tornholm of 703 Roosevelt Street elaborated on the points of her proposal she provided to Council regarding indoor physical fitness facilities.

Councilmember Ferris suggested identifying a space for artwork facilities as well as space in existing parks for public art.

Councilmember Brown stated that a resident who contacted him, asked that Council consider expansion of city trails within the city as well as connecting to trails in other communities.

Mayor Clark closed the public hearing at 7:50 p.m.

CONSENT AGENDA
MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: January 21, 2013
B. Approval of Bills: $43,097.77

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 192 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62of the Mason Code, to Re one 3.18 Acres of Land Located At 312 North Street from O-1 Office M-2 General Manufacturing to C-1 Central Business

MOTION by Naeyaert, second by Brown,
to consider Ordinance No. 192 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

It was discussed to remand the rezoning request back to the Planning Commission to demonstrate thorough consideration because the applicant is the city engineer, and to acquire clearer findings of fact on the matter.

VOTE:
Yes (5) Brown, Droscha, Ferris, Mulvany, Naeyaert
No (2) Bruno, Clark
MOTION APPROVED

CITY OF MASON
ORDINANCE NO. 192
AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 3.18 ACRES OF LAND LOCATED AT 312 NORTH STREET FROM O-1 OFFICE M-2 GENERAL MANUFACTURING TO C-1 CENTRAL BUSINESS

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as: A part of the East ½ of the Southeast ¼ of Section 5, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point which is N00d01'04"W 760.47 feet along the North-South ¼ line and N89d44'03"E 1416.60 feet along the North line of North Street from the South ¼ Corner of Section 5; thence N00d23'30"W 268.00 feet; thence N17d34'41"W 236.33 feet; thence S85d51'19"E 344.89 feet; thence S00d13'22"E 467.10 feet to the North line of North Street; thence S89d44'03"W 272.61 feet along said North line to the point of beginning containing 3.18 acres of land more or less and subject to any easements or rights of way of record be rezoned from O-1 Office/M-2 General Manufacturing to C-1 Central Business.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the Planning Commission at its January 15, 2013 meeting adopted Resolution No. 2013-01 recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves and is adequately for the site considering the proposed zoning district; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

ORDINANCE APPROVED

Resolution No. 2013-06 – A Resolution to Establish a Hearing Date to Consider Dead Ha ardous Ash Trees on Vacant Private Property Known as 33-19-10-08-151-006

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-06 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-06 was introduced by Droscha and seconded by Brown.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-06
A RESOLUTION TO ESTABLISH A HEARING DATE TO CONSIDER DEAD HAZARDOUS ASH TREES ON VACANT PRIVATE PROPERTY KNOWN AS 33-19-10-08-151-006
February 4, 2013

WHEREAS, as stated in Mason Code, it is unlawful to maintain dead hazardous trees after receiving written notification by the City; and

WHEREAS, staff was made aware of hazardous trees located on vacant property known as 33-19-10-08-151-006 on October 22, 2012; and

WHEREAS, upon inspection of the trees, staff confirmed a total of 4 dead hazardous Ash trees and on November 2, 2012, mailed a letter of notice to the property owner requesting voluntary compliance in removal of the trees; and

WHEREAS, the property owner failed to comply in a reasonable and definite time with the order to remove the trees;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council does hereby establish a hearing date of February 18, 2013 at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan, for the purpose of receiving public comment, and to consider a resolution that the Director of Public Works be authorized to remove the hazardous trees and that the cost of cutting and removal be assessed to the property and placed on the July, 2013 city tax roll.

RESOLVED FURTHER that the City Clerk shall serve a copy of this resolution on the property owner of record by ordinary mail at the address shown on the city tax roll.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Farm Lease Agreement

The City owns land adjacent to Temple Street and 56.77 acres at the northwest corner of Kipp Road and Dexter Trail. Historically, the City has leased the approximate 56 acres for the purpose of raising crops. Every three years, the City accepts bids from interested parties. The City let a bid for both pieces of land for farming purposes. A bid opening was held and the eight sealed bids submitted were publicly read, January 29, 2013 at 10:00 a.m.

MOTION by Naeyaert, second by Droscha,
to accept the bid proposal from Mr. Craig Hamlin of Hamlin Farms in the amount of $62,201.10 and authorize the City Administrator to enter into a lease agreement for three years.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council requested to include a discussion item on the next regular meeting agenda regarding future use for the City owned parcel located at 224 South Jefferson Street.

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CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Droscha informed Council regarding Traffic Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:20 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 21, 2013

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
David Haywood, Zoning & Development Director

ANNOUNCEMENTS

- FFA Spaghetti Dinner – Ingham County Fair Grounds Sunday – January 27, 2013
- Brass Quintet, Hand Bells, and Organ Concerts – First United Methodist Church – February 10, 2013
- Mason 150 Steering Committee Agenda Meeting – January 22, 2013

PEOPLE FROM THE FLOOR

Optimist Club members DeWayne Marlon and Larry Martin spoke on behalf of Mason service organizations requesting Council to contribute to erecting a city welcome sign on Cedar Street that would include the placement of Mason service club organization emblems.

Gary Gierke of Express Tree Service spoke regarding his bid submitted for the city of Mason tree trimming project.

CONSENT AGENDA

MOTION by Droscha, second by Naeyaert,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: January 3, 2012
B. Approval of Bills: $80,424.80

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

First Reading – Ordinance No. 192 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62of the Mason Code, to Re one 3.18 Acres of Land Located At 312 North Street from O-1 Office M-2 General Manufacturing to C-1 Central Business

Haywood spoke briefly regarding the request to rezone 3.18 acres of land located at 312 North Street. Discussion ensued regarding whether the rezoning would create spot zoning.

MOTION by Naeyaert, second by Droscha,
to consider Ordinance No. 192 read for the first time and introduced.
Yes (6) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert
No (1) Clark
MOTION APPROVED

Resolution No. 2013-04 – Change Authori ation for the Standard Streetlighting Contract between the City and Consumers Energy Company

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2013-04 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-04 was introduced by Brown and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-04
CHANGE AUTHORIZATION FOR THE STANDARD STREETLIGHTING CONTRACT
BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY
January 21, 2013

WHEREAS, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting 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 implementation of changes made with the streetlight inventory and the conversion of light from Mercury Vapor to High Pressure Sodium. Total conversions are 300 lights, ranging from 100 to 400 watts.

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-05 – City Council E Officio Appointment to the Historic District Commission

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-05 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-05 was introduced by Brown and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-05
CITY COUNCIL EX OFFICIO APPOINTMENT
TO THE HISTORIC DISTRICT COMMISSION
January 21, 2013

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint James Mulvany to the Mason Historic District Commission as the City Council Ex Officio for a term commencing January 17, 2013 and expiring December 31, 2016.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Bid – Tree Trimming and Removal of Trees and Stumps

The City of Mason accepted bids for tree trimming and removal of trees and stumps. Four bids were submitted and publicly opened on January 10, 2013.

MOTION by Naeyaert, second by Droscha,
to approve the bid from Express Tree Service in the amount of $19,115.00 for the proposed work.

MOTION APPROVED UNANIMOUSLY

Motion – Directory of Fees
A revised directory of charges was submitted for approval.

MOTION by Droscha, second by Brown,
to approve the Directory of Charges dated January 21, 2013.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
A visioning session will be held Monday, January 28, 2013 in the City Hall Training Room.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS
Ferris informed Council that she attended Board Roles and Goals with the Chamber of Commerce.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:47 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 7, 2013

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

UNFINISHED BUSINESS

Approval of Minutes – Regular Council Meeting December 17, 2012

The Minutes of December 17, 2012 were approved as presented.

Approval of Bills

MOTION by Tornholm, second by Droscha,
to approve the bills in the amount of $52,000.78.
MOTION APPROVED UNANIMOUSLY

Council commended Council Members Tornholm and Waltz for their dedicated service to the residents of Mason.

ADJOURN SINE DIE – 2011 2012 COUNCIL

The 2011/2012 City Council adjourned sine die at 7:43 p.m.

OATH OF OFFICE

Cwiertniewicz administered the oath of office to Leon Clark, Elaine Ferris, James Mulvany, Leslie W. Bruno, Jr., and Marlon I. Brown.

ELECTION OF MAYOR AND MAYOR PRO TEM FOR 2013-2014

Cwiertniewicz opened nominations for Mayor.

Naeyaert nominated Leon Clark for Mayor.

Bruno nominated James Mulvany for Mayor.

No other nominations were made. Councilmember Mulvany declined the honor of nomination for Mayor. He asked that the Council close the nominations and cast a unanimous ballot for Leon Clark as Mayor.

Cwiertniewicz closed nominations and Leon Clark was elected Mayor unanimously.

Cwiertniewicz opened nominations for Mayor Pro Tem.

Droscha nominated Robin Naeyaert for Mayor Pro Tem.

No other nominations were made.

Cwiertniewicz closed nominations and the vote was called.

ROBIN NAEYAERT ELECTED MAYOR PRO TEM UNANIMOUSLY

ANNOUNCEMENTS

- Bruno thanked his wife and son for their support and expressed appreciation to all those who voted for him.
- Bruno presented the Mayor with photographs depicting the crafting of the pedestal that holds the bust of Stevens T. Mason to its completion

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2013-01 – Establishment of City Council Planning Commission Meeting Dates for the Year 2013

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2013-01 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-01 was introduced by Droscha and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2013
January 7, 2013

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2013, and January 6, 2014, and that said meetings are to be held on the first and third Mondays of each month, with exception of one holiday, scheduled as a *Tuesday meeting,

January 7 and 21	July 1 and 15
February 4 and 18	August 5 and 19
March 4 and 18	September 3* and 16
April 1 and 15	October 7 and 21
May 6 and 20	November 4 and 18
June 3 and 17	December 2 and 16
	January 6, 2014; now

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2013, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months,

January 15	May 14	September 10
February 12	June 11	October 15
March 12	July 9	November 12
April 9	August 13	December 10
		January 14, 2014; now

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; now

BE IT FINALLY RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-02 – A Resolution Recogni ing the Friends of Ingham County Parks a Non-Profit Organi ation in the City of Mason

MOTION by Droscha, second by Naeyaert,
to consider Resolution No. 2013-02 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-02 was introduced by Ferris and seconded by Droscha.

MICHIGAN LOTTERY Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/lottery

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-02
JANUARY 7, 2013

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(K)(ii))

At a Regular (REGULAR OR SPECIAL) meeting of the Mason City Council (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD)

called to order by Mayor Leon Clark on January 7, 2013 (DATE)

at 7:30 (TIME) ~~a.m./~~p.m. the following resolution was offered:

Moved by Ferris and supported by Droscha

that the request from Friends of Ingham County Parks (NAME OF ORGANIZATION) of Mason (CITY),

county of Ingham (COUNTY NAME), asking that they be recognized as a

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for Approval (APPROVAL/DISAPPROVAL).

APPROVAL	DISAPPROVAL
Yeas: (7) Brown, Bruno, Clark Droscha, Ferris, Mulvany, Naeyaert	Yeas:
Nays: (0)	Nays:
Absent: (0)	Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Mason City Council (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD) at a Regular (REGULAR OR SPECIAL) meeting held on January 7, 2013 (DATE).

SIGNED: Deborah J. Cwiertniewicz (TOWNSHIP, CITY, OR VILLAGE CLERK)

Deborah J. Cwiertniewicz, City Clerk (PRINTED NAME AND TITLE)

201 West Ash Street, Mason, MI 48854 (ADDRESS)

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R6/09)

RESOLUTION APPROVED UNANIMOUSLY

Resolution 2013-03 – A Resolution Accepting the Lansing Economic Area Partnership (LEAP) 10,000 Public Art Grant and Establishing a Public Art Policy

Colburn spoke regarding the $10,000 LEAP Public Art Grant that has been awarded to the City of Mason. A brief discussion ensued.

MOTION by Brown, second by Naeyaert,
to consider Resolution No. 2013-03 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-03 was introduced by Ferris and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-03
A RESOLUTION ACCEPTING THE LANSING ECONOMIC AREA PARTNERSHIP
10,000 PUBLIC ART GRANT AND ESTABLISHING A PUBLIC ART POLICY
JANUARY 7, 2013

Whereas, the Lansing Economic Area Partnership (LEAP) established a Public Art Grant program, the first of its kind in Mid-Michigan; and

Whereas, LEAP's intent is to establish a means and incentive in "Placemaking" which is the concept of communities creating stimulating and engaging environments; and

Whereas, these environments demonstrated within the Tri-County area of Mid-Michigan, will build more confidence in the business community and the community as a whole to invest and create jobs; and

Whereas, LEAP desires to encourage communities to adopt Public Art Policies that assist in the implementation for a successful placemaking strategy; and

Whereas, the City of Mason has historically implemented methods and practices that has helped create a community with a bountiful personality which is pedestrian friendly and stimulating to the citizenry; and

Whereas, the City of Mason has established the Hayhoe Riverwalk, neighborhood parks, partnered with entities with public art such as the American Legion art program, all in the hopes of creating a visual and physical experience to promote the health and welfare of our citizenry;

Now, Therefore, Be it Resolved, that the City of Mason accepts the LEAP Public Art Grant award of $10,000; and

Be It Finally Resolved, that the City of Mason adopt the City of Mason Public Art Policy attached to Resolution 2013-03 to implement a methodology to pursue public art within the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Brown thanked his wife, mother, and family friend who were present for his swearing-in. He also thanked Mason residents.

Clark stated that Councilmember Mulvany will be appointed as the ex officio member to the Historic District Commission.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS

- Clark informed Council regarding Downtown Development Authority business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

ADJOURNMENT
The meeting adjourned at 8:27 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 3, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA
MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Bills: $102,049.02
B. Approval of Minutes – Regular Council Meeting: December 19, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Resolution No. 2012-01 – City Council Planning Commission Meeting Dates
MOTION by Waltz, second by Droscha,
to consider Resolution No. 2012-01 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-01 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2012
January 3, 2012

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2012, and January 2, 2013, and that said meetings are to be held on the first and third Mondays of each month, with exception for two holidays, scheduled as a *Tuesday meeting, and two meetings scheduled as **Wednesday meetings due to the Primary and General Elections,

January 3* and 16	June 4 and 18
February 6 and 20	July 2 and 16
March 5 and 19	August 8** and 20
April 2 and 16	September 4* and 17

May 7 and 21	October 1 and 15
November 7** and 19	December 3 and 17

January 2, 2013 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2012, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months,

January 10	May 15	September 11
February 14	June 12	October 9
March 13	July 10	November 13
April 10	August 14	December 11 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-02 – Establishment of a Receiving Board for 2012 Elections

MOTION by Waltz, second by Droscha,
to consider Resolution No. 2012-02 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-02 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-02
ESTABLISHMENT OF A RECEIVING BOARD
FOR THE 2012 GENERAL ELECTION
January 3, 2012

WHEREAS, Michigan Election Law states that the legislative body of a city may, by resolution, provide that one or more additional boards of election inspectors be appointed to serve as a Receiving Board at an election at which the ballots are counted and certified at the precinct; and

WHEREAS, not less than two election inspectors in a precinct, representing each of the major political parties, shall deliver to the Receiving Board for that precinct materials for canvassing in sealed containers, as required by Michigan Election Law; and

WHEREAS, the Receiving Board shall open the sealed containers and review the statement of votes to determine that the number of individuals voting recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of votes; and

WHEREAS, the Election Commission shall appoint two election inspectors from differing major political parties as the Receiving Board; and

WHEREAS, the City Clerk, as Chair of the City of Mason Election Commission, recommends that Receiving Boards be established for the Elections held in 2012.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mason City Council authorizes a Receiving Board for the Elections held in 2012.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS
Discussion was held to consider options for the ever-growing tree on the Courthouse lawn that is annually adorned with lights by the Fire Department for the Christmas tree lighting.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
None.

COUNCILMEMBER REPORTS
Clark stated that he, Administrator Colburn, Finance Director Smith, and Kali Fox from Senator Stabenow's office will be meeting with members of the legislature and Dick Posthumus, Senior Advisor, regarding eliminating the restrictions on appropriations for the revolving loan fund on Thursday, January 5, 2012.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 7:44 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 16, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS
Mason City Council & Mason Public Schools Joint Recognition Ceremony – Monday, February 6, 2012

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: January 3, 2012
B. Approval of Bills: $25,240.13

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Ordinance No. 187 – An Ordinance to Amend Section 94-173, at Subsection (e) of Chapter 94, Zoning, of the Code of the City of Mason to Permit Swimming Pools to be Constructed as an Accessory Structure Not Closer than Ten Feet from a Rear or Side Property Line
Haywood spoke briefly regarding the proposed amendment to the swimming pool setback standards.

MOTION by Waltz, second by Naeyaert,
to consider Ordinance No. 187 read for the first time.
MOTION APPROVED UNANIMOUSLY

Motion – Directory of Charges
Colburn summarized the proposed changes to the Directory of Charges.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2012-01 read.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 7:56 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 6, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Waltz
Absent: Councilmember: Tornholm
Also present: Martin A. Colburn City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS
The opportunity to sign up for World Book Night ends at midnight tonight.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA
MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: January 16, 2012
B. Approval of Bills: $99,912.52

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Second Reading – Ordinance No. 187 – An Ordinance to Amend Section 94-173, at Subsection (e) of Chapter 94, Zoning, of the Code of the City of Mason to Permit Swimming Pools to be Constructed as an Accessory Structure Not Closer than Ten Feet from a Rear or Side Property Line
Clark stated that Mr. Jenkins requested to speak regarding proposed Ordinance No. 187 prior to its consideration by Council.

Jon Jenkins, ZBA Chair, stated opposition to amend Section 94-173 of the Code. A lengthy discussion ensued regarding the history of swimming pool setbacks, as well as the recent review of the setback requirements.

MOTION by Waltz, second by Naeyaert,
to consider Ordinance No. 187 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 187

AN ORDINANCE TO AMEND SECTION 94-173 OF CHAPTER 94 – ZONING – OF THE CODE OF THE CITY OF MASON TO AMEND SUBSECTION (e) TO PERMIT

SWIMMING POOLS TO BE CONSTRUCTED AS AN ACCESSORY STRUCTURE NOT CLOSER THAN TEN FEET OF A REAR OR SIDE PROPERTY LINE.

THE CITY OF MASON ORDAINS

Section 94-173 of Chapter 94 of the Mason City Code is hereby amended to read as follows:

Sec. 94-173. Supplemental use regulations.

(a) *Home occupation*.

(1) *Intent.* It is the intent of this section to set forth the requirements for establishing a home occupation as an accessory use of a single-family detached dwelling unit. Such home occupations could involve crafting, electronic or mail order sale or marketing of goods, the provision of services, or instruction in a craft or the fine arts which is conducted entirely within the dwelling unit by one or more persons, all of whom reside within the dwelling, and which is clearly incidental and secondary to the use of the dwelling as a residence.

(2) *Location.* Home occupations shall be allowed only as an accessory use in those districts specifically allowing such use as provided in article IV of this chapter.

(3) *Regulations and standards.* Home occupations shall meet the following regulations and standards:

a. There shall be no outdoor on-site storage of materials, inventory, equipment, or accessory items, or display of materials, inventory, goods, or supplies used in the conduct of the home occupation.

b. Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation. All activities related to the home occupation shall be carried on entirely within the dwelling unit.

c. Home occupations are permitted only in the principal structure/building. However, in no case shall more than 25 percent or 480 square feet, whichever is smaller, of the gross floor area of the principal building be utilized for a home occupation.

d. A home occupation shall not generate an undue amount of traffic in excess of that prevailing or expected for the general area in which it is located. The home occupation shall not generate more than ten round trips per day, excluding trips generated by the occupants of the home. Adequate parking spaces shall be provided on the premises for persons patronizing the establishment.

e. Home occupations shall maintain at least two on-site parking spaces dedicated for the permanent residents. All parking spaces shall be located in compliance with article IX of this chapter.

f. The establishment of a home occupation shall not necessitate exterior modification or alter the fire rating, except as may be required by the building official, of any structure/building on the property.

g. Home occupations shall not be open to the public except between the hours of 7 a.m. to 8 p.m., unless otherwise provided by special use permit.

h. No food or beverages shall be sold to be consumed on the premises.

i. No amusement games or devices shall be provided for or by customers on the premises.

j. Uses prohibited as home occupations shall include the following:

1. Convalescent and nursing homes.

2. Day care centers or nursery schools, except as provided for in this chapter.

3. Funeral homes.

4. Kennels.

5. Medical or dental clinics or hospitals, or animal hospitals.

6. Refuse collection businesses.

7. Repair of automobiles, motorcycles, boats, trailers, trucks or similar equipment or vehicles.

k. The use of a detached garage or accessory building for home occupation is not permitted.

l. All signs shall be in compliance with the provisions of section 58-127(a)(1) in chapter 58.

m. The home shall be in compliance with all other applicable laws and ordinances.

(b) *Solid waste disposal.*

(1) *Intent*. Receptacles for the temporary storage of refuse or recyclable material are permitted in all districts as an accessory use to any use other than single-family residential uses, subject to the requirements of this section and division 2 of article VII of this chapter. The requirements of this section shall apply to any receptacle commonly referred to as a dumpster or any other container or group of containers having a total capacity of more than four 30-gallon cans.

(2) *Location*. All receptacles shall be located in a rear or side yard, shall not encroach upon required parking areas, and shall be clearly accessible to servicing vehicles. Receptacles shall be located as far as practicable from any adjoining residential district or use but shall in no instance be located closer than 15 feet, or the minimum side yard setback of the particular zoning district in which it is located, whichever is greater, of any residential property line or district.

(3) *Regulations and standards*.

a. *Screening*. Receptacles shall be screened from view from adjoining property and public streets and thoroughfares. Receptacles shall be screened on three sides with a permanent wall or fence of not less than the minimum height required in section 94-241(h) or two feet above the highest wall of the enclosed receptacle, whichever is higher. The fourth side of the receptacle screening shall be equipped with an opaque lockable gate that is the same height as the other sides. The wall or fence should blend with the materials, color and style of the development.

b. The location and method of screening of all receptacles shall be shown on the site plans and shall be subject to the approval of the designated site plan approval body in accordance with division 1 of article VII of this chapter.

c. Receptacle locations shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the buildings they serve.

d. Receptacles shall be situated so as to not cause excessive nuisance or offense to occupants of the development they serve or of nearby buildings.

e. Concrete pads of appropriate size and construction shall be provided for all receptacles regulated by this section. Aprons shall be provided for loading of a single receptacle with a capacity of one and one-half cubic yards or more.

f. If a receptacle enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.

g. The area inside and around the outside of a receptacle enclosure shall be maintained and litter free at all times. The enclosure shall also be maintained and repaired as necessary.

(4) *Compost piles*. Composting shall be limited to manufactured commercial compost containers or equivalent containers and shall be regulated the same as other types of receptacles covered in this section.

(c) *Satellite dish antenna*.

(1) *Intent*. The use of a satellite dish antenna shall be permitted in all districts as an accessory use. A satellite dish antenna is an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

(2) *Location*.

a. No satellite dish antenna may be located in any front yard or side yard open space unless mounted to and located completely within four feet of a building wall.

b. No satellite dish antenna may be located within any required parking area.

c. No satellite dish antenna may be constructed such that any part of the antenna or supporting structure is closer to a lot line than the minimum setback for the district in which the antenna is located.

d. Satellite dish antennas greater than 24 inches in diameter are prohibited on the roof or walls of any building in residentially zoned districts.

e. Roof-mounted satellite dish antennas shall be mounted directly upon the roof of a building and shall not be mounted upon appurtenances such as chimneys, towers, poles, or spires.

(3) *Regulations and standards*.

a. The placement of any satellite dish antenna greater than 24 inches in diameter by any means in any zoning district is prohibited unless a site plan thereof is approved by the planning commission in accordance with the standards contained in division 1 of article VII of this chapter.

b. Only one satellite dish antenna per residential dwelling unit shall be permitted.

c. All satellite dish antennas and the construction and installation thereof shall conform to the building code.

d. The surface of any satellite dish antenna shall be painted or treated so as not to reflect glare from sunlight or artificial lighting.

e. No satellite dish antenna shall be:

1. Linked physically to or with any structure which is not on the same lot.

2. In excess of an overall diameter of 12 feet.

3. Located such that any portion of a roof-mounted antenna is more than ten feet above the highest point of a roof.

4. Located such that any portion of a roof-mounted antenna is less than four feet from the edge of the roof.

5. Supported by structural supports other than corrosion-resistant metal.

6. Wired to a receiver, except by wires located at least four inches beneath the ground in a rigid conduit or other wiring configuration approved by the building official.

(d) *Wireless telecommunications towers and antennas*. The purpose of this section is to establish the procedures and guidelines for the siting of wireless communications towers and antennas. In furtherance of this purpose, the city shall give due consideration to the master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas, subject to the following definitions, review requirements, and criteria. The objectives of this section are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Direct the location of towers to appropriate nonresidential areas;

(3) Minimize the total number of towers throughout the community;

(4) Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, positioning, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers;

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(10) Applicability. All towers or antennas in the city shall be subject to these regulations, except as provided in the following.

a. *Amateur radio station operators/receive-only antennas*. Other than the provisions of subsections 94-173(d)(11)e. and f., this chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned by or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

b. *AM array*. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(11) *General requirements*.

a. *Principal or accessory use*. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. *Lot size*. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. *Aesthetics*. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of

the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. *Lighting*. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

e. *State or federal requirements*. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

f. *Building codes and safety standards*. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the state construction codes and the applicable standards for towers that are published by the Electronic Industries Association. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna as a public nuisance at the owner's expense.

g. *Not essential services*. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

h. *Signs*. No signs shall be allowed on an antenna or tower.

i. *Buildings and support equipment*. Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 94-173(d)(13)b.

(12) *Uses permitted by administrative review*. The zoning official may administratively approve a permit for any wireless communication facility for which all support equipment is screened from view and which complies with one of the following criteria:

a. A roof mounted antenna not exceeding ten feet in height and located on a nonresidential structure.

b. Antennas and supporting equipment cabinets and structures which are architecturally integrated with a principal building or structure so as not to be recognized as antennas.

c. Up to three whip antennas with a maximum height of 20 feet.

d. Collocation of a wireless communication antenna on an existing monopole support structure, on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility company in any district of the city, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;

2. The antenna complies with all applicable FCC and FAA regulations; and

3. The antenna complies with all applicable building codes.

(13) *Uses permitted by special use permit*. No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to the general standards applicable to a special use permit as set forth at subsection 94-191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.

1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.

2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.

3. Mounted wireless communication facilities are permitted in all districts except single-family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.

4. Monopoles and similar support structures are permitted as a principle or accessory use only in the M-2 general manufacturing district, and those portions of the M-1 light manufacturing district, and those commercial districts lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended.

5. Monopoles not to exceed 150 feet in height are also permitted in the C-1 central business district by special use permit, provided the structure is located on publicly-owned property and is constructed and maintained for joint use by three or more users, at least one of which shall be a local or state governmental agency operating communication facilities for public safety services as defined under the Homeland Security Act.

6. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.

7. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

b. *Development and design standards*.

1. Setbacks.

i. Wireless communications facilities including all anchors or pads shall be sited so that the anchors and pads for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.

ii. Separation requirements for towers shall comply with the minimum standards shown in table 100-3 in chapter 100.

iii. Mounted wireless communication facilities shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.

2. Spacing requirements. Monopole tower structures shall be separated from all other towers by a minimum of 750 feet. For purposes of this subsection, the separation distance between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan, of the proposed tower. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries.

3. Height of the support structure must be the minimum necessary to support the required coverage; however, in no case shall the antenna or its support structure exceed:

i. For a single user, 90 feet.

ii. For two users, 120 feet.

iii. For three or more users, 150 feet.

4. Support structures shall be painted in unobtrusive colors, unless in accordance with any other statutory or regulatory requirements.

5. Where an equipment building accompanying the support structure is erected, it shall be designed to be compatible with the adjacent architecture.

6. Landscaping and visual impact requirements.

i. Landscaping shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped. This information shall be presented on a landscape plan.

ii. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication tower.

iii. Whether a freestanding or mounted wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners.

iv. Lighting at the facility and accessory structures shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards.

c. *Safety and security requirements.*

1. All new wireless communication facilities shall be designed within the applicable ANSI/EIA standards (RSA-22, Revision E), and so as not to be in conflict with existing airport locations and flight patterns.

2. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communication facility is in compliance with all Federal Communications Commission (FCC) regulations and all building code requirements.

3. All wireless communication facilities shall maintain comprehensive general liability insurance issued by a company authorized to do business in Michigan with combined limits of not less than $1,000,000, and the applicant shall supply the city with proof of same prior to construction.

4. Security fencing shall be installed completely around freestanding facilities, any accessory utility structures and guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.

5. All towers or similar facilities, antenna structures, accessory utility structures and guy anchors and pads shall be equipped with anti-climbing devices.

d. *Collocation*.

1. In order to maximize the efficiency of the provision of wireless communication services, while also minimizing the impact of such facilities on the community, collocation shall be encouraged. All applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at proposed or existing sites. Furthermore, all applicants shall be required to provide a notarized letter of intent to lease excess space on the proposed facility and commit itself to the following:

i. Respond to any requests for information from another potential shared use applicant;

ii. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically feasible; and

iii. Make no more than a reasonable charge for a shared use lease.

2. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the building(s) on the

site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style and exterior appearance. Review and approval of accessory mechanical building(s) at a collocation-site shall be made by the planning commission.

e. *Abandonment*.

1. Wireless communication facilities which have been abandoned or are unused or disconnected from the network for a period of 12 months shall be immediately removed from the site at the cost of the facility applicant or successor.

2. Upon removal of a tower from a site, the foundation shall also be removed to a depth of at least six feet. Additionally, the fencing and accessory structure(s) shall be demolished and removed from the site at the cost of the facility applicant or successor.

f. *Application requirements*. Applications for a special use permit as set forth in this section shall contain the following in addition to the requirements or article VI of this chapter:

1. An explanation of the need of the applicant's clientele for this communications capacity.

2. Site and landscape plans drawn to scale.

3. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.

4. A report including a description of the tower with technical support for the tower design.

5. Documentation establishing the structural integrity of the tower for the proposed uses.

6. The general capacity of the tower, and information necessary to assure that ANSI standards are met.

7. A statement of intent on whether excess space will be leased.

8. Proof of ownership or authorization to utilize the proposed site.

9. Copies of any easements necessary.

10. An analysis of the area containing existing topographical contours.

11. A presentation size map which shows an inventory of existing and proposed tower installations within the city and within one mile of the border thereof, including specific information about the location, height and design of each tower. The zoning official may share such information with other applicants applying for administrative approvals or seeking special use permits under this chapter or other organizations seeking to locate antennas within the city, provided, however, that the zoning official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

12. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the city or other persons located within a one-mile radius of the proposed tower site.

13. A written statement from a registered professional engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within a one-mile radius of the proposed tower site.

(e) Swimming pools. “Pools used for swimming or bathing shall not be located in any front yard and shall conform to the applicable yard and setback requirements for an accessory structure. In no instance shall a swimming pool be located closer than ten feet from any property line. Any fencing, barriers, and structures shall comply with the state construction code and county health department specifications. Any lights used for illumination of a swimming pool shall be arranged or shaded so as to reflect light away from adjoining premises.”

(f) *Junk storage, inoperable vehicles, restorable vehicles.*

(1) *Junk storage*.

a. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, a dismantled, partially dismantled, unlicensed, unrestorable, or inoperable motor vehicle, junk, rubbish, trash, old furniture, used lumber, unused or discarded machines or equipment, or litter upon any premises, except in an approved and licensed salvage or junk yard or in the case of motor vehicles unless confined in a wholly enclosed structure.

b. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, wrecked or inoperable farm machinery, unless hidden from all vantage points from the general public.

(2) *Restorable vehicles*.

a. A junk vehicle is considered an inoperable vehicle that is not a "restorable vehicle". A "restorable vehicle" is defined as a vehicle actively being restored in connection with a hobby.

b. The restorable vehicle must be in active use as the object of the restoration effort.

c. All junk vehicles or inoperable vehicles that do not qualify as restorable vehicles shall not be parked or stored in the open in any zoning district of the city. The only exception is vehicles parked in connection with a business legitimately using such vehicles, such as a body shop or wrecking yard, in zoning districts where such businesses are authorized. In such cases vehicle storage must meet the screening requirements in division 2 of article VII of this chapter.

(3) *Standards*.

a. No inoperative, restorable vehicle shall be parked or stored in the front yard or within the required setback of the side yard of property in any zoning district.

b. No more than one restorable vehicle may be stored in the open in inoperable condition on any residential lot. A cover or wrap is to be provided to conceal the vehicle parked in the open.

c. All doors, hatches, and trunk lids shall be secured against entry by small children.

d. Inoperable vehicles described in this section are not permitted in the RS-1, RS-2, and RS-3 districts unless such vehicles qualify as restorable vehicles.

e. Open storage of parts, tools, and materials is forbidden.

(g) *Accessory structures*. Any garage or other structure used for motor vehicle storage or as an accessory structure shall satisfy the following:

(1) Authorized accessory structures may be erected as a part of the principal structure, may be connected to the principle structure by a roofed over porch, patio, breeze way, or similar structure, or may be completely detached from the principle structure. If connected to the principal structure, an accessory structure shall be made an integral part of it, and shall comply in all respects with the requirements applicable to the principal structure. An accessory structure not attached and not made a part of the principal structure shall not be nearer than ten feet from any other structure on the same lot and shall also comply with the front, rear and side yard requirements of this chapter.

(2) In all residential zoning districts, the storage of commercial vehicles in accessory structures shall be limited as provided in subsection 94-292(d) of this chapter.

(3) Space in a garage accessory to a multiple-family unit or a motel shall not be rented out except to occupants of the principal dwelling.

(4) The total lot coverage of all accessory structures shall not exceed 35 percent of the area of any rear yard.

(5) Side yard. In all districts accessory structures shall not be erected nearer to a side lot line than the permitted setback distance for the district unless otherwise permitted by this chapter. In the RS-1, RS-2, RS-3, and R2F districts, an accessory structure may be erected not closer than two feet from the side lot lines if the following requirements are satisfied:

a. The accessory structure is not attached to, and is located completely behind, the associated principal structure.

b. The interior and/or exterior surfaces of the wall facing a side lot line are constructed of fire-resistant material as approved by the building official if any portion of that wall is closer than five feet from a side lot line.

(6) Rear yard. In all districts accessory structures shall not be erected nearer to a rear lot line than the permitted setback distance for the district unless otherwise permitted by this chapter. In the RS-1, RS-2, RS-3 and R2F districts, an accessory structure may be erected nearer to a rear lot line than the permitted setback distance for the district provided the accessory structure is not attached to, and is located completely behind, the associated principal structure, and pursuant to the following:

a. Where there is a public alley abutting the rear of a lot for the full width of that lot, an accessory structure may be erected not closer than ten feet from a rear lot line.

b. Where there is not a public alley abutting the rear of a lot for the full width of that lot, an accessory structure may be erected not closer than five feet from a rear lot line.

(7) Corner lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than the side yard setback requirement of said adjoining lot.

(8) Accessory structures shall not include structures, fabrications, items, or enclosures originally designed for other purposes. The following are specifically prohibited from being used as accessory structures in the city.

a. Mobile home.

b. Travel trailers.

c. Former vehicles such as buses and ambulances.

d. Motor homes.

e. Semi-trailer.

f. Other similar structures, fabrications, items, or enclosures.

(h) *Adult businesses*.

(1) *Intent*. The intent of this section is to regulate the location of, but not to exclude, adult businesses in the city by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the city recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The city recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

(2) *Definitions*. As used in this chapter, the following terms shall have the meanings set forth below:

a. *Adult bookstore* means an establishment which has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35 percent of the floor area of the establishment.

b. *Adult business* means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section.

c. *Adult business, significant portion* means a business where the stock in trade or services provided meets one or more of the following criteria:

1. Thirty-five percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined in subsection 94-173(h)(2).

2. Thirty-five percent or more of the usable floor area of the building in which the adult business is located, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined in subsection 94-173(h)(2).

3. Thirty-five percent of the gross revenues of the business are derived from the sale or payment of an admission fee for adult materials and/or services as defined in subsection 94-173(h)(2).

4. The advertising (signs, publications, television, radio, and other media) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

d. *Adult cabaret* means an establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas as defined herein.

e. *Adult motion picture theater* means an establishment which offers for sale the viewing of motion picture films, videotapes, pictures or photographs, television, or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

f. *Adult novelties* means objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

g. *Adult personal service business* means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include modeling studios, body painting studios, wrestling studios, personal dance rooms, and conversation parlors.

h. *Massage* means offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.

i. *Massage parlor* means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.

j. *Nude modeling studio* means a place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.

k. *Offered for sale* means offered in exchange for money, a membership fee or any other valuable consideration.

l. *Sexual intercourse* includes genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body.

m. *Sodomy* means sexual intercourse with a member of the same sex or an animal.

n. *Specified anatomical areas* means:

1. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

2. Less than a fully opaque covering of:

i. A female individual's breast below a point immediately above the top of the nipple and areola.

ii. Any individual's genitals.

iii. Any individual's anus.

o. *Specified sexual activities* means:

1. Acts of human masturbation, sexual intercourse or sodomy.

2. Fondling or other erotic touching of specified anatomical areas.

3. Human genitalia in a state of sexual stimulation or arousal.

(3) *Location of uses*. Any existing building or land, or new building hereinafter erected, converted or structurally altered or used for an adult business, shall meet all of the following conditions:

a. An adult business shall only be permitted in the C-2 general commercial district with the approval of a special use permit.

b. No adult business, as defined herein, shall be permitted within a 600-foot radius of an existing adult business. Measurement of the 600-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the existing and proposed adult uses are situated.

c. No adult business, as defined herein, shall be permitted within a 600 foot radius of any residentially used or zoned land as depicted on the official zoning map and defined in this chapter. Measurement of the 600-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed adult use and the residential use are situated.

d. No adult business, as defined herein, shall be permitted within a 1,000-foot radius of a school, library, park, playground, licensed group day care center, church, convent, monastery, synagogue or similar place of worship or public congregation. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed adult use and the place of worship or public congregation are situated.

(4) *Miscellaneous requirements*.

a. No person shall reside in or permit any person to reside in the premises of an adult business.

b. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the state of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license.

(i) *Hotel, motel, transient lodging facilities*.

(1) *Intent*. The following shall set forth the requirements for construction and site development of transient housing accommodations within the city.

(2) *Standards*.

a. Minimum floor area for each guest unit shall contain not less than 250 square feet.

b. The minimum lot area shall be one acre with a minimum width of 150 feet, provided that there shall be at least 800 square feet of lot area for each guest.

c. The maximum lot coverage of all buildings, including accessory building shall not exceed more than 25 percent of the area within the boundary lines of land developed at any one time.

d. Minimum yard dimensions. All buildings shall observe a setback of not less than 75 feet from any road right-of-way, and not less than 40 feet from any side or rear property line.

e. The maximum building height shall not exceed two stories or 35 feet.

f. Site screening. The site may be enclosed by open structure wood or wire fences, shrubs and/or trees which, along any yard line, shall not exceed six feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicles. Screening at least four feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than 50 feet to any street line, except headlight screening shall not be closer than 30 feet.

g. Lighting. All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets and thoroughfares, and shall not impair the safe movement of traffic.

(3) *Accessory uses*. Accessory uses such as meeting rooms, taverns, bars, or similar uses are permitted provided such shall be conducted within the same building as the principal use. A caretaker or proprietor's residence shall be permitted as an accessory use.

(4) *Motor vehicle access*.

a. *Site plans*. All site plan proposals submitted for this use shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a minor or residential street. All points of entrance or exit shall be no closer than 50 feet from the intersection of the right-of-way lines of two streets.

b. *Interstate or interchange site location*. Whenever a proposed use is located adjacent to or within one-half mile of an existing, or planned state or interstate limited access highway interchange, it shall be incumbent upon the applicant to show that the proposed site location shall not cause unsafe traffic congestion resulting at or in conjunction with said limited access interchange, and the applicant shall request and submit with the application a written recommendation from the Traffic Division of the Michigan Department of State Highways. In no case, shall private access drives be less than 200 feet from an interchange.

(5) Signs shall be those identifying any of the permitted uses within the zoning district and shall be in accordance with the provisions of any applicable city chapter.

(6) Off-street parking and loading requirements shall be in accordance with the provisions of article IX of this chapter except that required parking shall be furnished on the immediate premises.

(7) The storage of refuse and space required for the accumulation and out loading of garbage, trash, scrap, waste, and containers therefore shall comply with the standards in section 94-173(b).

(j) *Outdoor food and drink service areas.* It is the intent of this section to set forth the requirements for establishing outdoor food and drink service areas at a pub, tavern, or restaurant.

(1) General standards.

a. Provide a drawing to scale showing the seating plan and the layout of the outdoor dining space to be used in relation to adjacent properties and other public and private fixtures and amenities.

b. Trash receptacles shall be provided in food and drink service areas where table service is not provided. Trash receptacles shall be emptied when full and maintained in a clean and sanitary condition at all times.

c. Seating may not be placed in a way that obstructs pedestrian circulation or interferes with the opening of doors of buildings or parked vehicles.

d. An opaque fence or wall six feet in height shall be erected along all property lines abutting residentially zoned or used property.

e. Lighting shall be deflected away from abutting residentially zoned or used property.

(2) Establishments utilizing the public right-of-way shall do so only under a license granted by the city council which shall be revocable at the will of the council and shall include the following minimum standards in addition to the general standards of this section:

a. Establishments shall agree to defend, indemnify, and hold the city and its elected and appointed officers, agents, and employees harmless from all liability for damages or personal injuries resulting from any occurrence on the licensed property as a result of the establishment's use or occupancy of the public right-of-way and shall provide public liability insurance naming the city as an additional named insured in a form and with limits acceptable to the city.

b. Establishments must maintain a minimum of four feet of unobstructed sidewalk within the public right-of-way.

Effective Date. Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption. This ordinance shall become effective 20 days after adoption and upon publication.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2012-03 - A Resolution to Support the Ingham County Road Commission as it Makes Repairs to Kipp Road Using an MDOT Category A Grant.

Colburn explained that the recent $38,034,000 investment to expand, Gestamp Mason created an additional 110 jobs. The Ingham County Road Commission (ICRC) has identified Kipp Road from US 127 to the front of Gestamp for its 2013 road improvements due to the increase of heavy truck traffic. To fund the improvements, ICRC is applying for a Category A Grant, which requires support from the legislative body.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-03 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-03 was introduced by Ferris and Seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-03

A RESOLUTION TO SUPPORT THE INGHAM COUNTY ROAD COMMISSION AS IT MAKES REPAIRS TO KIPP ROAD USING AN MDOT CATEGORY A GRANT

February 6, 2012

WHEREAS, the Ingham County Road Commission finds it necessary to mill and resurface Kipp Road from

US 127 to Gestamp due to ongoing wear and tear, creating rutting and deformation of the road by increased truck traffic; and

WHEREAS, Gestamp has created economic development growth by an investment of $38,034,000 and the creation of an additional 110 jobs; and

WHEREAS, the City of Mason will coordinate with the Ingham County Road Commission (ICRC) for a safe transition of traffic for City streets to ICRC roads;

WHEREAS, the City of Mason recognizes and supports road projects that enhance the City of Mason, including enhancements involving employment and job creation, road quality, and overall public safety and convenience; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby support the Ingham County Road Commission as it makes repairs to Kipp Road using an MDOT Category A Grant.
RESOLUTION APPROVED UNANIMOUSLY

Re uest – Street Closure – Sun Dried Music Festival Committee

Patrick Hicks, Vice President of the Board of Directors for the Sun Dried Music Festival Non-Profit and volunteer, presented the Committee request for street closures to allow the Sun Dried Music Festival in August. A brief discussion ensued.

MOTION by Naeyaert, second by Waltz,
to approve the Sun Dried Music Festival Committee request for street closures; Jefferson Street from Ash Street to Sycamore Street, Maple Street from the entrance to the Mason State Bank parking lot to Barnes Street, and both sides of Barnes Street from Ash Street to Sycamore Street, from 8am on Friday, August 24 to approximately 1:00 am on August 25, as well as a waiver of fees and the noise ordinance.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

MML 2012 Capitol Conference

MOTION by Waltz, second by Ferris,
to appoint Mayor Pro Tem Waltz as the City Council's voting member to the MML 2012 Capitol Conference.
MOTION APPROVED UNANIMOUSLY

NEW BUSINESS

MOTION by Ferris, second by Naeyaert,
to excuse the absence of Councilmember Tornholm for the February 6, 2012 meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Ferris informed Council that the Tree Commission is currently accepting letters of nomination for Arbor Day Honorees
- Clark informed Council regarding Downtown Development Authority business. He also informed Council regarding the progress of Engine 806 that the City is donating to a city in Viti Vitina, Kosovo.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:31 p.m.

Deborah J. Cwiertniewicz, City Clerk	Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 20, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Eric Smith, Acting City Administrator/Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: February 6, 2012
B. Approval of Bills: $434,928.19

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012–04 – Liquor License Approval for a New Micro Brewer License to be Located at 440 South Jefferson Street

Clark spoke regarding the application by Mr. Brian Rasdale to the Michigan Liquor Control Commission (MLCC) for a new Micro Brewer License. Mr. Rasdale is planning to open a new business, Bad Brewing Company LLC, to be located at 440 South Jefferson Street. MLCC provides the resolution requiring approval by the local legislative body for a new license. The Mason Police Department has completed its investigation and report, and is recommending approval with conditions set forth in its February 17, 2012 Memorandum provided by John Stressman, Chief of Police.

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2012-04 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-04 was introduced by Ferris and seconded by Tornholm.

Request ID #558646

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-04

LIQUOR LICENSE – APPROVAL FOR A NEW MICRO BREWER LICENSE TO BE LOCATED AT 440 SOUTH JEFFERSON STREET

FEBRUARY 20, 2012

At a **Regular** meeting of the **City Council**
(Regular ~~or Special~~) (~~Township Board,~~ City ~~or Village~~ Council)

called to order by **Mayor Clark** On **February 20, 2012** at **7:30 p.m.**

The following resolution was offered:

Moved by **Ferris** and supported by **Tornholm**

The request is made by BAD BREWING COMPANY LLC for a new Micro Brewer License to be located at 440 S Jefferson St, Mason, MI 48854, Ingham County.

be considered for **Approval**
(Approval ~~or Disapproval~~)

APPROVAL	**DISAPPROVAL**
Yeas: **Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz**	Yeas:
Nays: **None**	Nays:
Absent: **None**	Absent:

It is the consensus of this legislative body that the application be:

Recommended for issuance.
(Recommended ~~or Not Recommended~~)

State of Michigan
County of Ingham

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the **City Council** at a **Regular**
(~~Township Board,~~ City ~~or Village~~ Council) (Regular ~~or Special~~)

meeting held on **02-20-12**
(Date)

(Signed)
Deborah J. Cwiertniewicz, City Clerk

[SEAL]

201 West Ash Street, Mason, MI 48854
(Mailing address of ~~Township~~, City ~~or Village~~)

LC-1305 (Rev. 05/2011) Authority: MCL 436.1501 Completion: Mandatory Penalty: No License

The Department of Labor & Economic Growth WI not discriminate against arty Individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc,, under the Americans with Disabilities Act, you may make your needs known to this agency.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-05 - A Resolution Accepting a Water and Sewer Utility Easement Agreement between Maas Development III, LLC, and the City of Mason

Haywood spoke briefly regarding the proposed agreement between Green Acres of Mason, LLC, and the City of Mason. The agreement provides a Grant of Easement for a sanitary sewer main and water main with associated appurtenances. The City Attorney indicates that there are deficiencies in the document related to the grantor's information, legal description of the overall parcel to which the easements are burdening, and the name of the individual signing the document. The developer is agreeable to providing the necessary information. The City Attorney recommended that the easement language be approved as to form and that the City Administrator be granted authority to approve the final document provided the City Attorney reviews and certifies that the corrections have been made pursuant to his memorandum of February 17, 2012.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2012-05 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-05 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-05
A RESOLUTION ACCEPTING A WATER AND SEWER UTILITY EASEMENT AGREEMENT BETWEEN MAAS DEVELOPMENT III, LLC, AND THE CITY OF MASON
February 20, 2012

WHEREAS, the Maas Development, LLC, is providing an exclusive permanent utility easement for the purposes of a municipal water main and a municipal sanitary sewer main; and

WHEREAS, a sanitary sewer main and water main with related appurtenances was constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental Quality to serve the properties known as the Green Acres of Mason; and

WHEREAS, the City of Mason anticipates that private development will extend public utilities eastward and adjacent to the Green Acres of Mason; and

WHEREAS, it is in the best interest of the City of Mason to acquire a 20- to 30-foot permanent easement for maintenance of public utilities serving the Green Acres of Mason; and

WHEREAS, the City Engineer has approved the easement description and the City Attorney recommends that the easement language be approved as to form and that the City Administrator be granted authority to approve the final document provided the City Attorney reviews and certifies that the corrections have been made pursuant to his memorandum of February 17, 2012.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business relating to the Sesquicentennial Celebration in 2015
- Ferris informed Council that the Tree Commission is currently accepting letters of nomination for Arbor Day Honorees
- Waltz informed Council regarding Planning Commission business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Smith informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 5, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Department Chief

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA
MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: February 20, 2012
B. Approval of Bills: $107,057.30

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Motion – Mason Area Chamber of Commerce Annual Events
Doug Klein, Mason Area Chamber of Commerce (MACC) President, gave a brief synopsis of the 2012 annual events sponsored by the MACC. On behalf of MACC, Mr. Klein requested street closings and use of equipment, as well as a waiver of fees for parades and permits.

MOTION by Waltz, second by Droscha,
to approve the request for street closures, use of equipment, electrical power, and waiver of parade and permit fees for the 2012 annual community events as outlined in the letter from Doug Klein, MACC Executive Director, dated February 27, 2012.
MOTION APPROVED UNANIMOUSLY

Motion – 2011 Annual Report– Fire Department – Chief Kerry Minshall
Minshall elaborated on the 2011 Fire Department Annual Report to Council. Fire Department volunteers also in attendance were Assistant Chief Mark Howe, and Captain Dennis Howe.

MOTION by Waltz, second by Droscha,
to accept the Fire Department 2011 Annual Report and place it on file.
MOTION APROVED UNANIMOUSLY

Motion – Street Closures - Camino of St. James Church 8K Run 5K Walk

The Camino of St. James Church requested street closures to conduct the 8K Run/5K Walk on Sunday, August 12, 2012.

MOTION by Waltz, second by Droscha,
to approve the street closure request by the Camino of St. James Church as outlined in the letter submitted by Christopher Mumby, Camino of St James Co-Chairperson, dated February 6, 2012, to conduct the 8K Run/ 5K, on Sunday, August 12, 2012 for the route as follows:

The 8K route begins at the entrance of St. James Catholic Church on South Lansing Street; east on Elm Street; north on the Hayhoe Riverwalk; across M-36 via the Riverwalk; left on Maple Street and then right onto South Lansing Street; east on West Columbia Street into the cemetery to the Jefferson Street entrance, over the bridge and onto Jefferson Street north; left on Sparkling Brook Boulevard; left on Riverwalk Drive; left on Bubbling Springs Court to the Hayhoe Riverwalk; through Maple Grove Cemetery, exiting west onto West Columbia Street; left onto South Lansing Street; cross M-36, ending near the entrance of St. James Catholic Church.

The 5K course will follow the same route to Maple Grove Cemetery, complete a loop in the cemetery and return to St. James Catholic Church via the same route as the 8K course.

MOTION APROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

MOTION by Waltz, second by Droscha,
to excuse the absence of Councilmember Robin Naeyaert for the March 5, 2012 meeting.
MOTION APROVED UNANIMOUSLY

CORRESPONDENCE

- Letter to Stefanie Crossland of the U.S. Environmental Protection Agency - Region Five from Administrator Martin A. Colburn regarding the $500,000 Congressional Appropriation authorized for the Mason Water Treatment Plant

- All other correspondence was distributed

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business relating to the Sesquicentennial Celebration in 2015 Wednesday, March 28, 2012 at 6:30 p.m. Planning Commissioner Marlon Brown commented on the new Facebook page, Mason 150.

- Ferris informed Council that the Tree Commission is currently accepting letters of nomination for Arbor Day Honorees.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:03 p.m.

Deborah J. Cwiertniewicz, City Clerk	Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 19, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Tornholm, Waltz
Absent: Councilmember: Naeyaert (excused)
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
David Haywood, Zoning & Development Director
John Stressman, Chief of Police
Ken Baker, DPW Superintendent
Kerry Minshall, Fire Department Chief

ANNOUNCEMENTS

- Community Sesquicentennial planning meeting will be held March 28, 2012.

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

Report – Rayner Park Stage Update – Martin A. Colburn, City Administrator

Colburn gave a brief update regarding the progress of the Rayner Park Stage.

Rayner Park Rotary Stage – Bruce Wigginton

Jared Browers, Rotary President, introduced Bruce Wigginton, owner of Mason Auto Body. Mr. Wigginton stated that he is grateful to the Mason Community for 36 years of helping his business grow and prosper, building it into one of the top ranked collision repair centers in the nation. In return, he has supported community charities and organizations. Mr. Wigginton expressed how pleased he was to hear that there were plans to construct a stage in Rayner Park. He wanted to promote the project and presented a check in the amount of $10,000 to the Mason Rotary Club to construct the Rayner Park Rotary Stage.

PUBLIC HEARING

Ordinance No. 188 – An Ordinance to Amend Section 94-121 Of Chapter 94 – Zoning – of the Code of the City of Mason to Prohibit Land Uses that are Contrary to Federal, State or Local Laws or Ordinances and to Repeal Article III of Chapter 10 – Businesses – Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 of the Code of the City of Mason

McGinty stated that the Planning Commission is recommending an amendment to Section 94-121 of the Code of Mason, which states that medical marihuana is treated as a land use in the City. It declares that any use illegal under Federal law would not be a permitted land use in the City. Since dispensing, possession, distribution and the use of marihuana is illegal under Federal law; it would not be a permitted land use on any property or premises in the City.

The ordinance also repeals part of the code that that was in place on an interim basis to address the medical marihuana statute requiring a license for marihuana dispensaries. Currently, a moratorium is

in effect that prevents issuing licenses. Upon adoption of the ordinance, dispensaries would be a non-permitted land use, so there would be no ability to license and no need for any licensing regulation.

Clark opened the public hearing at 7:50 p.m. Colburn asked that David Haywood, Zoning and Development Director, comment on the process that was taken to develop the ordinance. Mr. Haywood spoke briefly regarding the development of the ordinance involving training attendance and various meetings including City Council, the Planning Commission, City Attorney, and city staff. A brief discussion ensued regarding the option of "doing nothing." McGinty pointed out that the City of Lansing did not institute an ordinance or moratorium for quite some time and dispensaries opened for business. A recent court decision stated that business model unlawful and most of the dispensaries had to close, while some are still open with a great deal of uncertainty.

Clark closed the public hearing at 7:57 p.m.

First Reading - Ordinance No. 188 – An Ordinance to Amend Section 94-121 of Chapter 94 – Zoning – of the Code of the City of Mason to Prohibit Land Uses that are Contrary to Federal, State or Local Laws or Ordinances and to Repeal Article III of Chapter 10 – Businesses – Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 of the Code of the City of Mason

MOTION by Waltz, second by Ferris,
to introduce and consider Ordinance No. 188 as read for the first time.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: March 7, 2011
B. Approval of Bills: $43,306.64

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – 2011 Annual Report– Zoning & Development– David Haywood

Haywood elaborated on the 2011 Zoning & Development Annual Report to Council.

MOTION by Waltz, second by Droscha,
to accept the Zoning & Development 2009 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Motion – 2011 Annual Report – Police Department - Chief John Stressman

Stressman elaborated on the 2011 Police Department Annual Report to Council.

MOTION by Waltz, second by Droscha,
to accept the Police Department 2011 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS
The City Council Budget meetings will be held April 11 and 12 at 6:00 p.m.

MOTION by Waltz, second by Droscha,
to excuse the absence of Councilmember Robin Naeyaert for the March 5, 2012 meeting.
MOTION APROVED UNANIMOUSLY

CORRESPONDENCE
Correspondence was distributed.

LIAISON REPORTS
- Ferris informed Council that the Tree Commission is currently accepting letters of nomination for Arbor Day Honorees
- Waltz informed Council regarding Planning Commission business
- Clark informed Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business. A brief discussion was held regarding the efficient and quick manner in which the Central Michigan Amateur Radio Club assemble to provide emergency communications during power outages.

EXECUTIVE SESSION
MOTION by Waltz, second by Ferris,
to adjourn to executive session to discuss an Attorney/Client Privileged Communication.
Yes (6) Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned at 8:44 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 2, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Rayner Park Fundraiser at A&W April 2, 2012
- Farmers Market will be held Saturdays beginning July 28 – October 6, 2012

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to amend the Consent Agenda by moving Regular Business Items (E) and Item (F) to Consent Agenda Item (D).
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: March 7, 2011
B. Approval of Bills: $38,037.63
C. Motion – Mason Lions Club – Use of Public Right-of-Way for White Cane Drive
to approve the Mason Lions Club's request to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason Friday, April 27th and Saturday, April 28th as requested in the submitted letter.
D. Motion – Street Closure – Mason Farmers Market Association, Inc.
to approve the request of the Mason Farmers Market Association to use the public right-of-way by allowing the closure of East Maple Street from South Barnes Street to the west edge of the Ingham County Hilliard Building, Saturday mornings, July 7, through October 8, 2012, between the hours of 6:00 a.m. and 2:00 p.m.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading - Ordinance No. 188 – An Ordinance to Amend Section 94-121 of Chapter 94 – Zoning – of the Code of the City of Mason to Prohibit Land Uses that are Contrary to Federal, State

or Local Laws or Ordinances and to Repeal Article III of Chapter 10 – Businesses – Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 of the Code of the City of Mason

MOTION by Waltz, second by Naeyaert,
to consider Ordinance No. 188 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

McGinty reiterated that Ordinance No. 188 is modeled after the Livonia, Michigan medical marihuana ordinance. He stated that in recent circuit court cases, the Livonia ordinance has been challenged and upheld.

CITY OF MASON
ORDINANCE NO. 188

AN ORDINANCE TO AMEND SECTION 94-121 OF CHAPTER 94 – ZONING – OF THE CODE OF THE CITY OF MASON TO PROHIBIT LAND USES THAT ARE CONTRARY TO FEDERAL, STATE OR LOCAL LAWS OR ORDINANCES AND TO REPEAL ARTICLE III OF CHAPTER 10 – BUSINESSES – SECTIONS 10-70, 10-71, 10-72, 10-73, 10-74 AND 10-75 OF THE CODE OF THE CITY OF MASON.

THE CITY OF MASON ORDAINS

Section 94-121 of Chapter 94 of the Mason City Code is hereby amended to read as follows:

Sec. 94-121. General intent and purpose, permitted uses, and dimensional regulations.
(a) *General intent and purpose.* It is the purpose of every district defined in this article to protect sensitive environmental resources and to ensure that all uses are adequately served by public facilities and services including sewage disposal, potable water, fire protection, streets, and sidewalks. Each district is intended to accommodate permitted uses and structures in a manner that minimizes negative impacts on abutting properties and complements the unique character and identity of the city through appropriate architectural design including building size, building height, building materials, building location, signage, landscaping, buffering, safe circulation of vehicular and pedestrian traffic, and other pertinent development features.

(b) *Permitted uses.* The use regulations established in this article are uniform throughout this chapter for each zoning district and shall be applied consistently to each class of land, building or structure within each district in order to promote the public health, safety, and general welfare of the residents of the city. A use of land or structures not specifically mentioned in the provisions of this chapter shall, upon application, be classified by the zoning official who may seek the recommendation of the planning commission prior to making a final determination. Uses that are contrary to federal, state or local laws or ordinances are prohibited. Within each zoning district there are three permitted categories of use defined as follows:

(1) *Uses permitted by right.* No structure or land shall be used and no structure constructed except for one or more of the uses specified as uses permitted by right unless otherwise provided for in this chapter.

(2) *Accessory uses.* A use of land or of a structure, or portion thereof, which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or structure and located on the same lot with the principal use.

(3) *Uses authorized by special use permit.* A use of land or of a structure, or portion thereof, which may be permitted through the application and approval of a special use permit as provided for in article VI of this chapter.

(c) *General development standards.* This subsection defines general development standards for each zoning district. Any use of land or structures shall comply with these development standards unless otherwise provided for in this chapter in addition to all applicable federal, state, and local requirements.

(1) *Dimensional regulations.*
a. Lot dimensional regulations.
1. See table 100-1 in chapter 100 and related footnotes.
2. See section 74-133(a) in chapter 74.
b. Building dimensional regulations. See table 100-2 in chapter 100 and related footnotes.
(2) *Site plan review.* Refer to division 1 of article VII of this chapter.
(3) *Signage requirements.* Refer to chapter 58.
(4) *Parking requirements.* Refer to article IX of this chapter.

(5) *Supplemental regulations.* Refer to article V of this chapter.

THE CITY OF MASON FURTHER ORDAINS

Article III of Chapter 10, Sections 10-70, 10-71,10-72,10-73, 10-74 and 10-75 are hereby repealed from the Code of the City of Mason.

Effective Date. Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption and mailed in accordance with the requirements of MCL 125.3401. This ordinance shall take effect upon the expiration of 20 days after its adoption.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2012-06 – Resolution to Wave the Formal Bid Process and Award the Rehabilitation of Kipp Road Well to the Layne Christensen Company

MOTION by Waltz, second by Naeyaert,
to consider Resolution No. 2012-06 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-06 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-06
RESOLUTION TO WAIVE THE FORMAL BID PROCESS AND AWARD THE REHABILITATION OF KIPP ROAD WELL 7 TO THE LAYNE CHRISTENSEN COMPANY
April 2, 2012

WHEREAS, it is in the best interest to maintain City wells; and

WHEREAS, the Kipp Road Well #7 is out of service due to pump failure; and

WHEREAS, quotes were received from three (3) qualified vendors; and

WHEREAS, it is urgent that Well #7 be repaired and operational as soon as possible; now

BE IT RESOLVED, that the Mason City Council has determined to waive the formal bid process to repair the well in a timely manner; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby waive the formal bid process and approve the award to Layne Christensen Company for the rehabilitation of the Kipp Road Well #7 in the amount of $18,327.00.

RESOLUTION APPPROVED UNANIMOUSLY

Resolution No. 2012-07 – Mayoral Appointment to the Tree Commission

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2012-07 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-07 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-07
MAYORAL APPOINTMENT TO THE TREE COMMISSION
April 2, 2012

WHEREAS, a vacancy exists on the Tree Commission due to the resignation of Laura Duane; now

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Jim Duthie to the Tree Commission commencing April 2, 2012 through December 31, 2013.

RESOLUTION APPPROVED UNANIMOUSLY

Resolution No. 2012-08 – Resolution for Charitable Gaming Licenses

MOTION by Ferris, second by Naeyaert,
to consider Resolution No. 2012-08 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-08 was introduced by Tornholm and seconded by Droscha.

MICHIGAN LOTTERY
Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL.432.103(K)(ii))

At a Regular (REGULAR OR SPECIAL) meeting of the Mason City Council (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD)

called to order by Mayor Leon Clark on April 2, 2012 (DATE)

at 7:30 (TIME) ~~a.m.~~/p.m. the following resolution was offered:

Moved by Tornholm and supported by Droscha

that the request from Rayner Park Rally Club Rayner Park Fund (NAME OF ORGANIZATION) of Mason (CITY),

county of Ingham (COUNTY NAME), asking that they be recognized as a

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for Approval (APPROVAL/DISAPPROVAL).

APPROVAL	DISAPPROVAL
Yeas: (7) Clark, Droscha, Ferris Naeyaert, Mulvany, Tornholm, Waltz	Yeas:
Nays: (0)	Nays:
Absent: (0)	Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Mason City Council (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD) at a Regular (REGULAR OR SPECIAL) meeting held on April 2, 2012.

SIGNED: Deborah J. Cwiertniewicz (TOWNSHIP, CITY, OR VILLAGE CLERK)

Deborah J. Cwiertniewicz, City Clerk
PRINTED NAME AND TITLE

201 W. Ash Street, Mason, MI 48854
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-OG-1153(R8/09)

RESOLUTION APPPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council regarding the status of delivering old Engine 806 to Kosovo along with 24 Self Contained Breathing Apparatuses, extrication equipment, and a very long inventory of firefighting equipment and supplies. Mayor Jakob Jaheri is currently visiting family in Mason. He told of the celebration that is being planned by his community for the arrival of Engine 806, including the attendance of the Prime Minister.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council that the Community Information Meeting for the Sesquicentennial Celebration was well attended
- Ferris informed Council that the Tree Commission currently has two letters of nomination for Arbor Day Honorees

COUNCILMEMBER REPORTS

Waltz informed Council regarding the Michigan Municipal League Conference he attended. He announced that Mr. Colburn was elected the new Vice Chairman for MML Region II.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 16, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Rayner Park Clean-Up – Saturday April 21, 2012
- Recreational Outreach Center (ROC) – Grand Opening & Ribbon Cutting – Saturday, April 21, 2012

PEOPLE FROM THE FLOOR

Sam Chrome of 822 Roosevelt Street requested the use of Bond Park ball fields for the Mason Youth Baseball Tournaments this summer. They would also like to rent Bond Park for an evening game when it is available. Staff will work with Mr. Chrome regarding the matter.

MOTION by Ferris, second by Waltz,
to amend the Consent Agenda by moving Regular Business Item (B) to item (A), Item (A) to Item (B), and add Item (C) Resolution for Adopting Municipal Employees' Retirement System of Michigan Defined Benefit Programs.
MOTION APPROVED UNANIMOUSLY

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: April 2, 2012
B. Approval of Bills: $41,886.65

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – 2011 Annual Report – Capital Area District Library (CADL) – Head Librarian Sheryl Bass

Sheryl Bass, Head Librarian for the Mason Branch of CADL, gave a brief synopsis of the submitted 2011 Annual Report. Also in attendance were, Board Member Debora Bloomquist, CADL Director Maureen Hirten, and Friend of the Library Shirley Beckman.

MOTION by Waltz, second by Naeyaert,
to accept the Capital Area District Library 2011 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

First Reading - Ordinance No. 189 – An Ordinance to Amend Section 78-4 of Chapter 78 - Traffic and Vehicles - of the Code of the City of Mason to Re-Adopt by Reference the Michigan Vehicle Code and Including All Amendments Thereafter Made to the Michigan Vehicle Code as a Traffic Code of the City of Mason.

Stressman gave a brief overview of proposed Ordinance No. 189, which re-adopts by reference, the Michigan Vehicle Code and all subsequent amendments, as the Traffic Code of the City of Mason. The amended ordinance will allow Mason police officers to charge drunk drivers who have elevated blood alcohol levels of 0.17 percent or higher as "Super Drunk" offenders.

MOTION by Naeyaert, second by Droscha,
to introduce Ordinance No.189 and consider it read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-09 – Resolution for Adopting MERS Defined Benefit Program

Colburn gave a brief overview of Resolution No 2012-09 stating that a retirement package for future employees has been proposed between the City and MERS offering a Defined Benefit package at a lower cost to both the employer and the employee.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2012-09 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-09 was introduced by Naeyaert and seconded by Tornholm.

MASON CITY COUNCIL RESOLUTION NO: 2012-09

MERS

RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN DEFINED BENEFIT PROGRAMS (OTHER THAN DB COMPONENT OF HYBRID PROGRAM)

The City Council (Governing body) of the City of Mason (Participating entity), whose fiscal year is (month and day) July 1 to June 30, desires to make available to its eligible employees (as defined below) benefits provided by the Municipal Employees' Retirement System of Michigan (**MERS**), as authorized by 1996 PA 220. Benefits available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated December 31, 2010, by MERS' actuary, MERS benefits stated in Section 1 below are to be provided to the following employee division (e.g., general, police and fire, DPW, union, non-union): Non-Union New Hires After January 1, 2012.
(Separate resolutions are required for each division)

Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit program (or combination of programs) selected below; or the Initial Valuation is more than one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of this Resolution; then, per Retirement Board requirements, this Resolution will not be implemented until a current actuarial valuation is done by MERS' actuary and necessary supporting contribution rates certified.

1. Benefit programs/formulae (e.g., B-2 / DROP+ / F55 / V-8 / FAC 3 / E-2) selected are:
C-1/F55 (15)/V-10/FAC 5/FAC shall not include more than 240 hours of paid leave
(If other than standard MERS' retirement benefits, supporting collective bargaining agreement to accompany this Resolution)

2. The required employee contribution is 4 %. (May be any percentage in hundredths of a percent, not to exceed ten [10] percent, unless higher rate is established by collective bargaining agreement accompanying this Resolution.)

3.1 Prior service credit with this municipality/court rendered previously by each covered employee in the division is subject to and shall be credited as provided under Section 2C(3) of the MERS Plan Document and Restated Initial Actuarial Valuation and Supplemental Valuation Procedure[Form 06] (as approved by the Retirement Board), whose respective terms are incorporated by reference.

Choose only one:

A. ___ All prior service from date of hire.
B. ___ Portion of prior service (actual service up to _____ years); or _____%.
C. ___ Prior service proportional to assets transferred.
D. ✓ No prior service (if D selected, go to Section 4).

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3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other source are transferred to MERS.

3.3 In all asset transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and nontaxable status on the employee contribution portion.

4. The effective date of this Resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS' coverage begins, which is January 1, 2012.

5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body; for courts, see Plan Section 41A. A complete copy of the fully executed collective bargaining agreement (if applicable), and certified copy of the complete official minutes or other official authorizing action for the open meeting at which this resolution was adopted must be forwarded to MERS with this resolution.

Certified this 16th day of April, 2012.

By: _____ Title: City Clerk

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RESOLUTION APPPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council regarding the status of delivering old Engine 806 to Viti Vitina, Kosovo, along with 24 Self Contained Breathing Apparatuses, extrication equipment, and an extensive inventory of firefighting equipment and supplies. An inspection of the items for delivery will be conducted this Friday by the Denton Group, followed by an inspection by the Air Force. Channel Six news broadcast an interview with Mayor Jakob Jaheri of Viti Vitina, during his recent visit to Mason. As a result of the story, the City of Maple Rapids offered to provide 30 surplus SCBA's to add to the delivery to Kosova.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Ferris informed Council that the Tree Commission Arbor Day Celebration will be held on Friday, April 27 at Laylin Park honoring Jane Eckhart by planting a Genkgo Tree.
- Waltz informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business. A brief discussion ensued regarding Rayner Creek Maintenance in Laylin Park.

ADJOURNMENT
The meeting adjourned at 8:13 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 7, 2012

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Tornholm led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Annual Rally for Rayner Park will be held Sunday, June 3, 2012 in the Ingham County Fair Banquet Hall
- Mason Area Historical Society will meet May 19 and is asking for submittal of stories of Mason for the upcoming publication

PEOPLE FROM THE FLOOR

Colburn introduced Nate Henne, who is a Public Administration student from Central Michigan University. Mr. Henne was awarded a twelve-week fellowship and selected Mason to learn public administration and city management.

PRESENTATIONS

None.

PUBLIC HEARING

FY 2012-2013 Budget

Clark opened the public hearing at 7:35 p.m.

Colburn spoke regarding the budget for fiscal year 2012-2013.

Clark closed the public hearing at 7:45 p.m.

Resolution No. 2012-10 – Adoption of the FY 2012-2013 Budget

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-10 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-10 was introduced by Mulvany and seconded by Ferris. Council commended Administrator Colburn and Finance Director/Treasurer Smith for their work on the Budget.

CITY OF MASON
CITY COUNCIL RESOLUTION 2012-10
ADOPTION OF THE FY 2012-2013 BUDGET
May 7, 2012

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2012-2013 fiscal year budget on Monday, May 7, 2012 as prescribed by law; now

THEREFORE BE IT RESOLVED, that the proposed 2012-2013 Operating Budget is filed with the City Clerk, providing for the sums of $12,570,405 to expend for municipal purposes of the General Fund, Special

Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2012-2013 fiscal year, and the said amount of $2,849,430 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason.

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2012-2013 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $2,066,346 the sum of $27,680 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2012-2013 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $57,795,989; the sum of $164,380 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that the 2012-2013 Governmental Fund Budgets shall be automatically amended on July 1, 2012 to re-appropriate encumbrances outstanding and reserved on June 30, 2012.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2012-2013 proposed fiscal year budget which is currently on file in the office of the City Clerk.

RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: April 16, 2012
B. Approval of Bills: $84,751.12

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 189 – An Ordinance to Amend Section 78-4 of Chapter 78 - Traffic and Vehicles - of the Code of the City of Mason to Re-Adopt by Reference the Michigan Vehicle Code and Including All Amendments Thereafter Made to the Michigan Vehicle Code as a Traffic Code of the City of Mason.

MOTION by Waltz, second by Naeyaert,
to consider Ordinance No.189 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON

ORDINANCE NO. 189

AN ORDINANCE TO AMEND SECTION 78-4 OF CHAPTER 78 - TRAFFIC AND VEHICLES - OF THE CODE OF THE CITY OF MASON TO RE-ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE AND INCLUDING ALL AMENDMENTS THEREAFTER MADE TO THE MICHIGAN VEHICLE CODE AS A TRAFFIC CODE OF THE CITY OF MASON.

THE CITY OF MASON ORDAINS

Section 78-4 of Chapter 78 - Traffic and Vehicles - of the Code of the City of Mason is hereby amended to read as follows:

Sec. 78-4. Code Adopted.

The Michigan Vehicle Code (1949 PA 300, MCL 257.1 *et seq),* including all amendments effective as of the date of publication of notice of adoption of the ordinance codified in this article, and including all amendments thereafter made to the Michigan Vehicle Code, is hereby re-adopted by reference as a traffic code of the City of Mason. Amendments made to the Michigan Vehicle Code shall become effective as adopted by reference herein effective as the same day they become effective in the Michigan Vehicle Code. The penalties and

procedures prescribed pursuant to the Michigan Vehicle Code and any amendments thereto hereafter adopted are applicable to violations thereof occurring in the City.

Effective Date. This ordinance shall take effect 20 days after its passage, approval and publication.

The foregoing Ordinance was moved for adoption by Council Member Waltz and seconded by Council Member Naeyaert, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 7th day of May, 2012.
ORDINANCE APPROVED UNANIMOUSLY

Motion – Service Agreement between the City of Mason and the Mason Softball Association (MSA)
Colburn stated that the Mason Softball Association (MSA) is proposing to enter into a one year agreement with the City to use Bond and Hayes Park softball fields. As part of the service agreement, MSA is proposing to sell, install and display banners for Mason area businesses for display on park fences as a means to fund maintenance of the ball field areas throughout the season.

MSA has committed to assume responsibility for the banner project and would retain half of the proceeds. The Banner sales would supplement staff hours for the parks and ball fields. Colburn stated that the proposed agreement has not been approved by the MSA Board as yet, but he is conversing with the executive director.

A brief discussion was held whether it was premature to consider the agreement since it has not been considered by the MSA Board and the revenue of the banners is unknown. A representative of MSA was not present to respond.

MOTION by Naeyaert, second by Ferris,
to authorize the City Administrator to enter into an agreement with Mason Softball Association (MSA) allowing the sale and placement of banners and signs at city softball fields by the MSA in exchange for maintenance and capital improvements to city parks.
MOTION APPROVED UNANIMOUSLY

Motion – Renewal of Fire Service Contracts with Aurelius and Vevay Townships
Colburn stated that the City of Mason provides fire services to Aurelius and Vevay Townships. The three-year contracts terminate June 30, 2012. Both townships have applied for an extension to renew fire protection service dated July 1, 2012 – June 30, 2015.

MOTION by Waltz, second by Ferris,
to accept the three-year Fire Service Contracts with Aurelius Township and Vevay Township as presented.
MOTION APPROVED UNANIMOUSLY

Motion – Northwood Energy Corporation Oil and Gas Lease E tension
Pam and Gene Hardy, operators of Northwood Energy Corporation informed Council regarding the lease agreement that was acquired by Northwood from the bankruptcy of New Star Energy USA, Inc. The original agreement includes clauses requiring that additional wells be drilled. A one year extension is requested to drill the additional wells. The current oil and gas lease between Northwood Energy Corporation and the City of Mason originally dated May 9, 2002, expires May 9, 2012. The proposed one-year lease extension would expire on May 9, 2013.

MOTION by Naeyaert, second by Waltz,
to approve the extension of the Oil and Gas Lease with Northwood Corporation.
MOTION APPROVED UNANIMOUSLY

Motion - Farm Lease

Earlier this year, the City acquired 67 acres of land adjacent to Temple Street between Ash Street and Kipp Road from the Ingham County Land Bank Authority. The land had been farmed by Ron Launstein of Launstein Farms for many years under the Land Bank and Jewett Trust ownerships. Under his agreement with the Land Bank, Mr. Launstein had invested in a three-year fertility program, 2012 being the last year of the program. In order to honor the agreement that Mr. Launstein had with the Land Bank, staff is recommending that the City accept his proposal for one year to finish out his fertility program and be afforded the ability to recoup his costs.

> MOTION by Waltz, second by Droscha,
> to accept the proposal from Mr. Ron Launstein and authorize the City Administrator to enter into a lease agreement for an eight-month lease of the City's 67 acre farm property on Temple Street.
> MOTION APPROVED UNANIMOUSLY

Motion – Street Closure Re uest for Maple Street – The Andy Minshall Heather Allen Leukemia Fund

Mark Minshall stated that his family submitted a request to close Maple Street between Park and Jefferson Streets on May 20, 2012 from 1:00 – 3:00 p.m. to hold a fundraiser for the Andy Minshall/Heather Allen Leukemia Fund. Discussion was held to extend the time frame to 4:00 p.m.

> MOTION by Naeyaert, second by Ferris,
> to approve the street closure request for Maple Street between Park and Jefferson Streets on May 20, 2012 from 1:00 – 4:00 p.m. requested by Melissa Ballard to hold a fundraiser for the Andy Minshall/Heather Allen Leukemia Fund.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council regarding the status of the delivery of old Engine 806 to Viti Vitina, Kosovo.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Councilmember Droscha was asked to refer traffic concerns to the Traffic Commission regarding intersection blind spots at Maple and Barnes Streets as well as Columbia and Lansing Streets
- Tornholm informed Council regarding Historic District Commission business
- Waltz informed Council regarding the Master Plan sub-committee meetings
- Clark informed Council regarding Downtown Development Authority business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS

Clark reported regarding resent proclamations presented in recognition of the Girl Scout Gold Award and Eagle Scout.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business

ADJOURNMENT
The meeting adjourned at 8:44 p.m.

Deborah J. Cwiertniewicz, City Clerk	Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 21, 2012

Clark called the meeting to order at 7:34 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Tornholm led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Jamie Robinson, owner of several local Mason businesses, including Darrell's Market and Hardware, Bestsellers Books & Coffee and The Vault Delicatessen, and Jamie McAloon-Lampman, Ingham County Animal Control and Shelter Director, were both honored as 2012 GLW Woman of the Year Nominees
- Memorial Day Parade – Monday, May 28, 2012
- Thursday Night Live – May 24 – Mason High School and Middle School Jazz Band
- Annual Rally for Rayner Park – June 3 – Ingham County Fair Banquet Hall

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

Rayner Park Rotary Stage

In Mason State Bank President Tim Gaylord's stead, Rotary President Jared Browers presented a $3,000 donation from Mason State Bank to assist in constructing the Rayner Park Rotary Stage.

CONSENT AGENDA

MOTION by Droscha, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: May 7, 2012
B. Approval of Bills: $61,629.70

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012-11 – Fireworks Display Agreement

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-11 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-11 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-11
FIREWORKS DISPLAY AGREEMENT
May 21, 2012

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2012 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.
RESOLUTION APPROVED UNANIMOUSLY

Discussion – State of Michigan PA 256 of 2011 Effect on City of Mason Fireworks and Noise Ordinances
Stressman informed Council regarding Public Act 256 of 2011, in effect as of January 2012, which legalizes a variety of consumer fireworks, which prior to implementation of the Act, were illegal in Michigan by statute, and in Mason, by City Ordinance. The Act allows for the regulated sale, possession, and use of fireworks throughout the year, without obtaining a permit. The Act allows for regulation, control, and generation of revenues by the State of Michigan, with very few controls left for local government discretion; including 28.457, Section (7), prohibiting local governments enacting or enforcing ordinances, codes, or regulations pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act. However, the act does allow for local government to enact an ordinance regulating the ignition, use, and discharge of consumer fireworks, except on the day preceding, the day of, or the day after a national holiday.

MOTION by Tornholm, second by Droscha,
to direct City staff to amend the current City of Mason Ordinance - Article IV Fireworks, Section 26, into compliance with PA 256 of 2012, to regulate the ignition, use, and discharge of consumer fireworks, as well as amending the Noise Ordinance as necessary.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Clark informed Council regarding the status of the delivery of old Engine 806 to Viti Vitina, Kosovo.

NEW BUSINESS
Mulvany asked that administration provide a review of the status of the street program at a future meeting.

CORRESPONDENCE
Correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding Planning Commission business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business

ADJOURNMENT
The meeting adjourned at 8:25 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 4, 2012

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: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA
MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: May 21, 2012
B. Approval of Bills: $49,005.66

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Resolution No. 2012-12 – Mayoral Appointment to the Planning Commission
MOTION by Waltz, second by Naeyaert,
to consider Resolution No. 2012-12 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-12 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-12
MAYORAL APPOINTMENT TO THE PLANNING COMMISSION
June 4, 2012

WHEREAS, the resignation of Matthew Smith created a vacancy on the Planning Commission;

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appointment Anne Klein Barna to fill an unexpired term on the Mason Planning Commission, commencing June 4, 2012 and expiring December 31, 2014.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Agreement for Public Museum Services

Jean Bement, President of the Mason Area Historical Society (MAHS), elaborated on the letter and photographic evidence depicting deterioration of the sidewalk at the museum she submitted. MAHS is requesting that the City Council approve their $10,000 funding request from the Iva Bond Fund to their Capital Improvement Fund. She explained that the MAHS Annual Budget is $13,000 and it does not allow for maintenance projects over $1,000. Mary Hagen, Chairperson of the MAHS Capital Improvement Fund Committee, informed Council regarding specific maintenance issues that need repair.

Discussion ensued regarding other funding resources the committee is seeking to meet the $18,000-$21,000 bid estimates received to complete the maintenance projects, as well as the intent and use of the Iva Bond Fund.

> MOTION by Waltz, second by Mulvany,
> to table the request from MAHS until the next meeting to allow the Finance Director to provide a financial profile of the occasion funds were used for the Hayhoe Riverwalk, to reexamine the original intent of the fund, and to reevaluate the mission for use of the Iva Bond Fund.
> YES (3) Clark, Mulvany, Waltz
> NO (4) Droscha, Ferris, Naeyaert, Tornholm
> MOTION FAILED
>
> MOTION by Naeyaert, second by Tornholm,
> to approve the Agreement for Public Museum Service between the City of Mason and the Mason Area Historical Society.
> YES (6) Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm
> NO (1) Waltz
> MOTION APPROVED

Report – Street Maintenance Plan (CIP) 2012-2018

Colburn informed Council regarding the street maintenance schedule. A brief discussion ensued regarding the review/maintenance time frame for city streets.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council requested an informational briefing on the Dashboard link that is located on the city website. The Dashboard is a component of the Economic Vitality Incentive Program (EVIP), a new program that Governor Snyder created which identifies steps that Michigan municipalities need to accomplish in order to qualify and receive this new portion of state funding that was formerly received by municipalities as state shared statutory revenue.

CORRESPONDENCE

Correspondence was distributed. Clark informed Council that Teresa Wren submitted a letter of resignation from the DDA. Clark stated that he received a letter from Nexhmedin Arifi of Viti, Kosovo, inviting the Mayor and members of his team to visit Viti for its June 14 annual celebration. He also gave a brief update regarding the status of Engine 806 delivery to Viti, Kosovo.

LIAISON REPORTS
Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:33 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 18, 2012

Clark called the meeting to order at 7:32 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: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Thursday Night Live – June 21, 2012 – Sea Cruisers
- Candidate Forum – June 21, 2012 – Bestsellers Book Store
- Annual ARRL Amateur Radio Field Day – June 23-24, 2012 at Rayner Park – Central Michigan Amateur Radio Club, the Lansing Area/Ingham County Amateur Radio Public Service Corps, and the Lansing Civil Defense Repeater Association
- Kiwanis Blood Drive – June 28, 2012 – St. James Church

PEOPLE FROM THE FLOOR

Roger Bauer of 608 East Maple Street commented on the street maintenance millage discussion that was held at the last City Council meeting and stated that his street had not had any reconstructive maintenance in 35 years. He pointed out problem areas and stated that he would like East Maple Street to be included in the current five-year plan. He also asked that the directional sign in Laylin Park be removed to allow traffic to enter/exit on both egresses to Maple Street.

Mayor Clark informed Mr. Bauer of the street maintenance prioritization process and encouraged Mr. Bauer to make an appointment to speak with the Mr. Colburn regarding his concerns.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda with the inclusion of the Agenda Items No. 7 (B – F) as follows:

A. Approval of Minutes – Regular Council Meeting: June 4, 2012
B. Approval of Bills: $47,033.99
C. Resolution No. 2012-13 – Designate Authorizing Signatories

CITY OF MASON
CITY COUNCIL RESOLUTION 2012-13
DESIGNATE AUTHORIZING SIGNATORIES
June 18, 2012

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the

facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Eric E. Smith, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

D. Resolution No. 2012-14 – Amend the 2011-2012 Fiscal Year Budget

CITY OF MASON
CITY COUNCIL RESOLUTION 2012-14
AMEND THE 2011-2012 FISCALYEAR BUDGET
June 18, 2012

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2011-2012 fiscal year Budget is hereby amended as per the attached "Exhibit A."

E. Resolution No. 2012-15 – Return Delinquent Water and Sewer Bills to the July 2011 Tax Roll

CITY OF MASON
CITY COUNCIL RESOLUTION 2012-15
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2012 TAX ROLL
June 18, 2012

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2012 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

F. Resolution No. 2012-16 – Levy 1% Tax Administration Fee

CITY OF MASON
CITY COUNCIL RESOLUTION 2012-16
LEVY 1% TAX ADMINISTRATION FEE
June 18, 2012

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State Education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2012 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% interest on any taxes that remain unpaid from the July tax roll after August 31, 2012 and 3% penalty from the December tax roll after February 14, 2013.

G. Resolution No. 2012-17 – Return Miscellaneous Bills to the July 2011 Tax Roll

CITY OF MASON
CITY COUNCIL RESOLUTION 2012-17
RETURN MISCELLANEOUS BILLS TO THE JULY 2012 TAX ROLL
June 18, 2012

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2012 Tax Roll.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

First Reading – Ordinance No. 190 – An Ordinance to Amend Article IV of Chapter 26 - Fireworks - of the Code of the City of Mason to Prohibit Use of Consumer Fireworks Within the City E cept on the Day Preceding, the Day of, or the Day After a National Holiday and to Amend Section 1-2 of Chapter 1 - General Provisions - of the Code of the City of Mason to Amend the Definition of Fireworks.

McGinty informed Council regarding the proposed amendment to Article IV of Chapter 26 of the Code

regarding consumer fireworks. Police Chief Stressman was asked if he had any comments: he stated that he addressed matters of interest at the previous meeting where the issue was first discussed and did not have anything more to add. A brief discussion ensued.

MOTION by Waltz,
to consider Ordinance No. 190 read for the first time with the Inclusion of Section 26-164(f) as presented by the City Attorney.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-18 – A Resolution Approving An Increase To The City Of Mason Utility Rates

MOTION by Waltz, second by Ferris,
to consider Resolution No. 2012-18 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-18 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-18
A RESOLUTION APPROVING AN INCREASE TO THE CITY OF MASON UTILITY RATES
June 18, 2012

WHEREAS, the City of Mason is anticipating increases to the operations and maintenance and debt expenditures of the water system and the sewer system as outlined in the Master Plan, Capital Improvement Plan, Street Improvement Plan, and City of Mason Budget; and

WHEREAS, the Mason City Council is charged with assigning a just and reasonable rate for supplying the users of the water system and the sewer system with utility services as the City may provide; and

WHEREAS, the Water and Sewer Fund is a Proprietary Fund which, by definition, is financed primarily by user charges; and

WHEREAS, the Utility Rate Study Commission has met and reviewed the financial statements and 2012/2013 City of Mason Budget submitted by the Finance Department;

NOW, THEREFORE, BE IT RESOLVED, the following schedule of water and sewer charges, effective July 1, 2012, are hereby established:

- Water Charge will be $3.20 per 1,000 gallons after the first 2,000 gallons.
- Sewer Charge will be $4.15 per 1,000 gallons after the first 2,000 gallons.
- Water Capital Improvement Charge will be $2.25 per 1,000 gallons of water sold.
- Sewer Capital Improvement Charge will be $.56 per 1,000 gallons of water sold.

BE IT FURTHER RESOLVED, that all rate increases are effective for the first billing period commencing on or after July 1, 2012.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-19 – Mayoral Appointment to the DDA

MOTION by Naeyaert, second by Tornholm,
to consider Resolution No. 2012-19 read.

Resolution No. 2012-19 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-19
APPOINTMENT BY THE MAYOR TO THE
DOWNTOWN DEVELOPMENT AUTHORITY
June 18, 2012

WHEREAS, the resignation of Teresa Wren has created a vacancy on the Downtown Development

Authority; and

WHEREAS, the term of the vacancy expires on December 31, 2015;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Brian Rasdale to the Downtown Development Authority of the City commencing June 18, 2012 through December 31, 2015.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Directory of Charges

Colburn informed Council regarding various revisions to the Directory of Charges.

MOTION by Tornholm, second by Droscha,
to approve the updated to the Directory of Charges dated June 18, 2012.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding Planning Commission business. A brief discussion was held regarding the completion timeline for the Master Plan revision.
- Clark informed Council regarding Downtown Development Authority business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 2, 2012

Clark called the meeting to order at 7:302 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Ken Baker, DPW/POTW Superintendent
Tom Yeadon, City Attorney

ANNOUNCEMENTS

- Wednesday, July 4th – Independence Day Parade and Fireworks
- Thursday Night Live – July 5, 2012
- Farmers Market– Begins July 7, 2012

PEOPLE FROM THE FLOOR

Jim Hannahs of 3178 Churchill Road, Leslie, Michigan, thanked contributors to the Annual ARRL Amateur Radio Field Day Central Michigan Amateur Radio Club, the Lansing Area/Ingham County Amateur Radio Public Service Corps, and the Lansing Civil Defense Repeater Association that was held June 23-24, 2012 at Rayner Park.

PRESENTATIONS

Consumers Energy - Forestry

John Hall, Communications Director of Forestry Operations, introduced Consumers Energy Forestry employees present. Mr. Hall spoke regarding tree trimming and pruning by Consumers Energy for the purpose of clearing electrical lines.

Council encouraged Consumers Energy representatives to ensure that the pruning would leave the surrounding area aesthetically pleasing.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: June 18, 2012
B. Approval of Bills: $55,214.03

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 190 – An Ordinance to Amend Article IV of Chapter 26 - Fireworks - of the Code of the City of Mason to Prohibit Use of Consumer Fireworks Within the City E cept on the Day Preceding, the Day of, or the Day After a National Holiday and to Amend Section 1-2 of Chapter 1 - General Provisions - of the Code of the City of Mason to Amend the Definition of Fireworks.

Yeadon spoke briefly about the proposed amendment to Article IV of Chapter 26 of the Code

regarding consumer fireworks. Stressman commented regarding enforcement. A brief discussion ensued including that research could have been done to consider the experience of states that allow consumer fireworks prior to enacting an amendment to the Code. Conversely, it was stated that enactment of the amendment would be good for Mason by dissuading the use of fireworks outside of the three days around national holidays.

MOTION by Waltz, second by Droscha,
to consider Ordinance No. 190 read for the second time and adopted.
Yes (6) Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Walt
No (1) Clark
MOTION APPROVED

CITY OF MASON
ORDINANCE NO. 190

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 26 - FIREWORKS - OF THE CODE OF THE CITY OF MASON TO PROHIBIT USE OF CONSUMER FIREWORKS WITHIN THE CITY EXCEPT ON THE DAY PRECEDING, THE DAY OF, OR THE DAY AFTER A NATIONAL HOLIDAY AND TO AMEND SECTION 1-2 OF CHAPTER 1 - GENERAL PROVISIONS - OF THE CODE OF THE CITY OF MASON TO AMEND THE DEFINITION OF FIREWORKS.

THE CITY OF MASON ORDAINS:

Article IV of Chapter 26 - Fireworks - of the Code of the City of Mason is hereby amended to read as follows:

Sec. 26-161. Violations declared misdemeanor.

Violations of this article are a misdemeanor.

Sec. 26-162. E ceptions to article provisions.

This article does not apply to:

(1) Toy plastic or paper caps containing not more than 0.25 grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noisemakers and toy guns of a type in which toy caps as described in subsection (1) of this section are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Flitter sparklers in paper tubes not exceeding one-eighth inch in diameter.

(4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices. (5)The use of fireworks by railroads or other transportation agencies or law enforcement agencies for signal purposes of illumination.

(6) The use of agricultural or wildlife fireworks.

(7) The use of blank cartridges for any of the following:
(a) A show or play
(b) Signal or ceremonial purposes in athletics or sports.
(c) Use by military organizations, such as the American Legion, Veterans of Foreign Wars, or similar organizations to provide honored burials, celebrate patriotic events, or similar activities.
(d) Use by law enforcement agencies.
(e) Interstate wholesalers from using fireworks.
(f) Wholesaler from using consumer fireworks or low impact fireworks.

Sec. 26-163. Use of consumer fireworks prohibited.

No person except those persons granted a permit pursuant to Section 26-164 of this Article shall display, cause to discharge, use or ignite any consumer fireworks within the city, except on the day preceding, the day of, or the day after a national holiday.
Sec. 26-164. Licensed displays.

(a) The city council may, upon receipt of written application and the required fees, grant a permit for the supervised public or private display of articles pyrotechnic, display fireworks or special effects by other municipalities, fair associations, amusement parks, or other organizations or groups or individuals approved by the city council, or permits for outdoor pest control or agricultural purposes if the applicable provisions of the Michigan Fireworks Safety Act, MCL 28.451, *et seq,* are complied with. Applications for permits shall be made in writing on forms provided by the director of the department of state police, or by the chief of police, and shall designate a competent operator approved by the chief of police. The display shall be of such a character and so located, discharged or fired as in the opinion of the chief after proper investigation, so as not to be hazardous to property or endanger any person. No permit granted under this section shall be transferable nor shall any permit be issued to a minor.

(b) The permittee shall furnish a bond or certificate of public liability insurance in an amount deemed adequate by the chief of police, but no less than one million dollars, for the payment of all damages which may be caused to persons or property by reason of the permitted display.

(c) A permit shall not be issued to a nonresident person, firm or corporation for ignition of articles pyrotechnic, display fireworks or special effects in the city until the person, firm or corporation has appointed in writing a resident member of the bar of the State of Michigan or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm or corporation may be served.

(d) The city council shall rule on the competency and qualifications of applicants for a permit to display articles pyrotechnic, display fireworks and special effects operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place and safety aspects of the display or articles pyrotechnic or display fireworks before granting permits.

(e) A $200.00 processing fee plus the actual cost of material, equipment and labor for public safety activity required at the event as determined by the chief of police shall be paid to the city as a condition of the permit.

(f) No person, other than an agent or employee of the city, shall use articles pyrotechnic, display fireworks, or special effect in the city without a valid city permit.

Section 1-2 of Chapter 1 - General Provisions - of the Code of the City of Mason is hereby amended to read as follows:

Sec. 1-2. Definitions.

The following definitions shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Abandoned vehicle means, a vehicle which has remained on private property for a period of 48 continuous hours without the consent of the owner or occupant of the property, or a vehicle which has remained on public or private property for a period of 48 continuous hours after a police agency or other governmental agency has affixed a written notice to the vehicle.
Accessory structure means a structure located on the same lot as the principal structure, the use of which is customarily incidental or secondary to the principal structure or use.

Accessory use means a use of land or of a structure or portion thereof which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

Aggregate means an inert material used as a component of concrete, mortar, plasters, and bituminous pavements. Sand, gravel or crushed stone are the most common aggregates.

Agricultural land means substantially undeveloped land devoted to the production of plants and animals useful to humans including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agricultural land use is characterized by the act or business of cultivating or using agricultural land and soil for the production of animals, crops and plants useful to animals or humans, and includes purposes related

to agriculture, farming, dairying, pasturage, nursery, horticulture, floriculture, viticulture, aquaculture, animal and poultry husbandry, and other similar uses and activities producing food, seed, fiber or fur. See "farm" and "prime agricultural land".

Airport approach plan and *airport layout plan* mean a plan, or an amendment to a plan, filed with the Mason planning commission under section 151 of the Aeronautics Code of the state of Michigan, 1945 PA 327 (MCL 259.151).

Alcoholic liquor means alcoholic liquor as defined by the Michigan Liquor Control Code of 1998.

Alley means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

Alteration means any modification, remodeling, change or rearrangement in a structural or supporting member such as footings, bearing walls, columns, or girders, as well as any change in the doors, windows, roof or exterior walls which affect the means of egress which is undertaken without adding to the floor area, height, or physical size of the building or structure.

Alternative tower structure means any manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Ambient noise means background noise or noise that cannot be identified as coming from any particular source.

Animal clinic means a building where animal patients, who may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

Animal unit means a number of animals based upon animal type under tables published by the Michigan Commission of Agriculture which are generally calculated as 1,000 pounds live weight equals one animal unit.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Apartment means a room or group of rooms that is designed to function as a single, complete dwelling unit and is located in a multiple-family dwelling or a multiple use building.

Appraised value means the value of property as determined by an individual qualified to appraise that type of property.

Aquifer means subsurface rock or other materials capable of holding a significant amount of water in their crevices. Certain types of material such as course sands, gravel and limestone, are more likely to produce aquifers.

Area of special flood hazard means the land in the floodplain within the city subject to a one percent or greater chance of flooding in any given year.

Automobile repair garage means a premises where the following services may be carried out in a completely enclosed building: General repairs, engine rebuilding, collision repair, painting, and undercoating of vehicles.

Automobile service station means structures and premises used or designed to be used for the retail sale of fuels, lubricants, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for minor vehicle repairs or service such as polishing, washing, cleaning, and greasing, but not including bumping, painting, or refinishing.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, often referred to as a 100-year flood.

Base flood level means the highest elevation of a flood having a one percent chance of being equaled or exceeded in any given year. Commonly referred to as the 100-year flood level. See "floodplain".

Basement means the portion of a building which is partly below and partly above grade where greater than one-half of the height of that portion is below grade. A basement shall not be counted as a story.

Bathroom is a room containing plumbing fixtures including a toilet, bathtub or shower, or any other combination thereof.

Bed and breakfast means an owner-occupied residential structure that meets the provisions of section 94-192(7) of this chapter.

Bedroom is any room or space used or intended to be used for sleeping purposes.

Berm means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Bicycle facilities means a public way designated for the use of cyclists.

Bicycle way means a bicycle facility parallel and adjacent to but separate from the roadway.

Blighted structure means, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

Block means a piece of or parcel of land entirely surrounded by public highways, streets, streams, railroads, rights-of-way, a park, etc., or a combination thereof.

Bond means a form of insurance required of an individual or firm to secure the performance of an obligation. (See "performance guarantee").

Buffer means a strip of land or space, including a specified type and amount of planting or structures intended to protect or screen one type of land use from another, or minimize or eliminate off-site ecological degradation.

Buildable acre means an acre of land remaining after excluding land classified as a wetland or regulated water body.

Building means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals or property. The term does not include a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. The term shall be construed as though followed by the words "or part or parts of the building and all equipment in the building" unless the context clearly requires a different meaning.

Building area means the area included within surrounding exterior walls (including fire walls) exclusive of vents, shafts and courts. Areas of the building not provided with surrounding exterior walls shall be included in the building area if underneath the vertical projection of the roof or floor above.

Building envelope means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project (See figure 100-104 in ch. 100).

Building line means a line established on a parcel parallel to an adjacent public right-of-way or adjacent property line for the purpose of prohibiting construction of a structure between such line and the right-of-way or property lines. Building line is commonly referred to as the setback line.

Building materials means lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws or any other materials used in constructing any structure.

Business districts means, the C-1 and C-2 zoning districts.

Business sign means a sign which directs attention to a business or profession conducted or to a commodity, product, service or entertainment sold, manufactured or offered upon the premises where such sign is located.

Caliper means a measure of the size of vegetation defined as the average diameter of the main trunk measured at a point five feet from the ground at the base of the vegetation.

Call box stand means a place alongside a street, or elsewhere where the police chief has authorized a holder of a taxicab certificate of public convenience and necessity to install a telephone or call box for the taking of calls and the dispatching of taxicabs.

Camper means a vehicular portable structure which is mounted or built upon a chassis, is less than 35 feet in length and is of such a width and weight as not to require special highway movement permits when moved or drawn by a vehicle.

Campground is as defined in Public Health Code (MCL 331.12501 et seq.).

Carport means a partially open structure intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to a private garage.

Casino means a facility licensed and operating under the Michigan Gaming Control and Revenue Act, initiated law of 1996, MCL 432.201 as defined by Section 2(g) of the Act, MCL 432.202(g).

Cellar. See "basement".

Change in use means a use of a building, structure or parcel of land, or portion thereof which is different from the previous use as classified in this chapter or in the building code.

Charter means the Charter of the City of Mason, Michigan.

Church use. See "religious institution".

City means the City of Mason, Michigan.

Clear vision area means the unobstructed view across a corner space which is created by the intersection of two vehicular ways that allows a motorist to see on-coming traffic or pedestrians (See figure 100-103 in ch. 100). This vision area shall be clear of any opaque obstructions within a specified distance along or from the right-of-way line(s) of all streets and drives.

Cluster development means a development where structures are arranged in closely related groups, typically of the same type or character of design thus creating greater densities in certain areas of a site while preserving the natural features in other areas on the same site.

Code means the Mason City Code, as designated in section 1-1.

Cold storage means the keeping of farm produce or goods under climate controlled conditions.

Collocation means the shared use by more than one licensed carrier of a single tower or other useable antenna support structure.

Commercial garage. See "automobile repair garage".

Commercial recreation facility means a recreational facility including campgrounds, athletic fields, golf courses, race tracks, or other spectator/participatory facilities that charge a fee for use.

Commercial use means an activity carried out for financial gain including retail sales, repair service, salvage operations, business offices, food service, entertainment and brokerages.

Commercial vehicle means any motor vehicle registered as a commercial vehicle under the Michigan Vehicle Code (MCL 257.1 et seq.) or which is used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or loads so drawn.

Common land means a parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a particular development.

Common open space means a parcel or parcels of land or an area of water or combination of land and water dedicated for the use or enjoyment of the residents in a particular development or of the general public. Common open space does not include any proposed street right-of-way, open parking areas, or commercial areas. Common open space may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational, or cultural uses.

Community commercial center means a shopping center containing more than one use relating to wholesale and/or retail services and utilizing shared vehicular ingress and egress and on-site parking. *Compensation* means any money, property, thing of value or benefit received by any person in return for services rendered.

Concessionaire means any person, whether a resident of the city or not, who receives a license under the provisions of this article to sell or offer for sale goods, services or merchandise from a temporary or portable structure or fixture at a specified location within a business district.

Condominium means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building. A condominium may include, in addition, a separate interest in other portions of such real property.

Condominium Act as defined in Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium documents means the master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.

Condominium lot means the condominium unit and the limited common area reserved for the exclusive use of the co-owner of an adjacent condominium unit together in a site condominium development. A condominium lot is considered the functional equivalent of a standard subdivision lot and the boundaries thereof shall be the functional equivalent of the boundaries of a platted lot.

Condominium project means a project developed under the Michigan Condominium Act (MCL 559.101 et seq.) consisting of more than one condominium unit which is not subject to the provisions of the Land Division Act (MCL 560.101 et seq.).

Condominium structure means the principal building or structure intended for or constructed upon a lot or development site together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage. A condominium structure can also be a building envelope.

Condominium subdivision plan means the drawings and information prepared in accordance with Section 66

of the Condominium Act (MCL 559.166) and filed with the register of deeds as an exhibit to the condominium master deed.

Condominium unit means an area of land or volume of space separately described in a condominium master deed and intended for separate ownership or use.

Conflict of interest means either a personal interest or a duty or loyalty to a third party that competes with or is adverse to the duty of a city official or city employee to the public interest in the exercise of official duties or official actions.

Congregate housing means a structure containing two or more rooming units limited in occupancy and occupied by persons 60 years and older, their spouses, or surviving spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located, shared food preparation service and major dining areas, and common recreation, social, and service facilities for the exclusive use of all residents.

Construction contractors establishment means a parcel of land, building, or structure, or a portion thereof used to store trucks, excavating equipment, supplies, tools, or materials utilized by a construction contractor, subcontractor, or builder.

Contiguous parcels means, as used in this chapter shall mean two or more parcels of property which have one or more common property lines.

Contractible condominium means a condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this chapter and the Condominium Act MCL 559.101 et seq.).

Convalescent home means a residential nursing facility other than a hospital, that is designed to provide a range of personal and medical care services to aged, chronically ill or disabled individuals and which is licensed by the State of Michigan.

Convenience retail means establishments which sell primarily goods which are edible or disposable in small quantities directly to the consumer.

Conversion condominium means a condominium project containing units, some or all of which were occupied before filing of a notice of taking reservations under Section 71 of the Condominium Act (MCL 559.171), as defined by Subsection 5(2) of the Condominium Act (MCL 559.105(2)).

Corner lot means a lot that is situated at the junction of at least two streets at which the angle of interception is no greater than 135 degrees and defined as having one front yard, one rear yard and two side yards.

Council and *city council* mean the Council of the City of Mason, Michigan.

County means Ingham County, Michigan.

Cul-de-sac means a minor street of short length having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.

Customary agricultural operation means an agricultural land use, condition or activity which occurs on land in connection with the commercial production of farm products and includes but is not limited to noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, application of chemical fertilizers, insecticides and herbicides, and employment of labor when such conditions or activities are conducted in accordance with generally accepted agricultural and management practices. (See "farm").

Cyclist means a person who is not afoot and is driving or is in actual physical control of a bicycle.

Dangerous building means any building, dwelling, structure, or dwelling unit that has one or more of the following defects or is in one or more of the following conditions:

(1) A door, aisle, passageway, stairway, or other means of exit does not conform to the applicable fire code of the city, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to or might use such door, aisle, passageway, stairway, or other means of exit.

(2) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of this article or the applicable building code of the city.

(3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.

(4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this article or the applicable building code of the city.

(5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the

ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.

(7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

(9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under Article 25 of the Occupational Code, MCL 339.2501 et seq. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:

a. A building or structure as to which the owner or agent does both of the following:

1. Notifies the police department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the police department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this article and the applicable building code of the city.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the police department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

(11) Is in such a condition as to constitute a nuisance.

(12) Is otherwise a "dangerous building" as described and defined in Section 139 of the Housing Law of Michigan (MCL 125.539).

Day care facility means a state licensed facility receiving more than six preschool or school age children for group care for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. A child/day care facility is regulated by Public Act No. 116 of 1973 (MCL 722.111 et seq.).

Density means the number of dwelling units situated on or to be developed per acre of land. Refer to "gross density" and "net density".

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Development site means a parcel meeting the requirements of Sections 108 and 109 of the Land Division Act (MCL 560.108, 560.109) and chapter 74, article III of this Code; a platted lot meeting the requirements of the Land Division Act (MCL 560.101 et seq.) and chapter 74, article II of this Code; or a condominium lot on which exists, or which is intended for, building development. Development site shall not include the following:

(1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(2) Forestry use involving the planting, management, or harvesting of timber.

District/zoning district means the zoning districts described in chapter 94 of this Code.

Disturbed land means a parcel of land which is graded, filled, excavated, mined, or stripped of its natural vegetative cover or grass for a purpose other than agriculture land use.

Divided or *division* means the partitioning or splitting of a parcel or tract of land by the proprietor or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCL 560.108, 560.109).

Drive-in facility means commercial enterprises that permit the consumer to transact business, receive a service, or be entertained while remaining in a motor vehicle.

Drive-thru facility. See "drive-in facility".

Driveway means a path of travel connected to a public or private street over which a vehicle may be driven to access one or more parcels of land.

Dump means a disposal site on which solid wastes are placed and left and which is not licensed under Part 115 of Public Act No. 451 of 1994 (MCL 325.11501 et seq.) as a solid waste disposal site.

Duplex. See "two-family dwelling".

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, utilities, and sanitation.

Easement means a grant by the owner of the use of a strip of land by the public, or persons, for specific uses or purposes, and shall be designated as public or private depending on the nature of the user and in conformance with the Land Division Act (MCL 560.101 et seq.).

Equestrian center means an enclosed or unenclosed facility which provides public instruction, training or practice in the equestrian arts, including public exhibitions or competition in such skills.

Excavation means the removal or recovery of exposed or submerged soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay, or other mineral or organic substances except vegetation, from water or land, whether exposed or submerged.

Exempt split or *exempt division* means the partitioning or splitting of a parcel or tract of land by the proprietor or by his heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

Expandable condominium means a condominium project to which additional land may be added in accordance with this chapter and the State Condominium Act (MCL 559.101 et seq.).

Explosive means a chemical compound or mechanical mixture commonly used, or intended, for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life and limb.

Exterior property is the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Family means one or more persons living together in a dwelling unit as a single domestic housekeeping unit. Where there are more than two persons living in a dwelling unit, a family shall be comprised of individuals in accordance with one of the following standards. Anyone seeking the rights and privileges afforded a member of a family by this chapter shall have the burden of proof by clear and convincing evidence of compliance with this definition.

(1) A domestic family comprised of persons related by blood, marriage or adoption with the addition of not more than one unrelated person.

(2) The functional equivalent of a domestic family comprised of persons living together whose relationship is of a regular and permanent nature and has a distinct domestic character, or a

demonstrable and recognizable bond, where each person is responsible for the basic material needs of the others and all persons are living and cooking as a single housekeeping unit. The functional equivalent of a domestic family shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization, nor include a group of persons whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a house is not to function as a domestic family, but merely for convenience and economics.

Farm means a parcel of land containing at least ten acres which is utilized for an agricultural land use, including necessary farm structures and equipment, but not including the raising of fur bearing animals, livery or boarding stables and dog kennels.

Fee simple title refers to the broadest, most extensive and unconditional estate in land that can be enjoyed. A fee simple estate is unlimited as to duration, disposition and descendibility, subject to the sovereign power of eminent domain, and may be conveyed by its owner either during his life or upon his death.

Feedlot means a premises used to feed livestock in preparation for market and slaughter.

Fence means any wall (except a retaining wall or lawful sign), screen, partition or similar structure that encloses land, divides land into distinct portions, separates contiguous properties, prevents intrusion from without or straying from within, obstructs the passage of light or air into adjacent land, or obstructs the view of property.

Filing date means the date upon which any properly completed application pursuant to this chapter is submitted and the required filing fee is paid.

Filling means the depositing or dumping of any matter, except common household gardening or general yard maintenance refuse, into or onto the ground.

Financial benefit means a financial benefit which accrues to a greater extent than any benefit which could reasonably be expected to accrue from the proposed action to the general public or to the general business, occupation or profession taken as a group.

Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects as defined by Public Act 256 of 2011.

(1) "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United Stated consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1 3.1.2, 3.1.3 or 3.5. Consumer fireworks does not include low-impact fireworks.

(2) "Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 24 CFR 172.101.

(3) "Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

(4) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

Flood or *flooding* means a rise in the water level of a water body, or the rapid accumulation of water from runoff or other sources, so that land that is normally dry is temporarily inundated by water. For the purpose of the National Flood Insurance Program, flooding is also defined to include mud slides connected with accumulation of water, and land subsidence along water bodies.

Flood insurance rate map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

Flood insurance study means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain means that area of land adjoining a channel of a river, stream, watercourse, lake, or similar body

of water which will be inundated by a flood which can reasonably be expected for the region.

Floodproofing means any combinations of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area ratio means the ratio between the total amount of floor area of all floors permitted to be constructed on a development site and the area of the site.

Foster care facility means the provision of supervision, personal care and protection, in addition to room and board, for 24 hours a day and five or more days per week for two or more consecutive weeks, with or without compensation.

Forty acres or the equivalent means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Front yard means an open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot (See figure 100-101 in ch. 100). The depth of the front yard shall be measured at right angles to the property line in the case of a straight property line and radial to the property line in the case of a curved property line. On a corner lot, the front yard shall be the yard fronting on a street with the largest setback.

Garage means an accessory building used for parking or storage of vehicles in connection with the permitted use of the principal building.

Garage sale means the public sale of any new or used tangible personal property which is conducted at a private residence in a residentially zoned district and which is advertised by any means, and shall include by example and not by way of limitation all sales entitled "garage sale," "yard sale," "lawn sale," "attic sale" or "rummage sale," when conducted on a private residence, and shall exclude auctions that are presided over by a licensed auctioneer.

Garbage is the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard is a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

General common elements means the land area other than the limited common element of the site condominium development that are held in common by all co-owners and used for parks, streets, open space, or other common activities. (See figure 100-104 in ch. 100).

General retail means stores which sell dry goods, package foods, hardware, appliances, computers, jewelry and other similar merchandise and services directly to the public.

Generally accepted agricultural and management practices means practices adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (MCL 286.471 et seq.).

Gift means any thing of value, money, loan of money, goods, or services given without due consideration. "Gift" does not include:

(1) Information-gathering trips paid for by a person or entity seeking approval of a proposal from a decision-making body of the city, provided that the decision-making body, prior to the trip, makes all of the following determinations: (a) the information will be useful and material; (b) the trip will improve and not unduly influence the decisional process; and (c) the decision-making body designates the official(s) who will participate.

(2) Small items of a nominal value and any reportable campaign contributions pursuant to state law.

Government building. See "public building".

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Grading means any stripping, excavating, filling, stockpiling, or any combination of such activities, and shall include the land in its excavated or filled condition.

Gross acre means an acre of land inclusive of all amenities and features.

Gross density means a figure which equals the total number of dwelling units on a development site divided by the total number of acres included in the development site.

Gross floor area means the area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, elevator shafts, closets, thickness of walls, columns, or other features.

Ground cover means grasses or other plant growth or plant material sufficient to prevent soil erosion.

G.V.W.R. means gross vehicle weight rating, a measure of vehicle weight.

Habitable floor area means any floor area usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination of such activities. A floor area used only for storage purposes is not a habitable floor.

Hazardous material means any material, waste, or a combination of waste and material, including solid, liquid, semi-solid or contained gaseous material, which, because of its quantity, quality, concentration or other physical, chemical or general characteristics pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed.

Hazardous substance/waste, as defined by Section 101(14) of the United States Comprehensive Environmental Response Compensation and Liability Act (CERCLA), means:

(1) Any substance designated pursuant to Section 311(B)(2)(A) of the federal Water Pollution Control Act;

(2) Any element, compound, mixture, solution or substance designated pursuant to Section 102 of CERCLA;

(3) Any hazardous waste having characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (not including waste regulation suspended by acts of Congress);

(4) Any toxic pollutant listed under Section 307(a) of the federal Water Pollution Control Act;

(5) Any hazardous air pollutant listed under Section 102 of the Clean Air Act; and

(6) Any hazardous chemical substance or mixture with respect to which the administrator has taken action pursuant to Section 7 of the Toxic Substance Control Act.

Height means the vertical distance measured from the average finished ground level at the front of the structure to the highest point of the structure.

Home occupation means an accessory use of a dwelling unit by the residents thereof for gainful employment on a reoccurring basis involving the manufacture, sale, or provision of goods, materials, or services.

Hotel means a building containing six or more individual guest rooms or suites, intended to be rented or hired out for sleeping purposes by transient guests.

Household pet means a animal that is customarily kept for personal use or enjoyment and is not restricted by other local, state, or federal regulations. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

Housekeeping unit is a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toiler; lavatory and bathtub or shower.

Immediate family means a spouse, child, parent, sister or brother, and parent-in-law, sister-in-law or brother-in-law wherever residing, or any relative sharing the same household. All relationships shall include individuals in a step or adoptive relationship.

Imminent danger means, a condition which could cause serious or life-threatening injury or death at any time.

Improvements means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the city and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Incite a riot means but is not limited to urging or instigating other persons to riot; but the term shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief not involving advocacy of any act of violence or assertion of the rightness of or the right to commit any such act.

Industrial park means the development of a parcel in a unified manner in which multiple lots or similar building sites are created to accommodate separate industrial facilities, all of which are accessed by a road or drive constructed as an integral part of the development, and which include open spaces and landscape features to enhance the visual setting of the development.

Industrial use means a structure, building, or parcel of land, or portion thereof, utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, construction or printing of goods or products and related research and development facilities.

Infestation is the presence, within or contiguous to, a styructure or premises of insects, rats, vermin or other pests.

Inoperable motor vehicle means a motor vehicle, as defined in the Michigan Vehicle Code, (MCL 257.1 et

seq.) which by reason of dismantling, disrepair, accident, or other cause is incapable of being propelled under its own power, or is in such an unsafe condition as to endanger a person in violation of Section 683 of the Michigan Vehicle Code (MCL 257.683), and which condition exists and continues for a period of seven days or which has no current State of Michigan license or registration properly attached in the manner required by law.

Intensity of land use means the amount of activity associated with a specific land use based upon the following criteria:

(1) Amount of vehicular traffic generated (including parking);

(2) Amount of pedestrian traffic generated;

(3) Noise, odor and air pollution generated;

(4) Potential for litter;

(5) Type and quantity of materials stored in connection with the operation;

(6) Total residential units and density, where applicable; and

(7) Total coverage and height of structures on the parcel.

Junk means dry solid waste material resulting from housekeeping, construction, mercantile and manufacturing enterprises and other solid waste producing enterprise, including scrap metals, wood, rubber, paper, plastics, cloth, abandoned, wrecked, unlicensed or inoperable motor vehicles, rags, bottles, tin cans, and comparable items. Junk shall include unlicensed and inoperable travel trailers and campers, as well as include unused furniture and appliances.

Junk automobiles means, without limitation, any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 20 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ten days, provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

Junk yard means any land, enclosure, or building with a minimum of 200 square feet in area used for the abandonment, disposal, storage, keeping, collecting, processing, or baling of paper, rags, scrap metals, wood, rubber, plastics, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles, trailers, other vehicles, machinery, or parts thereof.

Kennel means any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats or other domestic animals and which has a license from the Ingham County Animal Control Office.

Landscaping means an arrangement of elements which may include plant materials such as trees, shrubs, ground covers, perennial and annual plants; landscape materials such as rocks, water features, fences, screens, walls, pedestrian walks, paving products, and site lighting; and site furnishings and ornamental objects such as statuary, sculpture, benches, drinking fountains, trash receptacles, and planters for aesthetic and functional purposes.

Let for occupancy or *let* is to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

Limited common elements means a portion of the general common element reserved in the master deed for the exclusive use of less than all of the co-owners. (See figure 100-104 in ch. 100).

Livestock feeding operation means a premises used to feed livestock in preparation for market.

Livestock production facility means a facility where farm animals as defined in the Michigan Right to Farm Act, Public Act No. 93 of 1981; MCL 286.471, are confined with the capacity of 50 animal units or greater and the associated manure storage facilities.

Loading space means an off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot. See "development site".

Lot area means the area of land within the boundary of a lot excluding any part within a regulated waterway.

Lot coverage means the part of a lot, expressed as a percentage, occupied by buildings or structures, including accessory buildings or structures, but excluding drives and uncovered surface parking areas.

Lot depth shall be measured on a straight line which connects the mid-point of the front lot line with the lot line mid-point which is located farthest from the mid-point of the front lot line. (See figure 100-102 in chapter 100).

Lot frontage shall be measured along the front property line from the intersection point with one side lot line to the intersection point with the opposite side lot line (see figure 100-102 in chapter 100). If the front property line is a curved line the frontage shall be the lineal distance along this curved line.

Lot of record means a lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the county register of deeds.

Lot width. Lot width shall be measured as follows. (See figure 100-102 in ch. 100):

(1) *Lot width with parallel side lot lines.* Lot width shall be measured on a straight line which is perpendicular to the side lot lines.

(2) *Lot width with non-parallel side lot line.* The width shall be measured on a straight line, which shall be a measuring line, which is parallel to a straight line which connects the side lot lines where they intersect the front property line. The measuring line shall be located the distance of the minimum front yard setback from the front property line. The lot width shall be measured on a straight line between the intersection points of the measuring line with the side lot lines. If the measuring line is located behind the rear line of the required front yard, the measuring line shall be the front building line.

Marquee sign means a sign which identifies the business and/or owner and which is attached to a legally established marquee, canopy or awning projecting from and supported by the building. If suspended, it shall not exceed a depth of 12 inches nor be less than eight feet above sidewalk level.

Master deed means the recorded document establishing a condominium project, as required by the Condominium Act (MCL 559.10 et seq.).

Medical clinic means a building where human patients, who are not lodged overnight, are admitted for examination and treatment by physicians, dentists, or other health care professionals.

Mini-warehouse means a building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence.

Mobile home means a structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a motor home.

Mobile home park means any lot, parcel or tract of land under the control or management of any person upon which is located or which is designed for occupancy by three or more mobile homes on a continual non-recreational basis and including any accessory buildings, structures or enclosures comprising facilities used by the park residents. Such parks shall comply with the provisions of this chapter and Public Act No. 496 of 1987 (MCL 125.2301 et seq.).

Modular housing unit means an assembly of materials or products intended to comprise all or part of a residential building or structure, that is assembled at other than the final location of the unit of the building or structure by a repetitive process under circumstances intended to insure uniformity of quality and material content. The roof pitch ratio shall be a minimum of four foot vertical rise to 12 foot horizontal run.

Month means a calendar month.

Motel. See "hotel".

Motor home means a motorized vehicle designed to be utilized as a temporary living quarter for recreation, camping or travel purposes having self-contained kitchen or bathroom facilities or both.

Mounted wireless communication facility means any antenna, base mount, and associated transmission cables which are permanently affixed to the roof, wall, or structural support of any principal building or other structure on a site.

Multiple-family dwelling means a building containing three or more dwelling units which complies with the building code and this chapter.

Multiple-family housing. See "multiple-family dwelling".

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal civil infraction violation notice means a written notice prepared by an authorized city official, directing a person to appear at the city Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city, as authorized under sections 8396 and 8707(6) of the 1961 PA 236 [MCL 600.8396, 600.8707(6)].

Net acre means an acre of land remaining after excluding land used as a public or private street, or land classified as a wetland, regulated water body, or floodway.

Net density means a figure which equals the total number of dwelling units on a development site divided by the total number of net acres included in the development site.

Nonconforming lot means a lot lawfully existing on June 10, 2001 that does not conform to the dimensional requirements of chapter 94 of this code, including lot area or lot width. Refer to section 94-322 of this code.

Nonconforming sign means a sign lawfully existing on October 15, 2007 that does not conform to the provision of chapter 58. Refer to section 58-131 of this code.

Nonconforming use means a use of land lawfully existing on June 10, 2001 that does not conform to the provisions of chapter 94 of this code. Refer to section 94-323 of this code.

Noxious weeds means Canada thistle (Circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), quackgrass (Syropyron repens), crab-grass (Digitaria sanguinalis), poison ivy (Rhus toxicodendron), poison sumac (Rhus vernix), or other plant or grass which, in fact constitutes a nuisance or a fire hazard.

Nuisance means an activity consisting of an unreasonable, unwarranted, or unlawful use of property by a person that causes injury or damage to or obstructs the right of another or the public in general.

Nursing home. See "convalescent home".

Occupancy means, the purpose for which a building or portion thereof is utilized or occupied.

Occupancy permit means a document issued by the building official certifying that all facets of a development have complied with this chapter and the building code and that the land, building, or structures may lawfully be occupied for the purpose designated.

Occupant is any individual living or sleeping in a building, or having possession of a space within a building.

Off-premises sign means a sign not exceeding 300 square feet in area and which contains a message unrelated to a business or profession conducted or to a commodity, activity, service or entertainment carried on, sold or offered upon the premises where such sign is located.

Official duties or *official actions* are decisions, recommendations, approvals, disapprovals or other actions which involve the use of discretionary authority or the performance of ministerial duties required by law.

Official zoning map means the city map that is an integral part of this chapter illustrating the location of the various zoning use districts described in this chapter.

On-premises sign means a sign not exceeding 80 square feet in surface area, relating in its subject matter to the premises on which it is located, or its products, accommodations, services or activities on the premises.

Open space means the ground area and space above a lot which is open, unoccupied, and unobstructed by any structure or any part thereof.

Open-space ratio means the ratio between open space on a development site and the total site area.

Open stand means a public place alongside the curb of a street or elsewhere in the city which has been designated by the police chief as reserved exclusively for the use of taxicabs.

Openable area is that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator is any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Outlot, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park, or other land dedicated to public use or reserved for private use.

Owner as applied to property, is any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian or conservator of the estate of any such person, and the personal representative of the estate of such person and includes any part owner, joint owner, tenant in common, tenant in partner ship, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person appearing on the assessment roll for the purpose of giving notice and billing.

Parade means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

Parcel means a continuous area or acreage of land which can be described as provided for in the Michigan Land Division Act, 1967 PA 288, MCL 560.102, *et seq.* and article 3 of chapter 74 of this code.

Park means a parcel of land, building, or structures used for active or passive recreational purposes including playgrounds, sport fields, game courts, trails, picnicking areas and leisure time activities.

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Parking lot means an off-street, surface facility providing vehicular parking spaces for more than five vehicles along with adequate drives and aisles for maneuvering so as to provide for entrance and exit access.

Parking space means a clearly delineated land area exclusive of driveways and aisles, so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley. A parking space may be located in a parking lot or a parking structure.

Peddler means any person, whether a resident of the city or not, or any firm, partnership, corporation, whether organized for profit or not, or other business entity, who travels by foot, wagon, cart, motor vehicle, or other conveyance, from place to place, and sells or offers for sale goods or services from a motor vehicle, wagon, trailer, railroad car, or other vehicle or conveyance, or from a cart, stand, booth, display case, or other temporary portable structure or fixture. The word "peddler" shall include "hawker" and "huckster" and shall include route salespersons selling randomly to customers along a fixed route, but not route salespersons supplying only prior customer orders.

Performance guarantee means a bond posted by a contractor or subcontractor that contains the financial guarantee of a surety that a specific project will be completed within the time and to the standards or specifications that have been agreed upon.

Performance standard means the general criteria to ensure that a particular structure, land use, or development will be able to meet certain minimum standards or will not exceed set limits for impact on the surrounding property or the surrounding areas.

Person means any individual, partnership, corporation, association, club, joint venture, estate, trust, limited liability company, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Personal property means any property other than real property.

Personal services means uses which include accountants, dentists, physicians, barbers, beauticians, attorneys and similar services.

Plat means a map or charge of a subdivision of land.

(1) *Preliminary plat* means a map showing the salient features of a proposed subdivision submitted to an approving agency for the purpose of preliminary consideration.

(2) *Final plat* means a map of all or part of a subdivision prepared and certified as to its accuracy by a registered professional civil engineer or registered land surveyor. The final plat map shall meet the requirements of the Land Division Act (MCL 560.101 et seq.) and be acceptable for recording in accordance with that or succeeding acts.

(3) *Replat* means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Pollution incident prevention plan (PIPP) means a written procedure provided by an owner or his agent which will be followed to prevent a potentially polluting incident from resulting in soil or groundwater contamination.

Portable sign means a sign which by its description or nature may be or is intended to be moved from one location to another.

Preexisting towers and *preexisting antennas* mean any tower or antenna for which a building permit or special use permit has been properly issued prior to June 10, 2001.

Pre-manufactured housing unit. See "modular housing unit".

Premises is any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent public and private sidewalks and parking strips.

Prime agricultural land means land most efficiently suited to the production of forage, fiber, feed crops, and field crops. This land, due to inherent natural characteristics such as level topography, good drainage, adequate moisture supply, favorable soil depth and favorable soil texture, consistently produces the most feed, food and fiber with the least fertilizer, labor and energy requirements.

Principal structure means the main structure to which the premises is devoted.

Principal use means the main use to which a premises is devoted and the principal purpose for which the premises serves or is intended to serve.

Private street means a privately owned and maintained street or road constructed to municipal standards.

Prohibited use means a use which is not permitted within a particular zoning district.

Proof of equitable title means a recorded land contract agreement or recorded deed conveying to the purchaser interest in real estate and/or any assignments of the purchaser's interest therein.

Property. The term "property" means real and personal property.

Proprietor means a person, who may hold any ownership interest in land whether recorded or not.

Public assembly building means a structure, building or space, or a portion thereof used by the general public to view, hear or otherwise interact for the purposes of civic, social or religious functions, recreation, food or drink consumption or awaiting transportation.

Public building means buildings which house public safety and municipal services but do not serve as a residential facility.

Public event facility means a privately or publicly owned or operated facility that is used periodically for the holding of indoor or outdoor special events in which the public may participate or otherwise observe.

Public open space means land dedicated or reserved for public use. It includes parks, parkways, recreation areas, school sites, community or public building sites, and other public spaces.

Public place means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds, areas or parks.

Public utility means any person or municipal authority providing such public utilities as gas, electricity, water, steam, telephone, sewer, transportation, and other services of a similar nature.

Public way means any surface thoroughfare designed, constructed and maintained for passage to or from a place or between two points open as of right to the public and intended for travel by vehicle, on foot or in a manner limited by statute.

Racetrack means a facility licensed and operating under a track license issued pursuant to the Michigan Horse Racing Law of 1995, MCL 430.301 et seq.

Racing theatre means an enclosed facility licensed by the State of Michigan where patrons may view off-track telecasting of horse races and engage in off-track wagering on results of the telecast horse races.

Rear lot line is generally considered to be the line that is opposite from the front lot line and also farthest in distance from the front lot line.

Rear yard means an open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building on the lot. (See figure 100-101 in ch. 100). The depth of the rear yard shall be measured at right angles to the rear property line.

Refuse means the following:

(1) All kitchen waste, including cans, bottles, household food, accumulations of animal food and vegetable matter attendant to the preparation, use, cooking and serving of food.

(2) General household trash and refuse, including ashes, empty cartons, crates, boxes, wrapping materials, newspapers and magazines, when neatly bound in conveniently sized bundles, cloth material, discarded toys, discarded clothing and similar materials.

Refuse storage space means any exterior space designated by a site plan for containers, structures, or other receptacles intended for temporary storage of solid waste refuse or trash materials.

Rehabilitation means the upgrading of an existing building or part thereof, which is in a dilapidated or substandard condition.

Religious institution means churches, synagogues, mosques, church schools, church residences, and church owned land used for related church functions as defined by the U.S. Tax Code.

Resident means one who has resided on a permanent basis in the city in excess of 60 days.

Residential care facility means a government or non-government establishment having as its principal function foster care for more than six persons. Residential care facility includes homeless persons, parolees, ex-offenders, aged, emotionally disturbed, developmentally disabled or physically handicapped persons who require supervision on an on-going basis but do not require continuous nursing care. A residential care facility does not include a nursing home, hospital, or facility for the developmentally disabled licensed by the state.

Resolution. The term "resolution" means a resolution adopted by the city council.

Restaurant means an establishment where food and/or beverages are cooked or prepared and offered for sale and consumed on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns and nightclubs permitting consumption of food on the premises.

Restoration means the reconstruction or replication of an existing building's original architectural features.

Right-of-way means land reserved, used or to be used for a street, alley, walkway or other public purpose.

Riot means a public disturbance involving:

(1) An act of violence by one or more persons part of an assemblage of three or more persons, which act shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or

(2) A threat or the commission of an act of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat, where the performance of the threatened act of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.

Roadside stand means a structure for the display and sale of agricultural/garden products, with no space for customers within the structure itself.

Room means an area of a dwelling unit used for living purposes, not including bathrooms, closets, kitchens, basements, cellars, or attics.

Rooming house means an owner occupied single-family dwelling, or a dwelling unit occupied by the owner in a two-family dwelling, occupied in such a manner that a room or certain rooms, in excess of those used and occupied as a home by the owner, are leased or rented as a rooming unit. In the case of single and two-family dwellings the number of such bedrooms leased or rented to roomers shall not exceed three, unless such dwellings are made to comply in all respects with the provisions of this code relating to multiple family dwellings.

Rooming unit means a single room within a rooming house that is leased or rented to adult persons not related to the owner by blood, marriage, or adoption without any attempt to provide cooking or kitchen accommodations within the rooming unit.

Rubbish means waste from construction or remodeling, concrete, rocks, sod, earth, automobile or truck parts, tires, manufacturing or trade waste accumulated by residential, commercial, individual or institutional uses and includes all other waste products not defined in this section.

Salvage yard. See "junk yard".

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The antenna is intended to receive signals from orbiting satellites and other sources.

Screen means a fence, landscaping, berm, or combination thereof that obscures the view from one site to another.

Secondhand store means a building or portion thereof in which previously owned goods are sold.

Setback means the minimum horizontal distance between a road right-of-way line, an easement line, or an adjacent property line and a building or structure. In a condominium development, the minimum horizontal distance between a boundary line of the condominium lot and a building or structure.

Setback line. See "building line".

Side yard means an open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. (See figure 100-101 in ch. 100). The width of the side yard shall be measured at right angles to the side property line.

Sidewalk means that portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Sign means a name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, right-of-way, sidewalk, alley, park or other public property.

Sign area means the area of the smallest square, rectangle or circle which encompasses the face of a sign, including the copy, insignia, background and borders. The structural supports of a sign are to be excluded in determining the surface area except where such supports are designed to form an integral part of the display. Where a sign has more than one face, the area shall be computed by encompassing the maximum single surface which is visible from any ground position.

Sign, banner means a sign made of fabric or any non-rigid material and generally with no enclosing framework, mounted at one or more edges to a pole, building, fence, wall or other structure.

Sign, exempted means a sign which is not required to obtain a sign permit, but must comply with all other provisions of chapter 58 of this code.

Sign, freestanding means any sign supported by uprights, braces, or a base placed and anchored into the ground and not attached to any building or other structure.

Sign, marquee means a sign which identifies the business and/or owner and which is attached to the fascia

or underside of a legally established marquee, canopy or awning projecting from and supported by the building.

Sign, off-premise means a sign which contains a message unrelated to a business or profession conducted or to a commodity, activity, service or entertainment carried on, sold or offered upon the premises where such sign is located.

Sign, on-premise means a sign, relating in its subject matter to the premises on which it is located, or its products, accommodations, services or activities on the premises.

Sign, portable means a temporary sign which by its description or nature may be or is intended to be moved from one location to another.

Sign, projecting means a sign affixed at an angle or perpendicularly to a wall surface of any building or hung or suspended in such a manner as to be read from an angle or parallel to the wall surface on which it is mounted.

Sign, reader board means a portion of a sign on which copy is changed periodically either manually or electronically.

Sign, real estate means a temporary sign pertaining to the sale, rent, or lease of the premises, or portion of the premises, on which the sign is located.

Sign, roof means a sign which is located above, or projects above, the lowest point of the eaves, the roof line on a gable end wall, or parapet wall of any building, marquee, canopy or portico, or which is painted on or fastened to a roof, or onto any architectural feature intended to look like a roof.

Sign, suspended means a sign suspended from the underside of a horizontal plane surface and supported by such surface, usually a canopy, awning, portico, or marquee.

Sign, temporary means a display, information sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material with or without a structural frame and intended for a limited period of display; such signs may be supported by a mobile chassis other than a motor vehicle.

Sign, wall means any sign attached directly to a wall, or painted lettering on a wall or canopy parallel to a wall with the exposed face of the sign in a plane parallel to the wall and projecting not more than 18 inches from the wall surface to which it is affixed.

Sign, window means any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Merchandise that is included in a window display shall not be considered as part of the area of a window sign. Flyers advertising charitable events or other similar announcements shall not constitute a window sign.

Significant vegetation means vegetation with a caliper of six inches or greater. (See "caliper").

Single-family dwelling means a detached building including a mobile home, containing one dwelling unit which complies with the building code and this chapter.

Site condominium means a development under the Michigan Condominium Act (MCL 559.10 et seq.) for uses permitted in the zoning district in which it is located, in which each co-owner owns in common with the other owners a specific amount of land space for common use, and in which each co-owner owns exclusive rights to an area of land space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Site condominium subdivision project. See "condominium project".

Site plan means and includes those documents and drawings required by article 7 of chapter 94 of the Mason City Code to ensure that a proposed land use or activity is in compliance with the Code of Ordinances of the City of Mason and state and federal statutes.

Skateboard means a device consisting of a short oblong board with wheels at each end intended to be ridden on a hard surface such as a floor or sidewalk.

Solicitor means any person, or any firm, partnership, profit or nonprofit corporation, or other business entity who travels by foot, motor vehicle, or other conveyance from place to place seeking to obtain orders for the purchase of goods, services or subscriptions for future delivery or performance, or who, without traveling from place to place, solicits from a motor vehicle or other conveyance or from a stand, cart, booth, or other temporary or portable structure or fixture, but not wholesalers or jobbers supplying only retail establishments.

Solid waste includes garbage, rubbish, paper, cardboard, metal, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludge, solid commercial and solid industrial waste, animal waste, but does not include human body waste, organic waste generated in the production of livestock and poultry, liquid or other waste regulated by statute, ferrous products, and slag or slag products.

Special use means a use that, owing to some special characteristics attendant to the operation of said use, such as potential danger, noise, smoke or traffic, is only permitted in a district subject to review and approval by the planning commission, and subject to special or conditional requirements in addition to the general requirements for the district in which the special use may be located.

Special use permit means a permit issued by the planning commission authorizing the operation of a special use as allowed under the regulations for special uses authorized by permit in the zoning district.

Stable means a building or facility with a capacity for housing more than four horses.

Stable, riding means a stable which provides recreational or instructional horseback riding or other equestrian skills to the public, including a riding academy.

State. The term "state" means the State of Michigan.

State-licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Licensing Act, 1979 PA 218 (MCL 400.7012 to 400.7137) or under 1973 PA 116 (MCL 722.111 to 722.128) and which provides residential services for six or fewer persons under 24-hour supervision or care.

Story means that portion of a building included between the surface of any floor and the surface of the adjacent floor above, or if there is no floor above, then the space between the floor and the ceiling above.

Street means a right-of-way dedicated to public use which provides vehicular access to adjacent properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, comprising all the land between right-of-way lines, whether improved or unimproved, and may include pavement, curbs, gutters, shoulders, sidewalks, parking areas, lawn areas, and other areas within the right-of-way lines.

(1) *Minor street* means a street supplementary to a secondary street or collector street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

(2) *Cul-de-sac* means a minor street of short length having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

(3) *Secondary or collector street* means a street intended to serve as a major means of access from minor streets to major thoroughfares with considerable continuity within the framework of the master street plan.

(4) *Major thoroughfare* means an arterial street of great continuity which is intended to serve as a large-volume trafficway for both the immediate municipal area and the region beyond, and be designated as a major thoroughfare on the master street plan.

(5) *Half street* means a street having lesser than the required right-of-way width for a street of full width as required by this article.

(6) *Marginal-access street* means a minor street parallel and adjacent to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

Street clock/temperature sign means a sign which displays the current time or outdoor temperature or both and which is not larger than 16 square feet in surface area and projects no more than eight feet from the face of the building and is no less than eight feet above sidewalk level.

Street trees means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

Structure means anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground. A structure does not include a surface parking area, driveway, steps, patio or deck constructed at grade.

Subdivide or *subdivision* means the partitioning or splitting of a parcel or tract of land by the proprietor of the tract or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements by Section 108 and 109 of the Land Division Act (MCL 560.108, 560.109). "Subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act (MCL 560.101 et seq.) or the requirements of ordinance.

Subdivider means an individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under chapter 74, article II of this Code, to effect a subdivision of land for himself or for another.

Swimming pool means a structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches intended for swimming or bathing. A swimming pool shall be considered as an accessory structure.

Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than ten passengers and not operated on a fixed route.

Taximeter means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

Tenant is a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Thread of a stream means the average centerline of the channel of a stream with the main current flow.

Topographical map means a map showing existing characteristics with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tract means two or more parcels that share a common property line and are under the same ownership.

Transient merchant means any natural person, or any firm, partnership, profit or nonprofit corporation, or any other business entity engaged in the retail sale or delivery of goods or services from any lot, premises, building, room or structure on a temporary basis where such person does not have a permanent business location within the city which is subject to the city's real or personal property taxes for the current year.

Trash and *rubbish* means any and all forms of debris not herein otherwise classified.

Trash storage space. See "refuse storage space".

Travel trailer. See "camper".

Two-family dwelling means a building containing two dwelling units which complies with the building code and this chapter.

Usable floor area (UFA) means the area used for or intended to be used for the display or sale of merchandise or services, or for use to serve patrons, clients, customers, or occupants. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, closets, columns, thickness of walls, utility or sanitary facilities shall be excluded from the computation of usable floor area. For office, merchandising, or service uses, those areas used for storage or processing merchandise or where customers, patients, clients and the general public are denied access shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.

Usable path for bicycles means a bicycle way designated for the exclusive use of cyclists.

Variance means a modification of the area or dimensional regulations of chapter 94 granted in specific cases in accordance with article XI of chapter 94.

Ventilation is the natural or mechanical process of supplying conditions or unconditioned air to, or removing such air from, any space.

Warehouse means a building or portion thereof, other than a mini-warehouse, used for storage of goods, merchandise or other property. This shall not include a storage area in connection with a purely retail business when located on the same property.

Watercourse means any natural or artificial stream, ditch, river, creek, channel, canal, conduit, culvert, drain, waterway, gully or ravine in which water flows in a definite direction, either continuously or intermittently, and which has a definite bed channel or banks.

Week means seven consecutive days.

Wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, aquatic life or a prevalence of vegetation typically adapted for life in saturated soil conditions.

Workmanlike means, executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard is an open space on the same lot with a structure.

Year means 12 consecutive months.

Zoning means the dividing of the city into use districts of a number, type and shape considered best suited to the city.

Zoning act means 2006 PA 110, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101, et seq.)

Effective Date. This ordinance shall take effect 20 days after its passage, approval and publication.
ORDINANCE APPROVED

Resolution No. 2012-20 – Award of Production Well No. 9 and Test Well No. 1 and Test Well No. 2
Ken Baker, DPW Superintendent, informed Council regarding bid results of Well No. 9, Test Well No. 1, and Test Well No. 2 as well as the process and use of drilling test wells.

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2012-20 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-18 was introduced by Droscha and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-20
Award of Production Well No. 9, Test Well No. 1 and Test Well No. 2
July 2, 2012

WHEREAS, it is in the best interests of the City of Mason to award bid to the lowest qualified bidder.

WHEREAS, production Well No.9 and test wells are approved in the 2012/2013 budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the production Well No. 9, Test Well No. 1 and Test Well No. 2, to Northern Pump and Well in the amount of $61,277.00.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-21 – Approval of the Purchase of a 2012 Ford Pickup Truck
MOTION by Tornholm, second by Waltz,
to consider Resolution No. 2012-21 read.

Resolution No. 2012-21 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-21
APPROVAL TO PURCHASE A 2012 FORD F250 4X4 PICKUP TRUCK
JULY 2, 2012

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Truck No. 21 was approved in the Fiscal Year 2012 - 2013 Budget; and.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2012 Ford F250 4X4 Pickup Truck pickup truck for $21,543.04 from Central Michigan Ford.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Consumers Energy Street Light Contract
Colburn informed Council that Consumers Energy and city staff have completed updating the street light inventory. The inventory revealed a billing discrepancy and the City will be refunded $10,614.24. Consumers Energy is eliminating Mercury Vapor lights, converting to High Pressure Sodium. The City will realize a savings annually as the conversions are implemented. Chris Thelen, Area Manager, spoke regarding the considerations of LED lighting in relation to high pressure sodium lighting. Council informed Mr. Thelen that the City of Mason would participate in a pilot program to convert to LED lighting.

MOTION by Naeyaert, second by Waltz,
to approve the Consumers Energy Street Light Contract.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Council discussed that the annual fireworks display will be held as usual this year.

CORRESPONDENCE
Correspondence was distributed.

LIAISON REPORTS
None at this time.

COUNCILMEMBER REPORTS
Waltz gave a brief report regarding the Annual ARRL Amateur Radio Field Day, he and Mayor Clark attended June 23-24, at Rayner Park.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 9:00 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 16, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Cooling Center – Mason First Church of the Nazarene
- Thursday Night Live – July 19, 2012

PEOPLE FROM THE FLOOR

None.

PRESENTATION

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: July 2, 2012
B. Approval of Bills: $93,956.49

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012-22 – Li uor License – Best Sellers

Council commended proprietors Scott and Jamie Robinson for their business savvy and their contributions to the city.

MOTION by Waltz, second by Naeyaert,
to consider Resolution No. 2012-22 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-22 was introduced by Mulvany and seconded by Droscha.

Introduced: Mulvany
Second: Droscha

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-22
APPROVAL OF CLASS C LIQUOR LICENSE APPLICATION FOR BLAUVELT'S INC.
DBA BESTSELLERS, BESTSELLERS BOOKS AND COFFEE, AND EXTRA!
July 16, 2012

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a Regular (regular or special) meeting of the City of Mason (township, city, village) council/board called to order by Mayor Clark on July 16, 2012 (date) at 7:30 p.m. (time) the following resolution was offered:

Moved by Mulvany and supported by Droscha

that the application from Blauvelt's Inc. DBA Bestsellers Books & Coffee, DBA Extra!, DBA Bestsellers (name of applicant)

for the following license(s): Class C (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: ☐ Dance Permit ☐ Entertainment Permit ☐ Topless Activity Permit

☐ Extended Hours Dance Permit Hours Required: _____

☐ Extended Hours Entertainment Permit Hours Required: _____

to be located at 360 S. Jefferson St., Mason, Mi 48854

be considered for Approval (approval or disapproval).

Approval		Disapproval	
Yeas:	7	Yeas:	
Nays:	0	Nays:	
Absent:	0	Absent:	

It is the consensus of this body that it Recommends (recommends/does not recommend) this application be considered for approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the City of Mason (township, city, village) council/board at a Regular (regular or special) meeting held on July 16, 2012 (date).

Name and title of authorized officer (please print): Deborah J. Cwiertniewicz, City Clerk
Signature and date of authorized clerk: Deborah J. Cwiertniewicz
Phone number and e-mail of authorized officer: (517) 676 - 2655 debc@mason.mi.us

LC-1305 (04/12) LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council regarding the packaging preparation of Engine 806 for delivery to Viti, Kosovo.

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NEW BUSINESS
None.

CORRESPONDENCE
Correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding Planning Commission business
- Clark informed Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

EXECUTIVE SESSION
Attorney Client Privileged Communication Dated July 13, 2012

MOTION by Waltz,
To discuss an attorney/client privileged communication dated July 13, 2012.
Yes (7) Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 7:51 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 20, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Mason Food Bank - accepts fresh fruit and vegetables
- Sun Dried Music Fest – August 24-25, 2012

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to amend the Consent Agenda by inserting Items No. 7(B) and (D) from regular business.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: July 2, 2012
B. Approval of Bills: $93,956.49
C. Resolution No. 2012-23 – A Resolution Approving the Title VI Plan for the City of Mason
D. Motion – Street Closure Request – Riverwalk Meadows Homeowners Association

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

First Reading – Ordinance No. 191 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Re one 0.3 Acres of Land Located at 210 State Street from O-1 Office to C-1 Central Business

MOTION by Droscha, second by Waltz,
to consider Ordinance No. 191 read for the first.

A brief discussion was held regarding the zoning in the area of State Street. Waltz spoke regarding the Planning Commission recommendation to approve rezoning the 210 State Street property.

VOTE ON THE MOTION:
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Tornholm,
to request the Planning Commission to review the zoning in the State Street area.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-24 – A Resolution to Accept Evans Street, Goodman Street, Guerriero Street, Price Street, and Ware Street, Including the Utilities Constructed Within the Rights-of-Way, as Public Streets and Infrastructure and to Authori e the City Administrator and Mayor to Accept the Warranty Deeds for the Street Rights-of-Way

MOTION by Tornholm, second by Naeyaert,
to consider Resolution No. 2012-24 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-24 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-24
A Resolution to Accept Evans Street, Goodman Street, Guerriero Street, Price Street, and Ware Street, Including the Utilities Constructed Within the Rights-of-Way, as Public Streets and Infrastructure and to Authori e the City Administrator and Mayor to Accept the Warranty Deeds for the Street Rights-of-Way
August 20, 2012

WHEREAS, the construction of streets and utility infrastructure in the Summerwood Development, a 72 unit single-family site condominium development, has been completed pursuant to the approved site plan; and

WHEREAS, Evans Street, Goodman Street, Price Street, and Ware Street were constructed in 2006 for the benefit of the City of Mason, Guerriero Street is reserved as a future connection to development to the west; and

WHEREAS, the approved site plan intended the aforementioned streets to become public once constructed and approved; and

WHEREAS, sanitary sewer, water and storm sewer systems were constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental Quality to serve the properties adjacent to the streets and for future development; and

WHEREAS, there are 3,937.27 linear feet of sidewalk and 36 street trees that remain incomplete in the development. At $15 per linear foot, $350 per street tree, and 25% contingency, $89,573.81 is necessary to be posted as a bond to ensure the installation of the remaining incomplete sidewalk and street trees; and

WHEREAS, the developer has posted two performance bonds in the combined amount of $1,506,067.50 to cover the required public improvements within the development; and

WHEREAS, the City Attorney has reviewed the warranty deeds for form and the City Engineer has approved the rights-of-way descriptions; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby accept Evans Street, Goodman Street, Price Street and Ware Street and utilities constructed therein as public infrastructure and authorizes the City Mayor and City Administrator to execute and record the warranty deed with the Ingham County Register of Deeds on behalf of the City of Mason.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Designation of Voting Delegate for Michigan Municipal League (MML) Annual Business Meeting

A brief discussion was held regarding councilmember representation at the Annual Michigan Municipal League Convention being held on Mackinac Island, October 3-5, 2012. It was debated that the convention is valuable and important to local governing; however, it was discussed that Mackinac Island is an elaborate location in view of existing economic circumstances. It was the consensus of Council that this item may be considered at the next meeting. No action was taken at this time.

Motion – Settlement Agreement for Kiwanis Village of Mason, Inc.

Colburn and Clark spoke regarding the draft Settlement Agreement between the City of Mason and Kiwanis Village of Mason, Inc. Kiwanis Village disputed the quarterly water billing for June 15, 2009 - September 15,

2009, which City staff brought to their attention due to abnormally high usage. An extensive investigation was conducted to identify and resolve the cause of the problem; however, efforts to resolve the matter were unsuccessful. It was agreed to enter into mediation and a mutual determination was realized. By the terms of the Settlement Agreement, Kiwanis Village will pay $5,622.05 to the City of Mason for the 2009, June – September quarterly water bill.

MOTION by Tornholm, second by Droscha,
to approve the Settlement Agreement with Kiwanis Village of Mason, Inc. and authorize the City Administrator with signature authority.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council regarding the delayed delivery of Engine 806 to Viti, Kosovo. He and Fire Fighter Scott Preadmore were en route to Selfridge Air National Guard Base when the truck overheated; the truck had to be towed and repaired. Done-Right Auto & RV, Inc. repaired the truck for the cost of the parts. Hearing of the misfortune, many people in Mason and around the State offered help and funds for the parts. Delivery is rescheduled.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Droscha informed Council regarding Traffic Commission business
- Waltz informed Council regarding Planning Commission business
- Clark informed Council regarding Downtown Development Authority business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

EXECUTIVE SESSION

Property Ac uisitions

MOTION by Naeyaert,
to discuss property acquisitions.
Yes (7) Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:57 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 4, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Council thanked Mark Hildebrandt of Done Right Automotive for donating time and labor to repair the fire truck that is being gifted to Kosovo as well as donating his labor to repair the Mason High School band trailer
- Mason High School Brass Quintet – Griffin Park Gazebo – September 14, 2012

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: August 20, 2012
B. Approval of Bills: $69,178.04

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 191 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Re one 0.3 Acres of Land Located at 210 State Street from O-1 Office to C-1 Central Business

MOTION by Waltz, second by Droscha,
to consider Ordinance No. 191 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 191

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 0.3 ACRES OF LAND LOCATED AT 210 STATE STREET FROM O-1 OFFICE TO C-1 CENTRAL BUSINESS

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as: BEG NE COR LOT 5 BLK 51, W 54 FT, S 132 FT, W 66 FT, N 99 FT, N 15-29-00 W 92 FT, N 60-56-00 E 159 FT, S 32-14-00 E 17.6 FT, S 52-06-00 E 64 FT, SELY TO N LN OF LOT 5 EXT, W TO POB BLK 51 & BLK 6, SEC 8 T2N R1W CITY OF MASON, INGHAM be rezoned from O-1 Office to C-1 Central Business.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the Planning Commission at its August 14, 2012

meeting adopted Resolution No. 2012-06 recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves and are adequate for the site considering the proposed zoning district; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

ORDINANCE APPROVED U NANIMOUSLY

Resolution No. 2012-25 – City Council Appointment to the Board of Review

MOTION by Waltz, second by Tornholm,
to consider Resolution No. 2012-25 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-25 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2012-25

APPOINTMENT TO THE BOARD OF REVIEW
BY THE CITY COUNCIL

September 4, 2012

WHEREAS, a vacancy has occurred on the Mason Board of Review due to the resignation of Ms. Kris Johnson; now

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby appoint Ms. Gail Rouhier to the Mason Board of Review, to fill an unexpired term, commencing September 4, 2012 and expiring on December 31, 2012.

RESOLUTION APPROVED UNANIMOUSLY

Discussion – City of Mason – Citi ens Guide and Dashboard

Smith gave a brief synopsis of the Citizens Guide and Dashboard. A short discussion ensued. Finance Director/Treasurer Smith was commended for his work on the project.

UNFINISHED BUSINESS

Clark informed Council that he received the invoice from Mark Hildebrandt of Done-Right Auto & RV, Inc. for Engine 806 repairs. The truck broke down while Mayor/Fire Fighter Leon Clark and Fire Fighter Scott Preadmore were driving it to Selfridge Air National Guard Base for delivery to Viti, Kosovo. The invoice had a $0.00 amount due; all parts and repairs were donated by Mr. Hildebrandt.

NEW BUSINESS

None.

CORRESPONDENCE
Correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 7:59 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 17, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Waltz
Absent: Councilmembers: Mulvany, Naeyaert, Tornholm
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

CONSENT AGENDA
MOTION by Waltz, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: September 4, 2012
B. Approval of Bills: $109,379.96

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Resolution No. 2012-26 – A Resolution to Accept a Gift of Land
Ms. Otila Saenz Boddy and her siblings offered to donate the 6.73-acre parcel they inherited on Howell Road adjacent to property owned by the City.

MOTION by Waltz, second by Droscha,
to consider Resolution No. 2012-26 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-26 was introduced by Ferris and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-26
A RESOLUTION TO ACCEPT A GIFT OF LAND
September 17, 2012

WHEREAS, the Saenz family represented by Otila Saenz Boddy owns the property located on Howell Road known as Parcel ID 33-19-10-05-127-002 and legally described as:

N 789.5 FT OF THAT PT OF E ½ OF NW ¼ OF SEC 5 LYING NELY OF MCRR R/W SEC 5 T2N R1W CITY OF MASON. 6.73 ACRES; and

WHEREAS, the Saenz family wishes to donate the Parcel to the City of Mason; and

WHEREAS, all necessary Quit Claim Deeds have been registered with the Ingham County Register of Deeds; and

WHEREAS, the City of Mason agrees to accept the Parcel along with the outstanding 2012 property taxes of approximately $500.00;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council for the City of Mason Michigan does hereby authorize the City Administrator to enter into said Agreement to accept the gift of Parcel ID 33-19-10-05-127-002 located on Howell Road, and to pay City of Mason 2012 Property Taxes of approximately Five Hundred Dollars ($500.00).

RESOLUTION APPROVED UNANIMOUSLY

Discussion – Establish a Date to Set a Dangerous Building Hearing

The property of 110 Park Street was identified as blighted, unsafe, and in disrepair. Dangerous Building Hearing Officer Bruce Johnston provided Findings of Fact, Conclusions of Law and Proposal for Decision on May 27, 2012. The order was forwarded to the property owner of 110 Park Street requesting that necessary repairs be made. The property owner did not comply with the order; therefore, Council is required to establish a hearing date to review the findings and order of the hearings officer.

MOTION by Droscha, second by Waltz,
to establish October 1, 2012, at 6:15 p.m., at City Hall as the date and time to hold a Dangerous Building Hearing for 110 Park Street.
MOTION APPROVED UNANIMOUSLY

Motion — Excuse City Council Members Jim Mulvany and Barb Tornholm from the September 17, 2012 Council Meeting

MOTION by Ferris, second by Droscha,
to excuse the absence of Councilmembers Mulvany and Tornholm from the September 17, 2012 meeting.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council that he was contacted by the Denton Group notifying him that October 23, 2012 is set as the departure date for flying Fire Truck 806 to Kosovo. Mayor Clark, Administrator Colburn, and Fire Fighters Armstrong and Preadmore will arrive in Kosovo October 25, 2012 for the purpose of delivering and instructing the Kosovo Fire Department on operation and maintenance of 806.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding Planning Commission business

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 7:53 p.m.

Deborah J. Cwiertniewicz, City Clerk	Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 1, 2012

Clark called the meeting to order at 7:57 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Mason Area Historical Society – Historic Home Tour – Saturday, October 6, 2012
- Farmers Market – Saturday, October 6, 2012
- Fire Department Open House – Saturday, October 6, 2012
- Mason Area Historical Society – Mason School Memories Book available at the local book store

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Ingham County Treasurer Eric Schert ing and Director of the Ingham County Housing Commission, Bruce Johnston

Ingham County Housing Commission Director Bruce Johnston gave a presentation on the Land Bank properties and the progress of the Neighborhood Stabilization Program in the City of Mason. Mr. Schertzing was unable to attend.

Council commended Mr. Johnson for his dedication to Mason and the Ingham County Housing Commission, as well as the relationship fostered between him and Administrator Colburn. This was Mr. Johnston's first day of retirement from the Directorship; Shannon Johnston has been appointed as the new Director.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: September 17, 2012
B. Approval of Bills: $76,612.88

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012-27 – A Resolution to Sanction a Trip of City Staff to Kosovo

Colburn elaborated on his report regarding city employees traveling to Kosovo to instruct firefighters on vehicle maintenance for Fire Engine 806, and the various rescue and safety items being delivered. City personnel making the trip are as follows: Fire Department Engineers Leon Clark, Steve Armstrong, Scott Preadmore, and Administrator Colburn.

Mayor Clark relinquished chairmanship of the meeting to Mayor Pro Tem Waltz, to facilitate the vote on Resolution No. 2012-27.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-27 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-27 was introduced by Mulvany and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-27
A RESOLUTION TO SANCTION A TRIP OF CITY STAFF TO KOSOVO
October 1, 2012

WHEREAS, Kosovo emerged from a civil war only five (5) years ago leaving them severely lacking in emergency equipment to serve their population; and

WHEREAS, at the regular City Council meeting on November 3, 2010 it was determined that the City of Mason would donate Retired 806 Pumper valued at approximately $5,000.00 to Vitina, Kosovo; and

WHEREAS, all necessary inspections of the vehicle are now complete and all shipping standards have been met; and

WHEREAS, Retired Pumper 806 will be transported from Wixom's Selfridge Airforce Base to Kosovo; and

WHEREAS, personnel in Vitina, Kosovo will need training on the operation of Pumper 806 as well as the extrication and other equipment that is included with the vehicle; and

WHEREAS, personnel from the City of Mason are familiar with the operations of Pumper 806 and its equipment and will travel to Vitina, Kosovo to train recipients of the vehicle; and

WHEREAS, it is the intention and belief of the Mason City Council that City of Mason personnel traveling to Kosovo are representing the City, are acting on behalf of the City, and have the full support of the City Council; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council for the City of Mason Michigan does hereby authorize and sanction City of Mason personnel to travel to Vitina, Kosovo.

YES (6) Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
NO (0)
ABSTAIN (1) Clark
RESOLUTION APPROVED

Mayor Clark reclaimed chairmanship of the meeting.

Resolution No. 2012-28 – A Resolution to Accept a Gift of Land

Colburn stated that Barbara DePue offered to donate the property located at 224 S. Jefferson to the City of Mason. Discussion ensued regarding a letter dated August 27, 2012 from Mrs. DePue requesting to place a marker on the property in memory of Bruce M. DePue. The letter was not received by all staff members. It was further discussed that unknown details needed to be confirmed by Mrs. DePue prior to voting on the resolution.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-28 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-28 was introduced by Ferris and seconded by Mulvany.

MOTION by Tornholm, second by Mulvany,
to defer Resolution No. 2012-28 to the next meeting.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council that Fire Truck 806 will leave Air National Guard Base on October 22 and will land in Kosovo October 24. City staff will leave October 21 and will be in Kosovo to receive the truck when it arrives.

NEW BUSINESS

None.

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

Naeyaert informed Council regarding legislative matters.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:49 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 15, 2012

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Waltz
Absent: Councilmember: Mulvany, Tornholm
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Fire Truck 806 En Route to Viti, Kosovo on October 17, 2012
- City Staff En Route to Viti, Kosovo – October 21, 2012

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Michigan Association of Mayors (MAM) Advocate of the Year Award

Mayor Pro Tem Waltz elaborated on the award that was bestowed to Mayor Leon Clark at the Michigan Municipal League (MML) Convention held October 3-5. Administrator Colburn nominated Mayor Clark for the Advocate of the Year Award given by the Michigan Association of Mayors (MAM) annually for one who has exhibited excellence in their profession and who have made outstanding contributions to their local government. Those present at the meeting applauded Mayor Clark and Mayor Pro Tem again presented the esteemed plaque to Mayor Clark.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to amend the agenda by including the Special Meeting Minutes of October 1, 2012.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes
   - Regular Council Meeting: October 1, 2012
   - Special Meeting Minutes of October 1, 2012
B. Approval of Bills: $62,069.67

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012-28 – A Resolution to Accept a Gift of Land

At its October 1, 2012 meeting, City Council deferred Resolution No. 2012-28 to confirm Mrs. DePue's request submitted in a letter dated August 27, 2012; inadvertently, the letter was not received by all staff members.

It was confirmed by Mrs. DePue that her wish is to have a marker placed on the property in memory of her late husband, Bruce M. DePue, to the extent of City ownership in a letter dated October 4, 2012.

Resolution No. 2012-28 was considered read and introduced at the October 1, 2012 meeting.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-28
A RESOLUTION TO ACCEPT A GIFT OF LAND.
October 15, 2012

WHEREAS, Bruce M. DePue and Barbara J. DePue, husband and wife, jointly own the property located at 224 S. Jefferson, Mason, Michigan, and legally described as:

> Part of Lots 4 and 5, Block 7, Plat of the City of Mason, Ingham County, Michigan, according to the recorded plat thereof as recorded in Liber 37 of Plats, Page 234; Commencing at the Southeast corner of Lot 5, Block 7; thence North in East line of said lot 54.5 feet; thence West 91.0 feet; thence South 15.5 feet; thence West 41 feet to West line of Lot 4, Block 7; thence South 39.0 feet to corner of said lot; thence East 132.0 feet to Place of Beginning.
>
> Tax Parcel No. 33-19-10-08-233-015

and

WHEREAS, the DePue family wishes to donate the above-described parcel to the City of Mason; and

WHEREAS, acceptance of ownership of the subject property by the City Council will serve a public purpose by allowing the City to further the goals and objectives of the City of Mason Downtown Development Plan; and

WHEREAS, the DePue family has stipulated as a condition of the gift that the City of Mason assume and agree to pay the 2012 Summer and Winter real property taxes which are now due, execute and deliver to the DePue family IRS Form 8283 acknowledging the gift and obtain and pay for an appraisal of the property by an appraiser qualified to execute Part III **Declaration of Appraiser** of IRS Form 8283; and

WHEREAS, the unpaid 2012 Summer and Winter real property taxes on the subject property are approximately $577, the appraisal fees are approximately $1,100, and the cost of title insurance is $330.75;

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council does hereby accept with gratitude the gift of the above-described property to the City of Mason and hereby authorizes the City Administrator to accept a warranty deed of gift for the property located at 224 S. Jefferson to the City of Mason, to execute and deliver to the Grantors IRS Form 8283 acknowledging the City's acceptance of said gift of land, and to pay the 2012 Summer and Winter real property taxes due on said property of approximately $577, the appraisal fees of $1,100, and the title insurance premium and recording fees of approximately $348.75.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-29 – A Resolution to Affirm the Decision and Order of the City of Mason Dangerous Building Hearing Officer

At its October 1, 2012 Special Meeting, City Council affirmed the Dangerous Building Hearing Officer's May 27, 2012 decision regarding 110 Park Street. This structure has been cited in accordance with Mason Code as well as through the Courts beginning in 2010. The property owner has not met any of the requirements ordered by the City or the Court to resolve the matter throughout the process.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2012-29 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-29 was introduced by Naeyaert and was seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-29
A RESOLUTION TO AFFIRM THE DECISION AND ORDER OF THE
CITY OF MASON DANGEROUS BUILDING HEARINGS OFFICER
October 15, 2012

WHEREAS, on December 1, 2011, the City of Mason Code Enforcement Officer issued a citation to Barbara Martell pursuant to Section 6-74 of the Mason City Code declaring the residential structure located at 110 Park Street, City of Mason, to be a "dangerous building" as defined by Section 1-2 of the Mason City Code, and ordered that the cited conditions for which the building was found to be dangerous or unsafe be corrected by January 1, 2012; and

WHEREAS, the aforesaid dangerous building citation was served on the owner of record, Barbara Martell, by Certified Mail, Return Receipt Requested; and

WHEREAS, the owner of 110 Park Street failed to correct the conditions causing said building to be a dangerous building within the time specified in the notice; and

WHEREAS, on January 12, 2012, the City Code Enforcement Officer sent the owner a second notice stating the date and time for the owner to appear at a hearing before the City of Mason Dangerous Building Hearings Officer, Bruce Johnston, pursuant to Section 6-75 of the Mason City Code to show cause why the structure should not be ordered to be demolished or otherwise made safe, which notice of hearing was served upon the owner by Certified Mail, Return Receipt Requested; and

WHEREAS, a dangerous building hearing was held before Hearings Officer Johnston on January 27, 2012, pursuant to Section 6-75 of the City Code regarding the condition of the building at 110 Park Street where the officer heard and considered the testimony and written documents submitted by the Code Enforcement Officer, photographs of the structure taken on multiple dates, a written estimate of the work required to make the structure safe and the testimony of the owner, Barbara Martell, and, at the conclusion of the hearing, the Hearings Officer determined that said building was dangerous and unsafe, and ordered the owner to make the necessary repairs to make the building safe within 45 days from the date of the hearing, or vacate the property; and

WHEREAS, the owner of 110 Park Street failed to accomplish the necessary repairs to make the dwelling safe within 45 days following said hearing and continued to occupy said dwelling thereafter; and

WHEREAS, the owner of the subject property having neglected or refused to comply with the Hearings Officer's order to make the subject property safe or vacate the property, on May 27, 2012, Hearings Officer Johnston filed his written Findings of Fact and Conclusions of Law and Order with the City Council requesting the City to take further action pursuant to Section 6-78(a) of the City Code; and

WHEREAS, on August 6, 2012, the subject property was inspected by Duane Putnam, a certified State Building Inspector and state-licensed contractor pursuant to an administrative search warrant issued by the 55th District Court who found and determined that the property remained a dangerous building and unsafe to occupy for the reasons stated in the December 1, 2011 citation and remained occupied contrary to the Hearing Officer's decision and order dated May 27, 2012; and

WHEREAS, on September 17, 2012, the City Council received the Hearings Officer's Findings, Decision, and Order dated May 27, 2012, and set a hearing to be held before the Council on October 1, 2012, at 6:15 p.m. to review the findings and order of the Hearings Officer and provide the property owner, Barbara Martell, an opportunity to show cause why the Hearings Officer's Decision and Order should not be enforced, notice of which was hand-delivered to the owner on September 18, 2012; and

WHEREAS, on October 1, 2012, the City Council conducted a hearing in the City Council Chambers pursuant to Section 6-78(b) of the City Code, at which hearing the City Council reviewed the record and evidence presented at the administrative hearing held on January 27, 2012, reviewed the Findings and Order of the Hearings Officer dated May 27, 2012, received additional evidence and testimony from Building Inspector Duane Putnam and Code Enforcement Officer James Duthie, and provided the building owner, Barbara Martell, the opportunity to present evidence and testimony to show cause why the Hearings Officer's Order of May 27, 2012, should not be enforced; and

WHEREAS, after considering the record of the dangerous building hearing held on May 27, 2012, and the supplemental evidence and testimony presented by the City and the owner at the October 1, 2012, hearing, the City Council hereby makes the following findings of fact and decision and order:

Findings of Fact.

1. That the residential structure located at 110 Park Street, Mason, Michigan, was and remains a dangerous building for the reasons cited in the dangerous building citation dated December 1, 2011, because the entire roof and soffit are in a state of collapse and the structure is unsafe and unhealthy to occupy because of the risk of falling building debris and the infiltration of precipitation and production of mold and mildew.

2. That the owner of the subject structure failed to remedy the dangerous and unsafe conditions as cited in the Hearings Officer's Decision and Order dated May 27, 2012.

3. That following the August 6, 2012, inspection, the roof was found to be open to the elements and in a state of collapse, the second floor interior ceilings and walls were collapsing and presented a serious risk of injury to occupants of the building, the second story windows were missing and open to the elements, and mold and mildew had infiltrated the structure making it unhealthy and unsafe to occupy.

4. That the property requires the following work to make it safe and habitable:

   A. Replace entire roof system at a cost of $24,000
   B. Remove and repair upper story drywall, plaster and framing - $9,400
   C. Remove and abate mold and mildew - $10,000
   D. Replace missing second story windows - $2,400

5. That the 2012 assessed value of the structure, excluding land value, is $31,010. That the cost of the work to make the structure safe and habitable exceeds the assessed value of the building.

6. That the owner of the building, Barbara Martell, has failed to undertake or contract to perform the work necessary to make the structure safe and habitable, and has shown no reasonable likelihood of obtaining the means to do so.

Decision and Order.

1. The residential structure located at 110 Park Street remains a dangerous building as defined by Section 1-2 of the Mason City Code and is unsafe to occupy.

2. The decision and order of the City's Hearings Officer dated May 27, 2012, is affirmed.

3. The owner of said structure shall make all repairs necessary to the structure to make the dwelling safe and habitable as described in Findings No. 4, and allow inspection by proper City personnel to assure the work is complete according to all applicable codes within 45 days of the date of this resolution, or vacate the property.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council that Fire Truck 806 will leave Air National Guard Base on October 22 and will land in Kosovo October 24. City staff will leave October 21 and will be in Kosovo to receive the truck when it arrives.

NEW BUSINESS

None.

CORRESPONDENCE
Correspondence was distributed.

LIAISON REPORTS
- Ferris informed Council regarding Tree Commission business
- Waltz informed Council regarding Planning Commission business
- Colburn reported to Council regarding Downtown Development Authority business

COUNCILMEMBER REPORTS
Mayor Clark reported on the MML Convention held in October on Mackinaw Island. He offered details of the event itself and explained many of the key points of the sessions he attended. Suggestions included the possibility of nominating a candidate for the MML Board of Trustees, highlighting one of our projects and presenting it as an entry for the Community Excellence Award and Collaborative Innovation Partnerships with developers to aid in growth and development of our community.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:19 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 7, 2012

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

Present: Councilmembers: Clark, Droscha, Mulvany, Naeyaert,
Absent: Councilmember: Ferris, Tornholm, Waltz
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Thank you to the volunteers that participated in the Rayner Park Clean-Up
- Rayner Park Clean-Up – November 10, 2012
- Thank you to City of Mason Election Inspectors and City Clerk Deborah Cwiertniewicz for a successful Election, November 6, 2012

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Mayoral Proclamation

Mayor Clark presented Mason Police Officers Rick Girard and Steve Chick with a Mayoral Proclamation recognizing their selfless acts of bravery resulting in a heroic rescue when they responded to a residential fire and extracted a resident of the home through a window to safety, who was caught in the structure while trying to rescue pets. Officer Chick was unable to attend. Officer Girard accepted the framed document.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: October 15, 2012
B. Approval of Bills: $74,351.59

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012-30 – A Resolution to Form a Sister City Alliance with the City of Vitia, Kosovo

Discussion ensued regarding the opportunities, benefits, and experiences that the two communities will receive as Sister Cities.

MOTION by Droscha, second by Naeyaert,
to consider Resolution No. 2012-30 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-27 was introduced by Naeyaert and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-30
A RESOLUTION TO FORM A SISTER CITY ALLIANCE WITH THE CITY OF VITIA, KOSOVO
November 7, 2012

WHEREAS, Kosovo emerged from a civil war only five (5) years ago, leaving them severely lacking in emergency equipment to serve their population; and

WHEREAS, per the approval given by City Council at the November 3, 2010 City Council meeting, the City of Mason recently donated Retired Pumper 806, valued at approximately $5,000 to the City of Vitia, Kosovo; and

WHEREAS, a group of four City representatives, including Mayor Clark, City Administrator Colburn, Fire Lieutenant Sabbadin and Fire Engineer Armstrong, traveled to Vitia in October, 2012, in order to ensure the fire truck arrived safely and to provide training to the Vitia Fire Department; and

WHEREAS, the Mayor of Vitia has requested that the City of Mason become Sister Cities with the City of Vitia, and a Twinning Agreement has been authorized by Vitia elected assembly; and

WHEREAS, this Resolution to form an alliance is all that is needed for the City of Mason to officially become a Sister City with Vitia, Kosovo; and

WHEREAS, by joining together as Sister Cities, Vitia, Kosovo and Mason, Michigan will be able to form an association as a means to peace and prosperity by creating bonds between people from different cities around the world.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve forming a Sister City Alliance with the City of Vitia, Kosovo.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-31 – Approval to Waive the Formal Bid Process and Allow the Purchase and Install of Two New Lift Station Pumps for Temple Street Lift Station

Baker informed Council that bids were let twice and both times came in over budget. He requested Council to waive the formal bid process and award the rehabilitation of two new lift station pumps to Pumps Plus.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-31 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-31 was introduced by Droscha and was seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-31
APPROVAL TO WAIVE THE FORMAL BID PROCESS AND ALLOW THE PURCHASE AND INSTALL OF TWO NEW LIFT STATION PUMPS FOR TEMPLE STREET LIFT STATION
November 7, 2012

WHEREAS, it is in the best interest of the City of Mason to maintain our lift stations; and

WHEREAS, Temple Street Lift Station is in need of rehabilitation; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the Temple Street Lift Station rehabilitation to Pumps Plus in the amount of $17,800.12.

RESOLUTION APPROVED UNANIMOUSLY

Motion – 2011-2012 Financial Statements – Abraham Gaffney, P.C

Mr. William I. Tucker IV, CPA from Abraham & Gaffney spoke regarding the 2011-2012 audit of the City's records. Mr. Tucker presented the financial statements and stated that the City would again receive an unqualified opinion, the best opinion that can be given. Mr. Tucker commended the City of Mason for their internal controls; it is unusual to have an unqualified opinion. He added that it is a pleasure to work with the City and Mr. Smith.

MOTION by Naeyaert, second by Ferris,
to accept the 2011-2012 Financial Statements and place them on file.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark read a letter from the government of Kosovo thanking the Mason residents, community persons involved, associations, and air forces for the donations.

NEW BUSINESS

MOTION by Naeyaert, second by Droscha,
to excuse the absence of Councilmembers Ferris, Tornholm and Waltz from the November 17, 2012 meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

Naeyaert informed Council regarding legislative matters and congratulated State Representative-Elect Tom Cochran, a Mason resident, as well as those elected to City Council and those who are waiting for a determination on the final seat.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:36 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 19, 2012

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Waltz
Absent: Councilmember: Mulvany, Tornholm
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Community Thanksgiving Dinner – Mason First Methodist Church – Sponsored by Kiwanis Club and area Mason churches – November 22, 2012
- Holiday Celebration and Lighted Parade – Mason Area Chamber of Commerce - November 23, 2012

PEOPLE FROM THE FLOOR

None.

PRESENTATION

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: November 7, 2012
B. Approval of Bills: $23,583.01

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012 –32 – A Resolution to Adopt the 80 20 Cost Sharing Model as Set Forth in Section 4 of Public Act 152

Colburn commented on Public Act 152, known as the "publicly funded health insurance contribution act." Discussion ensued regarding options of the mandate and the 10% reduction penalty to each economic vitality incentive program for nonconformance.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-32 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-32 was introduced by Droscha and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-32
A RESOLUTION TO ADOPT THE 80 20 COST SHARING
MODEL AS SET FORTH IN SECTION 4 OF PUBLIC ACT 152
November 19, 2012

WHEREAS, Public Act 152 (PA 152) was designed to lessen the burden of employee healthcare costs on public employers; and

WHEREAS, the communities are given three options for complying with the requirements of PA 152; and

WHEREAS, the options available to the city are:

1) Apply the hard cap (capped dollar amount each employer may pay towards an employee's health care costs;
2) Adopt by majority vote the 80%/20% cost-sharing model;
3) Opt out (exempt itself from) the cost-sharing model as set forth in the act and revisit it prior to the next plan year; and

WHEREAS, the City desires to comply with the provisions of the Act and avoid penalties for non-compliance;

NOW THEREFORE BE IT RESOLVED, the City of Mason will comply with the contribution limits contained in Section 4 of the Act, the 80%/20% cost sharing option, subject to the limitations contained in Section 5 of the Act pertaining to collective bargaining agreements; and

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012 –33 – Resolution Ob ecting to the Transfer of Property

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2012-33 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-33 was introduced by Naeyaert and was seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-33
RESOLUTION OBJECTING TO THE TRANSFER OF PROPERTY
November 19, 2012

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases, and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city, village, township on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the current year property is located at 509 W. Columbia Street, Mason, MI, Parcel # 33-19-10-

08-201-007; and

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City Of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City Of Mason does not wish to obtain from the Treasurer any property upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

NOW THEREFORE BE IT RESOLVED, that the City Of Mason wishes to exercise its option under the Act to object to the transfer of property foreclosed upon by the Treasurer but not sold.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark stated that a presentation and discussion of the Fire Truck Donation Trip to Kosovo is scheduled for Friday, January 4, 2013 at 7:00 p.m. at Mason High School.

NEW BUSINESS

MOTION by Naeyaert, second by Droscha,
to excuse the absence of Councilmembers Mulvany and Tornholm from the November 19, 2012 meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding Planning Commission business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS

- Clark reported that he, Councilmember Droscha, and Administrator Colburn attended the opening of Eli and Edythe Broad Art Museum at MSU

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. It was discussed that the tree traditionally decorated for the annual Christmas season has grown to be a physical risk, expensive and time consuming. This year a tree has been placed on the corner of Jefferson and Maple Streets and was decorated by the Mason Fire Department and local girl scouts.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 3, 2012

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Tornholm led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Annual Mason Area Chamber of Commerce Holiday Party Mixer – December 6, 2012

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Kosovo Acknowledgement from the Residents of Viti, Kosovo for Donations and Twinning Agreement

Clark stated that the people of Viti, Kosovo were very grateful for the gift of the fire truck and equipment. He invited Jakup Jahiri, Representative of the people of Viti, Kosovo, to speak. Peter Jahiri, son of Jakup Jahiri, Mason resident and former U.S. Military interpreter, stood with his father to interpret, as he expressed gratitude for what everyone had done for the people of Viti. He extended a special thank you to Mason for Fire Truck 806, their support and visit, as well as the firefighters who came to teach maintenance of the vehicle. He stated that the Sister City relationship is a sign of honor for them. While Kosovo is in celebrating its 5th year of independence, Mason is coming to its 150th year; the leadership of Mason is a significant influence that they want to follow. In closing, in the name of the 65,000 people in Viti, Mr. Jarhiri extended a thank you from the heart and bid God's blessing on the United States of America and the city of Mason.

Mayor Clark gave a brief photographic slideshow of their trip to Kosovo. Following the slideshow, Mayor Clark stood with fellow Councilmembers, Steve Armstrong, and Peter Jahiri as Jakup Jahiri presented certificates from the Viti Fire Department and Municipality, as well as gifts of flags, banners, and symbols of their country and city to those who contributed in making the Fire Truck 806 trip to Kosovo project successful. Representatives from the Mason, Leslie, Dansville and Onondaga Fire Departments, as well as Ingham County Sheriff's Department accepted the tokens of friendship.

CONSENT AGENDA

MOTION by Droscha, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: November 19, 2012
B. Approval of Bills: $101,594.30

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2012-34 – Mayoral Appointments to City Boards and Commissions

MOTION by Tornholm, second by Droscha
to consider Resolution No. 2012-34 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-34 was introduced by Tornholm and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-34
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 3, 2011

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, 2013 and expire on December 31 of the year noted.

Building Code	Gordon Wilson	2015
Downtown Development Authority	Jamie Robinson	2016
	Jettie Feintuch	2016
	Tim Gaylord	2016
Historic District Commission	Rebecca Clinton	2015
	Mark Cummings	2013
	(filling an unexpired term)	
	Mike Waltz	2015
Local Officers Compensation Commission	Angela Newton	2015
	Doug Crips	2017
	Pete Curtis	2017
Planning Commission	Ed Reeser	2015
	John Sabbadin	2015
	Mike Waltz	2013
	(filling an unexpired term)	
	Natalie Trotter	2015
Tree Commission	Brenda Hershberger	2015
	Jane Eckhardt	2015

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-35 – City Council Appointments to City Boards and Commissions

MOTION by Waltz, second by Ferris,
to consider Resolution No. 2012-35 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-35 was introduced by Tornholm and seconded by Ferris.
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CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-35
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 3, 2012

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, 2013 and expire on December 31 of the year noted:

Board of Review	Gail Rouhier	2015
Building Authority	Norm Austin	2014
Cemetery Board	Joe Dean	2015
Election Commission	Jon Droscha	2013
Local Development Finance Authority	Gary Naeyaert	2016
Utility Rate Study Committee	Jeff Shattuck	2015
	Larry Briggs	2015
Zoning Board of Appeals	Scott Ackerson	2015
	Jerry Schaffer (alternate)	2015
	Shirley Richards	2015

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2012-36 – Personal Property Tax Plan

Colburn elaborated on his report regarding Personal Property Tax (PPT) plan.

MOTION by Droscha, second by Waltz,
to consider Resolution No. 2012-36 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-36 was introduced by Tornholm and seconded by Ferris.

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CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2012-36
A RESOLUTION IN SUPPORT OF FULLY REPLACING,
NOT JUST ERASING, MICHIGAN'S PERSONAL PROPERTY TAX
December 3, 2012

Whereas, the City of Mason has experienced a significant decline in property tax values, which has caused unprecedented fiscal constraints; and

Whereas, this decline has resulted in a reduction of $347,725 in property tax revenue in the last two years; and

Whereas, at the same time Mason has confronted consistent reductions in State Shared Revenue, as part of the $4 Billion in cuts to State Shared Revenue state-wide; and

Whereas, due to this unrelenting fiscal pressure, Mason has been compelled to reduce the level of municipal services historically provided to the residents, businesses and schools in our community; and

Whereas, these municipal services protect the health, safety and welfare of our citizens, and are an essential component of building a strong local economy and maintaining a vibrant community; and

Whereas, an additional loss of municipal revenue will compound and exacerbate the financial hardship this community—its residents and its businesses—are currently experiencing; and

Whereas, the Personal Property Tax is relied upon by Michigan's local governments, comprising about 11% of their taxable value state-wide, and as much as 50% of the taxable value in some communities; and

Whereas, the importance of the Personal Property Tax to local communities is underscored by the fact that it is a particularly stable source of needed revenue, facilitating efficient management by Mason's elected and appointed local officials; and

Whereas, the elimination of the Personal Property Tax would result in another $1.2 billion loss to local governments state-wide, and would result in a loss of $433,220, every year, to Mason; and

Whereas, even further cuts in vital local services would be unprecedented, unwarranted and destructive to the fabric of our community.

Now, Therefore, Be it Resolved, that the City of Mason urges the Legislature and the Governor to specifically condition any change, in the Michigan Personal Property Tax that would result in a reduction in revenue from this tax to local governments, to a full—not partial—amount of replacement revenue; and

Be It Further Resolved, that the City of Mason urges the Legislature and the Governor condition any reduction, in revenue to local units of government from the Michigan Personal Property Tax, to the passage of an amendment of the Michigan Constitution to protect the full amount of replacement revenue; and

Be It Finally Resolved, that on behalf of our citizens, businesses and schools, and in recognition of the vital importance substantial and stable revenue derived from Michigan's Personal Property Tax will have on our future economic success, the City of Mason urges the Legislature and the Governor to Replace, not Erase, the Michigan Personal Property Tax.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Request for Street Closures for the Fourth Annual Camino of Saint James 8K Run/5K Walk

Christopher Mumby, Committee Chair, Camino of St. James Church, elaborated on his correspondence to Council regarding requested street closures for the fourth annual Camino of Saint James 8K Run/5K Walk.

MOTION by Waltz, second by Droscha,
Move to approve the request as outlined in the letter submitted by Christopher Mumby, Committee Chair, Camino of St James Church, dated November 15, 2012, for street closures and use of equipment for the fourth annual Camino of St. James Church 8K Run/5K Walk starting at 8:00 a.m. for the duration of approximately two hours on Sunday, August 11, 2013, in accordance with maps provided to the Police Department.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

MOTION by Ferris, second by Droscha,
to excuse the absence of Councilmember Naeyaert from the December 3, 2012 meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Correspondence was distributed.

LIAISON REPORTS

None.

COUNCILMEMBER REPORTS

- Clark reported that he has been asked to be a guest speak at the Michigan Municipal League Newly Elected Officials Academy

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

EXECUTIVE SESSION - PERSONNEL - CITY ADMINISTRATOR'S EVALUATION

MOTION by Waltz,
to adjourn to executive session to discuss the city administrator's evaluation process.
Yes (7) Droscha, Ferris, Mulvany, Tornholm, Waltz, Clark
No (0)
Absent (1) Naeyaert
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 19, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Tom Yeadon, City Attorney

ANNOUNCEMENTS

- The first City Council meeting of 2012 will be held Tuesday, January 3, due to the New Year holiday.

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Bills: $147,740.04
B. Approval of Minutes – Regular Council Meeting: December 5, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-46 – Mayoral Appointments to City Boards and Commissions

Annual appointments to City boards and commissions are made by the Mayor and City Council in accordance with Mason City Code. Currently, all board and commission vacancies have been filled, except for two vacancies on the Ethics Board.

MOTION by Waltz, second by Droscha,
to consider Resolution No. 2011-46 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-46 was introduced by Waltz and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-46
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 19, 2011

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, 2012 and expire on December 31 of the year noted.

Board of Ethics	Ralph Taggart	2014
Building Code	Patrick Hicks	2014
Downtown Development Authority	Teresa Wren	2015
Historic District Commission	Rodney Jewett	2014
	Albert Schulien	2014
Local Officers Compensation Commission	Larry Briggs	2016
	Angela Newton	2016
	William Shepard	2016
Planning Commission	Matt Smith	2014
	Jim King	2014
	Kelli Green	2014
Traffic Commission	Larry Briggs	2014
	Art Bush	2014
Tree Commission	Melvin Brown	2014

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-47 – City Council Appointments to City Boards and Commissions

MOTION by Waltz, second by Droscha,
to consider Resolution No. 2011-47 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-47 was introduced by Mulvany and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-47
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 19, 2011

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, 2012 and expire on December 31 of the year noted:

Board of Review	Larry Howe	2014
Building Authority	Norm Austin	2014
Cemetery Board	Melvin Brown	2014
Election Commission	Jon Droscha	2012
Local Development Finance Authority	Joe Dean	2015
Utility Rate Study Committee	Ruben Droscha	2014
Zoning Board of Appeals	Pete Curtis	2014
	Jim Maddix (alternate)	2014
	John Sabbadin	2014

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-48 – City Administrator Performance Evaluation for 2011 Calendar Year

Annually, City Council conducts a performance evaluation process for the City Administrator. By formal resolution, the Mayor and Mayor Pro Tem compile the results for consideration by Council. Subsequent to approval of the resolution, formal approval of an employment contract between the City and the City Administrator is taken, also by resolution.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-48 and Resolution No. 2011-49 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-48 was introduced by Waltz and seconded by Mulvany. Resolution No. 2011-49 was introduced by Mulvany and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-48
CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2011 CALENDAR YEAR
December 19, 2011

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 5, 2011, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act; now

THEREFORE BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; now

BE IT FURTHER RESOLVED, that the City Council evaluated the performance of the City Administrator in fulfilling the responsibilities of the position by rating the following categories. Each category rating below is an average based upon each Council Member assigning a performance rating of 1 to 5 to a specific set of sub-categories for each category. Each performance measure uses the following scale: *5 = Exceeds expectations; 3 = Meets expectations; 1 = Fails expectations.*

1. PROFESSIONALISM: 4.2
2. RELATIONSHIP WITH COUNCIL: 4.2
3. POLICY EXECUTION: 4.6
4. REPORTING: 4.4
5. PUBLIC RELATIONS: 4.6
6. STAFFING: 4.0
7. FISCAL MANAGEMENT: 4.4
8. SPECIFIC OBJECTIVES: 4.2; now

BE IT FURTHER RESOLVED, that Mr. Colburn achieved an overall performance rating of 4.3 and more than met City Council expectations, and City Council commends Mr. Colburn for his outstanding performance as City Administrator and did not identify any areas to improve; however, City Council did have concerns regarding Mr. Colburn's dual role as City Administrator and Acting DPW Director questioning whether it was too demanding and time consuming for one individual, as well as the logic of setting forth specific objectives for the Administrator at a time when it is unknown if the fiscal year 2012-2013 budget can fund these objectives; now

BE IT FURTHER RESOLVED, that City Council agreed to defer setting forth specific objectives until April 2012, and integrate this process with the annual budget workshops; now

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Michael F. Waltz for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; now

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-49 – City Administrator Employment Contract Amendment No. 10

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-49
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT 10
December 19, 2011

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Michael Waltz do hereby recommend extending the current Employment Contract between Martin A. Colburn and the City Council of the City of Mason for one year.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein, effective January 1, 2012.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Bid – BioSolids Removal and Application Agreement

The City of Mason received public bids for a three (3) year contract for the removal and application of the biosolids from the Mason POTW, and cleaning of the digesters. The current contract with Biotech Agronomics expires December 31, 2011. The proposal requested bidders to provide the cost per gallon for biosolids removal, and the per hour cost for the entrance and cleaning of the digesters. Three bids were submitted and publicly opened at the advertised time. Bid amounts were provided to Council for their review. The references of the low bidder were excellent; therefore, staff recommended awarding the bid to Gawne Trucking, Inc.

MOTION by Naeyaert, second by Waltz
to authorize the City Administrator to enter into a three-year agreement with Gawne Trucking, Inc. for the removal and application of biosolids for the cost per gallon of $0.0305 in 2012, $0.0310 in 2013, $0.0315 in 2014, and $325 per hour for cleaning of the digesters.
MOTION APPROVED UNANIMOUSLY

Motion – Re uest to Waive the Bid Process and Award the Tree Trimming Contract to Ayles Tree Service

The City of Mason has an annual tree maintenance program for removal, trimming, and planting of trees. Ayles Tree Service has performed this service for the City for more than 30 years. Two local companies indicated interested in submitting bids; however, they do not have the specified high-rise equipment to perform the services that is required for City trees. Staff recommended waiving the formal bid process and to accept the proposal from Ayles Tree Service.

MOTION by Naeyaert, second by Ferris,
to waive the formal bid process and approve the City Administrator to enter into an agreement with Ayles Tree Service in the amount of $35,575.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS
Clark stated that he and his wife, Georgie, were invited to the New Covenant Christian School (NCCS) annual Banquet and Silent Auction. NCCS students have been serving the City of Mason through Make A Difference Day on the Wednesday before Thanksgiving for the past ten years. Students and their chaperones help prepare the city for its annual Tree Lighting and Lighted Parade by stringing lights in the downtown street trees, cleaning up along the Hayhoe Riverwalk, and decorating the Christmas Tree at City Hall among other various tasks that need attention. At the banquet, Mayor Clark presented school Principal Iain Belot with a key to the City to show Mason's appreciation for all that they do and let them know that they are welcome to the City every day of the year.

Also, Clark reported that he and Administrator Colburn attended a fundraiser at City Limits Sports Grill for the Food Bank, as well as the Tim Barron show, WLMI 92.9 Friday, December 9, 2011.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned to executive session at 8:04 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 5, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Ed Hude, Mason Police Sergeant
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- The Mason Brass Quintet will be performing a free concert December 11, 2011
- The volunteers who help provide the Thanksgiving Dinner & Annual Lighted Parade were thanked for their service

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Bills: $73,915.41
B. Approval of Minutes – Regular Council Meeting: November 21, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-45 – A Resolution Declaring an Additional Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

McGinty informed Council regarding court of appeals decisions declaring the most popular business models for both medical marihuana dispensaries and grow operations illegal and in violation of Federal law. He also spoke regarding cases that have declared the initiated law invalid. There are seventeen pieces of legislation pending that will hopefully provide guidance for local regulations. Given the uncertainty in the law, McGinty stated that it would be unwise for the City to fashion any kind of law at this time and he recommended establishing another temporary moratorium.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-45 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-45 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-45
A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY MORATORIUM ON THE ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN THE CITY OF MASON
December 5, 2011

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, the City of Mason has been in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council adopted Resolution 2010-45 establishing a 180-day moratorium on December 20, 2010; and

WHEREAS, the City Council adopted Resolution 2011-10 on May 16, 2011, extending the moratorium for an additional 180 days; and

WHEREAS, the law regarding medical marihuana is changing rapidly with a number of recent decisions from the appellate courts, a number of anticipated decisions from the appellate courts, and a number of bills in the State House and Senate which will affect medical marihuana and the regulation thereof by municipalities; and
WHEREAS, the City will not conclude the process of determining which manner of regulation best serves to protect the health, safety, and welfare of its residents by the end of the current moratorium; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregiver operations until the process is concluded to determine the appropriate and necessary regulations; now

THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary caregiver operation licenses and dispensary licenses shall continue the prior moratorium established by Resolution 2011-10 dated May 16, 2011 for an additional 180 days, until and through June 11, 2012.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Proposed ACD.net Contract Agreement for Fiber Optic Connectivity

Hude stated that in the past year, the Police Department's wireless digital link failed twice, disabling access to its technology support provider, Ingham County Management Information Systems (MIS). Hude stated that staff is recommending installing a secure fiber optic connection, linking the Mason Police Department and MIS, by providing a high speed digital link facilitating access to data resources used by staff 24/7.

ACD.net proposed a five-year contract for services in the amount of $20,940, guaranteeing no additional expense to the City of Mason. ACD.net also agrees to provide any maintenance and repairs involving any of the digital connection to each facility with no less than a two-hour down time if failure occurs. All installation costs will be borne by ACD.net.

> MOTION by Naeyaert, second by Waltz
> to approve entering into a five-year contract for services with ACD.net in the amount of $20,940.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS

Clark stated that he and Administrator Colburn would be on the Tim Barron show, WLMI 92.9 Friday, December 9, 2011.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. He announced the retirement of Detective Corporal Lynne Mark who served the City of Mason for 32 years in the Mason Police Department. An open house will be held Friday, December 9, 2011.

EXECUTIVE SESSION

> MOTION by Waltz, second by Naeyaert,
> to adjourn to executive session to discuss the City Administrator's Evaluation.
> MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned to executive session at 8:00 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 21, 2011

Clark called the meeting to order at 7:42 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Tornholm led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Tom Yeadon, City Attorney

ANNOUNCEMENTS

- Community Thanksgiving Dinner – Mason First Methodist Church –Sponsored by Kiwanis Club and area Mason Churches
- The Mason Area Chamber of Commerce's Mason Holidays Celebration and Lighted Parade – November 25, 2011

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Bills: $14,652.53
B. Approval of Minutes – Regular Council Meeting: November 7, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-42 – Appointment to the Historic District Commission

MOTION by Waltz, second by Droscha,
to consider Resolution No. 2011-42 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-42 was introduced by Droscha and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-42
APPOINTMENT TO THE HISTORIC DISTRICT COMMISSION
November 21, 2011

WHEREAS, a vacancy exists on the Historic District Commission due to the resignation of Dave Hyndman; now

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Rebecca Clinton to the Historic District Commission commencing November 21, 2011 through December 31, 2012.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-43 – Waive the Bid Process and Authori e Pump Repairs for Fire Engine 809

John Sabbadin, 2nd Lieutenant of the Mason Fire Department, elaborated on the written request to waive the bid process and authorize Spartan Chassis to repair the broken pump that was found during the annual preliminary test.

MOTION by Waltz, second by Droscha
to consider Resolution No. 2011-43 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-43 was introduced by Droscha and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-43
RESOLUTION TO WAIVE THE BID PROCESS AND AUTHORIZE
PUMP REPAIRS FOR FIRE ENGINE 809
November 21, 2011

WHEREAS, an annual pump test is conducted on Engine 809 by Spartan Chassis; and

WHEREAS, the preliminary pump test procedure was performed and it was found that Engine 809 is in need of major pump repair; and

WHEREAS, Engine 809 is currently housed at Spartan Chassis in a torn down state following the annual pump test; and

WHEREAS, it would be fiscally prudent to allow Spartan Chassis to repair the pump; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve waving the bid process, and authorize the needed pump repairs by Spartan Chassis, Inc. of Charlotte Michigan not to exceed $25,000.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-44 – City Council E Officio Appointment to the Zoning Board of Appeals

MOTION by Waltz, second by Ferris,
to consider Resolution No. 2011-44 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-44 was introduced by Droscha and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-44
CITY COUNCIL EX OFFICIO APPOINTMENT TO THE ZONING BOARD OF APPEALS
November 21, 2007

WHEREAS, Section 601 of the Michigan Zoning Enabling Act, MCL 125.3601, and Section 94-361(1) of the Mason City Code authorize the appointment of a member of the City Council to serve as a member or an alternate member of the Mason Zoning Board of Appeals, for a term concurrent with the council member's term; now

THEREFORE, BE IT RESOLVED, that the City Council does hereby appoint Mayor Pro Tem Mike Waltz to serve the unexpired term on the Zoning Board of Appeals commencing November 21, 2011 and expiring December 31, 2011.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Local Officers Compensation Commission Recommendation

Cwiertniewicz elaborated on the written recommendation submitted from the Local Officer Compensation Commission (LOCC) who reviewed current City Council compensation rates and the

elected official's compensation of comparable cities. The Commission has consistently recommended raises for Council. Currently, Mason's compensation rate per meeting is $60 for the Mayor and $50 per Council Member. It has been at this rate since Council accepted a raise in salary of $10 for each position in 1991. In consideration of the current state of the economy and Council's past history of refusal of compensation increases, the Commission recommended maintaining the existing compensation rate for the Mayor and Council Members for 2012 – 2013.

It was discussed that perhaps the Mayor and Mayor Pro Tem salaries should be increased due to the various boards, commissions, and numerous events that they both attend and actively participate. Mayor Clark and Mayor Pro Tem Waltz were grateful for the consideration; however, both were emphatic that they were not on Council for the compensation, but to help and serve the Mason community.

MOTION by Tornholm, second by Ferris,
to approve the LOCC recommendation to maintain the current City Council Member compensation rate of $60 per meeting for the Mayor and $50 per meeting for Council Members for the next two years, 2012 – 2013.
MOTION APPROVED UNANIMOUSLY

Report – Report of Planning Commission's Progress on Developing an Ordinance to Regulate Medical Marihuana

Haywood gave a synopsis of the review and various discussions held between staff, City Council, the Planning Commission, and the City Attorney's office toward medical marihuana regulation. Under the direction of City Attorney Tom Yeadon, a joint work session of the City Council and the Planning Commission was held prior to the Council meeting this evening to further inform and educate those who are tasked with writing an ordinance mandating the regulations.

Yeadon stated that there are seventeen pieces of current legislation before the House and Senate that will affect the Medical Marihuana Act, in addition to a number of decisions that are pending before the Court of Appeals that will affect how the act will be interpreted, as well as opinions of the Attorney General's Office that will also affect the Act concerning people's rights and responsibilities. Yeadon stated that given its interpretation and how it is worked into a community is currently in a state of flux, an additional moratorium would be defensible and understandable.

UNFINISHED BUSINESS

Clark stated that Administrator Evaluations were due today from council members.

NEW BUSINESS

MOTION by Droscha, second by Waltz,
to excuse the absence of Council Member Robin Naeyaert from tonight's meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

All correspondence was distributed except the Honoree form, which will be distributed at the next meeting.

LIAISON REPORTS

Waltz informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. A brief discussion was held regarding the 2nd Annual Small Business Saturday, a day dedicated to supporting small businesses on one of the busiest shopping weekends of the year.

ADJOURNMENT

The meeting adjourned at 8:47 p.m.

Deborah J. Cwiertniewicz, City Clerk	Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 7, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Veterans Day Parade – November 11, 2011
- An election is not scheduled for the City of Mason on November 8, 2011

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: October 17, 2011
B. Approval of Bills: $143,197.46

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-39 – Appointment of City Administrator to the Downtown Development Authority as Secretary

The Mason Downtown Development Authority (DDA) approved the appointment of City Administrator Martin Colburn as secretary. McGinty stated that according to the contract between Mr. Colburn and the City, council approval is required for the city administrator to accept outside employment, with or without compensation. This appointment is without compensation.

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2011-39 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-39 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-39
APPOINTMENT OF CITY ADMINISTRATOR AS SECRETARY
TO THE DOWNTOWN DEVELOPMENT AUTHORITY
November 7, 2011

WHEREAS, the resignation of Marco Broggio created a vacancy in the position of Downtown Development Authority Director; and

WHEREAS, the position of Secretary is currently unoccupied; now

THEREFORE BE IT RESOLVED, that the City Council authorizes the appointment of Martin Colburn, City Administrator, as Secretary to the Downtown Development Authority.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-40 – A Resolution Re uesting to Obtain Parcel 33-19-10-09-400-009 from the Ingham County Treasurer, and the Ob ecting to the Transfer of Parcel 33-19-10-08-428-004

Colburn explained the Ingham County foreclosure process. McGinty explained that the tax cost had already been paid into the water and sewer fund. The payment was received from the County Treasurer through the County Revolving Fund. Because the property was not purchased at the tax sale, it belongs to the City; therefore, the City needs to reimburse the County Revolving Fund.

MOTION by Waltz, second by Naeyaert,
to consider Resolution No. 2011-40 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-40 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-40
A RESOLUTION ACCEPTING TRANSFER TO THE CITY OF MASON OF TAX REVERTED PARCEL NO. 33-19-10-09-400-009 FROM THE INGHAM COUNTY TREASURER, AND OBJECTING TO THE TRANSFER OF TAX REVERTED PARCEL NO. 33-19-10-08-428-004 FROM THE INGHAM COUNTY TREASURER TO THE CITY OF MASON
November 7, 2011

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases; and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the property for the current year is as follows:

Ta Parcel No. 33-19-10-09-400-009
Ta Parcel No. 33-19-10-08-428-004

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City of Mason does wish to obtain from the Treasurer one of the above-described properties, namely parcel no. 33-19-10-09-400-009.

WHEREAS, the City Of Mason does not wish to obtain from the Treasurer one such property upon which the Treasurer has foreclosed but not sold because the cost of maintaining such property will exceed any benefit that will be obtained, specifically property parcel no. 33-19-10-08-428-004.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council wishes to obtain parcel 33-19-10-09-400-009, upon which the Treasurer has foreclosed this year, to be used for public purpose, at an estimated cost of delinquent taxes in the amount of $377,239.62 and therefore accepts transfer of such property from the Treasurer under the Act; and

BE IT FURTHER RESOLVED, that the Mason City Council authorizes the Mayor and City Administrator signatory authority to take ownership of parcel no. 33-19-10-09-400-009 on behalf of the City of Mason.

BE IT FURTHER RESOLVED, that the Mason City Council wishes to exercise its option under the Act to object to the transfer of one of the properties foreclosed upon by the Treasurer but not sold that is contained on the list heretofore filed with the City of Mason Clerk, specifically property parcel no. 33-19-10-08-428-004, and transfer of said property is therefore refused.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-41 – Appointment to the Historic District Commission

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2011-41 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-41 was introduced by Tornholm and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-41
APPOINTMENT TO THE HISTORIC DISTRICT COMMISSION
November 7, 2011

WHEREAS, a vacancy exists on the Historic District Commission due to the resignation of James Mulvany; now

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Rodney Jewett to the Historic District Commission commencing November 7, 2011 through December 31, 2011.

RESOLUTION APPROVED UNANIMOUSLY

Motion – The Mason American Legion Browne-Cavender Post 148 Veteran's Sculpture Pro ect at Mason City Hall

Bob Raab, Mason American Legion Browne-Cavender Post 148 representative and former Post Commander, presented an architect's rendering of the site plan for the sculpture project planned for locating at City Hall.

Mr. Rabb stated that Chainsaw Wood Carver James Madson had been hired to perform the work. He also gave a brief update on the Legion's fundraising efforts and stated that Mr. Don Heck of Wolverine Surveyors, Inc. has contributed the service of creating a site plan of the sculptures.

Discussion ensued regarding concerns about the plan design and placement within the existing ornamental grass landscape at City Hall. Mr. Raab stated that the ornamental grass would provide a realistic enhancement to the project and that Wolverine could place the statues wherever Council wanted them. It was discussed that the concerns raised could be addressed administratively.

MOTION by Tornholm, second by Naeyaert,
to approve the Veteran Sculpture Project at Mason City Hall.
Yes (6) Clark, Droscha, Ferris, Mulvany, Naeyaert, Waltz
No (1) Tornholm
MOTION APPROVED

UNFINISHED BUSINESS

Mulvany stated that he read the Urban Service Management Study and found it to be benign. He doesn't see any consequence to signing the document.

NEW BUSINESS

Discussion was held regarding options for instituting an accounting policy and procedure for receiving contributions through various city events.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business
- Clark informed Council regarding Downtown Development Authority business
- Naeyaert informed Council regarding legislative matters

COUNCILMEMBER REPORTS

Clark gave a brief synopsis of the Stevens T. Mason Dedication Ceremony he and Administrator Colburn attended at Capitol Park in Detroit.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:36 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 17, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Ken Baker, Superintendent
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Kiwanis Blood Drive – St. James Church – Thursday, October 6, 2011
- Rayner Park Clean-Up – Saturday, October 22, 2011

PEOPLE FROM THE FLOOR

Marlon Brown, Planning Commission member, asked Council to consider approval of the Urban Service Management Study (USMS) resolution recommended for adoption by the Planning Commission. Mr. Brown spoke regarding the merits of participation by the City, its value in assisting with development of the City's Master Plan, and the tools it offers to the Zoning & Development Director.

PRESENTATIONS

Three individuals submitted letters requesting to be considered for the vacant council seat. The applicants were invited to address Council regarding their interest.

Kelli Green of 402 ½ South Jefferson Street, Leslie W. Bruno, Jr. of 1019 South Eugenia Drive, and James Mulvany of 122 East South Street, each spoke regarding their interest in serving on City Council and responded to various questions from Council.

Resolution No. 2011-34 – Appointment to Fill Council Vacancy

MOTION by Tornholm, second by Droscha,
to consider Resolution No. 2011-34 read with the name James Mulvany in the second paragraph.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-34 was introduced by Naeyaert and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-34
APPOINTMENT TO FILL CITY COUNCIL VACANCY
October 17, 2011

WHEREAS, the City Council of the City of Mason, by motion of this date, and in accordance with Section 5.2 of the Mason City Charter, has accepted the resignation of Neal Johnson and declares that seat vacant.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council, in accordance with Section 5.5 of the City Charter, does hereby appoint James Mulvany to fill the vacant seat until the first meeting following the canvass of the city election set to be held November 6, 2012.
RESOLUTION APPROVED UNANIMOUSLY

OATH OF OFFICE

Cwiertniewicz administered the oath of office to James Mulvany and he took his seat.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Bills: $119,178.85
B. Approval of Minutes – Regular Council Meeting: October 3, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – 2010-2011 Financial Statements – Abraham Gaffney, P.C.

Smith introduced Mr. William I. Tucker IV, CPA from Abraham & Gaffney, who performed the 2010-2011 audit of the City's records. Mr. Tucker presented the financial statements to Council. He stated that the City would again receive an unqualified opinion, the best opinion that can be given.

MOTION by Naeyaert, second by Ferris,
to accept the 2010-2011 Financial Statements and place them on file.
MOTION APPROVED UNANIMOUSLY

Second Reading – Ordinance No. 186 – An Ordinance to Amend Section 2-84 (9) – Powers and Duties – of Chapter 2 – Administration – of the Code of the City of Mason to Increase the Purchase Amount Re uired for Council Approval

MOTION by Waltz, second by Ferris,
to consider Ordinance No. 186 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 186

AN ORDINANCE TO AMEND THE FOLLOWING SECTION OF DIVISION 2, CITY ADMINISTRATOR, OF CHAPTER 2, ADMINISTRATION, OF THE MASON CITY CODE; SECTION 2-84 – AMEND SECTION TO INCREASE THE THRESHOLD FOR PURCHASES

THE CITY OF MASON ORDAINS

Section 2-84. Section 84(9) of Division 2, City Administrator, of Chapter 2, of the Mason City Code is hereby amended to increase the threshold for purchases and contracts, which amended section shall read as follows:

Sec. 2-84. Powers and duties.

(9) Purchase all materials, supplies or equipment for which funds are provided in the budget appropriation; but he may not purchase any item which exceeds any budget appropriation until the council has increased the appropriation. For purchases of more than $5,000.00 and less than $20,000.00, he shall be required to receive approval of the council; for purchases of more than $20,000.00, he shall be required to receive sealed bids and shall present such bids to the council for approval or rejection. He may let contracts not in excess of $5,000.00 necessary in the operation or maintenance of city services when sufficient funds for such purposes have been appropriated in the budget, but the city council shall let all contracts for more than $5,000.00, all contracts for new construction and all contracts which cannot be consummated with funds provided in the current budget. The city administrator shall advise the council as to whether or not any contract offered is desirable, or which of several contracts offered is most desirable, for the city. The city administrator may issue such rules and regulations governing requisitions and the transaction of the business of purchasing between himself as purchasing agent and the heads of the departments, officers and employees of the city as the council may approve.

The foregoing Ordinance was moved for adoption by Council Member Waltz and supported by Council Member Ferris with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of October, 2011.
ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2011-35 – Council Member Appointment to the Traffic Commission

The ex officio appointment to Traffic Commission will fill the vacancy formerly served by Mr. Neal Johnson.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-35 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-35 was introduced by Naeyaert and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-35
CITY COUNCIL EX OFFICIO APPOINTMENTS
October 17, 2011

WHEREAS, Mason City Code, Section 2-291, states that one city council member shall serve ex officio on the Traffic Commission; now

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Councilmember Jon Droscha as the ex officio council member to the Traffic Commission.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-36 – Award of Park Street Well Disinfection and Cleaning

Baker informed Council that the Park Street Well has been off line since July due to failed bacteriological tests. Water Systems Engineering, Inc. was hired to conduct an evaluation of the well and it was determined that the source of the problem is in the well. The remediation recommendation was sent to three companies able to perform well disinfection and cleaning, who submitted quotes. Staff recommended the low quote submitted by Layne Christensen Company in the amount of $3,745.00. Discussion ensued regarding the history of Park Street Well, as well as the vast discrepancy of the quotes. Baker explained that Layne Christensen Company is the only company who owns the tools to perform the work.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-36 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-36 was introduced by Naeyaert and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-36
AWARD OF PARK STREET WELL DISINFECTION AND CLEANING
October 17, 2011

WHEREAS, it is in the best interest of the City of Mason to maintain city wells; and

WHEREAS, Park Street Well is in need of disinfection and cleaning due to negative bacteriological testing; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the Park Street Well disinfection and cleaning to Layne Christensen Company in the amount of $3,745.00.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-37 – A Resolution to Allow City Staff to Make Repairs to the Storm Drain in Front of the Mason Library

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2011-37 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-37 was introduced by Naeyaert and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-37
A RESOLUTION TO REPAIR THE STORM DRAIN IN FRONT OF THE MASON LIBRARY
October 17, 2011

WHEREAS, it is in the best interest of the City of Mason to keep public facilities in good working order; and

WHEREAS, the storm drain in front of the Mason Library is in need of repair; and

WHEREAS, these repairs are included in the current year budget; now

THEREFORE, BE IT RESOLVED, that the Mason City Council hereby approves repairing the storm drains in front of the Mason Library in the amount estimated at $12,735.65.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-38 – Tri-County Urban Service Management Study

The Regional Growth Project of the Tri-County Regional Planning Commission and one of its implementation efforts, known as the Urban and Rural Services District/Urban Service Boundary (URSD/USB) Committee, has made a multiple year commitment to the study of shared services between jurisdictions in the greater Lansing area, including the creation of an urban services district policy, the Urban Service Management Study (USMS). Tri-County Planning Commission and the URSD/USB are asking each community within the tri-county area to adopt the findings contained in the study.

Haywood commented that the USMS would serve as a tool for local jurisdictions to be able to help and strengthen communities that do not have the resources to develop services that they would like for their communities. The Mason Planning Commission has recommended that Council adopt the study.

Extensive discussion ensued regarding what the USMS offered communities, and the City in particular. Concern was raised regarding commitment to principles designated by the USMS that the City has already accomplished. Also, the possibility of dependence on the City to provide services that would only promote urbanization outside of the city, which could have negative financial consequences. Further discussion ensued in favor of supporting the adoption of the resolution.

Haywood was asked if there were a tool in the USMS that would be helpful to him, and he responded that the study as a whole would be of benefit to him; primarily, active involvement in planning discussions with communities in the tri-county area.

MOTION by Ferris, second by Tornholm,
to table consideration of accepting the Tri-County Urban Service Management Study to the next regularly scheduled meeting to allow Council time to read the document.

It was discussed that the reading of the document was the responsibility of the Planning Commission, and their subsequent recommendation had been given to Council.

VOTE ON THE MOTION:
Yes (3) Droscha, Ferris, Tornholm
No (4) Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

MOTION by Naeyaert, second by Waltz,
to return the Tri-county Urban Service Management Study and its recommendations to the Planning Commission for further study and review and final consideration.
Yes (6) Clark, Droscha, Ferris, Naeyaert, Mulvany, Waltz
No (1) Tornholm
MOTION APPROVED

Motion – Budget Amendments
The Skate Park crack sealing & Fire Station 2 furnace repair were budgeted in 2010/2011; however, the projects were not initiated until the 2011/2012 budget year. Upon approval, the budget amendment documents will be integrated into the final budget amendment document.

MOTION by Waltz, second by Ferris,
to amend the 2011-2012 Fiscal Year Budget as presented.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Clark gave a brief update of the cost free fire truck delivery to Kosovo. He has received the duty free letter from the Kosovo government. When the Denton Group receives the application it will be processed within a week. Following that, the Kosovo government will receive the vehicle in 2-3 months.

NEW BUSINESS
Councilmember Mulvany was welcomed back to Council.

CORRESPONDENCE
All correspondence was distributed. Clark spoke briefly regarding the resignation of Mr. Dale Harbach from the Zoning Board of Appeals (ZBA). Clark suggested that Council consider filling the vacancy with a Councilmember.

LIAISON REPORTS
- Waltz informed Council regarding Planning Commission business. Discussion was held to schedule a joint work session between City Council and the Planning Commission to discuss the Medical Marihuana Moritorium
- Clark informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS
Clark gave a brief synopsis of the MML Annual Convention he attended October 4-7 in Grand Rapids.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 9:59 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 3, 2011

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Mason High School Homecoming Parade – October 7, 2011
- Fire Department Open House – October 8, 2011
- "Real Steel" movie opening is this weekend

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

Presentation – Bob Raab, Mason American Legion Browne-Cavender Post 148

Bob Raab, Mason American Legion Browne-Cavender Post 148 representative and former Post Commander, provided an update of the sculpture project planned for locating at City Hall, as well as a sign acknowledging the donation to the City of Mason. Mr. Rabb stated that Wood Carver James Madson had been hired to perform the work. He also gave a brief update on the Post's fundraising efforts. Mr. Don Heck of Wolverine Surveyors, Inc. has contributed the time and services of his company to create a site plan of the sculptures.

CONSENT AGENDA

It was the consensus of Council to remove the approval of bills from the Consent Agenda to Regular Business.

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: September 19, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

A brief discussion was held regarding the roller shades that were installed in City offices.

MOTION by Tornholm, second by Ferris,
to approve the payment of bills in the amount of $87,738.47 as submitted.

MOTION APPROVED UNANIMOUSLY

First Reading – Ordinance No. 186 – An Ordinance to Amend Section 2-84 (9) – Powers and Duties – of Chapter 2 – Administration – of the Code of the City of Mason to Increase the Purchase Amount Required for Council Approval

Ordinance No. 186 proposes to amend the Code by increasing the current expenditure threshold that requires City Council approval from $500 to $10,000. Increasing the $500 threshold, established in 1951, would more accurately reflect significant expenditures to be reviewed by Council.

MOTION by Naeyaert, second by Waltz,
to introduce and consider Ordinance No. 186 read for the first time.

MOTION by Tornholm, second by Naeyaert,
to amend Ordinance No. 186 by striking $10,000.00 and inserting $5,000.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-33 A Resolution to Award Small Diameter Sanitary Sewer, Clean, Televise, Inspect, Repair and Rehabilitation Pro ect

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2011-33 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-33 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-33
A RESOLUTION TO AWARD SMALL DIAMETER SANITARY SEWER,
CLEAN, TELEVISE, INSPECT, REPAIR AND REHABILITATION PROJECT
October 3, 2011

WHEREAS, it is in the best interest of the City of Mason to reduce inflow and infiltration while maintaining its sanitary sewer system; and

WHEREAS, the scheduled 2011-2012 sanitary sewer Inflow and Infiltration reduction project was planned for in the Mason Capital Improvements Plan (CIP); and

WHEREAS, by reducing the inflow and infiltration within the sanitary sewer system, particularly during wet events, it reduces the City's liability of Sanitary Sewer Overflows (SSO), keeping the City compliant with our National Pollutant Discharge Elimination System (NPDES) General Permit.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby award the bid for the Small Diameter Sanitary Sewer, Clean, Televise, Inspect, Repair and Rehabilitation project to Plummer's Environmental Services, Inc. in the amount of $20,453.95 and authorizes the City Administrator signature authority.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business.
- Ferris informed Council regarding Tree Commission business.
- Waltz informed Council regarding the Planning Commission Master Plan public visioning meetings.
- Clark informed Council regarding Downtown Development Authority business.
- Naeyaert informed Council regarding current legislative matters.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Minshall informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:27 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 19, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Kerry Minshall, Fire Chief & Acting City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Master Plan Workshop - Public Visioning – September 12, 20, and 29
- Gratitude was expressed for the community's response to Mason Cares

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

PUBLIC HEARINGS

Michigan Packaging Company – Re uest for Industrial Facilities E emption Agreement

Mr. Dan Zacher representative for Michigan Packaging Company spoke regarding the application requesting an industrial facilities exemption on the construction and installation of new equipment which will allow hiring five employees within the next twelve months.

Clark opened and closed the public hearing at 7:39 p.m. as there were no comments.

Resolution No. 2011-30 – Resolution Approving Application of Michigan Packaging Company for Industrial Facilities E emption Certificate for a New Facility

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-30 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-30 was introduced by Ferris and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-30
RESOLUTION APPROVING APPLICATION OF MICHIGAN PACKAGING COMPANY
FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR A NEW FACILITY
SEPTEMBER 19, 2011

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on July 6, 1992, the Mason City Council, by Resolution No. 92-37 established Sycamore Creek Industrial Park Industrial Development District; and

WHEREAS, Michigan Packaging Company has filed an application, dated August 15, 2011, for an Industrial Facilities Tax Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development Sycamore Creek Industrial Park; and

WHEREAS, before acting on said application, the City of Mason held a hearing on September 19, 2011, at the Mason City Hall, in the Council Chambers at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before August 26, 2011, the date of acceptance of the application for the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in City of Mason; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Mason, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council of the City of Mason that:

1. The Mason City Council finds and determines that the granting of the Industrial Facilities Tax Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Mason, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Mason.

2. The application from Michigan Packaging Company for an Industrial Facilities Tax Exemption Certificate, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District, to wit:

   THAT PART OF E 1/2 OF SEC 16, T2N R1W CITY OF MASON DESC AS: COM AT S 1/4 COR SEC 16 - N00D23'23"W ALNG NS 1/4 LN 2131.45 FT - N23D46'44" E PLL WITH CONRAIL RR SPUR 244.25 FT TO POB - N00D23'23"W 400.56 FT - N23D46'44" E 715.94 FT PLL WITH & 36 FT SELY OF C/L CONRAIL RR SPUR - N89D53'35"E 210.45 FT TO C/L EDEN RD - S31D07'27"E ALNG SD C/L 1562.92 FT - S89D53'35"W 751.08 FT - N00D23'23"W 154.53 FT - N76D52'46"W 566.93 FT TO POB SUBJ TO ESMT FOR ACCESS PURPOSES 22.79 ACRES (2007 ROLL SPLIT FROM 16-400-009) 425 AGREEMENT PARCEL
   be and the same is hereby approved.

3. The Industrial Facilities Tax Exemption Certificate, when issued, shall be and remain in force for a period of (12) years after completion.

RESOLUTION APPROVED UNANIMOUSLY

Gestamp Mason - Re uest for Industrial Facilities E emption Agreement

Mssers. Walter Hill, Nick DeLong, and Mark Rittenhouse were present representing Gestamp Mason, LLC. Walter Hill, Plant Manager, spoke regarding the application requesting an industrial facilites exemption on the construction and installation of new equipment which will allow hiring 110 employees within the next two years.

Clark opened and closed the public hearing at 7:45 p.m. as there were no comments.

Resolution No. 2011-31 – Resolution Approving Application of Gestamp Mason, LLC for Industrial Facilities E emption Certificate for a New Facility

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2011-31 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-31 was introduced by Ferris and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-31
RESOLUTION APPROVING APPLICATION OF GESTAMP MASON, LLC FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR A NEW FACILITY
SEPTEMBER 19, 2011

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on July 6, 1992, the Mason City Council, by Resolution No. 92-37 established Sycamore Creek Industrial Park Industrial Development District; and

WHEREAS, Gestamp Mason, LLC has filed an application, dated August 30, 2011, for an Industrial Facilities Tax Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development Sycamore Creek Industrial Park; and

WHEREAS, before acting on said application, the City of Mason held a hearing on September 19, 2011, at the Mason City Hall, in the Council Chambers at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before August 30, 2011, the date of acceptance of the application for the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in City of Mason; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Mason, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council of the City of Mason that:

1. The Mason City Council finds and determines that the granting of the Industrial Facilities Tax Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Mason, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Mason.

2. The application from Gestamp Mason, LLC for an Industrial Facilities Tax Exemption Certificate, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District, to wit:

   BEG AT NW COR OF SEC 16 - S 89-45-58 E 1033.64 FT ALNG N SEC LN - S 24-17-28 E 1459.66 FT ALNG WLY LN OF CONRAIL R/W - SELY ALNG CURVE TO RT 408.57 FT, RAD OF 2861.25 FT, CHD BRG S 20-12-01 E 408.22 FT - CONT SELY ALNG CURVE TO RT 281.39 FT, RAD OF 2861.25 FT, CHD BRG S 13-17-32 E 281.28 FT - ALNG CURVE TO LEFT 468.82 FT, RAD OF 429.28 FT, CHD BRG N 51-54-02 W 445.86 FT - N 89-43-34 W 534.2 FT - S 00-06-19 W 31.32 FT - N 89-43-34 W 197 FT - S 00-06 19 W 386 FT - N 89-53-41 W 754.03 FT ALNG N LN OF TRILLIUM CT - N 00-04-38 W 2128.84 FT ALNG W SEC LN TO POB ON NW 1/4 OF SEC 16 T2N R1W 63.481 AC M/L CITY OF MASON (1997)

be and the same is hereby approved.

3. The Industrial Facilities Tax Exemption Certificate, when issued, shall be and remain in force for a period of (12) years after completion.

RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval of Bills: $70,673.66
B. Approval of Minutes – Regular Council Meeting: September 6, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-32 – Appointment by the City Council to the Cemetery Board

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2011-32 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-32 was introduced by Ferris and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-32
APPOINTMENT BY THE CITY COUNCIL
TO THE CEMETERY BOARD
September 19, 2011

WHEREAS, the resignation of Richard Ferris has created a vacancy on the Cemetery Board; and

WHEREAS, the term of the vacancy expires on December 31, 2012;

BE IT HEREBY RESOLVED that the City Council, does hereby appoint Joe Dean to the Cemetery Board commencing September 19, 2011 through December 31, 2012.
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Johnson asked to be allowed to speak to new business following the administrator's report; Council agreed.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding Planning Commission business.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Minshall informed Council regarding City business.

Councilmember Neal Johnson submitted his resignation to Council, effective immediately. He stated that the recent loss of his father has caused him to reevaluate his life and priorities, which require that he make significant changes. Council regretfully accepted and thanked Mr. Johnson for his many years of service to the community by serving on City Council, Planning Commission, Zoning Board of Appeals, and Traffic Commission.

ADJOURNMENT

The meeting adjourned at 8:09 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 6, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
David Haywood, Zoning/Development Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Master Plan Workshop - Public Visioning – September 12, 20, and 29
- Jefferson Street Square Grand Re-Opening –
- MML Annual Convention – Grand Rapids – October 5-7, 2011
- 9-11 Ceremony – 10th Anniversary – James Pelton Fire Station – September 11, 2011

PEOPLE FROM THE FLOOR

Sam Chrome of 822 Roosevelt Street thanked Council for the use of Bond Field for the Mason Baseball/Softball Club, Youth 10 and 12 Tournaments. They also used the newly constructed Rayner Park field.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Bills: $205,134.49
B. Approval of Minutes – Regular Council Meeting: August 15, 2011

MOTION APPROVED UNANIMOUSLY

EXECUTIVE SESSION – COLLECTIVE BARGAINING AGREEMENT

MOTION by Naeyaert, second by Johnson,
to adjourn to executive session to discuss a collective bargaining agreement.
Yes (7) Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:44 p.m. and reconvened at 7:50 p.m.

MOTION by Johnson, second by Naeyaert,
To amend the agenda by moving Item No. 9 (D) to Item No. 9 (A), and the following items sequentially.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-29 – Li uor License – New Dance-Entertainment Class C Licensed Business Located At 154 160 W. Maple Street

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2011-29 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-29 was introduced by Droscha and seconded by Naeyaert.

CITY COUNCIL RESOLUTION NO. 2011-29

LIQUOR LICENSE – NEW DANCE-ENTERTAINMENT CLASS C
LICENSED BUSINESS LOCATED AT 154 160 W. MAPLE STREET

SEPTEMBER 6, 2011

At a Regular meeting of the City Council
(Regular ~~or Special~~) (~~Township Board,~~ City ~~or Village~~ Council)

called to order by Mayor Clark On September 6, 2011 at 7:30 P.M.

The following resolution was offered:

Moved by

Droscha and supported by Ferris

That the re uest from JPG PUB, LLC FOR A NEW DANCE-ENTERTAINMENT PERMIT TO BE HELD IN CONJUNCTION WITH 2010 CLASS C LICENSED BUSINESS, LOCATED AT 154 & 160W MAPLE, MASON, MI 48854, INGHAM COUNTY.

be considered for Approval
(Approval ~~or Disapproval~~)

SUBJECT TO THE FOLLOWING CONDITIONS: The applicant meets appropriate local and state sanitation, Ingham County Health Department requirements, of which some remain pending, Mason Fire Department inspections, and the final inspection by the Liquor Control Commission.

APPROVAL

Yeas: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz

Nays: None

Absent: None

DISAPPROVAL

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be:

Recommended for issuance.
(Recommended ~~or Not Recommended~~)

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-26 – FOP Supervisory Division Agreement

MOTION by Waltz, second by Droscha,
to consider Resolution No. 2011-26 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-26 was introduced by Ferris and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-26
FOP SUPERVISIORY DIVISION AGREEMENT
September 6, 2011

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, 2011 – June 30, 2013; and

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-27 – A Resolution Authori ing the City to Proceed with Construction of the Stage in Rayner Park

MOTION by Waltz, second by Tornholm,
to consider Resolution No. 2011-27 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-27 was introduced by Ferris and seconded by Droscha.

City of Mason
City Council Resolution No. 2011-27
A Resolution Authori ing the City to Proceed with
Construction of the Stage in Rayner Park
September 6, 2011

WHEREAS, the City of Mason acquired the rights from Ingham County to take control and maintain Rayner Park through the Lease with Option to Buy from Ingham County; and

WHEREAS, continuing City efforts continue to maintain and improve equipment and facilities within the park; and

WHEREAS, the City has been planning to make the improvement of building a new stage through volunteer funding and efforts with Rayner Park to serve the arts and culture needs of the community; and

WHEREAS, the funding sources have been dedicated through Mason Rotary Club and Mason State Bank, and the naming rights of the new stage have been retained by the Mason Rotary Club.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council values the efforts of the Mason Rotary Club and Mason State Bank towards the funding of a new stage within Rayner Park; and

BE IT FURTHER RESOLVED, authorizes the City Administrator to proceed forward with the planning, preparation and construction through volunteer efforts to build a new Mason Rotary Club Stage.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-28 – A Resolution to Make an Emergency E penditure to Repair West Elm and East Sycamore Streets Due to Flood Damage

MOTION by Naeyaert second by Droscha,
to consider Resolution No. 2011-28 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-28 was introduced by Ferris and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-28
A RESOLUTION TO MAKE AN EMERGENCY EXPENDITURE TO REPAIR 200 BLOCK OF WEST ELM AND 100 BLOCK OF EAST SYCAMORE STREETS DUE TO FLOOD DAMAGE
September 6, 2011

WHEREAS, it is in the best interest of the City of Mason to keep our streets and utilities in good working order; and

WHEREAS, the streets and storm utilities were damaged from the storm event of July 28 and 29, 2011, and are in need of repair; and

BE IT RESOLVED, that the Mason City Council has determined to approve the emergency funding and repairs to the streets estimated in the amount of $46,080.67 for the streets that were damaged from the storm.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the repair work for the streets.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Designation of Voting Delegate to the 2011 Michigan Municipal League Annual Meeting
The Annual Michigan Municipal League Convention will be held in Grand Rapids, October 4-7, 2011. The annual meeting is scheduled to be held Wednesday, October 5, 2011 at 1:00 p.m. at the Amway Grand. In accordance with the League Bylaws, Council selects a designee and alternate to attend the meeting by formal action. The official representative has voting privileges in the election of officers and other business.

MOTION by Tornholm, second by Droscha,
to appoint Mayor Leon Clark to serve as the City of Mason principal official representative and Councilmember Elaine Ferris to serve as an alternate to attend the Annual 2011 MML Convention in Grand Rapids and the annual meeting held Wednesday, October 5, 2011.
MOTION APPROVED UNANIMOUSLY

Motion – Streets Closure Re uest for Mason High School Homecoming Parade
The homecoming parade is an annual event promoted through the Mason High School. The parade includes various floats, vehicles, MHS Band, and horses.

MOTION by Naeyaert, second by Waltz,
to approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason High School Homecoming Parade, October 7, 2011 between 5:00 p.m. and 7:00 p.m.
MOTION APPROVED UNANIMOUSLY

Motion – Michigan Department of Community Health, Healthy Communities Program Grant Funding
Haywood elaborated on his report regarding a grant opportunity to create and adopt a complete streets ordinance which would address a street design plan for non-motorized/motorized access. The ordinance would be created with assistance from staff at Tri-County Regional Planning Commission and an ad hoc steering committee of Mason officials, residents, and interested parties through a public input process, requiring two public hearings.

Having a competitive edge for street and recreation funding with future grant opportunities was discussed as a benefit of pursing the grant. Disadvantages discussed were that the grant amount is not beneficial enough for regulations imposed by the grant; it would be labor intensive for staff and the timing of the grant is incompatible with current efforts of the Master Plan public visioning. The community has been called on by the City to itemize current and future features they recognize as desired and needed for Mason. Efforts to implement the complete streets ordinance would contradict inviting the community to contribute their view and vision for Mason. The concept of complete streets can be implemented through the Master Plan process if it is a preferred feature.

MOTION by Tornholm, second by Ferris,
to authorize the City Administrator to pursue grant funding from the Michigan Department of Community Health, Building Healthy Communities Program, for the purpose of creating and adopting a complete streets ordinance.
Yes (3) Ferris, Tornholm, Droscha
No (4) Clark, Johnson, Naeyaert, Waltz
MOTION FAILED

Discussion – Video Streaming
Bob Cwiertniewicz of Behold My Site presented his proposal for live video streaming of City Council and Planning Commission meetings and providing four of the most recent meetings of both for re-viewing on the website. A brief discussion ensued.

> MOTION by Johnson, second by Naeyaert,
> to instruct the City Administrator to proceed with trying to secure an agreement with Behold My Site for the services outlined in the Service Agreement for video streaming as soon as possible.
> MOTION APPROVED UNANIMOUSLY

Discussion – City of Mason Economic Vitality Incentive Program (EVIP)
Smith informed Council regarding the Economic Vitality Incentive Program (EVIP) that will be replacing Statutory Revenue Sharing appropriated to local municipalities by the State of Michigan, beginning in 2011. Under the EVIP program, municipalities will receive a portion of an appropriated amount based on meeting specific criteria. The criteria include Accountability & Transparency, Consolidation of Services, and Employee Compensation. To avoid a reduction in revenue, the City must meet specific implementation deadlines and be in place by October 1, 2011. To receive the funds appropriated, the City must have a citizen's guide to its finances and a performance "dashboard". The Consolidation of Services and Employee Compensation portions must be in place by January 1, 2012 and May 1, 2012 respectively. The City is required to develop plans to increase its existing level of cooperation, colaberation, and consolidation, both internally and with neighboring jurisdictions, as well as, plans to address benefits, compensation, and pensions. If completed by their respective deadlines, the City will continue to receive the full amount of its available distribution.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Naeyaert informed Council regarding Legislative matters.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 15, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
David Haywood, Zoning/Development Director
Ken Baker, DPW Superintendent
Dennis McGinty, City Attorney
Don Heck, City Engineer

ANNOUNCEMENTS

- Kiwanis Blood Drive – St. James Church – August 18, 2011
- Master Plan Workshop - Public Visioning – September 12, 20, and 29

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

It was discussed to remove Item No. 7A - Approval of Minutes – Regular Council Meeting: August 1, 2011, from the Consent Agenda, insert it under Regular Business Item 8A, and adjust the subsequent items accordingly.

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Bills: $92,227.70

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Minutes – Regular Council Meeting August 1, 2011

MOTION by Naeyaert, second by Waltz,
to correct and approve the regular Council meeting Minutes of August 1, 2011 by inserting the following motion:

MOTION by Naeyaert, second by Waltz,
to excuse the absence of Councilmember Neal Johnson for the August 1, 2011 meeting.
MOTION APPROVED UNANIMOUSLY

MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-24 – Resolution to Approve the Purchase of Meter Reading Software and E uipment from Michigan Meter and Waive the Formal Bid Process

Ken Baker, DPW Superintendent, gave a brief summary of the meter reading software and equipment upgrade needed. It is a proprietary product; therefore, staff is requesting Council to waive the formal bid process.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-24 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-24 was introduced by Droscha and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011- 24
RESOLUTION TO WAIVE THE FORMAL BID PROCESS AND APPROVE THE PURCHASE OF NEW METER READING SOFTWARE AND EQUIPMENT FROM MICHIGAN METER CO.
August 15, 2011

WHEREAS, it is in the best interests of the City of Mason to keep our meter reading equipment in good working order; and

WHEREAS, the scheduled replacement of the meter reading software and equipment is planned for in the approved Fiscal Year 2011 - 2012 Budget; and

BE IT RESOLVED, that the Mason City Council has determined to waive the formal bid process to purchase the proprietary meter reading equipment.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of the meter reading software and equipment from Michigan Meter in the amount of $10,000.00
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-25 – Resolution to Award the Emergency Repair Work for the ISD Lift Station to T.H. Eifert and Waive the Formal Bid Process

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2011-25 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-25 was introduced by Droscha and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011- 25
RESOLUTION TO AWARD THE EMERGENCY REPAIR WORK FOR THE ISD LIFT STATION TO T.H. EIFERT AND WAIVE THE FORMAL BID PROCESS
August 15, 2011

WHEREAS, it is in the best interests of the City of Mason to keep our lift stations in good working order; and

WHEREAS, the ISD lift station was damaged from a flood and is in need of repair; and

BE IT RESOLVED, that the Mason City Council has determined to approve the emergency repairs to the ISD lift station to the lowest quoted contractor and waive the formal bid process.
NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby award the repair work for the ISD lift station to T.H. Eifert for $32,950.00.
RESOLUTION APPROVED UNANIMOUSLY

Motion - Administrative Consent Order ACO-00069 – An Administrative Consent Order between the Michigan Department of Environmental Quality (MDEQ) and the City of Mason

Colburn informed Council regarding the Administrative Consent Order agreement between the Michigan Department of Environmental Quality (MDEQ) and the City of Mason, which include that the Consent Order is for settlement purposes only and does not constitute an admission by the City that any law has been violated. It defines the findings of events that occurred, timelines, corrective actions the City is taking, and establishes a compliance program. The most immediate factor of the compliance program is for the City to install a sanitary sewer overflow bypass control structure, in accordance with the DEQ approved permit, which was funded in the 2011/2012 annual budget. He stated that MDEQ considers any discharge into a tributary an unlawful act. The City of Mason has experienced sanitary sewer overflows into the Sycamore Creek due to rapid snowmelts and heavy rain storms that exceed the wastewater treatment plant capacity. The Agreement addresses partial compensation to the State of Michigan for costs incurred by the State for investigative and enforcement activities incurred at the City's Waste Water Treatment Plant. Staff recommended making a counter offer and attempt to convince MDEQ that any fine would be better spent towards the implementation of the control structure that will be built this summer.

McGinty explained the legalities of not entering into the consent agreement versus choosing to enter into the agreement. A brief discussion ensued regarding the counter offer.

> MOTION by Naeyaert, second by Johnson,
> to approve the State of Michigan Department of Environmental Quality Water Resource Division Administrative Consent Order ACO-000069 and authorize the City Administrator to counter offer and sign said Agreement on behalf of the City of Mason.
> MOTION APPROVED UNANIMOUSLY

Motion – Bid - POTW Outfall Bypass and Flood Control

The installation of an Outfall Bypass and Flood Control System has been proposed to prevent overflow of the Sycamore Creek from entering the wastewater treatment plant during flooding conditions. Heck spoke briefly regarding the varied bid amounts submitted for the POTW Outfall Bypass and Flood Control.

> MOTION by Tornholm, second by Johnson,
> to accept the $89,977.81 bid of E.T. MacKenzie Company to install the Outfall Bypass and Flood Control System at the POTW.
> MOTION APPROVED UNANIMOUSLY

Ordinance No. 185 – An Ordinance to Designate an Enforcing Agency to Discharge the Responsibility of the City of Mason, Ingham County, and to Designate Regulated Floodprone Ha ard Areas Under the Provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as Amended

Colburn stated that Ordinance No. 185 was adopted by Council on August 1, 2011 and sent to FEMA for approval. FEMA refused to approve the ordinance unless it states an effective date of August 16, 2011, which is consistent with the published map for all other jurisdictions in the region.

McGinty explained that in accordance with the City Charter, ordinances become effective twenty days after the enactment or before publication. Ordinance No. 185 was adopted August 1 and would, then, be effective August 22. However, the Charter allows Council to give an earlier effective date by the affirmative votes of not less than five Council members and publishing requirements may be met by posting the ordinance in prominent locations in ten public places in the city.

Therefore, Ordinance No. 185 has been revised establishing an effective date of August 16, 2011. Upon adoption, the City Clerk will make arrangements to publish the ordinance on that date by posting in accordance with Section 7.4 of the City Charter.

MOTION by Droscha, second by Waltz,
to reconsider Ordinance No. 185.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Johnson,
to amend Ordinance No. 185 according to the City Attorney's memorandum of August 12, 2011.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Ferris,
to adopt Ordinance No. 185.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Johnson asked staff for an update on the progress of online webcasting at the next meeting.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business.

EXECUTIVE SESSION – PROPERTY ACQUISITION
MOTION by Naeyaert, second by Johnson,
to adjourn to executive session to discuss property acquisition.
Yes (7) Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:07 p.m. and reconvened at 8:27 p.m.

MOTION by Naeyaert, second by Johnson,
to send a city staff member and a representative to the Ingham County auction being held August 26, 2011 .
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned at 8:29 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 1, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin A. Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwiertniewicz, City Clerk
David Haywood, Zoning/Development Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Thursday Night Live – Backwoods Band – August 11, 2011

PEOPLE FROM THE FLOOR

Col (Ret) Terry Fobbs addressed Council regarding his new appointment as Commander of the American Legion Post #148, as well as his appointment by the State of Michigan as Assistant to the State Fire Marshal.

PRESENTATIONS

Dan Schlattman – Mason State Bank Foundation

Colburn stated that the Mason State Bank Foundation had designated $3,000.00 to the construction of the stage at Rayner Park. Mr. Schlattman was unable to attend.

CONSENT AGENDA

MOTION by Nayaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: July 18, 2011
B. Approval of Bills: $110,763.20

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading and Adoption – Ordinance No. 185 – An Ordinance to Designate an Enforcing Agency to Discharge the Responsibility of the City of Mason, Ingham County, and to Designate Regulated Floodprone Ha ard Areas Under the Provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as Amended

First reading was held for Ordinance No. 185 at the July 18, 2011 meeting. It was presented to Council with the revisions provided by City Attorney McGinty for second reading and adoption.

MOTION by Naeyaert, second by Waltz,
to amend Ordinance No. 185 according to the City Attorney's recommendation of July 18,

2011, City Council meeting.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 185 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 185

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF MASON, INGHAM COUNTY, AND TO DESIGNATE REGULATED FLOODPRONE HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

THE CITY OF MASON ORDAINS

Sections 30-34 and 30-61 through 30-64 of Chapter 30 of the Mason City Code are hereby amended to designate the enforcing agency to discharge the responsibilities of the City of Mason under the National Flood Insurance Program and to designate regulated flood-prone hazard areas, which amended sections shall read as follows:

Sec. 30-34. Designation of Regulated Flood-Prone Ha ardous Areas.
This article shall apply to all areas of special flood hazards within the city as identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) entitled "Flood Insurance Study, Ingham County, Michigan (All Jurisdictions)", having the flood insurance study number 26065CV000A dated August 16, 2011, with the following accompanying Flood Insurance Rate Maps (FIRM), having FIRM numbers 26065C; 0252D, 0253D, 0254D, 0258D, 0260D, 0265D, and 0270D dated August 16, 2011, all of which are adopted and incorporated in this article by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table 301.2(1) of the Michigan Residential Code.

Sec. 30-61. Designation of Enforcing Agency Code Appendi Enforced.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Zoning and Development Director of the City of Mason is hereby designated as the Enforcing Agency to discharge the responsibility of the City of Mason under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Mason assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the City of Mason. The duties of the designated Enforcing Agency shall include the following:

(1) Review all permits to determine that the requirements of this article have been satisfied.

(2) Review all permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all permits to determine if the proposed development is located in the floodway; if located in the floodway, assure that encroachment provisions of section 30-87(3) are met.

(4) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(5) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

(6) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation under the variance procedures provided in section 30-64.

(7) a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new substantially improved, floodproofed structures:

1. Verify and record actual elevation (in relation to mean sea level); and

2. Maintain floodproofing certifications (see development permit review).

(8) When base flood elevation data has not been provided by the Flood Insurance Administration, obtain, review and reasonably utilize other available base flood elevations.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the Enforcing Agency within the City of Mason.

Sec. 30-62. Development permit review.

All applications for building permits, moving permits or certificates of occupancy; all applications for site plan or plan of development approval; and all applications for grading permits shall first be referred to the zoning and development director for a review and determination as to whether the proposed development, structure, land or use lies within an area of special flood hazard. If it is found that the proposed activity lies within a special flood hazard area, the application shall not be further processed or approved until the applicant submits the following information:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures;

(2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

(5) A location map including existing topographical data at one-foot interval contours on a scale of one inch representing 100 feet;

(6) A map showing grading and drainage plans, including the location of all public drainage easements; the location of existing and proposed utilities such as sewer, gas, electric and water systems; and the extent and elevations of the proposed fill, excavations and occupation;

(7) A letter of approval from the water resources division of the state department of natural resources; and

(8) Any other information reasonably requested by the zoning and development director.

Sec. 30-63. Permit approval.

(a) *Review by city engineer.* Upon receipt of submittal requirements, the zoning and development director shall forward the plans and information to the city engineer for review, comment and, where necessary, approval of the following:

(1) All public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(2) Adequate drainage provided to reduce exposure to flood hazards.

(3) New and replacement water systems designed to minimize or eliminate infiltration of floodwaters into the systems.

(4) New and replacement sanitary sewage systems designed to minimize or eliminate infiltration of floodwaters into the systems, and discharges from the systems into floodwaters.

(b) *Review and approval by zoning and development director.* No more than 15 working days after receipt of submittal, the city engineer shall submit review comments and, where necessary, approval to the zoning and development director.

(1) *Review of submittal.* The zoning and development director shall review the complete submission in relation to general and specific standards. The zoning and development director shall obtain and utilize for his review any base flood elevation data available from federal, state or other source in order to administer the provisions of this article.

(2) *Approval.* The zoning and development director shall, after receipt of the complete submission and receipt of all fees, approve the application for a building permit, grading permit, plat, plan of development or certificate of occupancy if he is satisfied that the proposal meets the requirements of this article and that the proposed construction and use of the premises conform with the applicable city codes.

(3) *Conditions.* The zoning and development director shall have the authority to attach conditions to the approval of any proposal located in a floodway area where such conditions are clearly necessary to ensure conformance with the purpose and objectives of this article.

Sec. 30-64. Variance.

(a) The building board of appeals shall hear and decide appeals and requests for variances from the requirements of this article.

(b) The building board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the zoning and development director in the enforcement or administration of this article.

(c) In passing upon such applications, the building board of appeals shall consider all technical evaluations, all relevant factors, standards specified in this article, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger of life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(d) Upon consideration of the factors of subsection (c) and the purposes of this article, the building board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(e) The zoning and development director shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

(f) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (c)(1)--(c)(11) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(g) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.

(h) Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flooding discharge would result.

(i) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(j) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

(k) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz, with a vote thereon being: YES (6) NO (0) ABSENT (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 1st day of August, 2011. Ordinance No. 185 declared adopted this 1st day of August, 2011.

ORDINANCE APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
~~None.~~ [correction]

MOTION by Naeyaert, second by Waltz,
to excuse the absence of Councilmember Neal Johnson for the August 1, 2011 meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Tornholm informed Council regarding Historic District Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding City business. A brief discussion was held regarding means of resolving the flooding at the Fairgrounds.

EXECUTIVE SESSION – PROPERTY ACQUISITION

MOTION by Waltz, second by Ferris,
to adjourn to executive session to discuss property acquisition.
Yes (6) Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
No (0)
Absent (1) Johnson
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned at 7:52 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 18, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Eric Smith, Finance Director/Treasurer and Acting City Administrator
Deborah J. Cwiertniewicz, City Clerk
John Stressman, Chief of Police
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Farmers Market – Saturdays through October - 9:00 a.m. – 1:00 p.m.
- First United Methodist Church of Mason – Blood Drive – Friday, July 22
- Cooling Center Locations – Capital Area Community Services, Mason First Church of the Nazarene, and Meijer Store

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Tornholm, second by Ferris,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: July 5, 2011
B. Approval of Bills: $237,870.71

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 183 – An Ordinance to Amend Chapter 42 - Offenses of the Code of the City of Mason by Adding Section 42-97 which Prohibits Disturbing the Public Peace by Loud or Boisterous Conduct in Public Within the City of Mason

MOTION by Johnson, second by Droscha,
to consider Ordinance No. 183 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 183

AN ORDINANCE TO AMEND CHAPTER 42 - OFFENSES OF THE CODE OF THE CITY OF MASON BY ADDING SECTION 42-97 WHICH PROHIBITS DISTURBING THE PUBLIC PEACE BY LOUD OR BOISTEROUS CONDUCT IN PUBLIC WITHIN THE CITY OF MASON.

THE CITY OF MASON ORDAINS:

Section 42-97 of Chapter 42 - Offenses of the Code of the City of Mason is hereby added to read as follows:

Sec. 42-97. No person shall disturb the public peace and quiet by loud or boisterous conduct.

Effective Date. This Ordinance shall take effect 20 days after its passage, approval, and publication.

The foregoing Ordinance was moved for adoption by Council Member Johnson and supported by Council Member Droscha with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 18th day of July, 2011.

ORDINANCE APPROVED UNANIMOUSLY

Second Reading – Ordinance No. 184 – An Ordinance to Amend Chapter 42 - Offenses of the Code of the City of Mason by Adding Section 42-98 which Prohibits Assaulting or Assaulting and Battering Any Individual within the City of Mason

MOTION by Johnson, second by Droscha,
to consider Ordinance No. 184 read for the second time and adopted..
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 184

AN ORDINANCE TO AMEND CHAPTER 42 - OFFENSES OF THE CODE OF THE CITY OF MASON BY ADDING SECTION 42-98 WHICH PROHIBITS ASSAULTING OR ASSAULTING AND BATTERING ANY INDIVIDUAL WITHIN THE CITY OF MASON.

THE CITY OF MASON ORDAINS:

Section 42-98 of Chapter 42 - Offenses of the Code of the City of Mason is hereby added to read as follows:

Sec. 42-98. (a) No person shall assault or assault and batter any individual.

(b) This section does not apply to:

(1) An individual who commits an offense described in MCL 750.81(2).

(2) Any assault offense described under state statute that carries penalties higher than 93 days in jail and/or a fine of $500.00.

(3) An individual using necessary reasonable force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

(c) It shall not be a defense to a charge brought under this section that the defendant committed or intended to commit an offense carrying greater penalties than 93 days in jail and/or a fine of $500.00.

(d) A person who violates this section is punishable by 93 days in jail, a fine of $500.00, or both.

Effective Date. This Ordinance shall take effect 20 days after its passage, approval, and publication.

The foregoing Ordinance was moved for adoption by Council Member Johnson and supported by Council Member Droscha with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 18th day of July, 2011.

ORDINANCE APPROVED UNANIMOUSLY

First Reading – Ordinance No. 185 – An Ordinance to Affirm an Enforcing Agency to Discharge the Responsibility of the City of Mason, Ingham County, and to Designate Regulated Flood Ha ard Areas Under the Provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as Amended

McGinty stated that the adoption of Ordinance No. 185 will update the current floodplain ordinance by adopting a new flood map and re-designating the enforcement officer. He stated that the edited version he approved is not in the packet. He did not have the document citing the edits he provided; therefore, the ordinance cannot be corrected at this time. Due to the timeline of the floodplain, he advised proceeding with the introduction of the ordinance for first reading. He will bring the edits for introduction as amendments for the second reading, August 1, 2011.

The ordinance can be amended

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No.185 introduced and read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-22 – A Resolution Affirming the City of Mason's Commitment to Manage Floodplain Development for the National Flood Insurance Program

MOTION by Waltz, second by Ferris,
to consider Resolution No. 2011-22 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-22 was introduced by Droscha and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011- 22
A Resolution Affirming the City of Mason's Commitment to Manage Floodplain Development for the National Flood Insurance program
July 18, 2011

WHEREAS, the City of Mason in Ingham County currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
   a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
   b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical ordinance adoption action dated August 16, 1982**,** the community accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE BE IT RESOLVED, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, Zoning and Development Director, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:

   a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.

   b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

   c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:

      1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.

      2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.

      3. Appendix G of the current Michigan Building Code.

   d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

   e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.

   f. Advising FEMA of any changes in community boundaries, including appropriate maps.

   g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.

2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60,

Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.

3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-23 – A Resolution to Approve the Purchase of a 2011 Ford Crown Victoria for the Mason Police Department

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2011-23 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-23 was introduced by Droscha and seconded by Ferris.

City of Mason
City Council Resolution No. 2011-23
A Resolution To Purchase a 2011 Ford Crown Victoria Police Car to Replace Police Car 83
July 18, 2011

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Police Car #83 was approved in the Fiscal Year 2011-2012 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2011 Ford Crown Victoria police car for $21,854.00 from Gorno Ford.

RESOLUTION APPROVED UNANIMOUSLY

Motion - Consent Agreement, Order and Notice for Demolition between City of Mason and Ingham County Treasurer

Smith stated that two parcels in the city that were acquired by the Land Bank are being offered at the Land Sale Auction held by the Ingham County Treasurer, July 27, 2011. The Consent Agreement, Order and Notice for Demolition between the City of Mason and Ingham County Treasurer stipulate that the structure on each property will be demolished in accordance with Mason Code.

MOTION by Naeyaert, second by Johnson,
to authorize the City Administrator and City Clerk to sign the Consent Agreement, Order and Notice for Demolition.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed. Council commended Finance Director/Treasurer Smith for the Water and Sewer Rate Comparison report.

LIAISON REPORTS

- Waltz informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Smith informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 7:52 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 5, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Dennis McGinty, City Attorney
Mike Kluck, Labor Counsel

ANNOUNCEMENTS

- Historical Society Garden Tour – July 9, 2011 – 10:00 a.m. – 4:00 p.m.
- Farmers Market– Begins July 9, 2011 – 9:00 a.m. – 1:00 p.m.

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: June 20, 2011
B. Approval of Bills: $82,826.98

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

It was discussed to consider both ordinances with one motion.

- **First Reading – Ordinance No. 183 – An Ordinance to Amend Chapter 42 - Offenses of the Code of the City of Mason by Adding Section 42-97 which Prohibits Disturbing the Public Peace by Loud or Boisterous Conduct in Public Within the City of Mason**
- **First Reading – Ordinance No. 184 – An Ordinance to Amend Chapter 42 - Offenses of the Code of the City of Mason by Adding Section 42-98 which Prohibits Assaulting or Assaulting and Battering Any Individual within the City of Mason**

MOTION by Naeyaert, second by Waltz,
to consider Ordinance Nos. 183 and 184 read and introduced for the first time.

MOTION APPROVED UNANIMOUSLY

E ecutive Session – Collective Bargaining Agreement

MOTION by Waltz, second by Naeyaert,
to adjourn to executive session to discuss a collective bargaining Agreement.
Yes (7) Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:38 p.m. and reconvened at 7:45 p.m.

Resolution No. 2011-21 – FOP Non-Supervisory Division Agreement

MOTION by Waltz, second by Naeyaert,
to consider Resolution No. 2011-21 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-21 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-21
FOP NON-SUPERVISIORY DIVISION AGREEMENT
July 5, 2011

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 Non-Supervisory Division, dated July 1, 2010 – June 30, 2013; 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

By consensus of the Council, Administrator Colburn was asked to speak to the portion of his report regarding Howell Road parking. He stated that he communicated with Bill Conklin, Managing Director of the Ingham County Road Commission, regarding the City's request to eliminate parking along Howell Road adjacent to the Hayhoe Riverwalk and Riverwalk subdivision. Mr. Conklin reported that both speed and parking issues are determined by the Michigan State Police. A Michigan State Police representative e-mailed Mr. Colburn and informed him that he did not find justification to establish a No Parking zone in that area.

A brief discussion followed regarding the authority of the Ingham County Road Commission and the Michigan State Police on Howell Road relating to the parking issue and future plans to install a crosswalk in that area for the extension of the Hayhoe Riverwalk.

NEW BUSINESS

It was stated that the July 4th fireworks put on by the Fire Department were spectacular.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Naeyaert informed Council regarding legislative issues.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Administrator Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:15 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 20, 2011

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: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Historical Society Garden Walk – July 9, 2011
- Farmers Market– Begins July 9, 2011 – 9:00 a.m. – 1:00 p.m.

PEOPLE FROM THE FLOOR

Clark introduced Major Greg Cooper, his wife Lisa, and his sons Garret and Logan. Major Cooper presented the Mayor and City Council with a flag that was flown over his base in Afghanistan on April 12, 2011. Major Cooper expressed his gratitude for the support Mason citizens have given to him, his family, and many other Mason soldiers who have served overseas in Iraq and Afghanistan.

On behalf of the citizens of Mason, Clark pledged full support to Major Cooper and his comrades with sincere thanks for what they do and have been going through. As Major Cooper presented the Flag to Mayor Clark, he stated that April 12 was the beginning of the Civil War and he noted great leaders from Mason who have served our country, including General Steele who served in Gettysburg.

PRESENTATIONS

Diann Jackman – Rayner Park Fundraising

Diann Jackman, member of the fund raising citizens' group for Rayner Park, informed the Council regarding the fundraising efforts for Rayner Park that was held May 22. She recognized the committee members that were in attendance and stated that Mayor Leon Clark is on the committee as well. She also named many volunteers and donors that contributed in various ways to the effort that raised $4,400.00. She and her husband Ron recently met with Mr. Colburn to determine how the funds could be used for the Park and it was determined that the funds could help restore the basketball court, purchase supplies for repairing the bridges, and provide gas cards to help purchase gas for the volunteers that are maintaining the grounds. Future goals for the citizens' group include obtaining non-profit status as well as additional fund raising ventures. Clark commended the group for their time and efforts for Rayner Park.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: June 6, 2011
B. Approval of Bills: $253,738.05

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Discussion was held to consider Resolution Nos. 2011-15 through 2011-19.

MOTION by Naeyaert, seconded by Johnson,
to consider Resolution Nos. 2011-15 through 2011-19 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-15 – Designate Authori ing Signatories

Resolution No. 2011-15 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-15
DESIGNATE AUTHORIZING SIGNATORIES
June 20, 2011

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Eric E. Smith, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-16 – Amend the 2010-2011 Fiscal Year Budget

Resolution No. 2011-16 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-16
AMEND THE 2010-2011 FISCAL YEAR BUDGET
June 20, 2011

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2010-2011 fiscal year Budget is hereby amended as per the attached "Exhibit A."

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-17 – Return Delin uent Water and Sewer Bills to the July 2011 Ta Roll

Resolution No. 2011-17 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-17
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2011 TAX ROLL
June 20, 2011

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2011 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-18 – Levy 1% Ta Administration Fee

Resolution No. 2011-18 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-18
LEVY 1% TAX ADMINISTRATION FEE
June 20, 2011

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public

School, Ingham Intermediate School, State Education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2011 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% interest on any taxes that remain unpaid from the July tax roll after August 31, 2011 and 3% penalty from the December tax roll after February 14, 2012.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-19 – Return Miscellaneous Bills to the July 2011 Ta Roll
Resolution No. 2011-19 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-19
RETURN MISCELLANEOUS BILLS TO THE JULY 2011 TAX ROLL
June 20, 2011

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2011 Tax Roll.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-20 – A Resolution Approving an Increase to the City of Mason Utility Rates
Colburn and Smith spoke to the reasoning for increasing the utility rates. Angela Newton, Vice Chair of the Utility Rate Study Commission, presented the findings of the Commission's review of the proposed Water and Sewer budget, water and sewer rate history, and the most current Water and Sewer Fund Financial Statements. She stated that the Commission is recommending a six-percent water and sewer rate increase, and a $16.00 base rate increase. A brief discussion ensued regarding the findings, including that there has not been an increase in the base rate since 2003. It was further discussed to consider implementing policy to enact a graduated fee schedule.

MOTION by Waltz, seconded by Droscha,
to consider Resolution No. 2011-20 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-20 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-20
A RESOLUTION APPROVING AN INCREASE TO THE CITY OF MASON UTILITY RATES
June 20, 2011

WHEREAS, the City of Mason is anticipating increases to the operations and maintenance and debt expenditures of the water system and the sewer system as outlined in the Master Plan, Capital Improvement Plan, Street Improvement Plan, and City of Mason Budget; and

WHEREAS, the Mason City Council is charged with assigning a just and reasonable rate for supplying the users of the water system and the sewer system with utility services as the City may provide; and

WHEREAS, the Water and Sewer Fund is a Proprietary Fund which, by definition, is financed primarily by user charges; and

WHEREAS, the Utility Rate Study Commission has met and reviewed the financial statements and 2011/2012 City of Mason Budget submitted by the Finance Department;

NOW, THEREFORE, BE IT RESOLVED, the following schedule of water and sewer charges, effective July 1, 2011, are hereby established:

- Minimum Water Charge will be $5.49 for the first 2,000 gallons.
- Water Charge will be $3.08 per 1,000 gallons after the first 2,000 gallons.
- Sewer Charge will be $3.99 per 1,000 gallons after the first 2,000 gallons.
- Water Capital Improvement Charge will be $2.16 per 1,000 gallons of water sold.
- Sewer Capital Improvement Charge will be $.54 per 1,000 gallons of water sold.

BE IT FURTHER RESOLVED, that all rate increases are effective for the first billing period commencing on or after July 1, 2011.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure Re uest for Neighborhood Block Party

The neighborhood of Mark Street submitted a written request to close Mark Street between Maple and Columbia Streets, July 4th from 7 a.m. – 10 p.m. to hold its annual neighborhood block party.

MOTION by Naeyaert, second by Johnson,
to approve the Mark Street Neighborhood request to close Mark Street between Maple and Columbia Streets, July 4, 2011, from 7 a.m.–10 p.m. to hold a neighborhood block party.
MOTION APPROVED UNANIMOUSLY

Discussion – Re uest from the Mason Area Historical Society for a Distribution from the Rayner Bond Fund

Colburn stated that the Mason Area Historical Society (MAHS) was requesting City Council to approve a contribution of funds from the Rayner Bond Fund to add to its Capital Improvement Fund for future anticipated major repairs to the Mason Historical Museum and Pink School House. In 1997, the City entered into an Agreement for Public Museum Services, bestowing a substantial contribution from the "Rayner Bond Fund."

It was the opinion of staff that an immediate donation could not be made for placing in a "Capital Improvement Fund" to meet future building and repair needs for the Mason Historical Museum and Pink School House. He added that if the City were to consider a contribution, for a specified need, that an Agreement for Public Services between the City and the museum would be in order.

Discussion ensued that the MAHS request would be an appropriate use of the Rayner Bond Fund when a specific need is identified.

Discussion – Proposed City Ordinances Assault Battery and Disturbing the Peace

Stressman stated that Assistant City Attorney Molly Coscarelli recommended adding a

misdemeanor assault and battery ordinance and a public peace ordinance to the Code. McGinty spoke in support of establishing the ordinances for the City. It was the consensus of Council to include ordinances for assault and battery and public peace on the next agenda.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed. Clark read a letter he received yesterday from Tate Cox who suggested installing recycling containers for bottles in the downtown.

LIAISON REPORTS

- Discussion was held regarding the timing of the street light at Jefferson and Ash Streets
- Waltz informed Council regarding Planning Commission business
- Clark informed Council regarding Downtown Development Authority business
- Naeyaert informed Council regarding legislative issues.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Administrator Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned at 8:42 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 6, 2011

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: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
Mason City Council and Mason Board of Education Joint Recognition Awards
Clark announced that Councilmember Naeyaert was unable to attend the Mason City Council and Mason Public Schools Joint Recognition Ceremony where nominated students and persons from the community are recognized for academics and/or deeds of excellence. Among the 2011 Honorees were Erica Case, daughter of Councilmember Naeyaert, and Andrew Brouillette, son of Mayor Pro Tem Waltz, who was also unable to attend. Mayor Pro Tem Waltz presented Andrew Brouillette with the Mason City Council and Mason Public Schools Joint Recognition Award for "Mason Senior Class of 2011 Academic Top Ten." Councilmember Naeyaert presented Erica Case with the Mason City Council and Mason Public Schools Joint Recognition Award for "Cheerleaders 2011 Academic All State Team Completive Cheer Award from the Capital Area Conference."

CONSENT AGENDA
MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: May 16, 2011
B. Approval of Bills

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Annual Report – 2010- Capital Area District Library (CADL), Head Librarian Sheryl Bass
Sheryl Bass, Head Librarian for the Mason Branch of CADL, gave a brief synopsis of the submitted 2010 Annual Report. Also in attendance were Board Members, Sally Trout, Debora Bloomquist, and Friends of the Library President, Shirley Beckman.

Resolution No. 2011-11 – A Resolution Establishing Policies and Administrative Procedures to be Used by the City of Mason to Protect the Municipal Water Supply
Ken Baker, DPW Superintendent, and David Haywood, Zoning & Development Director, spoke regarding the proposed policies and administrative procedures to be used by the City to protect the municipal water supply.

MOTION by Waltz, seconded by Droscha,
to consider Resolution No. 2011-11 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-11 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011- 11
A Resolution Establishing Policies and Administrative Procedures to be Used by the City of Mason to Protect the Municipal Water Supply
June 6, 2011

WHEREAS, the City of Mason recognizes the importance if its groundwater supply as a natural resource used for drinking; and

WHEREAS, it is within the responsibility of the City of Mason, as a public water supplier, to consider the health, safety and welfare of its customers; and

WHEREAS, groundwater contamination can and does occur as a consequence of a variety of land use activities; and

WHEREAS, it is desirable to preserve and protect the quality and quantity of our groundwater resources to assure a continued safe, adequate, and useable supply both now and in the future; and

WHEREAS, the protection of current and potential future sources of groundwater used for drinking water is worthwhile from the standpoint of resource protection; and

WHEREAS, state, county and municipal laws and regulations require certain land uses to obtain permits and approvals for construction and operation; and

WHEREAS, state agencies are not always aware of new development proposals and the owners or developers of proposed new land uses are not always aware of state, county and municipal permit and approval requirements; and

WHEREAS, local government officials, through adopted zoning ordinances, have the legal authority to review and/or approve land uses for the purposes of meeting the needs of the state's residents for natural resource protection and public services, including public water supplies; and

NOW THEREFORE BE IT RESOLVED that the City of Mason does hereby agree to take action to: (1) protect the immediate Wellhead Protection Area, (2) take steps to update the zone of contribution to the wells or well field(s) in compliance with the State of Michigan Wellhead Protection Program, and (3) to alert persons applying for land use, building, or subdivision approvals about state requirements for environmental protection. Any land uses or activities which may pose a threat to the public water supply and groundwater shall be properly managed to minimize the possibility of contamination; and

BE IT FURTHER RESOLVED that the City of Mason requests the establishment of a "Budget Line Item" for wellhead protection in order to determine the zone of contribution to our wells or well fields, and to implement the Wellhead Protection Program Plan, at such time as funds become available; and

BE IT ALSO RESOLVED that the City of Mason issue no land use permit, zoning permit, building or occupancy permit until such time that all required federal, state, county and/or local environmental permits or approvals have been obtained, and/or there is evidence that proper application to the responsible municipal, county, state or federal agencies has been made and significant issues affecting the Wellhead Protection Area have been addressed. An Environmental Permits Checklist will hereby be adopted for administrative use when new, changed or expanded land use activities are proposed.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-12 – Fireworks Display Agreement

MOTION by Naeyaert, seconded by Waltz,
to consider Resolution No. 2011-12 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-12 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-12
FIREWORKS DISPLAY AGREEMENT
June 6, 2011

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2011 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-13 – A Resolution to Accept Change Order No. 3 for 2010 2011 Local Street Improvement Program

MOTION by Waltz, seconded by Naeyaert,
to consider Resolution No. 2011-13 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-13 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-13
A RESOLUTION TO ACCEPT CHANGE ORDER NO. 3
FOR 2010 2011 LOCAL STREET IMPROVEMENT PROGRAM
June 6, 2011

WHEREAS, a revised annual street reconstruction program was prepared and presented June 21, 2010; and

WHEREAS, to complete the FY 2010-2011 local streets program, the Public Works Director and City Engineer reviewed the annual street prioritization program and recommended that the following streets be completed for fiscal year 2010/2011:

- S. Lansing Street
- Lawton Street
- Steele Street
- Maine Court
- Cemetery Drives
- Randolph Street – Okemos Street to East end
- Matthews Street – Sycamore Street to Columbia Street
- Matthews Street – Columbia Street to North end

WHEREAS, the City Finance Director has informed the City Administrator that we are approximately $20,000 short of spending the required 2/5 of one percent of taxable value for the current fiscal year; and

WHEREAS, the Public Works Director and City Engineer have reviewed and recommend accepting the Change Order No. 3, in the amount of $21,211.30 and 15% for contingencies, Engineering and Design, to the original public bid received from Reith Riley and accepted by Mason City Council for 2010 Local Street Improvements August 16, 2010; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council approves adding Bond Street as a priority for street capital maintenance, adding this project as Change Order No. 3 to the public bid presented and accepted from Reith Riley; and

BE IT FURTHER RESOLVED, that the Mason City Council does hereby direct the City Administrator to execute the Notice of Award for the Change Order No. 3.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-14 – Mayoral Appointments To The Planning Commission

MOTION by Ferris, seconded by Johnson,
to consider Resolution No. 2011-14 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-14 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-14
MAYORAL APPOINTMENTS TO THE PLANNING COMMISSION
June 6, 2011

WHEREAS, the resignations of two Commissioners created two vacancies on the Planning Commission;

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following appointments to the Mason Planning Commission with each term commencing June 6, 2011 and expiring on December 31 of the year noted.

- Kelli Green 2011
- Marlon Brown 2012

RESOLUTION APPROVED UNANIMOUSLY

Report – Master Plan Update, Progress Report to City Council
Haywood elaborated on his progress report on the Master Plan update.

Discussion – Creation of Arts Culture Commission
Colburn spoke regarding establishing an Arts & Culture Commission for the City. Discussion ensued regarding the benefits to the community; however, it was questioned whether it is timely to consider the creation of a committee considering that it was not included in the adopted 2011-2012 Budget, as well as the impact on the staff workload. It was suggested to wait for interested persons to form an arts and culture group or to include arts and culture development under the Planning Commission's Master Plan Review Sub-Committee, Quality of Life.

UNFINISHED BUSINESS
Johnson asked if the temporary antenna would be removed now that the newer antenna is in place. Colburn responded that he would confirm its current functionality and necessity and report back to the Council.

NEW BUSINESS
Council commended the Department of Public Works (DPW) for their outstanding response after the storm and Administrator Colburn's prompt and consistent updating to Council. Discussion ensued regarding the exemplary work done by City staff, DPW employees and the community at large.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Tornholm informed Council regarding Historic District Commission business.
- Naeyaert informed Council regarding legislative issues.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Administrator Colburn informed Council regarding City business.

ADJOURNMENT
The meeting adjourned to Executive Session at 8:27 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 16, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Wendy's will be donating a portion of sales to the Rayner Park Fund between 5:00 p.m. and 8:00 p.m. tonight
- 150th Designation of Rayner Park Ceremony will be held in the park at 2:00 p.m. Sunday, May 22, at 2:00 p.m.
- Rayner Park Fundraiser held at VFW beginning at 12:00 p.m.

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

Mayoral Proclamation – Kristin Mardell Phillips – Girl Scout Gold Award

Clark presented Kristin Mardell Phillips with a Mayoral Proclamation in honor of attaining the prestigious Girl Scout Gold Award. Mayor Clark was prepared to present the proclamation to Ms. Phillips at the Girl Scout Award Ceremony, but was unable to due to a miscommunication of the ceremony directors. In recognition of her accomplishment, Mayor Clark invited Ms. Phillips and her mother to formally receive the proclamation at the City Council meeting.

CONSENT AGENDA

It was the consensus of Council to remove Item No. 7A – Approval of Minutes from the Consent Agenda.

MOTION by Waltz, second by Ferris,
to approve the Consent Agenda as follows:

A. Approval of Bills - $68,113.86

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Minutes – Regular Council Meeting May 2, 2011

MOTION by Waltz, second by Naeyaert,
to amend the May 2, 2011 Minutes by striking the sentence under Consent Agenda.
MOTION APPROVED UNANIMOUSLY

MOTION by Waltz, second by Naeyaert,
to approve the May 2, 2011 Minutes as amended.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-10 – A Resolution Declaring an Additional Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

MOTION by Johnson, seconded by Naeyaert,
to consider Resolution No. 2011-10 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-10 was introduced by Johnson and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-10
A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY MORATORIUM ON THE ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN THE CITY OF MASON
May16, 2011

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, the City of Mason is in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council adopted Resolution 2010-45 establishing a 180-day moratorium on December 20, 2010; and

WHEREAS, the City will not conclude the process of determining which manner of regulation best serves to protect the health, safety, and welfare of its residents by the end of the current moratorium; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregiver operations until the process is concluded to determine the appropriate and necessary regulations;

NOW, THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary caregiver operation licenses and dispensary licenses shall continue the prior moratorium established by Resolution 2010-45 dated December 20, 2010 for an additional 180 days.
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- Waltz asked if staff provided clarification regarding the Memorial Day Parade participants. Clark stated that information has not yet been provided.
- Ferris asked that the Cedar Street tree issue be included on the next agenda.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Administrator Colburn was not in attendance due to illness.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to discuss an Attorney/Client Privileged Communication.
Yes (7) Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned to Executive Session at 7:51 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 2, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Waltz
Absent: Councilmember: Tornholm
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Friday, May 6, Mayor Clark, Administrator Colburn, Aleasha Wood from the Mason Chamber of Commerce, and Sarah Graham from Westside Deli will be guests on WLMI 92.9 Radio at 8:15 – 9:30 a.m.
- National Day of Prayer will be held on the Courthouse lawn Thursday, May 5 at 6:30 p.m.

PEOPLE FROM THE FLOOR

Kathy Nofzinger of 2580 Iosco Road, Dansville, and Diane Jackman of 768 West Howell Road, Mason, informed Council that local area residents have formed a Rayner Park Fundraiser Committee to help the City with maintenance costs. The first fundraiser will be held Sunday, May 22 at the VFW Post #7390, 1243 Hull Road.

PRESENTATIONS

None.

PUBLIC HEARING

FY 2011-2012 Budget

Clark opened the public hearing at 7:40 p.m.

Colburn stated that the City took a very stern approach and have presented a balanced budget. He highlighted specific goals that staff presented to Council.

Clark closed the public hearing at 7:47 p.m.

Resolution No. 2011-06 – Adoption of the FY 2011-2012 Budget

MOTION by Waltz, seconded by Ferris,
to consider Resolution No. 2011-06 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-06 was introduced by Waltz and seconded by Droscha. Council commended Administrator Colburn and Finance Director Smith for presenting a balanced budget for 2011-2012. Discussion ensued regarding the deferment of the street program.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011- 06
ADOPTION OF THE FY 2011-2012 BUDGET
May 2, 2011

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2011-2012 fiscal year budget on Monday, May 2, 2011 as prescribed by law;

NOW THEREFORE BE IT RESOLVED, that the proposed 2011-2012 Operating Budget is filed with the City Clerk, providing for the sums of $10,676,205 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2011-2012 fiscal year, and the said amount of $2,885,950 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason; and

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2011-2012 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $2,381,730 the sum of $31,560 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2011-2012 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $38,633,070; the sum of $156,870 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that the 2011-2012 Governmental Fund Budgets shall be automatically amended on July 1, 2011 to re-appropriate encumbrances outstanding and reserved on June 30, 2011; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2011-2012 proposed fiscal year budget which is currently on file in the office of the City Clerk.

RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

~~It was the consensus of Council to remove Item No. 7C - Motion - Street Closure - Memorial Day Parade, from the Consent Agenda.~~ [STRIKE]

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: April 18, 2011
B. Approval of Bills - $85,146.11

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 182 – An Ordinance to Amend Section 78-56 of Division 2 – Parking Violations Bureau – of Article II – Administration and Enforcement - of Chapter 78 – Traffic and Vehicles – of the Code of the City of Mason to Revise the Civil Fine Schedule for Listed Violations of the City Traffic and Vehicle Codes.

MOTION by Naeyaert, second by Johnson,
to consider Ordinance No. 182 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 182

AN ORDINANCE TO AMEND SECTION 78-56 OF DIVISION 2 – PARKING VIOLATIONS BUREAU – OF ARTICLE II – ADMINISTRATION AND ENFORCEMENT - OF CHAPTER 78 – TRAFFIC AND VEHICLES – OF THE CODE OF THE CITY OF MASON TO REVISE THE CIVIL FINE SCHEDULE FOR LISTED VIOLATIONS OF THE CITY TRAFFIC AND VEHICLE CODES.

THE CITY OF MASON ORDAINS:

Section 78-56 of Division 2 of Article II of Chapter 78 of the Code of the City of Mason is hereby amended to read as follows:

Sec. 78-56. Fine and Costs. For any violation of the following listed offenses within t he City, a civil fine and costs as set forth herein shall be paid, which shall be increased by the amount of $20.00 if not paid

within 72 hours and before the filing of a citation with the district court in compliance with Section 257.742(7) of the Michigan Vehicle Code [MCL 257.742(7)]:

Offense	UTC/ Section	New
Parking too far from curb	28.1801, 28.1802	20.00
Angle parking violation	28.1803	20.00
Obstructing traffic	28.1805	25.00
Prohibited parking - signs unnecessary	28.1810	
On sidewalk		20.00
Blocking driveway		20.00
Within intersection		25.00
Within 15 feet of hydrant		25.00
On crosswalk		25.00
Within 20 feet of crosswalk or 15 feet of corner lot line		20.00
Within 30 feet of street side, traffic signal or sign		20.00
Between a safety zone and adjacent curb		20.00
Within 50 feet of railroad crossing rail		50.00
Within 20 feet of fire station driveway		50.00
Beside street excavation with traffic obstructed		30.00
Double parking		20.00
On any bridge or viaduct		30.00
Headlights on Parked Vehicle		20.00
Within 200 feet of accident scene attended by police		50.00
In front of theater		
Blocking emergency exit		50.00
Blocking fire exit		50.00
Within 500 feet of fire scene attended by fire apparatus		100.00
In prohibited zone - signs required		

Prohibited parking	28.1810	20.00
Handicap parking space	28.1810	100.00
In alley	28.1813	20.00
Overtime parking - sign violation	28.1827	30.00
Loading zone	28.1816, 28.1817	20.00
Tow-away zone or fire lane, plus towing and storage	28.1810(r)	25.00
Parking for prohibited purposes:	28.1814	
Displaying vehicle for sale		20.00
2nd. Violation		50.00
Working on or repairing vehicle		20.00
Displaying advertising		25.00
Selling merchandise		25.00
Storage more than 48 hours		50.00
Other violations:		
Not parked within space	28.1826	20.00
Parked facing traffic	28.1801	20.00
Failure to set brakes	28.1458	20.00
Parked on grade, wheels not to curb	28.1458	20.00
All-night parking	28.1801(r)	20.00
Between sidewalk and curb	28.1825	20.00
Abandoned vehicle - plus towing and storage	28.2205(a)(3)	30.00
Bus or taxicab, parking other than bus stop or cab stand	28.1819	20.00
Bus or taxicab stand violations	28.1820	20.00
Bicycle parking violations	28.1617	20.00
Keys in vehicle	28.1458	50.00

This ordinance shall become effective 20 days after adoption and upon publication.
ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2011-07 – Resolution for Changing MERS Benefits

MOTION by Naeyaert, seconded by Ferris,
to consider Resolution No. 2011-07 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-07 was introduced by Waltz and seconded by Droscha.

CITY COUNCIL RESOLUTION NO. 2011-7

MERS

MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

RESOLUTION FOR CHANGING MERS BENEFITS
(OTHER THAN DB COMPONENT OF HYBRID PROGRAM)

In accordance with the MERS Plan Document of 1996, the City of Mason (Participating Municipality)

330401 (Municipality No.) adopts the following benefits for: 01 General Union (Reporting Unit No., MERS Division No. and Name)

A "division" is defined as an employee or group of employees covered by the same benefit programs **and** the same employee contribution program. Each division has a specific MERS number and name, such as "Div. 10, General-Admin.," and is part of a Reporting Unit, such as: "01."

Supporting Supplemental Valuation is dated effective July 1, 2011

BENEFIT MULTIPLIER

From _____ (Current Benefit Multiplier) To _____ (New Benefit Multiplier) Effective Date _____

Provisions for Earlier Normal Retirement

☐ F50/25 ☐ F50/30 ☐ F(N)-Years and Out (Specify number of years) _____
☐ F55/15 ☐ F55/20 ☐ F55/25 ☐ F55/30

Effective Date _____

EMPLOYEE CONTRIBUTION RATE

New Rate 15.27%

Effective Date July 1, 2011

ADDITIONAL BENEFITS AFFECTING FUTURE RETIREES

☐ FAC 3 ☐ FAC 5 ☐ V-6 ☐ V-8 ☐ V-10 ☐ RS - 50%
☐ D-2 ☐ E-2 ☐ DROP + with _____ %
Effective Date _____

RETIREE COST-OF-LIVING BENEFIT PROGRAMS FOR CURRENT RETIREES

☐ E Standard ☐ E-1
☐ E - Other (Specify Factor _____ Adjustment Years _____)

Effective Date _____

WINDOW PERIOD (If applicable)

From _____ (Date) To _____ (Date)

I CERTIFY THAT THE ABOVE WAS ADOPTED BY Mason City Council (Governing Body) May 2, 2011 (Date of Meeting)

Deborah L. Kiertniewicz (Authorized Signature) City Clerk (Title) May 2, 2011 (Date)

NOTE: Standard/Nonstandard Benefit Provisions—Attach page fully describing provision(s), and (1) a complete copy of the fully executed collective bargaining agreement and a certified copy of official minutes where the collective bargaining agreement or this Resolution was adopted, or (2) a copy of the arbitration or mediation decision. If further information is needed, please contact MERS Employer Services Division at 1 (800) 767-6377.

F18 Resol Chng MERS Bene (9-19-06)

Resolution No. 2011-08 – A Resolution to Accept Avery Lane as a Public Street

Colburn addressed Council regarding the acceptance of Avery Lane as a public street. Avery Lane was accepted by Resolution No. 2008-37; however, it did not include the date of acceptance. Michigan Department of Transportation (MDOT) requires the date of acceptance by formal action of the Council.

MOTION by Droscha, seconded by Waltz,
to consider Resolution No. 2011-08 read.
MOTION APPROVED UNANIMOUSLY

Resolution no. 2011-08 was introduced by Waltz and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION 2011-08
A RESOLUTION TO ACCEPT AVERY LANE AS A PUBLIC STREET
May 2, 2011

WHEREAS, the City Council entered into a Development Agreement on November 15, 2004 with the Trustee of the Alice L. Jewett Trust and the Arthur W. Jewett Trust for the development of the area of the city adjacent to the Jewett Airport and the related public infrastructure improvements; and

WHEREAS, the Trustee is Dennis Anderson, also known to the city as the Developer; and

WHEREAS, in the Development Agreement, Section III, E, "The infrastructure improvements including public roads shall be dedicated to the public use, and shall be owned and solely maintained by the City…"; and

WHEREAS, the City agreed to allow the Developer to name the first street entering into the development properties which he has designated as Avery Lane, after his first grand-daughter; and

WHEREAS, Avery Lane will be added to the City of Mason annual Act 51 Reports forwarded to the State of Michigan Department of Transportation, designated as a local public street; and

WHEREAS, the said street is described as:

A part of the Southeast ¼ of Section 9 and part of the Southwest ¼ of Section 10, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the line common to Sections 9 & 10 at a point N00E03'13"W 1041.02 feet from the Southeast Corner of Section 9 also being the Southwest Corner of Section 10; thence S89E44'17"W 425.00 feet to the east right of way line of Temple Street, said street being 66 feet wide; thence N00E03'13"W 66.00 feet along said line; thence N89E44'17" 783.00 feet, thence S00E03'13"E 66.00 feet; thence S89E44'17"W 358.00 feet to the point of beginning containing 1.19 acres of land more or less; and

WHEREAS, the said street is located within a City right-of-way and is under the control of the City of Mason; and

WHEREAS, the said street is a public street and is for public street purposes; and

WHEREAS, the said street is accepted into the City Local Street System and was open to the public on September 15, 2008.

NOW THEREFORE BE IT RESOLVED, that Mason City Council does hereby recognize Avery Lane, as a public street, which runs from the east side of South Temple Street bearing east, on the north side of Rayner Creek approximately 783 feet.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2011-09 – A Resolution To Accept A Change Order For 2010 Local Street Improvement Program, and Defer FY2011-2012 Street Construction Program

MOTION by Waltz, seconded by Ferris,
to consider Resolution No. 2011-09 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-09 was introduced by Droscha and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-09
A RESOLUTION TO ACCEPT A CHANGE ORDER FOR 2010 LOCAL STREET IMPROVEMENT PROGRAM, AND DEFER FY2011-2012 STREET CONSTRUCTION PROGRAM
May 2, 2011

WHEREAS, a revised annual street reconstruction program was prepared and presented June 21, 2010; and

WHEREAS, the City of Mason has intervened on a filed Petition for a Contested Case Hearing that challenges the permit issued by the Michigan Department of Natural Resources and Environment, Land and

Water Management Division for the annual local program which was inclusive of Franklin Farms Drive Extension; and

WHEREAS, Ingham County Circuit Judge James R. Giddings rendered in his Opinion and Order dated December 28, 2010 that Northbrook Street was to remain open permanently allowing ingress/egress to the Villages at Franklin Farms condominiums; and

WHEREAS, City Council Resolution 2010-30 amended the five-year local streets program postponing construction of Franklin Farms Drive Extension to other prioritized streets; and

WHEREAS, to complete the FY2010-2011 local streets program the Public Works Director and City Engineer have reviewed the annual street prioritization program, recommend deferring Franklin Farms Drive Extension indefinitely, and have determined the following streets as priority:

- Randolph Street – Okemos Street to East end
- Matthews Street – Sycamore Street to Columbia Street
- Matthews Street – Columbia Street to North end

WHEREAS, the Public Works Director further recommends accepting Change Order No. 2, in the amount of $158,117.90 and 25% for contingencies, Engineering and Design, to the original public bid received from Reith Riley and accepted by Mason City Council for 2010 Local Street Improvements August 16, 2010.

WHEREAS, in accordance with the Mason City Charter, Section 8.4 the City Administrator may recommend less money for the street construction program for FY2011-2012 than the maximum required 2/5 of one percent of taxable value; and does recommend the entire year FY2011-2012 street construction program appropriation be deferred.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council approves deferring Franklin Farms Drive extension and approves the above listed streets as priorities for street capital maintenance, adding these projects as Change Order No. 2 to the public bid presented and accepted from Reith Riley.

BE IT FURTHER RESOLVED, that the Mason City Council does hereby direct the City Administrator to execute the Notice of Award for the Change Order No. 2.

BE IT FURTHER RESOLVED, that the Mason City Council does hereby accept the recommendation to defer FY2011-2012 street construction program as referenced and allowed within the Mason City Charter, Section 8.4.

RESOLUTION APPROVED UNANIMOUSLY

Motion - Intergovernmental Agreement for Building Inspection Services

Colburn addressed Council regarding the intergovernmental agreement for building inspection services with Meridian Township, who has been assisting the City with inspections for the past year. He pointed to several services in the one-year agreement including that inspections will be performed within 24-hours of receipt at the rate of $65/hour for building inspector and $75/hour for building official.

MOTION by Johnson, seconded by Waltz,
to authorize the City Administrator to enter into an Intergovernmental Agreement for Building Inspection Services with Meridian Township.
MOTION APPROVED UNANIMOUSLY

Discussion - Municipal Revenue Sources

A brief discussion was held regarding the letter submitted by the Eastpointe City Council requesting local units of government to join them in adopting a resolution to urge the Michigan Legislature and the Governor to reevaluate and modify the current tax structure to provide for long-term stability of local governments. By consensus of Council, no action was taken on this matter.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS

- Johnson informed Council regarding current Traffic Commission business. Discussion was held regarding the limited site distance from Barnes Street, stopped and facing north at Maple Street when cars are parked on Maple Street.
- Ferris informed Council regarding current Tree Commission business.
- Waltz informed Council regarding the Planning Commission Master Plan subcommittee review.
- Naeyaert informed Council regarding current Michigan legislative matters

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

ADJOURNMENT
The meeting adjourned at 8:34 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 18, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Rob Selby, Cemetery/Parks/Forestry Division of Public Works
John Stressman, Chief of Police
David Haywood, Zoning/Development Director
Tom Yeadon, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

PRESENTATIONS
None.

CONSENT AGENDA
It was the consensus of Council to remove Item No. 7A – Approval of Minutes: April 4, 2011, from the Consent Agenda.

MOTION by Waltz, second by Johnson,
to approve the Consent Agenda as follows:
A. Approval of Bills - $46,245.87
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Approval of Minutes – Regular Council Meeting April 4, 2011
The Minutes of April 4, 2011 were approved as corrected.

First Reading – Ordinance No. 182 – Ordinance to Amend Section 78-56 of Division 2 – Parking Violations Bureau – of Article II – Administration and Enforcement - of Chapter 78 – Traffic And Vehicles – of the Code of the City of Mason to Revise the Civil Fine Schedule for Listed Violations of the City Traffic and Vehicle Codes.
Stressman informed Council regarding Ordinance No. 182 which revises the civil fine schedule for listed violations of the City Traffic and Vehicle Codes in compliance with the 2002 Uniform Traffic Code by reference, adopted by the City in 2008, and Section 257.742(7) of the Michigan Vehicle Code [MCL 257.742(7)].

MOTION by Naeyaert, second by Waltz,
to introduce and consider Resolution No. 182 read for the first time.
MOTION APPROVED UNANIMOUSLY

Motion – Mutual Aid Agreements between the City of Mason and Township of Hamlin and City of Eaton Rapids Fire Department

In addition to the eight Mutual Aid Agreements approved by Council in January, the City of Eaton Rapids Fire Department and the Township of Hamlin Fire Department have opted to enter into a mutual aid agreement with the City of Mason.

MOTION by Tornholm, second by Naeyaert,
to approve Mutual Aid Agreements between the City of Mason Fire Department and the Township of Hamlin and the City of Eaton Rapids Fire Department.
MOTION APPROVED UNANIMOUSLY

Motion – Contract – Preventative Maintenance for City Hall Heating and Cooling Systems

Haywood informed Council that quotes were solicited from qualified companies to provide heating and cooling system preventive maintenance for City Hall. Staff is recommending the low bidder T.H. Eifert, who is a member of the US Green Building Council and uses LEED accredited professionals.

MOTION by Droscha, second by Johnson,
to authorize the City Administrator to enter into a three-year contract with T.H. Eifert in the amount of $3,200.00 for the purpose of providing preventive maintenance heating and cooling systems for City Hall.
MOTION APPROVED UNANIMOUSLY

Motion – Re uest – Mason Baseball Softball Club (MBSC) Tournament at Bond Field

Mr. Sam Chrome of the Mason Baseball/Softball Club informed Council regarding his written request to use Bond Field to host a youth tournament from Friday, June 10 through Sunday, June 12, 2011 at a reduced rate. Staff recommended approving the request at the reduced deposit fee of $200.00.

MOTION by Naeyaert, second by Droscha,
to approve the Mason Baseball/Softball Club request to use Bond Field June 10-12, 2011, at the reduced deposit fee of $200.00 to host a baseball tournament.
MOTION APPROVED UNANIMOUSLY

Motion – Re uest – Mason Baseball Softball Club (MBSC) to Upgrade the Baseball Field at Rayner Park

Colburn informed Council that Mr. Donald Johns, president of the Mason Baseball/Softball Club (MBSC) submitted a written proposal expressing their commitment to be financially responsible for the upgrade of the Rayner Park baseball field, provided the project is approved by Council. They propose to construct a field that would be suitable for competitive level baseball for players up to 12 years of age by constructing a new expanded backstop, dugouts, new infield surface large enough to handle U12 games, sideline protective fencing, and a home run fence; improvements would be completed by mid-May.

MOTION by Waltz, second by Naeyaert,
to approve the proposal of the Mason Baseball/Softball Club to upgrade the

baseball field at Rayner Park, in cooperation with City staff for timing and placement.
MOTION APPROVED UNANIMOUSLY

Discussion – Medical Marihuana – Tom Yeadon, City Attorney
City Attorney Tom Yeadon spoke regarding the Michigan Medical Marihuana Act, an initiated law adopted in 2008. He informed Council about the options for regulating the various aspects of medical marihuana under the recently adopted Michigan law, as well as Federal law, which prohibits the use of marihuana. Yeadon recommended that the Planning Commission begin considering the options for regulating medical marihuana for inclusion in a future ordinance. In December of 2010, City Council approved a licensing ordinance and issued a six-month moratorium. Yeadon recommend issuing a 120-day extension to the current six-month moratorium to provide time for the city to develop the regulatory process.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Ferris invited Mr. Les Bruno, Tree Commissioner, to announce the 2011 Arbor Day Honoree. Mr. Bruno announced that the Tree Commission selected Mr. Jim Maddix as the Arbor Day Honoree for 2011.
- Waltz informed Council regarding current Planning Commission business.
- Clark informed Council regarding current Downtown Development Authority business.

COUNCILMEMBER REPORTS
Mayor Pro Tem Waltz and Councilmember Tornholm informed Council regarding information garnered while attending the 2011 MML Capital Conference.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business and information he garnered while attending the 2011 MML Capital Conference.

ADJOURNMENT
The meeting adjourned at 8:36 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 4, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Marco Broggio, Downtown Development Authority Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- It was announced that the Rayner Park Work Day held April 2, 2011 was a great success.
- Mayor Clark presented Mr. John Alfred Smith with a proclamation Saturday, April 9, in honor of his 100th birthday.

PEOPLE FROM THE FLOOR

Marco Broggio, DDA Executive Director, asked Council to consider the August 26 and 27 Sun-Dried Music Festival as street closures for this year's Farmers Market event are approved.

Sam Chrome, 822 Roosevelt Street, requested that the Council consider the Mason Baseball/Softball Club (MBSC) proposal for the use of Bond Field to host a youth tournament from Friday, June 10 through Sunday, June 12, 2011. Also, Mr. Chrome informed Council regarding a request that is being submitted from MBSC requesting permission to upgrade the baseball field at Rayner Park.

PRESENTATIONS

Will Goosen, Granger Group – Landscaping at City Hall

Will Goosen of the Granger Group spoke briefly regarding the existing City Hall LEED landscaping. He introduced Mr. Bill Schnider, owner of Wildtype Native Plant Nursery.

Mr. Schnider spoke regarding Leadership in Energy & Environmental Design (LEED) landscaping. He gave a brief presentation regarding additional LEED plantings that can add interest, color, height, and texture.

CONSENT AGENDA

It was the consensus of Council to remove Item No. 7C - Motion - Street Closure - Memorial Day Parade, from the Consent Agenda.

MOTION by Waltz, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: March 21, 2011
B. Approval of Bills - $80,245.22

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion - Street Closure - Memorial Day Parade

The annual Memorial Day event is being held by Jean R. Anderson Post #7309 to remember the lives sacrificed for our freedoms. This event will be held on Monday, May 30, 2011. In addition to street closures, the organization is requesting that the fees associated with the parade be waived.

MOTION by Johnson, second by Tornholm,
to approve the requested street closures as submitted and waive the fees associated with the Memorial Day Parade.
MOTION APPROVED UNANIMOUSLY

Discussion was held regarding the parade application and the vehicle entry description which states military/trucks. Waltz stated that it excludes local car clubs and tractor clubs that would enter their antique cars and tractors. Waltz asked that the applicants publically clarify the vehicle entry description.

Second Reading – Ordinance No. 118-A-2011 – An Ordinance to Further Amend Section 2 of Ordinance No. 118, Adopted March 16, 1987, Entitled An Ordinance to Adopt and Approve a Development Plan and a Ta Increment Financing Plan for the Mason Downtown Development Area , As Last Amended by Ordinance 118-A-2003, Adopted May 5, 2003 by Approving and Adopting Development Plan Ta Increment Financing Plan Amendment No. 4 Pursuant to the Provisions of 1975 PA 197, as Amended, and to Provide for all Matters Related Thereto.

MOTION by Tornholm, second by Ferris,
to consider Ordinance No. 118-A-2011 read for the second time and adopted, effective April 24, 2011.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 118-A-2011

AN ORDINANCE TO FURTHER AMEND SECTION 2 OF ORDINANCE NO. 118, ADOPTED MARCH 16, 1987, ENTITLED "AN ORDINANCE TO ADOPT AND APPROVE A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN FOR THE MASON DOWNTOWN DEVELOPMENT AREA", AS LAST AMENDED BY ORDINANCE 118-A-2003, ADOPTED MAY 5, 2003 BY APPROVING AND ADOPTING DEVELOPMENT PLAN/TAX INCREMENT FINANCING PLAN AMENDMENT NO. 4 PURSUANT TO THE PROVISIONS OF 1975 PA 197, AS AMENDED, AND TO PROVIDE FOR ALL MATTERS RELATED THERETO.

THE CITY OF MASON ORDAINS:

Section 1. Title. This amendatory ordinance shall be known and may be cited as the "Downtown Development Plan Ordinance Amendment No. 4" and shall be designated as Ordinance No. 118-A-2011.

Section 2. Public Purpose. The Mason City Council hereby determines that the Development Plan/Tax Increment Financing Plan Amendment No. 4 as approved by resolution of the Downtown Development Authority adopted the 1st day of December, 2010 ("Plan Amendment No. 4") constitutes a public purpose. The City Council hereby further determines that it is in the best interest of the public to proceed with Plan Amendment No. 4 in order to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

Section 3. Findings. The Mason City Council hereby makes the following specific findings:

(1) That all taxing jurisdictions levying taxes subject to capture on any property within the Downtown District were invited to meet with the City Council and provided a reasonable opportunity to discuss the tax implications of Plan Amendment No. 4 with the City Council at its regularly scheduled meeting held on March 7, 2011.
(2) That it has not been necessary to form a Development Area Citizens District Council within the Downtown District pursuant to MCL 125.1671 and no Citizens District Council has been formed.
(3) That Plan Amendment No. 4 meets the requirements set forth in Section 17(2) of Act 197 and the requirements set forth in Section 14 of Act 197.
(4) The proposed method of financing the development is feasible and the Authority and the City have the ability to arrange the financing.
(5) The development is reasonable and necessary to carry out the purposes of Act 197.
(6) The land included within the Development Area to be acquired is reasonably necessary to carry out the purposes of Plan Amendment No. 4 and of Act 197 in an efficient and economically satisfactory manner.

(7) Plan Amendment No. 4 is in reasonable accord with the Master Plan of the City.

(8) Public services, such as fire and police protection and utilities, are adequate to serve the Development Area.

(9) Any changes in zoning, streets, street levels, intersections, and utilities to the extent required under Plan Amendment No. 4 are reasonably necessary for the Development Plan and for the City.

Section 4. Approval and Adoption of Plan Amendment No. 4. Section 2 of Ordinance No. 118 entitled "An Ordinance to Adopt and Approve a Development Plan and a Tax Increment Financing Plan for the Mason Downtown Development Area pursuant to the provisions of Act 197 PA 1975, as amended, and to provide for all matters related thereto," is further amended to read as follows:

Section 2. Approval of Adoption of Development Plan/Tax Increment Financing Plan.

The Development Plan/Tax Increment Financing Plan heretofore approved and adopted by the City Council by Ordinance No. 118 as last amended by resolution of the Downtown Development Authority adopted the 12th day of December, 2000 and by Ordinance No. 118-A-2001 adopted by City Council on February 19, 2003, and by Ordinance No. 118-A-2003 adopted by City Council on May 5th, 2003 is hereby further amended by Resolution of the Downtown Development Authority adopted the 1st day of December, 2010 and by City Council Approval of this Amendment No. 4 to the Development Plan/Tax Increment Financing Plan ("Plan Amendment No. 4") pursuant to this Ordinance No. 118-A-2011. The duration of the Plan shall be 30 years from the effective date of this Ordinance No. 118-A-2011 approving Plan Amendment No. 4, except as it may be extended by subsequent amendment of the Plan and this Ordinance. A copy of the Amended Plan and all further amendments thereto shall be maintained on file in the Clerk's office and cross-indexed to this Ordinance.

Effective Date. This Ordinance shall take effect 20 days after its passage, approval, and publication.

The foregoing Ordinance was moved for adoption by Council Member Tornholm and supported by Council Member Ferris with a vote thereon being: YES (6) NO (0) ABSENT (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 4th day of April.

ORDINANCE APPROVED UNANIMOUSLY

Second Reading – Ordinance No. 181 – False Alarm Ordinance

MOTION by Waltz, second by Droscha,
to consider Ordinance No. 181 read for the second time and approved.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 181

AN ORDINANCE TO ADD DIVISION 3 - FALSE ALARM - AND SECTIONS 34-60, 34-61 AND 34-62 TO ARTICLE II - POLICE DEPARTMENT – OF CHAPTER 34 - LAW ENFORCEMENT OF THE CODE OF THE CITY OF MASON .

THE CITY OF MASON ORDAINS:

Division 3 - False Alarm - and sections 34-60, 34-61 and 34-62 are hereby added to Article II - Police Department - of Chapter 34 of the code of the City of Mason to read as follows:

Division 3. False Alarm

Section 34-60. Definitions.

For purposes of this division, the following terms, when used herein, shall mean:

Alarm system means a device or devices designed or arranged to signal the existence of a hazard requiring the urgent response of police personnel. These systems include intrusion alarms or other alarms which require an emergency response by police personnel.

Alarm user means any business, entity, or person who owns, possesses, controls, or otherwise exercises dominion over property upon which an alarm system is placed.

False alarm means the activation of an alarm system requiring an urgent response by the police department when there is no immediate threat to life, safety, or property in, on, or about the property from which the signal originated. A false alarm shall not include alarms caused by tornados, earthquakes, lightning, or other conditions beyond the control of the user but shall include unknown alarms.

Unknown alarm means the activation, due to causes that cannot be determined, of an alarm system requiring an urgent response by the police department where there is no immediate threat to life, safety, or property in, on, or about the property from which the signal originated.

Sec. 34-61. False alarm violation, responsibility of alarm user.

Any alarm system user who has an activation of an alarm system that is a false alarm as defined herein that occurs within 120 days of a prior false alarm or within 240 days of three or more prior false alarms is responsible for a civil infraction. Any violation notice or municipal civil infraction citation charging an offense shall specify the dates of any prior offense causing the activation to be a violation.

Sec. 34-62. False alarm fine schedule.

Any alarm system user found responsible for a violation of section 34-61 shall be fined in accordance with the following schedule:

(a) Fifty dollars ($50.00) for any false alarm occurring within 120 days of a prior false alarm.

(b) One-hundred dollars ($100.00) for any false alarm occurring within 120 days of two prior false alarms.

(c) Two-hundred-fifty dollars ($250.00) for any false alarm occurring within 240 days of three or more prior false alarms.

Effective Date. This ordinance shall become effective after adoption and publication on April 24, 2011.

The foregoing Ordinance was moved for adoption by Council Member Droscha and supported by Council Member Waltz with a vote thereon being: YES (6) NO (0) ABSENT (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 4th day of April.

Mason Codes declared adopted this 4th day of April 2011.

ORDINANCE NO 181 APPROVED UNANIMOUSLY

Motion – Use of Public Right-of-Way for Outdoor Seating – Daily Scoop Ice Cream Shoppe

Daily Scoop Ice Cream Shoppe has applied for a public right-of-way license in accordance with Resolution No. 2009-09 - Use of Right-of-Way for Outdoor Seating, Sales and Service Policy. Mr. Sodman requested an immediate license to meet the needs of his customers who were using Bestsellers Book & Coffee Company's outdoor seating. A temporary license was issued by the Zoning Administrator dated March 21, 2011 through April 5, 2011, to allow the use until Council's consideration of the matter.

MOTION by Johnson, second by Droscha,
Move to approve the business proposal submitted by Daily Scoop Ice Cream Shoppe for use of the public right-of-way as approved by the Zoning Department.
MOTION APPROVED UNANIMOUSLY

Motion - Street Closure – Mason Farmers Market Association, Inc.

The Mason Farmers Market Association will be holding its sixth annual farmers market and is requesting to close the portion of E. Maple Street between S. Barnes Street and the west edge of the Ingham County Hilliard Building between the hours of 6:00 a.m. and 2:00 p.m. from July 9 through October 1. The street closure request is for the purpose of selling agricultural produce and related

items. Clark stated that the DDA Executive Director brought attention to street closure requests by the Sun-Dried Festival and the Farmers Market overlap on August 27. Clark asked that this request be approved with the understanding that discussion will be facilitated by administration to make sure that the needs of both events are met.

MOTION by Johnson, second by Droscha,
to approve the request of the Mason Farmers Market Association to use the public right-of-way by allowing the closure of East Maple Street from South Barnes Street to the west edge of the Ingham County Hilliard Building, Saturday mornings, July 9, through October 1, 2011, between the hours of 6:00 a.m. and 2:00 p.m.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
MOTION by Johnson, second by Waltz,
to excuse the absence of Councilmember Naeyaert for March 21 and April 4, 2011.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Tornholm informed Council regarding current Historic District Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

ADJOURNMENT
The meeting adjourned at 8:18 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 21, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
David Haywood, Zoning & Development Director
Marco Broggio, Downtown Development Authority Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Rayner Park Work Day – April 2, 2011

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Colburn stated that there were three Michigan State journalism students present.

PRESENTATIONS

Bruce Johnston - Ingham County Housing Commission – Targeted Neighborhood Rehabilitation Program

Mr. Bruce Johnston, Ingham County Housing Commission Executive Director, gave a thorough presentation regarding the Targeted Neighborhood Rehabilitation Program. Mr. Johnston stated that a presentation for interested homeowners in the target area will be held April 4, 2011 in the Community Room of City Hall, 5:30 p.m. – 7:00 p.m.

PUBLIC HEARING

Downtown Development Authority Plan and Ta Increment Financing Plan – Amendment No. 4

Clark opened the public hearing at 7:48 p.m.

Doug Klein, Mason Area Chamber of Commerce Director, stated support for the section of the amendment that states cooperation between the DDA and the Chamber of Commerce regarding community identity.

Jon Jenkins of 213 South Jefferson Street asked if the blighted properties have been identified and how that process would happen.

Marco Broggio, Downtown Development Authority Director, spoke briefly regarding the plan amendment.

Attorney McGinty explained the formal process that identifies blighted properties in accordance with the Brownfield Redevelopment Act and the DDA Act.

Clark closed the public hearing at 7:53 p.m.

First Reading – Ordinance No. 118-A-2011 – An Ordinance to Further Amend Section 2 of Ordinance No. 118, Adopted March 16, 1987, Entitled An Ordinance to Adopt and Approve a Development Plan and a Ta Increment Financing Plan for the Mason Downtown Development Area , As Last Amended by Ordinance 118-A-2003, Adopted May 5, 2003 by Approving and Adopting Development Plan Ta Increment Financing Plan Amendment No. 4 Pursuant to the Provisions of 1975 PA 197, as Amended, and to Provide for all Matters Related Thereto.

MOTION by Tornholm, second by Droscha,
to introduce and consider Ordinance No. 118-A-2011 read for the first time.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: March 7, 2011
B. Approval of Bills - $76,333.03
C. Motion – Mason Lions Club – Use of Public Right-of-Way for White Cane Drive
   Motion to approve the Mason Lions Club's request to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason Friday, April 25th and Saturday, April 26th as requested in the submitted letter.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

First Reading – Ordinance No. 181 – False Alarm Ordinance

Stressman spoke briefly regarding the proposed ordinance for police response to answering false alarms.

MOTION by Waltz, second by Droscha,
to introduce and consider Ordinance No. 181 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-05 – Rules of Order for City Council, Boards, Commissions

MOTION by Ferris, second by Droscha,
to consider Resolution No. 2011-05 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-05 was introduced by Johnson and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-05
RULES OF ORDER
for the CITY COUNCIL, and for CITY BOARDS and COMMISSIONS

WHEREAS, the process of government in the City of Mason includes the activity of a City Council as well as numerous Boards and Commissions appointed by the City Council, each of which can play a significant role in the conduct of the affairs of the City; and

WHEREAS, the citizens of the City of Mason are best served by a City Council as well as City Boards and Commissions that function smoothly with a firm basis for resolving questions of procedure that may arise; and
WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection for the people and City of Mason, as well as for the Council and each Board and Commission as a body, and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection and consideration of the rights of individual members and the rights of individual citizens, and

WHEREAS, the application of parliamentary law is the best method yet devised to enable the City Council and City Boards and Commissions to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under the most diverse set of conditions, ranging from total harmony to impassioned division of opinion, with due regard for the opinion of each member and for the right of every citizen to address the Council, a Board or a Commission; and

WHEREAS, Rules of Order are the written rules of parliamentary law and are critical to ensure the most effective and efficient operation of any deliberative body; and

WHEREAS, the citizens of the City of Mason will be best served when the meetings of all public bodies are conducted according to similar procedures.

NOW, THEREFORE, BE IT RESOLVED, that these Rules of Order shall be the parliamentary law of the City Council and all City Boards and Commissions of the City of Mason, and shall nullify and replace Resolution 2009-46 dated December 21, 2009 and any other previously approved Rules of Order; and

THEREFORE, BE IT FURTHER RESOLVED, that these Rules of Order shall be consistently applied and actively enforced at all times in relation to the orderly transaction of business in meetings, and in relation to the duties of officers in the conduct of meetings, of the City Council, as well as all City Boards and Commissions, and shall be implemented starting March 22, 2011.
RESOLUTION APPROVED UNANIMOUSLY

RULES OF ORDER FOR CITY COUNCIL, BOARDS, COMMISSIONS
City Council Resolution No. 2011-05
City of Mason, Michigan

1) ORDER OF BUSINESS

a) City Council: At each regular meeting of the City Council the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:

(1) Call to Order
(2) Roll Call
(3) Pledge of Allegiance and Invocation
(4) Unfinished Business (Election of Mayor and Mayor Pro Tem, when applicable)
(5) Adjourn Sine Die (Election of Mayor and Mayor Pro Tem, when applicable)
(6) Oath of Office
(7) Election of Mayor and Mayor Pro Tem
(8) Announcements
(9) People from the Floor
(10) Presentations
(11) Public Hearings
(12) Consent Agenda
(13) Regular Business
(14) Unfinished Business
(15) New Business
(16) Correspondence
(17) Liaison Report
(18) Councilmember Report
(19) Administrator Report
(20) Adjournment

b) City Boards and Commissions: At each regular meeting of a City Board or Commission the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:

(1) Call to Order
(2) Roll Call
(3) Approval of Minutes
(4) Unfinished Business (Election of Chair and Vice Chair, when applicable)
(5) Oath of Office (when applicable)
(6) Election of Chair and Vice Chair (Secretary for Planning Commission, when applicable)
(7) People from the Floor
(8) Announcements
(9) Public Hearings
(10) Presentations
(11) Regular Business
(12) Unfinished Business

(13) New Business
(14) Correspondence
(15) Liaison Report
(16) Director's Report (when applicable)
(17) Administrator Report
(18) Adjournment

2) AGENDA

Any item of business to be considered shall be appropriately filed with the City Clerk/secretary by noon on the Wednesday preceding the subject meeting. Agenda requests by members of the body and the City Administrator shall be automatically granted by the City Clerk/secretary if filed in a timely manner. The City Clerk/secretary shall send a complete agenda to each member by close of business on the last business day of the week preceding the subject meeting. Each item on the agenda shall include sufficient explanation to indicate intent. Any question introduced at a meeting that does not appear on the agenda may be deferred for inclusion on the agenda of a subsequent meeting upon the request of any one member of the body, except that said question may be acted upon at once if so requested by a majority vote of the members present.

3) ANNOUNCEMENTS

Announcements provide a proper venue for informing Council about events, meetings, or matters of interest not related to Council business. Each councilmember is allowed three (3) minutes to make an announcement.

4) PUBLIC COMMENT

a) It is the intent of these Rules to encourage public comment and participation by interested persons that is constructive, informative, and factual in a manner conducive to the conduct of an organized, efficient and professional meeting. Public comment by a person who is not a member of the body shall be allowed only during the People from the Floor and Public Hearing agenda items, or when permitted by the meeting Chair.

b) People from the Floor is intended for public comment on agenda items as well as any topic a member of the public would like to bring to the attention of the Council. A member of the public who wants to speak to a specific agenda item may inform the Chair that they would like to reserve their comments to a specific item of interest. The Chair will make note of the request. Prior to the debate of the Council, the Chair will call on the individual, who may speak regarding that agenda item, as delineated by subsection (c).

c) All public comment shall be appropriate to the agenda item under consideration. Each person shall be allowed to speak for a maximum of three (3) minutes and the Chair may limit the number of times each person is allowed to speak. The limits on time and quantity for speaking may be extended at the discretion of the Chair.

d) Any person in attendance at a meeting shall comply with the direction of the Chair as to the appropriateness of their actions or comments. The Chair shall retain discretion to disallow or stop a person from speaking or to temporarily recess the meeting at any time to maintain the order of the meeting.

e) Any person that speaks before the body shall state for the record their name, residence address and group affiliation, if any.

5) PRESENTATIONS

Presentations will provide a venue in the order of business for brief presentations that do not require formal action and are limited to five (5) minutes.

6) PUBLIC HEARINGS

Agenda items requiring action shall be placed under the related Public Hearing item for immediate consideration.

7) CONSENT AGENDA

A consent agenda may be used to allow the council to act on numerous items at one time. Included on this agenda can be, but are not limited to, non-controversial matters such as approval of minutes, payment of bills, approval of simple motions, street closures, etc. The City Council approves items listed on the consent agenda by single vote without debate. If any member of the City Council desires to debate any item(s) listed on the consent agenda, they may remove the item(s) and place it (them) under regular business for consideration in due order.

8) MINUTES

Meeting minutes requiring approval shall be distributed to each member with the Agenda for the next regular meeting. There shall not be a reading of the minutes at the meeting. Approval of the minutes shall be considered under the Consent Agenda. If the minutes are removed from the

Consent Agenda for discussion and a substantial correction(s), as determined by the Chair, is suggested by the Chair or a member, said correction(s) shall be agreed to by a two-thirds vote of the members present. Corrections not determined to be substantial shall be considered made by consensus unless any member challenges such determination, in which case said correction shall be treated as a substantial correction. Minutes shall then be considered approved without a vote after all suggested corrections are voted upon, or agreed to by consensus, as required.

9) REGULAR BUSINESS
Items considered under regular business are matters that require consideration for action by the body as well as matters for discussion. Matters of action must be considered individually, including ordinances, resolutions, and motions.

10) UNFINISHED BUSINESS
Items considered under Unfinished Business are items or matters that have been previously addressed by Council but have not received Council action

11) NEW BUSINESS
Items considered under New Business are items or matters that may require immediate or future Council action.

12) COUNCILMEMBER REPORT
A Councilmember may report on a meeting or conference that is germane to the City Council.

13) CONDUCT OF BUSINESS
a) Parliamentarian: The meeting Chair shall serve as Parliamentarian unless that duty is assigned and accepted by another member. The application and enforcement of these rules is the responsibility of the Chair.
b) Reading of Resolutions and Ordinances: The text of any Resolution or Ordinance being considered shall be read into the record except when an appropriate motion to consider said Resolution or Ordinance as being read is approved by a majority vote of the members present. The reading of a Resolution or Ordinance shall occur before introduction for consideration.
c) Reconsideration: A motion to reconsider enables a majority to bring back for further consideration a motion that has been voted on previously. The motion to reconsider can be made only by a member voting on the prevailing side and is in order only until the adjournment of the next regular meeting following the meeting during which the motion to be reconsidered was acted upon.
d) Appeal to Chair: Any decision of the Chair in applying or interpreting these Rules of Order may be appealed by a motion made at the time of the ruling being appealed and before any debate or business has intervened. The Chair shall be allowed to speak first to an appeal with each member allowed to speak once. The Chair may speak one last time after all members have been given an opportunity to speak. The question before the body on an appeal of the Chair shall be "Shall the decision of the Chair be sustained?" A majority or tie vote shall sustain the decision of the Chair.
e) Abstain from Voting: No member of the City Council shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the conduct of the member, but, on all other questions, each member who is present shall vote unless excused by unanimous consent of the remaining members present.
f) Considering a Motion: A motion that does not receive a second shall not be considered to be in order.

14) CHAIR AND VICE-CHAIR
a) Election: The Chair (Mayor) and Vice-Chair (Mayor Pro Tem) shall be elected pursuant to the applicable provisions of the City Charter or of a City Ordinance if such provisions exist. Absent Charter or Ordinance requirements, election shall be by majority vote of the members present during the first regular meeting of each calendar year.
b) Absence: In the absence or disability of the Chair and the Vice-Chair, the members present shall select by majority vote a member to be designated as Acting Chair to perform the duties of the Chair as necessary.

15) RULES OF ORDER
The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the City Council and all City Boards and Commissions in all applicable cases in which Robert's Rules are consistent with these Rules of Order, the City Charter, City Ordinance, and State Statute.

16) SUSPEND RULES
A request to waive the Rules of Order shall be granted only by unanimous vote of the members present.

Motion - Mason Area Chamber of Commerce (MACC) Annual Events

Doug Klein, MACC Executive Director, spoke regarding the 2011events sponsored by the Mason Chamber of Commerce including the request for equipment, staffing, and various street closings. Discussion ensued to increase enforcement during Spring Fling and Down Home Days regarding vendors inappropriately parking in the downtown area.

MOTION by Waltz, second by Droscha,
to approve the request as outlined in the letter from Doug Klein, MACC Executive Director, dated March 4, 2011, for street closures, use of equipment, electrical power, and waiver of permit and fees for the annual community events sponsored by the MACC.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding current Planning Commission business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business.

EXECUTIVE SESSION – Privileged Attorney-Client Communication

MOTION by Waltz, second by Ferris,
to adjourn to executive session to discuss an Attorney/Client Privileged Communication.
Yes (6) Clark, Droscha, Ferris, Johnson, Tornholm, Waltz
No (0)
Absent (1) Naeyaert
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned to executive session at 8:13 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 7, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Chief
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
None.

PRESENTATIONS
None.

CONSENT AGENDA

MOTION by Tornholm, second by Ferris,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: February 21, 2011
B. Approval of Bills - $140,959.13

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – 2010 Annual Report– Fire Department– Chief Kerry Minshall

Minshall presented the 2010 Fire Department Annual Report. Assistant Fire Chief Mark Howe was present, as well.

MOTION by Johnson, second by Naeyaert,
to accept the Mason Fire Department 2010 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Motion – 2010 Annual Report – Zoning Development - David Haywood

Haywood presented the 2010 Zoning & Development Annual Report.

MOTION by Droscha, second by Johnson,
to accept the 2010 Annual Report for the Zoning & Development Department and place it on file.
MOTION APPROVED UNANIMOUSLY

Discussion – Rules of Order

The Mayor recommended changes to the Order of Business for City Council, Boards, and Commissions. He asked Council to review the proposed changes for action at the next regular meeting. A brief discussion ensued.

Update –– Downtown Development Authority Plan Amendment No. 4

Colburn Letters with the Notice of Public Hearing have gone out to all property owners within the DDA area. Government taxing entities have been noticed of the plan and provided the option to request opting out of the plan amendment. The taxing entities have through the March 21 public hearing date to request the option to opt out.

The next step for the DDA Plan Amendment No. 4 to progress is the public hearing on March 21. The first reading of the ordinance will be on that date as well.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion was held to register those who are interested in attending the Michigan Municipal League Capital Conference.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Johnson informed Council regarding current Traffic Commission business.
- Waltz informed Council regarding current Historic District Commission business.
- Clark informed Council regarding current Downtown Development Authority business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business.

EXECUTIVE SESSION – PROPERTY ACQUISITION

The executive session was withdrawn.

ADJOURNMENT

The meeting adjourned at 8:43 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 21, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Marco Broggio, DDA Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Rayner Park Work Day – May 2, 2011

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Colburn introduced Police Chief John Stressman and DDA Director Marco Broggio.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item B) Approval of Bills, from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: February 21, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Naeyaert, second by Tornholm
to approve the bills in the amount of $203,802.23.
MOTION APPROVED UNANIMOUSLY

A brief discussion ensued regarding various bills on the invoice report.

Resolution No. 2011-04 – Resolution to Receive the Downtown Development Authority (DDA) Plan and Place it on File

Broggio spoke briefly regarding the amendment to the Downtown Development Authority Plan based on the study conducted by McKenna & Associates in 2009. A brief discussion ensued. DDA Chair Tim Gaylord spoke briefly regarding progress in the district since the survey conducted in 2000 and the importance of heeding the data and sentiments of the community.

MOTION by Naeyaert, second by Tornholm,
to consider Resolution No. 2011-04 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-04 was introduced by Ferris and seconded by Droscha.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-04
RESOLUTION TO RECEIVE THE DOWNTOWN DEVELOPMENT AUTHORITY PLAN AND PLACE IT ON FILE
February 21, 2011

WHEREAS, the Mason Downtown Development Authority has created an update to their Plan; and

WHEREAS, the Downtown Development Authority voted unanimously on December 1, 2010, approving Amendment No. 4 to the City of Mason Development Plan/Tax Increment Financing Plan; and

WHEREAS, the Downtown Development Authority Director, Marco Broggio, has forwarded a certified copy of the Downtown Development Authority Plan to the City Council with Plan Amendment No. 4; and

WHEREAS, a Public Hearing will be held in front of the Mason City Council on Monday, March 21, 2011; and

NOW THEREFORE BE IT RESOLVED that the Mason City Council does hereby: (1) Receive the Downtown Development Authority Plan Amendment No. 4 and place it on file in the City Clerk's Office; and

FURTHERMORE the Clerk will publish and provide notice of said Public Hearing as required by law.
RESOLUTION APPROVED UNANIMOUSLY

Motion – 2010 Annual Report – Police Department - Chief John Stressman
Stressman elaborated on the 2010 Police Department Annual Report to Council. A brief discussion ensued.

MOTION by Naeyaert, second by Droscha,
to accept the Police Department 2010 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Motion – Proposal – Rayner Park Stage
Colburn informed Council regarding a proposal to erect a 32' x 36' performing stage at Rayner Park. He stated that Don Heck of Wolverine Engineers & Surveyors, Inc. donated $200 to acquire a cost analysis performed by a lumber yard, and a 1992 topography map depicting the north side of the park.

Clark stated that the project has been suggested as a way to raise funds to support and off-set the cost of maintenance for the park. It is designed with insulated walls to provide a sound barrier when used for performances and on-site storage for picnic tables in the winter. The construction would be funded by donations.

A brief discussion ensued in consideration of various issues, including whether it is premature to invest in a project for a park that is controlled by the City, but not owned by the City, and maintained by volunteers that continue to decline in number. Other issues discussed were the commitment of staff involvement when there are vast budget issues, waiting until funding for the park can be identified, and the lack of electrical costs in the proposal. Another observation was that with financial restrains on all sides, the nature of this project and its venue could be a constructive thing in the community and it would not be a significant maintenance issue in the future.

MOTION by Waltz, second by Droscha,
to direct City staff to proceed with a collaborative effort in identifying the interest and donated funding for the proposed Rayner Park stage.

Yes (5) Clark, Droscha, Ferris, Tornholm, Waltz
No (1) Naeyaert
Absent (1) Johnson
MOTION APPROVED

UNFINISHED BUSINESS
None.

NEW BUSINESS
MOTION by Waltz, second by Naeyaert,
to excuse the absence of Councilmember Johnson.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding current Historic District Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business. Discussion ensued regarding budget issues state-wide. Naeyaert informed Council that Ingham County has assumed the maintenance of Lansing City parks.

ADJOURNMENT
The meeting adjourned at 8:43 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 7, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
Leslie W. Bruno, Jr. of 1019 South Eugenia commented regarding specific items in the Capital Improvement Plan.

Bill Shepherd of 601 Carom Circle asked questions regarding specific bills for payment.

INTRODUCTIONS
None.

PRESENTATIONS
None.

CONSENT AGENDA
MOTION by Naeyaert, second by Tornholm,
to approve the Consent Agenda as follows:

A. Approval Of Minutes
- Regular Council Meeting: January 17, 2011
- Special Council Meeting: January 31, 2011

B. Approval of Bills – $152,531.84

C. Motion – Agreement for Services - Window Cleaning Services for City Hall
MOTION to authorize the City Administrator to enter into an agreement with Great Lakes Window Cleaning for the purpose of providing window cleaning services for City Hall in the amount of $595.00.

D. Motion – Agreement for Services – Vevay Township Hall Alarm Response
MOTION to approve the proposed agreement between Vevay Township and the City of Mason for the Police Department to respond to Township Hall alarms.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
None.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Waltz informed Council regarding current Historic District Commission business.
- Clark informed Council regarding current Downtown Development Authority business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGED COMMUNICATION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to discuss an Attorney/Client Privileged Communication.
Yes (6) Clark, Droscha, Ferris, Naeyaert, Tornholm, Waltz
No (0)
Absent (1) Johnson
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned to executive session at 7:52 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
SPECIAL CITY COUNCIL MEETING
MINUTES OF JANUARY 31, 2011

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Waltz, second by Droscha,
to adjourn to executive session to discuss an Attorney/Client Privileged Communication and Property Acquisition.
Yes (7) Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:32 p.m. and reconvened at 9:21 p.m.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 17, 2011

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

Present: Councilmembers: Clark, Droscha, Ferris, Johnson, Naeyaert, Waltz
Absent: Councilmember: Tornholm
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Chief
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
Mayor Clark introduced Foster Whipple, earning his Communication Merit Badge, and Warren Eddington, earning his Citizenship in the Community Merit Badge from Boy Scout Troop #763.

PRESENTATIONS
None.

CONSENT AGENDA
MOTION by Waltz, second by Ferris,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: January 3, 2011
B. Approval of Bills – $52,095.34
C. Resolution No. 2011-03 – Appointment by the City Council to the Election Commission

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-03
APPOINTMENT BY THE CITY COUNCIL
TO THE ELECTION COMMISSION
January 17, 2011

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby appoint Jon Droscha to the Election Commission. The term of office commences January 17, 2011 and expires on December 31, 2011.

D. Motion – Excused Absence – Councilmember Tornholm
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Directory of Charges

A brief discussion ensued regarding the proposed changes for the 2011 update to the Directory of Charges, particularly providing resident and non-resident fees for city park pavilions.

> MOTION by Waltz, second by Ferris,
> to approve the Directory of Charges dated January 17, 2011 with the addition of tiered charges for the park pavilions.
> MOTION APPROVED UNANIMOUSLY

Motion – City of Mason Fire Department Mutual Aid Agreements

Minshall informed Council regarding the eight Mutual Aid Agreements prepared for signature between area fire departments and the City. The agreements help provide additional resources for all involved by improving public safety and fire fighter safety. In addition to demonstrating good practices, the agreements reduce potential liability.

> MOTION by Waltz, second by Ferris,
> to approve Mutual Aid Agreements between the City of Mason Fire Department and Charter Township of Delhi, Eaton Rapids Township Fire Department, Ingham Township Fire & Rescue, City of Leslie, Charter Township of Meridian, Northeast Ingham Emergency Service Authority, Onondaga Township Fire Department, and Stockbridge Area Emergency Services Authority.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

It was the consensus of Council to form a committee comprising of Mayor Pro Tem Waltz and Councilmembers Naeyaert and Droscha to re-evaluate the Administrator's Evaluation Process.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding current Historic District Commission business.
- Clark informed Council regarding current Downtown Development Authority business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business.

EXECUTIVE SESSION

MOTION by Waltz, second by Ferris,
to adjourn to executive session to discuss an Attorney/Client Privileged Communication.
Yes (6) Clark, Droscha, Ferris, Johnson, Naeyaert, Waltz
No (0)
Absent (1) Tornholm
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:10 p.m. and reconvened at 8:35 p.m.

MOTION by Waltz, second by Naeyaert,
to amend the agenda by inserting Item No. 17, Motion – Reconsideration of the Ruling of Judge Giddings in the Ingham County Circuit Court Case No. 09-8-AV, Esquire Development and Construction, Inc. v City of Mason, and renumber the following item accordingly.
MOTION APPROVED UNANIMOUSLY

MOTION by Waltz, second by Ferris,
to direct the City Administrator to appeal the ruling of Judge Giddings in the matter of Ingham County Circuit Court Case No. 9-09-81-AV, Esquire Development and Construction, Inc. v City of Mason.
Yes (0)
No (6) Clark, Droscha, Ferris, Johnson, Naeyaert, Waltz
Absent (1) Tornholm
MOTION FAILED

MOTION by Waltz, second by Naeyaert,
to adjourn to executive session to discuss property acquisition.
Yes (6) Clark, Droscha, Ferris, Johnson, Naeyaert, Waltz
No (0)
Absent (1) Tornholm
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned to executive session at 8:40 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 3, 2011

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

UNFINISHED BUSINESS

Approval of Minutes – Regular Council Meeting December 20, 2010

The Minutes of December 20, 2010 were approved by consensus as presented.

Approval of Bills

MOTION by Bruno, second by Naeyaert,
to approve the bills in the amount of $21,633.43.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-48 – City Administrator Performance Evaluation for 2010 Calendar Year

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 20101-48 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-48 was introduced by Waltz and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-48
CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2010 CALENDAR YEAR
January 3, 2011

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 20, 2010, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; and

BE IT FURTHER RESOLVED, that the following is a summary of the performance of Administrator Colburn arranged according to the major categories listed on the composite "City Administrator Performance Evaluation Form":

Professionalism
In the area of Professionalism, Mr. Colburn more than met Council expectations.
Relationship with Council
In regard to his relationship with the Council, Mr. Colburn met the Council's expectations.
Policy Execution
In regard to Policy Execution, Mr. Colburn met Council expectations.
Reporting
In regard to Reporting, Mr. Colburn met Council expectations.
Public Relations
In regard to Public Relations, Mr. Colburn more than met Council expectations
Staffing
In regard to Staffing, Mr. Colburn met Council expectations.
Fiscal Management
In regard to Fiscal Management, Mr. Colburn more than met Council expectations.
Specific Objectives
In regard to Fiscal Management, Mr. Colburn more than met Council expectations.

BE IT FURTHER RESOLVED, that the City Council does hereby establish the following specific Council objectives for Administrator Colburn for the 2011 calendar year:

A. *Obtain the DEQ permit allowing the city to proceed with Franklin Farms Drive extension.*
B. *Continue the process to update the current master plan.*
C. *Update the current finance and purchasing policies into a new document.*
D. *Address an ordinance toward improving residential living conditions in rental properties.*
E. *Direct efforts to develop and maintain additional health care services and facilities within the city.*
F. *Develop and establish a timeline and plan for repairing and maintaining all city buildings with the DPW facilities as first priority.*
G. *Review ordinances pertaining to downtown loft apartments and develop amendments to address landlords providing adequate parking.*
H. *Develop an ongoing two-way conduit of information between the city council and the planning commission involving the master plan update.*
I. *Establish long term plans with the city council, to identify and address future needs associated with potential charges in the city's population.*
J. *Improve the multimedia technology in council chambers and begin streaming city council meetings live on the web.*
K. *Re-evaluate all staffing, but in particular, the administrative services director, zoning and development department, and the dual role of the city administrator as the DPW director.*
L. *Develop a training program for front line supervisors and department managers, and for long term inter-action between all employees.*

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Robin C. Naeyaert for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; and

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.

Yes (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (1) Bruno
RESOLUTION APPROVED

Resolution No. 2010-49 – City Administrator Employment Contract Amendment No. 9

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2010-49 as read.
MOTION CARRIED UNANIMOUSLY

Resolution No. 2010-49 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-49
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT 9
January 3, 2011

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert do hereby recommend extending the current Employment Contract between Martin A. Colburn and the City Council of the City of Mason for one year.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein, effective January 1, 2011.
RESOLUTION APPROVED UNANIMOUSLY

MOTION by Waltz, second by Naeyaert,
to amend the agenda by inserting Item No. 6 as *Oath of Office* and adjusting the remaining items accordingly.
MOTION APPROVED UNANIMOUSLY

ADJOURN SINE DIE – 2009 2010 COUNCIL

The 2009/2010 City Council adjourned sine die at 7:43 p.m.

OATH OF OFFICE

Cwiertniewicz administered the oath of office to Robin Naeyaert, Neal Johnson, and Jon Droscha.

ELECTION OF MAYOR AND MAYOR PRO TEM FOR 2010-2011

Cwiertniewicz opened nominations for Mayor.

Ferris nominated Leon Clark for Mayor.

No other nominations were made.

Cwiertniewicz closed nominations and the vote was called.

LEON CLARK ELECTED MAYOR UNANIMOUSLY

Cwiertniewicz opened nominations for Mayor Pro Tem.

Naeyaert nominated Michael Waltz for Mayor Pro Tem.

No other nominations were made.

Cwiertniewicz closed nominations and the vote was called.

MICHAEL WALTZ ELECTED MAYOR PRO TEM UNANIMOUSLY

ANNOUNCEMENTS

- Mason First United Methodist Church will host a special blood drive Friday, January 7, 2011.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Tornholm, second by Waltz,
to approve the Consent Agenda as follows:

A. Resolution No. 2011-01 – City Council & Planning Commission Meeting Dates

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2011
January 3, 2011

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2011, and that said meetings are to be held on the first and third Mondays of each month, with two holiday exceptions scheduled as a *Tuesday meeting,

January 3 and 17	July *5 and 18
February 7 and 21	August 1 and 15
March 7 and 21	September *6 and 19
April 4 and 18	October 3 and 17
May 2 and 16	November 7 and 21
June 6 and 20	December 5 and 19; and

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2011, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months

January 11	May 10	September 13
February 8	June 14	October 11
March 8	July 12	November 8
April 12	August 9	December 13; and

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

B. Resolution No. 2011-02 – Resolution to Exclude Temporary Employees from Membership in MERS Under Plan Document Section 3(2)

CITY COUNCIL RESOLUTION NO 2011-02

RESOLUTION TO EXCLUDE TEMPORARY EMPLOYEES FROM MEMBERSHIP IN MERS UNDER PLAN DOCUMENT SECTION 3(2)

MERS

TEMPORARY EMPLOYEES who are employed in positions normally requiring less than 6 or more whole months, not to exceed 12 months of work may be excluded by Resolution of the Governing Body from membership in the Municipal Employees' Retirement System (MERS). Temporary employees must be notified in writing by the participating municipality that they are excluded from membership. In accordance with Section 3(2) of the MERS Plan Document, the

City Council (Governing Body) of City of Mason (name of Participating Municipality) 330401 (Municipality #),

Formally elects to **EXCLUDE** effective February (Month) 1st*, 20 11, all employees
*Effective date must be on the first (1st)

in positions requiring less than 12 (specify number between 6 through 12) whole months in these Divisions:

X All Divisions

OR

Divisions _____ (specify by Division Name and Number)

I hereby certify that the above is a true copy of a Resolution adopted at the meeting of the governing body held on January 3 (Date), 2011.

_____ (Signature of Authorized Official)

_____ (Title)

F84 Resol exclude temp ees 5-29-07

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

None.

UNFINISHED BUSINESS

Discussion was held to revise the Rules of Order.

NEW BUSINESS

None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS

- Naeyaert informed Council regarding current Planning Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

ADJOURNMENT
The meeting adjourned at 7:49 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 20, 2010

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Tom Yeadon, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
Dave Barnett of 427 South Jefferson stated that he felt that the proposed resolution declaring a temporary moratorium on the issuance of licenses for primary caregiver operations and dispensaries in the City of Mason goes against the vote of the people in 2008.

INTRODUCTIONS
Waltz introduced the Camino of St James Run/Walk Committee; Christopher Mumby - Chair, Doty Smith – Co-Chair, Valerie Engle - Course Chair, Cindy Engle - Course Co-Chair. Clark introduced Andrew Johnson, a boy scout earning his badge.

PRESENTATIONS
None.

CONSENT AGENDA
It was the consensus of Council to remove Agenda Item C) Motion – Ordinance No. 180 – An Ordinance to Amend Chapter Ten-Businesses—with the Code of the City of Mason by Adding Article III, Which Defines Medical Marijuana Operations and Dispensaries Operations, Requires a License and Sets Forth the Requirements to Obtain a License and the Effect of Having a License within the City of Mason; and Declaring an Emergency to Enact this Ordinance to be Effective Immediately upon Adoption as Necessary for the Preservation of the Public Peace, Health and Safety, and D) Resolution No. 2010-45 – A Resolution Declaring a Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason, from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

1. Approval of Minutes – Regular Council Meeting: December 6, 2010
2. Approval of Bills
3. Resolution No. 2010-46 – Mayoral Appointments to City Boards and Commissions

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-46
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

December 20, 2010

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, 2011 and expire on December 31 of the year noted.

Board of Ethics	Kathleen Dean	2013
	William H. Noud, Jr	2013
Building Code & Sign Board of Appeals	Ivan Kerr	2013
	Ken Brown (Sign Board of Appeals)	2013
	Eric Harter (Sign Board of Appeals)	2013
Dangerous Buildings Hearing Officer	Bruce Johnston	2013
Downtown Development Authority	Joe Ghinelli	2014
	Mark Howe	2014
	Bernard Camp	2014
Historic District Commission	Loren Shattuck	2013
	Marlon Brown	2013
Local Officers Compensation Commission	Angela Newton	2011
	William Shepard	2013
Planning Commission	Chris Burns	2013
	Nancy Cotter	2013
Traffic Commission	Roger Bauer	2013
Tree Commission	Melvin Brown	2011
	Leslie Bruno	2012
	Laura Duane	2013

4. Resolution No. 2010-47 – City Council Appointments to City Boards and Commissions

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-47
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 20, 2010

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, 2011 and expire on December 31 of the year noted:

Board of Review	Larry Briggs	2013
Building Authority	Mark Howe	2013
Cemetery Board	Scott Shattuck	2013
Local Development Finance Authority	William Shepard	2014
Utility Rate Study Committee	Shirley Richards	2013
	Angela Newton	2013
Zoning Board of Appeals	Doug Cripps	2013
	Pete Curtis	2011
	Bob McCormick	2013
	Linda Jakeway (filling an unexpired term)	2012
	Harry Spenny (alternate)	2013

5. Motion – Street Closure for Camino of Saint James 8K Run and 5K Walk

   MOTION by Naeyaert, second by Waltz,
   to approve the request as outlined in the letters of Christopher Mumby/Camino of St James Run/Walk Committee, dated November 29 and December 9, for street closures and use of equipment for the second annual Camino of St. James Church 8K Run/5K Walk starting at 8:00 a.m. for the duration of approximately two hours on Sunday, August 14, 2011, in accordance with maps provided to the Police Department.

6. Motion – Request for Street Closures to Hold the Second Annual Sundried Music Festival

MOTION by Naeyaert, second by Waltz,
to approve the request as outlined in the letter from Marco Broggio, Downtown Development Authority Director, dated December 6, 2010, for street closures, use of equipment, electrical power, and waiver of permit and fees for the second annual Sundried Music Festival.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Ordinance No. 180 – An Ordinance to Amend Chapter Ten-Businesses with the Code of the City of Mason by Adding Article III, Which Defines Medical Mari uana Operations and Dispensaries Operations, Re uires a License and Sets Forth the Re uirements to Obtain a License and the Effect of Having a License within the City of Mason and Declaring an Emergency to Enact this Ordinance to be Effective Immediately upon Adoption as Necessary for the Preservation of the Public Peace, Health and Safety

MOTION by Naeyaert, second by Bruno,
to consider Ordinance No. 180 and Resolution No. 2010-45 as considered read.
MOTION APPROVED UNANIMOUSLY

A brief discussion ensued regarding the citizen initiated law approved by the voters in 2008 allowing the use of marihuana for medicinal purposes.

CITY OF MASON
ORDINANCE NO. 180
AN ORDINANCE TO AMEND CHAPTER 10 - BUSINESSES - OF THE CODE OF THE CITY OF MASON BY ADDING ARTICLE III WHICH DEFINES MEDICAL MARIHUANA OPERATIONS AND DISPENSARIES, REQUIRES A LICENSE AND SETS FORTH THE REQUIREMENTS TO OBTAIN A LICENSE AND THE EFFECT OF HAVING A LICENSE WITHIN THE CITY OF MASON

THE CITY OF MASON ORDAINS:

Article III of Chapter 10 - Businesses - of the Code of City of Mason and sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 are hereby added to the Code of the City of Mason to read as follows:

ARTICLE III - MEDICAL MARIHUANA

Sec. 10-70. 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 context clearly indicates a different meaning:

Act means the Michigan Medical Marihuana Act.

Dispensary means a structure, lot or premises from which two or more primary caregivers sell, deliver or otherwise dispense medical marihuana to patients.

Marihuana means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

Patient means any person to whom a primary caregiver delivers marihuana pursuant to the Act.

Primary caregiver means a person who is licensed and defined under the act as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means a structure, lot or premises from which a primary caregiver sells, delivers or otherwise dispenses medical marihuana to a patient.

Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition.

Registry identification card means a document issued by the department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Sec. 10-71. Re uired fee application.

(a) No person shall operate a primary caregiver operation or operate or assist in the operation of a dispensary without having first obtained and without being in possession of a valid license issued by the city clerk.

(b) Application shall be made annually on forms provided by the city clerk which shall require the full legal name and date of birth of each caregiver and address of the intended location of the primary caregiver operation or dispensary, a copy of each caregiver's registry identification card, the number of registered patients for each caregiver and the maximum amount of usable marihuana and maximum number of marihuana plants the caregiver operation or dispensary may have on the property at any one time. The application shall state whether any electrical devices designed to assist in the growing of medical marihuana will be used in conjunction with the license, whether any structural modifications have been made or are intended to be made in conjunction with the license. The application shall be accompanied by any required building, electrical or plumbing permits.

(c) The initial application fee shall be $250.00 for each primary caregiver operation and $100.00 per caregiver for each dispensary. Renewal fees shall be established by annual budget resolution of the city council.

Sec. 10-72. Conditions of issuance.

The city clerk shall not issue an initial or renewal license until such time as all of the following conditions have been met:

(a) A completed application has been submitted to the clerk with the required fees that accurately states the lawful amount of usable marihuana and marihuana plants an applicant may have on the property at any one time.

(b) Proof that an annual inspection has been conducted by the Mason police department and the police department certifies that the facility is in conformity with the state law and city ordinances. The police department may, as part of its inspection, require building officials and/or the fire department inspect the property prior to certification to ensure that it is in conformity with state law and city ordinances should the police suspect, during their inspection, that unreported or non-permitted structural alterations have been made, unreported or non-permitted electrical modifications have been made, unreported or non-permitted electrical devices are being used, otherwise unsafe electrical connections or overloaded circuits are present or unreported or un-permitted plumbing modifications have been made in conjunction with the license.

(c) Where the application identifies electrical devices are being used or intended to be used to assist in the growing of medical marihuana, proof that the fire department has inspected and approved the use or proposed use and that any necessary permits for electrical alterations have been obtained.

(d) Where the application identifies structural modifications have been made or are intended in conjunction with the license, proof that the appropriate building code officials have inspected the property and issued the necessary permits.

Sec. 10-73. Conduct of licensee.

(a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.

(b) The premises shall be operated and maintained at all times consistent with responsible business practices and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation.

(c) The premises shall at all times be operated in compliance with all applicable provisions of this code and the act.

(d) The licensee shall immediately notify the city clerk of any changes in the names or additions and reductions in the number of primary caregivers operating from any structure, lot or premises within the city and pay the appropriate application fee for each increase in the number of primary caregivers.

Sec. 10-74. Effect of license suspension, penalty.

(a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.

(b) Conducting a primary caregiver operation or a dispensary is a violation of federal law. A license does not prohibit prosecution by the federal government of its laws. Nor does a license prohibit prosecution by state authorities for violations of the act or other violations not protected by the act. A valid license shall not be construed as providing any protection beyond prosecution by the city of Mason for conducting a primary caregiver operation or a dispensary without a license.

(c) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.

(d) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by this act.

(e) No person who has not been identified as a primary caregiver on an application with the city clerk, or subsequent filing with the city clerk pursuant to the requirements of this article, shall be deemed to be licensed.

(f) Any changes to the act or any decisions by a court of competent jurisdiction which would render a license issued under this article void or otherwise ineffective, shall result in the immediate expiration of any license issued under this section.

(e) Each day that a person shall conduct a primary caregiver operation or a dispensary without a license shall constitute a separate offense.

Sec. 10-75. Confidentiality.

Names and addresses of applicants and any licensed primary caregivers under this article shall be confidential information and shall be maintained as confidential records not subject to disclosure, except to other authorized employees of various city departments as is necessary to perform their official duties under this article. No records or information shall be released except upon order of a court of competent jurisdiction.

Declaration of need to be effective immediately

This ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and shall be effective upon adoption.

Number of council members present (7).
Number of affirmative votes (7).

The foregoing Ordinance was moved for adoption by Council Member Waltz and seconded by Council Member Tornholm with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 20th day of December, 2010. Ordinance No. 180 declared adopted this 20th day of December, 2010.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2010-45 – A Resolution Declaring a Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

Following the adoption of Ordinance No. 180, a moratorium was considered to take into account future regulation determinations by the State and to allow staff to further study regulation of dispensaries and primary caregiver operations. The statement offered by a citizen during People from the Floor claiming the a moratorium was against the vote of the people was discussed. City Attorney Tom Yeadon confirmed that moratoriums do not go against the act. There was further discussion regarding providing the means for licensing and then prevent anyone from becoming licensed.

Resolution No. 2010-45 was introduced by Tornholm and supported by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-45
A RESOLUTION DECLARING A TEMPORARY MORATORIUM ON THE ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN THE CITY OF MASON

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, the City of Mason is in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregivers while a study is being conducted to determine the appropriate and necessary regulations;

NOW, THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this ordinance and while the moratorium enacted by this ordinance or any subsequently adopted ordinances which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary caregiver operation licenses and dispensary licenses shall continue in effect for 180 days from the effective date hereof while this matter is being studied.

Yes (6) Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Johnson
RESOLUTION APPROVED

UNFINISHED BUSINESS

Discussion was held regarding city employees not wearing seat belts in City vehicles. Colburn stated that he is addressing that with the divisions of public works.

NEW BUSINESS
None.

Clark stated that the membership of all boards and commissions are filled and he thanked everyone who volunteered to serve.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS

- Naeyaert informed Council regarding current Planning Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to discuss the City Administrator's evaluation.
Yes (7) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
MOTION APPROVED UNANIMOUSLY

ADJOUNMENT
The meeting adjourned at 7:57 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 6, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
Absent: Councilmember: Tornholm
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Good Morning Mason 7:30 A.M. at the Fair Grounds, Thursday, December 9, 2010
- Red Nose Ruckus Thursday , December 9, 2010 County Fairgrounds benefits Child & Family Services
- Annual Pearl Harbor Remembrance Day 12:55 p.m. at the Monument site on the Court House Square

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

None.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item B) Approval of Bills, and C) Motion – City Donation of One (1) Cemetery Space in Maple Grove Cemetery to American Legion Post #148, from the Consent Agenda.

MOTION by Johnson, second by Bruno,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: December 6, 2010
B. Motion – Exercise Option to Extend Auditing Services

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Johnson, second by Bruno,
to approve the bills in the amount of $203,903.80.
Yes (6) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Johnson
Absent (1) Tornholm
MOTION APPROVED

A brief discussion was held regarding the process used for obtaining quotes for the three doors at the Publically Owned Treatment Works (POTW) building.

Motion – City Donation of One (1) Cemetery Space in Maple Grove Cemetery to American Legion Post 148

This item was deferred to allow Councilmember Bruno, ad hoc committee member for the Veterans' Memorial Project, to comment on the committee's progress and intention. Bruno stated support for the project and added that he feels the monument would be a project the City could be proud of.

Colburn informed Council that he spoke with Commander Raab of the American Legion regarding why the project design had not been submitted, and was informed that the designer has been out of state attending to family issues; as a result, the organization decided to move ahead with the fundraising efforts.

Discussion ensued regarding setting a precedent for the donation of city assets and whether donating city property to raise funds for a project would be appropriate.

MOTION by Naeyaert, second by Ferris,
to approve the request from the American Legion Post #148 and enter into an agreement to gift one space in the Maple Grove Cemetery as prescribed by the City Attorney.
Yes (5) Bruno, Clark, Ferris, Johnson, Naeyaert
No (1) Waltz
Absent (1) Tornholm
MOTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

Following a brief discussion, Council directed staff to provide information regarding a medical marijuana moratorium.

MOTION by Naeyaert, second by Johnson,
to direct the City Administrator, Chief of Police, and City Attorney to move forward in developing a draft moratorium for marijuana dispensaries.
MOTION APPROVED UNANIMOUSLY

Colburn informed Council regarding recent legislation extending the hours of alcohol sales on Sundays. McGinty added that the Michigan Liquor Control Commission will begin issuing Sunday Morning Sales licenses December 16. However, local government may opt out of Sunday Sales before December 15. It was the consensus of Council to not take action to opt out of Sunday Sales and allow local businesses to determine whether they would participate.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Johnson stated that Mr. Colburn had addressed current Traffic Commission business in his written report to Council
- Waltz informed Council regarding current Historic District Commission business
- Clark informed Council regarding current Downtown Development Authority business

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to defer the scheduled executive session to discuss the City Administrator's evaluation to the next regular meeting, December 20, 2010.
Yes (4) Clark, Ferris, Naeyaert, Waltz
No (1) Johnson
Absent (1) Tornholm
MOTION APPROVED

ADJOUNMENT

The meeting adjourned at 8:23 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 15, 2010

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

Present: Councilmembers: Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Bruno
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Ed Hude, Police Sergeant
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Community Thanksgiving Day Dinner, Thursday, November 25, 2010, 12:00 p.m. – 1:00 p.m., sponsored by Kiwanis and the Mason Area Churches
- There is no parking on city streets between 2:00 a.m. – 6:00 a.m., November 1, 2010 through May 1, 2011

PEOPLE FROM THE FLOOR

Sam Chrome of 822 Roosevelt Street thanked Council for the use of Bond Park baseball field for Mason Softball Club tournaments.

INTRODUCTIONS

None.

PRESENTATIONS

None.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Johnson,
to adjourn to executive session to consider AFSCME Contract Negotiations.
Yes (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
Absent (1) Bruno
MOTION APPROVED UNANIMOUSLY

Council adjourned to executive session at 7:34 p.m. and reconvened at 8:10 p.m.

MOTION by Waltz, second by Naeyaert,
to amend the agenda by adding Item No. 17 – Executive Session – Attorney/Client Confidential Communication, and adjusting the remaining item - accordingly.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item C) Resolution No. 2010-43 – A Resolution Objecting to the Transfer of Property from the Ingham County Treasurer to the City of Mason, F) Motion – City Donation of One (1) Cemetery Space in Maple Grove Cemetery to American Legion Post #148, and G) Motion – Sprint/Nextel Site Agreement for City of Mason Communication Tower, from the Consent Agenda.

MOTION by Waltz, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: November 3, 2010
B. Approval of Bills
C. Resolution No. 2010-44 - AFSCME Agreement
D. Tree Trimming Contract

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2010-43 – A Resolution Ob ecting to the Transfer of Property from the Ingham County Treasurer to the City of Mason

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2010-43 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-43 was introduced by Tornholm and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-43
A RESOLUTION OBJECTING TO THE TRANSFER OF PROPERTY
FROM THE INGHAM COUNTY TREASURER TO THE CITY OF MASON
November 15, 2010

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases, and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city, village, township on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the current year property is located at 409 W Columbia St., Mason, Parcel # 33-19-10-08-202-012; and

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City Of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City Of Mason does not wish to obtain from the Treasurer any property upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

NOW THEREFORE BE IT RESOLVED, that the City Of Mason wishes to exercise its option under the Act to object to the transfer of property foreclosed upon by the Treasurer but not sold; and

BE IT FURTHER RESOLVED, that the City Of Mason wishes this objection to be effective for any property upon which the Treasurer will foreclose this year.

This resolution shall be given immediate effect upon the passage of the motion for adoption.

RESOLUTION APPROVED UNANIMOUSLY

Motion – City Donation of One (1) Cemetery Space in Maple Grove Cemetery to American Legion Post 148

MOTION by Naeyaert, second by Ferris,
to approve the request from the American Legion Post #148 and enter into an agreement to gift one space in the Maple Grove Cemetery as prescribed by the City Attorney.

Discussion was held whether giving away city property to raise funds for the project would be appropriate. Also, the City has been asked to grant the use of city property for the project. It was further discussed that the City has requested an architect's rendering for the project prior to committing City property for the project site.

MOTION by Johnson, second by Naeyaert Waltz,
to defer action to allow Councilmember Bruno, ad hoc committee member for the Veterans' Memorial Project, to inform Council regarding the committee's

progress and intention.
Yes (5) Clark, Ferris, Johnson, Naeyaert, Tornholm
No (1) Waltz
Absent (1) Bruno
MOTION APPROVED

Motion – Sprint Ne tel Site Agreement for City of Mason Communication Tower

Stressman informed Council that Mason Police Sergeant Hude and T.J. Garrett, attorney with Haley Law Firm in Brighton representing Sprint/Nextel, were available to respond to questions. Stressman stated that since the City entered into a phone service agreement with Sprint/Nextel, there has been weak reception areas due to the distance of the nearest transmission antennas. Construction of the new city tower resumed negotiations. Sprint/Nextel installed and assumed the cost of an antennae booster in the new city hall building, including maintenance and service for the life of the unit in this building. The initial term of the contract is for five years at $12,000.00 per year. Following the initial term, the agreement would increase to $18,000.00 annually with a three-percent increase each subsequent year. Sprint/Nextel is entitled to renew the agreement every five years for a total of thirty years. Discussion ensued regarding details of the agreement: City Attorney McGinty and Ms. Garrett responded to questions concerns raised regarding the renewal terms and location site.

MOTION by Naeyaert, second by Waltz,
to approve the City Administrator to enter into the Sprint/Nextel Site agreement.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Tornholm informed Council that the application for appointment to city boards and commissions is on the city website. There are various vacancies to be filled prior to the annual appointments in December.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Waltz informed Council regarding current Historic District Commission business.
- Johnson informed Council regarding current Traffic Commission business. Stressman responded to questions regarding traffic issues and new technology utilizing the Progressive Enforcement Program
- Naeyaert informed Council regarding current Planning Commission business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

EXECUTIVE SESSION
MOTION by Waltz, second by Naeyaert,
to adjourn to executive session to discuss prior attorney/client privileged communication.
Yes (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
Absent (1) Bruno
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned at 8:50 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 3, 2010

Clark called the meeting to order at 7:33 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, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent:	Councilmember: None
Also present:	Martin A. Colburn, City Administrator
	Deborah Cwiertniewicz, City Clerk
	Eric Smith, Finance Director/Treasurer
	Kerry Minshall, Fire Chief
	David Haywood, Zoning & Development Director
	Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Community Thanksgiving Day Dinner, Thursday, November 25, 2010, 12:00 p.m. – 1:00 p.m., sponsored by Kiwanis and the Mason Area Churches

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

None.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item A from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Bills
B. Motion – Excused Absence for Councilmember Bruno

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Minutes:

- **Special City Council Meeting: October 11, 2010**
- **Regular City Council Meeting: October 18, 2010**

MOTION by Bruno, second by Naeyaert,

to approve the Special City Council Minutes of October 11, 2010 and the Regular City Council Minutes of October 18, 2010.

MOTION by Naeyaert, second by Ferris,
to amend the Regular City Council Meeting Minutes of October 18, 2010 by making the following corrections: strike Naeyaert - insert Tornholm and strike Bruno - insert Ferris in the motion approving the consent agenda on page one; change all references of Mable Street to Mable Court; and correct the spelling of Gracon on page two in the first paragraph.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Discussion – Rental Registration Program

Colburn informed Council regarding the public meeting held on October 20 for the purpose of staff and local landlords discussing the implementation of a rental registration program. The landlord community objected to a rental registration program and expressed various concerns, which are listed in the keynote summary enclosed in the meeting packet. Following this meeting, staff recommended adopting the IPMC and/or IFC (or other maintenance/fire code) and requiring an inspection for occupancy only at the point of sale or change of occupancy, and then not again until the next sale or change of occupancy. Discussion ensued between Council and it was stated that landlords should not be held to different requirement than homeowners. No action was taken regarding the rental registration program.

Discussion – Mason Fire Department Retired 806 Pumper

Clark informed Council that he would like to see the City donate retired Pumper 806 to Viti/Vitina, Kosovo. Last year, Jakup Jahiri, Municipal Assembly Chairperson in Viti/Bitina, came to the City of Mason to visit his son, city resident Pete Jahiri. At that time, city officials took Messrs Jahiri on a tour of city facilities. One area that was most impressive to the Jahiris was the City's fire services. Minshall commented that he recently spoke with Mr. Jakup Jahiri regarding the particulars of servicing the apparatus. Currently, Viti/Vitina fire service vehicles are more than 40 years old and a couple are utility vehicles. Also, they have need for basic equipment and boots. Clark stated that Pumper 806 has been valued at approximately $5,000.00. He asked Council to grant approval to donate this vehicle to Viti/Vitina, Kosovo. A military flight would be sought to make the delivery.

MOTION by Naeyaert, second by Waltz,
to approve the donation of Pumper 806 to Viti/Vitina, Kosovo at no cost to the city.
Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm
MOTION APPROVED

UNFINISHED BUSINESS

Tornholm asked Council to consider establishing an Art Commission within the next year.

NEW BUSINESS

None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Clark informed the Council regarding current Downtown Development Authority business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn asked Council to consider a street closure request that he received today from Rohde Construction. Rohde Construction submitted a written request for the closure of South Park Street between Oak and Elm streets from November 22, 2010 through March 2, 2011 for the purpose of locating storage trailers and additional parking for contractor parking during renovation of the Jefferson Street Square senior apartment building located at 500 South Jefferson Street.

> MOTION by Naeyaert, second by Waltz,
> to approve the street closure request of Rohde Construction dated November 3, 2010, of South Park Street between Oak and Elm streets from November 22, 2010 through March 2, 2011 for the purpose of locating storage trailers and additional parking for contractor parking during renovation of the Jefferson Street Square senior apartment building located at 500 South Jefferson Street.
> MOTION APPROVED UNANIMOUSLY

Colburn informed the Council regarding current City business.

EXECUTIVE SESSION

> MOTION by Naeyaert, second by Waltz,
> to adjourn to executive session to discuss an attorney/client privileged communication.
> Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
> No (0)
> MOTION APPROVED UNANIMOUSLY

ADJOUNMENT
The meeting adjourned at 8:33 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 18, 2010

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, Ferris, Johnson, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Kathy Revels, Administrative Services Director
Sam Bibler, Waste Water Treatment Plant Supervisor
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
None.

PRESENTATIONS
None.

CONSENT AGENDA
It was the consensus of Council to remove Agenda Items B and C from the Consent Agenda.

MOTION by ~~Naeyaert~~ Tornholm, second by ~~Bruno~~ Ferris,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: October 4, 2010
B. Motion – Bid – POTW Digester Building Roof Replacement
C. Motion – Amend the 2010-2011 Fiscal Year Budget
D. Annual IT Support Agreement with Gracon Services Inc.
E. Motion – Ingham County Veterans' Day Parade

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Approval of Bills
A brief discussion was held regarding the approval of the Gracon annual agreement bill, with the exception of Exhibit II, because it was not included with the bill. Colburn stated that he approved Exhibit II to expedite the service and it is before Council for final approval.

MOTION by Bruno, second by Waltz,
to approve the bills in the amount of $579,521.22.
Yes (5) Bruno, Clark, Ferris, Tornholm, Waltz
No (1) Johnson
Absent (1) Naeyaert
MOTION APPROVED

Resolution No. 2010-42 – Resolution for Changing MERS Benefits

MOTION by Bruno, second by Ferris,
to consider Resolution No. 2010-42 as read.
MOTION APPROVED UNANIMOUSLY

A brief discussion ensued. Resolution No. 2010-42 was introduced by Waltz and seconded by Bruno.

CITY COUNCIL RESOLUTION NO. 2010-42

RESOLUTION FOR CHANGING MERS BENEFITS
(OTHER THAN DB COMPONENT OF HYBRID PROGRAM)

MERS

In accordance with the MERS Plan Document of 1996, the City of Mason (Participating Municipality)
33401 (Municipality No.) adopts the following benefits for: 01 General Union (Reporting Unit No., MERS Division No. and Name)

A "division" is defined as an employee or group of employees covered by the same benefit programs and the same employee contribution program. Each division has a specific MERS number and name, such as "Div. 10, General-Admin.," and is part of a Reporting Unit, such as: "01."

Supporting Supplemental Valuation is dated effective date July 1, 2010

BENEFIT MULTIPLIER

From _____ (Current Benefit Multiplier) To _____ (New Benefit Multiplier) Effective Date _____

Provisions for Earlier Normal Retirement

☐ F50/25 ☐ F50/30 ☐ F(N)-Years and Out (Specify number of years) _____
☐ F55/15 ☐ F55/20 ☐ F55/25 ☐ F55/30
Effective Date _____

EMPLOYEE CONTRIBUTION RATE

New Rate 12.41%
Effective Date 10/1/2010

ADDITIONAL BENEFITS AFFECTING FUTURE RETIREES

☐ FAC 3 ☐ FAC 5 ☐ V-6 ☐ V-8 ☐ V-10 ☐ RS - 50%
☐ D-2 ☐ B-2 ☐ DROP4 with ____ %
Effective Date _____

RETIREE COST-OF-LIVING BENEFIT PROGRAMS FOR CURRENT RETIREES

☐ B Standard ☐ B-1
☐ B - Other (Specify Factor _____ Adjustment Years _____)
Effective Date _____

WINDOW PERIOD (If applicable)

From _____ (Date) To _____ (Date)

I CERTIFY THAT THE ABOVE WAS ADOPTED BY Mason City Council (Governing Body) October 18, 2010 (Date of Meeting)

_____ Authorized Signature _____ Title _____ Date

NOTE: Standard/Nonstandard Benefit Provisions—Attach page fully describing provision(s), and (1) a complete copy of the fully executed collective bargaining agreement and a certified copy of official minutes where the collective bargaining agreement or this Resolution was adopted, or (2) a copy of the arbitration or mediation decision. If further information is needed, please contact MERS Employer Services Division at 1 (800) 767-6377.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Traffic Impact Studies – Traffic Engineering Associates, Inc.

MOTION by Tornholm, second by Bruno,
to accept the traffic impact studies for the Airport and Cedar Street Interchange Planning Areas prepared by Traffic Engineering Associates, Inc. and place them on file.
MOTION APPROVED UNANIMOUSLY

Motion – Traffic Control Orders 01-2010 through 10-2010
Johnson stated that the Traffic Commission met and approved TCO 01-2010 through 10-2010. Discussion ensued regarding TCO 08-2010

MOTION by Tornholm, second by Johnson,
to approve Traffic Control Order Nos. 01-2010 through 10-2010.

MOTION by Bruno, second by Waltz,
to amend TCO 08-2010 by changing the third paragraph stating the maximum speed on Lansing Street to maintain twenty-five miles-per-hour (25 mph) from the intersection of South Street to the intersection of Mable Court, and thirty-five miles-per-hour (35 mph) from intersection of Mable Court to Jefferson Street.

Discussion was held regarding the proposed speed limit for Lansing Street. Council asked David Sonnenberg to comment; Mr. Sonnenberg, Vice President of Traffic Engineering Associates, stated that he would not recommend changing speed to 25 mph at Mable Court. Council asked Attorney McGinty to comment; McGinty stated that he agreed with Mr. Sonnenberg, and would not recommend changing the at Mable Court. By consensus, Council allowed a resident requesting the floor to speak at this time.

Larry Martin of 511 South Lansing stated opposition to increasing the speed limit on Lansing Street.

Clark commented that he requested a report listing speeding tickets issued for the areas depicted on the TCOs and stated concern for certain orders.

VOTE ON THE MOTION:
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
Yes (4) Bruno, Ferris, Johnson, Tornholm
No (2) Clark, Waltz
Absent (1) Naeyaert
MOTION APPROVED

UNFINISHED BUSINESS
None.

NEW BUSINESS
Tornholm informed Council that she would present a proposal next month to establish a commission for the arts.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Clark informed the Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

ADJOUNMENT
The meeting adjourned at 8:12 p.m.

Deborah J. Cwiertniewicz, City Clerk	Leon R. Clark, Mayor

CITY OF MASON
SPECIAL CITY COUNCIL MEETING
MINUTES OF OCTOBER 11, 2010

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney

PEOPLE FROM THE FLOOR
None.

MOTION by Waltz, second by Naeyaert,
To amend the agenda by adding an executive session to discuss attorney/client privileged communications dated October 11, October 4 and September 3, 2010.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

MOTION by Waltz, second by Naeyaert,
To adjourn to executive session to discuss attorney/client privileged communications dated September 3, October 4, and October 11, 2010.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:35 p.m. and reconvened at 9:03 p.m.

REGULAR BUSINESS
Close Out of City Hall Technological Pro ect
MOTION by Bruno, second by Johnson,
that the City of Mason notify Central Solutions that their services are no longer needed at any City property or department, effective immediately.
MOTION APPROVED UNANIMOUSLY

Discussion - Annual IT Support Agreement with Gracon
Discussion was held regarding the Annual IT Support Agreement with Gracon.

MOTION by Naeyaert, second by Waltz,
to defer the Annual IT Support Agreement with Gracon until the next Council meeting.
Yes (1) Ferris
No (6) Bruno, Clark, Johnson, Naeyaert, Tornholm, Waltz
MOTION FAILED

MOTION by Johnson, second by Naeyaert,
to approve the Annual IT Support Agreement with Gracon with any reference to Exhibit II stricken from the contract.
Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm
No (1) Waltz
MOTION APPROVED

ADJOUNMENT
The meeting adjourned at 9:36 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 4, 2010

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, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent:	Councilmember: None
Also present:	Martin A. Colburn, City Administrator
	Deborah Cwiertniewicz, City Clerk
	Eric Smith, Finance Director/Treasurer
	David Haywood, Zoning & Development Director
	Ken Baker, DPW Superintendent
	Dennis McGinty, City Attorney

ANNOUNCEMENTS

It was announced that the City of Lowell would be holding a "Bridge Dedication and Unveiling of the Lowell Troll" in honor of opening the bridge after it had been closed for six months due to construction at the 2010 Lowell Harvest Celebration.

PEOPLE FROM THE FLOOR

Thomas P. Boyd, Chief Judge, spoke briefly regarding the Ingham County 55th District Court Domestic Violence program and the Sobriety Court program.

Chuck Fellows introduced himself to Council by saying he is a candidate for the State Senate, District 22.

INTRODUCTIONS

None.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Items B, D, and E from the Consent Agenda.

MOTION by Naeyaert, second by Bruno,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: September 20, 2010
B. Resolution No. 2010-40 – Approval to Award the Rehabilitation of Ash Street Well to Northern Pump & Well

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

A brief discussion was held regarding various items listed for payment.

MOTION by Naeyaert, second by Bruno,
to approve the bills in the amount of $90,328.74.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-41 – Appointment to the Downtown Development Authority (DDA) by the Mayor

MOTION by Bruno, second by Waltz,
to consider Resolution No. 2010-41 as read.
MOTION APPROVED UNANIMOUSLY

It was discussed that there was one applicant for the DDA appointment. Resolution No. 2010-41 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-41
October 4, 2010
APPOINTMENT TO THE DOWNTOWN DEVELOPMENT BY THE MAYOR

WHEREAS, the removal of Ryan Carter created a vacancy on the Downtown Development Authority; and

WHEREAS, the term of the vacancy expires on December 31, 2010; now

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Bernard Camp to the Downtown Development Authority of the City to fill the remainder of the unexpired term, commencing October 4, 2010.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Bid – POTW Digester Building Roof Replacement

Discussion ensued whether the bid was publicly noticed. The date of publication was unknown by staff.

MOTION by Naeyaert, second by Bruno,
to defer consideration of the POTW digester building roof replacement until the date of publication has been verified.
MOTION APPROVED UNANIMOUSLY

Motion – 2009-2010 Financial Statements – Abraham Gaffney, P.C.

Bill Tucker of Abrahm & Gaffney, P.C. presented the 2009-2010 Financial Statements for the City. Mr. Tucker stated that it is unusual and rare to have no findings, specifically in internal controls. He added that it is attributable to city staff.

MOTION by Johnson, second by Waltz,
to accept the 2009-2010 Financial Statements as presented and placed on file.
MOTION APPROVED UNANIMOUSLY

Motion – Traffic Control Orders 01-2010 – 10-2010

Discussion was held regarding concern for speed limit increases on various traffic control orders.

McGinty stated that legislature took away a lot of control from local communities with respect to speeds and speed limits and adopted some fairly functional and mechanical formulas and rules that have to be followed. If the data collected for a traffic study were rejected by Council, then an individual who is caught speeding and given a ticket may challenge the posted speed limit and ultimately the ticket in district court by requesting validation of the speed limit by a traffic control order supported by a traffic study. If it is not produced or is not in compliance, it is dismissed.

It was discussed to have the Traffic Commission review the TCO's. Haywood stated that the Traffic Commission had reviewed the documents. Johnson stated that the report was reviewed, but the TCO's were not.

> MOTION by Bruno, second by Naeyaert,
> to refer Traffic Control Orders 01-2010 through 10-2010 to the Traffic Commission for review and recommendation prior to official action by Council.
> MOTION APPROVED UNANIMOUSLY

It was discussed to have Councilmember Johnson, Traffic Commission Liaison, forward comments from Council to the Traffic Commission regarding concerns for various traffic control orders. Also, by consensus, Council allowed residents to comment regarding the proposed traffic control orders.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Waltz informed the Council regarding Historic District Commission business.

COUNCILMEMBER REPORTS
Ferris informed Council regarding the MML Conference she attended. Bruno and Waltz informed Council regarding progress of the stand for the bust of Stevens T. Mason.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business. He spoke briefly regarding medical marijuana dispensaries. McGinty informed Council regarding a seminar he attended on the subject. It was sponsored by the Ingham County Prosecutor, most of the law enforcement officers from the region, and prosecutors from Clinton and Eaton County. The consensus of those at the seminar was that dispensaries are illegal under State law and if a person(s) attempt(s) to establish one in Mason, they will be prosecuted. Many communities are debating where caregivers can distribute to their registered patients; McGinty will have a report to Council in the next few weeks.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to consider an attorney/client privileged communication.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned into executive session at 8:18 p.m. and reconvened at 9:34 p.m.

MOTION by Johnson, second by Bruno,
to call a special meeting to be held Monday, October 11, 2010 at 7:30 p.m. for the purpose of receiving a report on the close out of the City Hall Technology project; further, City Attorney McGinty is to take the appropriate action to safeguard the City's technology system.
MOTION APPROVED UNANIMOUSLY

ADJOUNMENT

The meeting adjourned at 9:36 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 20, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Mark Howe, Asst. Fire Chief
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
Dave Barnett of 427 South Jefferson Street asked Council to remove Agenda Items 8C, D, and E from the consent agenda.

INTRODUCTIONS
None.

PRESENTATIONS
Bruce Johnston, Ingham County Housing Commission Director, gave a brief presentation regarding housing rehabilitation and neighborhood revitalization grants for the City of Mason.

MOTION by Naeyaert, second by Johnson,
to approve the letter of support for the Ingham County Housing Commission to apply for federal funding through Michigan State Housing Development Authority to improve targeted neighborhoods.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA
It was the consensus of Council to remove Agenda Items C, D, and E from the Consent Agenda.

MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: September 7, 2010
B. Approval of Bills

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Motion – Quote for Installment Purchase Agreement for Purchase of Fire Truck
Colburn spoke regarding the three quotes received for financing the purchase of a new fire truck

being delivered in late September.

MOTION by Naeyaert, second by Johnson,
to approve the Dart Bank quote in the amount of $695,488.50.
MOTION APPROVED UNANIMOUSLY

Motion – Amendment to Harter Agreement for the Franklin Farm Drive E tension

Colburn stated that the 2010 street program was diverted from extending Franklin Farm Drive to alternative street improvements as a result of an appeal to the State relating to the Franklin Farm Drive extension by adjacent property owners and the determination of the Drain Commissioner relating to the floodplain. While staff continues working through these issues, it is necessary to amend the two-year agreement negotiated last year conveying property for a right-of-way for the City to extend Franklin Farm Drive to three years.

MOTION by Naeyaert, second by Johnson,
to approve the First Amendment to the Harter Agreement extending the right-of-way agreement for the Franklin Farm Drive extension.
MOTION APPROVED UNANIMOUSLY

Motion – Downtown Development Authority Commissioner Replacement

Clark provided a letter explaining the necessity to remove Ryan Carter from the Downtown Development Authority (DDA) due to excessive absences.

MOTION by Johnson, second by Naeyaert,
to remove Ryan Carter from the DDA in accordance with Section 2-209 of the Code and thank him for his years of service.
MOTION APPROVED UNANIMOUSLY

Discussion – Spam Filter Recommendation

At the request of Council, Finance Director Smith provided quotes and a recommendation regarding the purchase and installation of a spam filter. He stated that the three spam filters quoted would be effective tools for filtering at the server level, and in his opinion, the SonicWALL would be the best choice of the three filters as it would work with the existing firewall and router on the City's server. He recommended considering the spam filter with the next budget cycle, based on current budget constraints. It was the consensus of Council to follow Mr. Smith's recommendation and pursue consideration of a spam filter with the next budget cycle.

Discussion – Ad Hoc Committee – Administrator's Evaluation

Naeyaert informed Council that the ad hoc Administrator's Evaluation Committee will be pursuing the existing evaluation process this year and will continue working toward revising the process.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Naeyaert informed the Council regarding Planning Commission business. Clark informed the Council regarding Downtown Development Authority Business.

COUNCILMEMBER REPORTS
Johnson commented that it is great to have the Council Packet on the City website.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business.

ADJOUNMENT
The meeting adjourned into executive session at 8:18 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 7, 2010

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Tornholm led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Planning Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

The following announcements were made:

- Mason Cares is Saturday, September 11, 2010.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Waltz introduced his daughter Lauren who traveled to Japan this summer through the Michigan State University Gifted and Talented Exchange Program. Ms. Waltz introduced Hiroshio Furahashi from Shiga, Japan. She stated that she stayed with Mr. Furahashi and his family and he is now staying with the Waltz family. Ms. Waltz spoke of her experience in Japan and Mr. Furahashi spoke regarding the first day of school at Mason High School. Mayor Pro Tem Naeyaert presented Mr. Furahashi with a State of Michigan flag and various informational pamphlets explaining Michigan government.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item 8D from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting September 7, 2010

B. Approval of Bills

C. Motion – Streets Closure Re uest for Mason High School Homecoming Parade

D. Report – Ad Hoc Committee – Administrator's Evaluation

E. Motion – Street Closure Re uest for Riverwalk Meadows Homeowners Association Neighborhood Annual Picnic

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Intersection Analysis, Speed Limit Study, and Origin and Destination Study – Traffic Engineering Associates, Inc.

David Sonnenberg of Traffic Engineering Associates, Inc. spoke regarding the Intersection Analysis, Speed Limit Study, and Origin and Destination Study submitted to the City. A brief discussion ensued.

MOTION by Johnson, second by Naeyaert,
to accept the Traffic Study submitted by Trafic Engineering Associates, Inc. and place it on file.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed. Council reviewed the spam filter quotes provided by Finance Director/Treasurer Smith. It was the consensus of Council to have Mr. Smith provide a recommendation at the next meeting.

LIAISON REPORTS

None.

COUNCILMEMBER REPORTS

Johnson reported that he was reappointed by the Ingham County Board of Commissioners to the Ingham County Community Corrections Advisory Board.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business. He presented date options for the City Hall Open House and asked for suggestions. It was the consensus of Council to hold the City Hall Open House Thursday, October 14, 2010 from 3:00 p.m. – 6:00 p.m.

E ecutive Session – Attorney Client Privileged Communication

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to discuss an attorney client privileged communication.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

ADJOUNMENT

The meeting adjourned into executive session at 8:35 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 16, 2010

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Kathy Revels, Administrative Services Director
Deborah Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Chief
Mark Howe, Assistant Fire Chief
Dennis McGinty, City Attorney

ANNOUNCEMENTS

The following announcements were made:

- Rex Duane Counseller, retired City of Mason employee, passed away July 29, 2010.
- Volunteer work day at Rayner Park, Saturday, August 21, 2010 at 10:00 a.m.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Clark introduced Bob Raab, Commander of American Legion Post #148.

PRESENTATIONS

Michigan Water Environment Association

The Michigan Water Environment Association presented Jeffrey Rewerts, Jr., POTW employee, with the Award, Operations Professional of the Year. Jim King, retired POTW Superintendent, presented Mr. Rewerts with the plaque award and informed Council of Mr. Rewerts accomplishments.

Americhem Fire and City Services

Fire Chief Kerry Minshall and Fire Chief Assistant Mark Howe provided a power point presentation of the recent fire that occurred at Americhem August 6, 2010, informing Council regarding the teamwork of city staff as well as mutual aid from Delhi, Dansville and Leslie Fire Departments. Also, Chief Minshall expressed the importance of past decisions Council has made for investing in firefighting vehicles and equipment.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Items 9B thru 9D from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting August 16, 2010
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Naeyaert, second by Johnson,
to approve the bills in the amount of $139,286.46
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-39 – Bid – Local Street Improvements

Don Heck, City Engineer, and Marty Sekrenes of Wolverine Engineers & Surveyors were in attendance. Mr. Heck spoke briefly regarding his letters of recommendation for the two bids let for the local street improvement project. Bids submitted by Rieth-Riley Construction, Inc. were 26% below estimates in both lettings.

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2010-39 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-36 was introduced by Bruno and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-39
RESOLUTION TO ACCEPT A BID FOR 2010 LOCAL STREET IMPROVEMENT PROGRAM
August 16, 2010

WHEREAS, the Mason City Council approved priorities for 2010 Local Street Improvements by Resolution No. 2010-30; and

WHEREAS, a public competitive bid process was held for the 2010 Local Street Improvements; and

WHEREAS, bids were received, publicly opened, and read aloud on July 14, 2010; and

WHEREAS, Council reprioritized the 2010 Local Street Improvement project and also determined a need to rebid Maine and Steele Streets with underground work; and

WHEREAS, bids were received for Phase 2 of the 2010 Local Street Improvement Program, publicly opened and read aloud on August 11, 2010; and

WHEREAS, the City Engineer recommends awarding the contract to Rieth-Riley Construction, Inc. for Phase 2 of the 2010 Local Street Improvements;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the awarding of the Contract for the 2010 Local Street Improvement Program to Rieth-Riley Construction in the amount of Three hundred twenty eight thousand six hundred eighty eight and 20 cents ($328,688.20) and the Contract for Phase 2 of the 2010 Local Street Improvement Program to Rieth-Riley Construction in the amount of One hundred thirteen thousand seven hundred seventy seven dollars and 10 cents ($113,777.10)

BE IT FURTHER RESOLVED, that the Mason City Council does hereby direct the City Administrator to execute the Notice of Award for the Contracts.
RESOLUTION APROVED UNANIMOUSLY

Motion - Designation of Voting Delegate to the 2010 Michigan Municipal League Annual Meeting

The Annual Michigan Municipal League Convention will be held in Dearborn, September 21-24, 2010. The annual meeting is scheduled to be held Wednesday, September 22, 2010 at 11:00 a.m. at the Hyatt Regency Hotel. In accordance with the Michigan Municipal League Bylaws, Council is asked to select a designee and alternate to attend the annual meeting by formal action. The official representative has voting privilege in the election of officers and other business.

MOTION by Tornholm, second by Johnson,
to appoint Councilmember Elaine Ferris to serve as the City of Mason principal official representative at the Annual 2010 MML Convention, September 22, 2010.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Discussion was held regarding the City's new e-mail source. Finance Director/Treasurer Smith was asked to research and report the cost for a junk mail filter at the next meeting.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business. Clark informed Council regarding current DDA business.

COUNCILMEMBER REPORTS
No reports at this time.

ADMINISTRATOR'S REPORT
Revels informed the Council regarding current City business.

E ecutive Session – Attorney Client Privileged Communication

MOTION by Naeyaert, second by Johnson,
to adjourn into executive session to discuss an attorney client privileged communication.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

ADJOUNMENT
The meeting adjourned into executive session at 8:29 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 02, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, City Clerk

ANNOUNCEMENTS

Ferris informed Council that they were invited to the 90th birthday celebration for Colon Crowl sponsored by the Historical Society.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Clark introduced Bob Raab, Commander of American Legion Post #148.

PRESENTATIONS

None.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session for the purpose of considering an attorney client privileged communication.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:34 p.m. and reconvened at 8:45 p.m.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Items 8B thru 8F from the Consent Agenda.

MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting July 19, 2010
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Bruno, second by Johnson,
to approve the bills in the amount of $80,168.69.
MOTION APPROVED UNANIMOUSLY

Second Reading and Adoption - Ordinance No. 180 – An Ordinance to Amend Section 2-84 (9) – Powers and Duties – of Chapter 2 – Administration – of the Code of the City of Mason to Increase the Purchase Amount Re uired for Council Approval

MOTION by Naeyaert, second by Ferris,
to consider Ordinance No. 180 read for the second time and adopted.
Yes (2) Ferris, Tornholm
No (5) Bruno, Clark, Johnson, Naeyaert, Waltz
MOTION FAILED

Resolution No. 2010-36 – Resolution for Defining a Day of Work or Hours Per Month for MERS Retirement Purposes Effective August 3, 2010

Colburn gave a brief explanation of Resolution No. 2010-36.

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2010-36 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-36 was introduced by Naeyaert and seconded by Waltz.

Mason City Council Resolution No. 2010-36
RESOLUTION FOR DEFINING A DAY OF WORK OR
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES
August 2, 2010

Note: To adopt the part-time to full-time employee service credit program under Plan Document Section 4(6), the governing body must adopt the Uniform Resolution Defining Hours Per Month For Part-Time Employees and Service Credit Conversion Upon Promotion to Full-Time Status.

In accordance with Section 3(1) of the MERS Plan Document, as the _____
City Council (Governing Body) City of Mason (Municipality)

does hereby certify that a day of work, or the number of hours of work in a month, for
All Employees (Indicate all employees or division name and number) for retirement purposes, shall

consist of one of the following to be effective as of August 2, 2010 (Date)

(Please complete either A or B)

A X A day shall consist of 8 hours.
(Ten (10) days a month of such work days equals one month of credited service.)

B. _____ A month shall consist of _____ hours,
(Each month of such work hours equals one month of credited service.)

I hereby certify that the above is a true copy of a Resolution adopted at the meeting of the governing body held

on August 2, 2010 (Date)

_____
(Signature of Authorized Official) (Title)

RESOLUTION APROVED

Resolution No. 2010-37 – Approving an Increase to the City of Mason Utility Rates

MOTION by Tornholm, second by Johnson,
to consider Resolution No. 2010-37 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-37 was introduced by Waltz and seconded by Ferris. Discussion ensued regarding the Utility Rate Study Committee's recommendation for an annual 3% increase and staff's recommendation for a 2010-2011 2% increase.

MOTION by Waltz, second by Johnson,
to amend Resolution No. 2010-37 by striking the paragraph and bullets under, Now, Therefore, Be it Resolved, and inserting the following paragraph in its place: that Council acknowledges staff's recommendation to implement a 2% increase, indicating the 2% adjustment based on the attached schedule as follows:

- Water Charge will be $2.91 per 1,000 gallons after the first 2,000 gallons.
- Sewer Charge will be $3.76 per 1,000 gallons after the first 2,000 gallons.
- Water Capital Improvement Charge will be $2.04 per 1,000 gallons of water sold.
- Sewer Capital Improvement Charge will be $.51 per 1,000 gallons of water sold.

Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm
MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-37
A RESOLUTION APPROVING AN INCREASE TO THE CITY OF MASON UTILITY RATES
August 2, 2010

WHEREAS, the City of Mason is anticipating increases to the operations and maintenance and debt expenditures of the water system and the sewer system as outlined in the Master Plan, Capital Improvement Plan, Street Improvement Plan, and City of Mason Budget; and

WHEREAS, the Mason City Council is charged with assigning a just and reasonable rate for supplying the users of the water system and the sewer system with utility services as the City may provide; and

WHEREAS, the Water and Sewer Fund is a Proprietary Fund which, by definition, is financed primarily by user charges; and

WHEREAS, the Utility Rate Study Commission has met and reviewed the financial statements and 2010/2011 City of Mason Budget submitted by the Finance Department;

NOW, THEREFORE, BE IT RESOLVED, that Council acknowledges staff's recommendation to implement a 2% increase, indicating the 2% adjustment based on the attached schedule as follows:

- Water Charge will be $2.91 per 1,000 gallons after the first 2,000 gallons.
- Sewer Charge will be $3.76 per 1,000 gallons after the first 2,000 gallons.
- Water Capital Improvement Charge will be $2.04 per 1,000 gallons of water sold.
- Sewer Capital Improvement Charge will be $.51 per 1,000 gallons of water sold.

BE IT FURTHER RESOLVED, that all rate increases are effective for the first billing period commencing on or after August 1, 2010.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2010-38 – A Resolution to Propose a Ballot Question to the Electors of the City of Mason Regarding an Additional Park Millage

MOTION by Johnson, second by Waltz,
to consider Resolution No. 2010-38 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-38 was introduced by Johnson and seconded by Waltz. A brief discussion ensued.

CITY OF MASON
INGHAM COUNTY, MICHIGAN

CITY COUNCIL RESOLUTION NO. 2010-38
A RESOLUTION TO PROPOSE A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF MASON REGARDING AN ADDITIONAL PARK MILLAGE
August 17, 2010

WHEREAS, the City of Mason is organized and operates as a Home Rule City pursuant to its Charter of the City of Mason adopted June 26, 1951, under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

WHEREAS, the City is authorized pursuant to Section 9.1 of its City Charter to annually levy and collect taxes for general municipal purposes in an amount not to exceed two percent (2%) of the assessed value of all real and personal property in the city, or 20 mills; and

WHEREAS, the City currently levies taxes for tax year 2010 against the assessed value of all real and personal property in the City in the amount of 13.25 mills to provide revenue for the General Fund of the City for fiscal year 2010/2011 to support the general municipal operations of the City; and

WHEREAS, the City owns and operates a municipal park system consisting of nine public parks and related park and recreation facilities which are supported through the City's General Fund through a budget appropriation for the 2010/2011 fiscal year adopted the 3rd day of May, 2010, for Department 101-756 - Parks & Ball Diamonds, in the amount of One Hundred Eighty-Six Thousand One Hundred Seventy-Five Dollars ($186,175); and

WHEREAS, on the 20th day of July, 2010, the City entered into a lease/option agreement with the County of Ingham to acquire Rayner Park and has since reopened and now operates Rayner Park as a public municipal park supported by the City General Fund and the appropriations budgeted therein for municipal park purposes; and

WHEREAS, the right of the people to consult for the common good, instruct their elected representatives, and to petition their government has been specifically reserved to the people of the City of Mason by the First Amendment of the Constitution of the United States and Article I, Section 3, of the Michigan Constitution of 1963; and

WHEREAS, the Mason City Council believes it would promote fair, efficient, and good government to place a ballot question before the qualified electors of the city of Mason to seek their advice as to whether the City's general operating millage should be increased for tax year 2011 by up to 0.5 mills for the purpose of raising additional General Fund revenues to be budgeted and appropriated by the City Council to support the cost of operating and maintaining the City's municipal park system; and

WHEREAS, it is estimated that an increase of up to 0.5 mill in the city general property tax levied commencing tax year 2011 would generate an additional $106,000 in General Fund revenues which the City Council may budget and appropriate for municipal park p
urposes for the fiscal year commencing July 1, 2011.

NOW, THEREFORE, in order to obtain an expression from the electors as to whether the City's general operating millage shall be increased by up to 0.5 mill to provide additional support for the municipal park system; **BE IT RESOLVED** that the following question be submitted to the qualified electors of the city of Mason and be printed upon the ballot in the following form:

> DO YOU FAVOR THE MASON CITY COUNCIL, AS PART OF THE ANNUAL BUDGET PROCESS COMMENCING APRIL, 2011, INCREASING THE CITY'S GENERAL OPERATING MILLAGE BY UP TO 0.5 MILLS FOR THE FISCAL YEAR COMMENCING JULY 1, 2011 FOR THE PURPOSE OF RAISING ADDITIONAL REVENUE FOR SUPPORT OF THE MUNICIPAL PARK SYSTEM? IT IS ESTIMATED THAT SUCH INCREASE WOULD RAISE UP TO AN ADDITIONAL $106,000 IN FY 2011-2012 AND WOULD COST A HOUSEHOLD WITH AN AVERAGE TAXABLE VALUE OF $57,000 AN ADDITIONAL TAX OF UP TO $28.50 PER YEAR.

BE IT FURTHER RESOLVED, that the aforesaid proposition shall be submitted to the electors of the City of Mason at the next general election to be held in the city on Tuesday, November 2, 2010.

BE IT FURTHER RESOLVED that the City Clerk shall canvass the vote on the above-referenced ballot question in the same manner and under the same procedures as the vote on a regular initiative or referendum proposal would be canvassed, and shall report the results of the canvass to the Mason City Council at its next regularly scheduled Council meeting following the November 2, 2010 election.

BE IT FURTHER RESOLVED, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in

regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, and for the conduct of such election.
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
In consideration of Election Day, Johnson suggested changing the November 1, 2010 regular City Council meeting to Wednesday, November 3, 2010 to allow staff to prepare for the arrangement and assembly of election precincts in the Council Chambers/Community Room the day before the General Election held November 2, 2010. He asked City Clerk Cwiertniewicz to respond, who embraced the suggestion stating that setting up election precincts and voting equipment is time and labor intensive, requiring staff to complete the assembly following tonight's meeting for the Primary Election tomorrow. She earnestly supported changing the meeting date and thanked Council for their attention to the significant matter.

CORRESPONDENCE
All correspondence was distributed. Mr. Bob Raab, Commander of American Legion Post #148, was asked to address Council regarding the letter he submitted. Commander Raab suggested creating a monument for each conflict Mason veterans have served in. It was the consensus of Council to appoint an ad hoc committee with the membership consisting of one member from Council, staff, VFW, SS and BR. Councilmember Bruno and Administrator Colburn volunteered to serve on the committee.

LIAISON REPORTS
Johnson informed Council regarding Traffic Commission business. Waltz informed Council regarding Historic District Commission business.

COUNCILMEMBER REPORTS
Johnson stated that he and his family hosted a gentleman who is a civil engineer in charge of water distribution in Pakistan. Councilmember Johnson arranged a tour of the Water Treatment Plant for his Pakistan guest, who was amazed with the technology and operators. Bruno stated that he attended Mr. Dennis O'Brien's retirement party Saturday night who served the City of Mason for 32 years.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current City business. Mr. Colburn also spoke to the letter received from Mr. Fieton regarding code enforcement on Peachtree Place.

ADJOUNMENT
The meeting adjourned at 9:37 p.m.

_____ _____
Deborah J. Cwiertniewicz, City Clerk Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 19, 2010

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Johnson led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, City Clerk
John Stressman, Chief of Police
Ed Hude, Police Sergeant
Kathy Revels, Administrative Director

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
David Barnett asked Council to explain the business under the Consent Agenda.

Billie Jo O'Berry introduced herself and stated that she is a candidate for the Judge of the Circuit Court, 30th Circuit.

INTRODUCTIONS
None.

PRESENTATIONS
Bruno informed Council that he attended the 75th anniversary of Hartwick Pines State Park. He spoke regarding the celebration and individuals involved, as well as last year being the 90th anniversary of the State Park System.

CONSENT AGENDA
It was the consensus of Council to remove Agenda Items 8A thru 8F from the Consent Agenda.

REGULAR BUSINESS
Approval of Minutes – Regular Council Meeting July 6, 2010
MOTION by Bruno, second by Johnson,
to approve the July 6, 2010 Minutes as corrected.
MOTION APPROVED UNANIMOUSLY

Approval of Bills
MOTION by Bruno, second by Johnson,
to approve the bills in the amount of $401,815.25.

Discussion was held regarding the invoices submitted by Central Solutions and the invoice submitted by Northern Tower.

MOTION by Johnson, second by Bruno,
to remove the additional invoice by Northern Tower in the amount of $4,488.00, and the invoice from Central Solutions in the amount of $18,415.38, until the report is received from the City Attorney.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 180 – An Ordinance to Amend Section 2-84 (9) – Powers and Duties – of Chapter 2 – Administration – of the Code of the City of Mason to Increase the Purchase Amount Re uired for Council Approval

MOTION by Bruno, second by Ferris,
to introduce Ordinance No. 180 consider it read for the first time.

MOTION by Bruno, second by Naeyaert,
to amend proposed Ordinance No. 180 by striking $10,000.00 and inserting $5,000.00 as stated in Section 2-84(9).

A brief discussion ensued regarding the reasoning behind increasing the threshold to $10,000.00. Colburn stated that the Cityôs auditors have informed staff and Council that its $500.00 threshold is low in comparison to similar communities. Cities with similar revenue and expenditures have a Council approval threshold ranging from $5,000 to $10,000. An increase to the threshold would reflect current cost increases for supplies and services necessary for day-to-day operations. It would also lessen Council and City Administrator review of reports detailing expenditures of an inconsequential amount, yet requiring employees to prepare these reports for expenditures that have been examined at the department head level.

VOTE ON THE AMENDMENT:
Yes (6) Bruno, Clark, Johnson, Naeyaert, Tornholm, Waltz
No (1) Ferris
MOTION APPROVED

VOTE ON THE MAIN MOTION:
Yes (5) Bruno, Clark, Ferris, Naeyaert, Tornholm
No (2) Johnson, Waltz
MOTION APPROVED

Resolution No. 2010-34 ï A Resolution to Propose an Amendment to the Charter of the City of Mason

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2010-34 as read.
Yes (6) Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Johnson
MOTION APPROVED

A brief discussion ensued whether the purchase and sale of property threshold should be increased. Resolution No. 2010-34 provides ballot language that would be submitted to the electors at the November 2, 2010 General Election. Resolution No. 2010-34 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-34
A RESOLUTION TO PROPOSE AN AMENDMENT
TO THE CHARTER OF THE CITY OF MASON

WHEREAS, the City of Mason is organized and operates as a Home Rule City pursuant to its

Charter of the City of Mason adopted June 26, 1951, under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq*.; and

WHEREAS, Section 8.8 of Chapter 8 - General Finance Purchasing - of said Charter presently reads as follows:

> **Section 8.8 Purchase and Sale of Property**
> The Council shall designate one of the administrative officers of the City as Purchasing Agent. Such officer shall be responsible for the purchase and sale of all city property. Competitive prices for all purchases and public improvements shall be obtained, except when no advantage to the City would result from such procedure. All purchases and sales shall be evidenced by written contract, purchase order, or bill of sale. The Council shall establish detailed procedures for purchases and sales. It may authorize the purchasing agent to make purchases and sales within a prescribed dollar limit without prior approval of the Council. In all sales or purchases in excess of seven thousand five hundred dollars, the sale or purchase shall be submitted to, and approved by the Council. In all such cases, formal sealed bids shall be obtained and, in all sales or purchases in excess of seven thousand five hundred dollars, compliance shall be had with the requirements of Section 13.6 of this charter. The Council may authorize the making of public improvements, or the performing of any other city work, by any city agency or department without competitive bidding. The City may not sell any park, or any part thereof, unless approved by three-fifths of the electors of the City voting thereon at any general or special election.

and

WHEREAS, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the City of Mason to amend Section 8.8 of Chapter 8 - General Finance Purchasing - to increase the threshold for requiring formal sealed bids for the purchase and sale of city property from seven thousand five hundred dollars to ten thousand dollars.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 8.8 of Chapter 8 of the Mason City Charter be amended to read as follows:

> **Section 8.8 Purchase and Sale of Property**
> The Council shall designate one of the administrative officers of the City as Purchasing Agent. Such officer shall be responsible for the purchase and sale of all city property. Competitive prices for all purchases and public improvements shall be obtained, except when no advantage to the City would result from such procedure. All purchases and sales shall be evidenced by written contract, purchase order, or bill of sale. The Council shall establish detailed procedures for purchases and sales. It may authorize the purchasing agent to make purchases and sales within a prescribed dollar limit without prior approval of the Council. In all sales or purchases in excess of ten thousand dollars, the sale or purchase shall be submitted to, and approved by the Council. In all such cases, formal sealed bids shall be obtained and, in all sales or purchases in excess of ten thousand dollars, compliance shall be had with the requirements of Section 13.6 of this charter. The Council may authorize the making of public improvements, or the performing of any other city work, by any city agency or department without competitive bidding. The City may not sell any park, or any part thereof, unless approved by three-fifths of the electors of the City voting thereon at any general or special election.

BE IT FURTHER RESOLVED, that the aforesaid proposition to amend Section 8.8 of Chapter 8 of the Charter shall be submitted to the electors of the City of Mason at the next general election to be held in the City on November 2, 2010.

BALLOT QUESTION

Shall Section 8.8 of the City Charter be amended to increase the level where formal sealed bids are required for city purchases and sales from seven thousand five hundred dollars to ten thousand dollars?

YES _____

NO _____

STATEMENT OF PURPOSE

Section 8.8 of the Charter adopted in 1951 and amended in 2001 sets seven thousand five hundred dollars as the limit over which formal sealed bids are required for city purchases and sales. This amendment will increase the limit from seven thousand five hundred dollars to ten thousand dollars.

BE IT FURTHER RESOLVED, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.
Yes (6) Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Johnson
RESOLUTION APROVED

Resolution No. 2010-35 – A Resolution to Amend Resolution No. 2010-32 Re uesting to Obtain Parcel 33-19-10-05-127-004 from the Ingham County Treasurer

The County Treasurer has foreclosed on vacant property located at 952 North Mason Street. At its July 6, 2010 meeting, City Council expressed the desire to obtain the property from the Landbank by resolution. At that time, the cost of delinquent taxes was unknown. Staff has been informed that the amount is $3,425.81.

MOTION by Johson, second by Naeyaert,
to consider Resolution No. 2010-35 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-35 was introduced by Johnson and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-35
A RESOLUTION TO AMEND RESOLUTION NO. 2010-32 REQUESTING TO OBTAIN PARCEL 33-19-10-05-127-004 FROM THE INGHAM COUNTY TREASURER
July 6, 2010

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the ñActò, established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the ñTreasurerò), is the foreclosing governmental unit under the Act with authority to take all actions judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases; and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the property for the current year is as follows:
33-19-10-05-127-004

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City of Mason does wish to obtain from the Treasurer one property, parcel 33-19-10-05-127-004.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council wishes to obtain parcel 33-19-10-05-127-004, upon which the Treasurer will foreclose this year, to be used for public purpose, at a cost of delinquent taxes in the amount of $3,425.81.00.

BE IT FURTHER RESOLVED, that City Council authorizes the Mayor and City Administrator signatory authority to take ownership of parcel 33-19-10-05-127-004 on behalf of the City of Mason.
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Tornholm spoke regarding lowering the speed limit on Kipp Road in the area of US 127 and Jefferson Street.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business. Clark informed Council regarding Downtown Development business.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Mr. Colburn also spoke to the letter received from Mr. Fieton regarding code enforcement on Peachtree Place.

ADJOUNMENT
The meeting adjourned at 8:59 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 6, 2010

Clark called the meeting to order at 7:40 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Johnson led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, City Clerk
Kathy Revels, Administrative Services Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
Ferris introduced Cheryl Bass, Head Librarian for the Mason Branch of the Capital Area District Library. Ms. Bass asked Council to support the Capital Area District Library millage renewal proposal at the upcoming Primary Election.

PRESENTATIONS
American Public Works Association Award (APWA)
Colburn informed Council regarding the American Public Works Association State level award that was bestowed to the City of Mason Water Treatment Plant. Earlier this year, Wolverine Engineers & Surveyors entered the City of Mason Water Treatment Plant into the regional competition for Water Treatment Plant Upgrades and won. The project proceeded to the State competition, and will now continue to the national competition.

Wood and Marble Stand Gift for the Stephen T. Mason Bust for City Hall
Bruno showed Council a sample piece of Northern Michigan Hard Maple that will be used to fashion a base for the bust sculpture of Stephens T. Mason that will be placed in City Hall. He stated that he and Councilmember Waltz traveled to Ross Common where they acquired the wood. Council Members Bruno and Waltz took the sample piece of wood to Genesee Cut Stone and Marble to choose a piece of marble to top the wooden stand that the bust will sit on. The wood for the stand was gifted by Ross Common Sawmill owner and good friend of Mr. Bruno's, Mr. Mel Legg. The construction, finishing and marble is being gifted to the City of Mason community by Council Members Bruno, Waltz and City resident Steve Davis. Waltz added that the marble is coming from either Minnesota or the Dakotas.

CONSENT AGENDA
MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: June 21, 2010

B. Approval of Bills – $108,401.83

C. Resolution No. 2010-32 – Resolution to Accept Property on Mason Street from Ingham County

D. Resolution No. 2010-33 – Resolution Naming a Street in Maple Grove Cemetery

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

None.

UNFINISHED BUSINESS

Naeyaert asked for an update regarding bills that Council did not approve for payment at the last two meetings, and inquired why they were not listed on the July 6, 2010 invoice list. Colburn stated that he knew Council needed information regarding the circumstances of the scope of work. He provided a written staff report and added that he had requested staff to conduct the final reconciliation of the project.

NEW BUSINESS

Naeyaert thanked Administrator Colburn and Public Works Department staff for their prompt response to neighbors of the public works yard by mowing and trimming the area.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Bruno informed Council regarding Tree Commission business. Waltz informed Council regarding Historic District Commission business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business and the progress of evacuation and demolition of the former City Hall building. He thanked the men of the Public Works Department for their arduous and consistent labors to move furniture and boxes from one building to the other.

He also commented that the filming of "Real Steel" starring actor Hugh Jackman at the County Courthouse had an inspiring impact on the community. Administrator Colburn recognized City Clerk, Deborah Cwiertniewicz, in her first official meeting of the City Council. Tornholm thanked City staff for their efforts during the hectic move to City Hall. Colburn gave a verbal report regarding the progress of the Interim Public Works Director.

ADJOURNMENT

The meeting adjourned at 8:08 p.m.

_____ _____

Deborah J. Cwiertniewicz, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 21, 2010

Clark called the meeting to order at 7:40 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Ferris led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
John Stressman, Chief of Police
Ed Hude, Police Sergeant
David Haywood, Zoning & Development Director
Kathy Revels, Administrative Services Director

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
None.

PRESENTATIONS
American Public Works Association Award (APWA)
Colburn presented Council with the American Public Works Association State level award. Earlier this year, Wolverine Engineers & Surveyors entered the City of Mason Water Treatment Plant into the regional competition for Water Treatment Plant Upgrades and won. The project proceeded to the State competition, and will now proceed to the national competition.

CONSENT AGENDA
It was the consensus of Council to remove *Approval of Bills* and *Resolution No. 2010-30 – Amendment to the Annual Local Streets Program* from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes ï Regular Council Meeting: June 7, 2010

B. Resolution No. 2010-25 ï Designate Authorizing Signatories

CITY OF MASON
CITY COUNCIL RESOLUTION 2010-25
DESIGNATE AUTHORIZING SIGNATORIES
June 21, 2010

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the

facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Eric E. Smith, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

C. Resolution No. 2010-26 - Amend the 2009-2010 Fiscal Year Budget

CITY OF MASON
CITY COUNCIL RESOLUTION 2010-26
AMEND THE 2009-2010 FISCAL YEAR BUDGET
June 21, 2010

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2009-2010 fiscal year Budget is hereby amended as per the attached "Exhibit A."

D. Resolution No. 2010-27 - Return Delinquent Water and Sewer Bills to the July 2010 Tax Roll

CITY OF MASON
CITY COUNCIL RESOLUTION 2010-27
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2010 TAX ROLL
June 21, 2010

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2010 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

E. Resolution No. 2010-28 - Levy 1% Tax Administration Fee

CITY OF MASON
CITY COUNCIL RESOLUTION 2010-28
LEVY 1% TAX ADMINISTRATION FEE
June 21, 2010

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State Education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2010 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2010 and 3% penalty from the December tax roll after February 15, 2011.

F. Resolution No. 2010-29 - Return Miscellaneous Bills to the July 2010 Tax Roll

CITY OF MASON
CITY COUNCIL RESOLUTION 2010-29
RETURN MISCELLANEOUS BILLS TO THE JULY 2010 TAX ROLL
June 21, 2010

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2010 Tax Roll.

G. Resolution No. 2010-31 ï RFP ï A Resolution Approving a Proposal form Service Master-Capital Area for Janitorial Services for City Hall and Police Department Facility

CITY OF MASON
CITY COUNCIL RESOLUTION 2010-31
A RESOLUTION APPROVING A PROPOSAL FROM SERVICE MASTER-CAPITAL AREA FOR JANITORIAL SERVICES FOR CITY HALL AND POLICE DEPARTMENT FACILITY
June 21, 2010

WHEREAS, the City of Mason is seeking janitorial services for the purpose of providing janitorial services for the City Hall and Police Department facility; and

WHEREAS, a Request for Proposals (RFP) was noticed in the Ingham County Community News on April 18, 2010; and

WHEREAS, Service Master-Capital Area met the standards requested in the RFP and is a cost effective qualified bidder; and

WHEREAS, the City Administrator is authorized to prepare and execute a three-year contract with Service Master-Capital Area for janitorial services for the City Hall and Police Department facility.

NOW, THEREFORE, BE IT RESOLVED that the City Council awards the proposal to Service Master-Capital Area in the annual amount of $17,820.

H. Street Closure Request ï Real Steel Productions LLC

I. Street Closure Request ï Mark Street Neighborhood Block Party

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

At the 6:30 p.m. work session, Council discussed the invoices submitted by Central Solutions, Inc. which were removed from the Invoice Report at the June 21 meeting. It was determined that further discussion was needed; it was the consensus of Council to recess following the Administratorôs report, return to the work session and conclude the discussion.

Resolution No. 2010-30 – Amendment to the Annual Local Streets Program

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2010-30 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-30 was introduced by Ferris and seconded by Tornholm. Discussion ensued regarding the amended prioritization of streets for the 2010-2011 fiscal year. Staff stated that four Category F Grant applications were submitted through the State, and four street projects were put aside until the outcome of the grant is known.

MOTION by Johnson, second by Naeyaert,
to amend Resolution No. 2010-30 by inserting an eighth bullet at the end of the list of streets in the fourth paragraph as follows: Including the engineering on South Lansing Street (Ash Street to Jefferson Street).
Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm,
MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-30
APPROVAL OF THE AMENDED FIVE-YEAR LOCAL STREETS PROGRAM POSTPONING THE CONSTRUCTION OF FRANKLIN FARMS DRIVE EXTENTION TO PRIORITIZED STREETS WITHIN THE FIVE-YEAR LOCAL STREETS PROGRAM
June 21, 2010

WHEREAS, a revised annual street reconstruction program was prepared and presented; and

WHEREAS, the City of Mason has intervened on a filed Petition for a Contested Case Hearing that challenges the permit issued by the Michigan Department of Natural Resources and Environment, Land and Water Management Division for the annual local street program which was inclusive of Franklin Farms Drive Extension; and

WHEREAS, the 2010-2011 fiscal year street program funds are dedicated to the Franklin Farms Drive Extension; and

WHEREAS, the Public Works Director and City Engineer have reviewed the annual street prioritization program and have determined the following streets as priority:

- Steele Street (Ash Street to Maple Street)
- Maine Court
- Lawton Street
- Hunting Meadow Drive
- Stag Thicket Lane
- Eagles Nest Court
- Maple Grove Cemetery Streets
- Including engineering on South Lansing Street (Ash Street to Jefferson Street)

NOW, THEREFORE BE IT RESOLVED, that the Mason City Council approves deferring Franklin Farms Drive extension and approves the above listed streets as priorities for street maintenance in the upcoming fiscal year.

FURTHERMORE BE IT RESOLVED, that City Council directs city staff to place the annual street construction program to public bid.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed. A letter from Tom Bratz, owner of Turtle Tom's, was briefly discussed and the issue was referred to the Traffic Commission

LIAISON REPORTS

None.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

At this time, the meeting recessed at 8:21 p.m. to conclude the work session discussion regarding the invoices submitted by Central Solution, Inc. prior to considering approval. The meeting reconvened at 10:00 p.m.

Approval of Bills

MOTION by Naeyaert, second by Waltz,
to approve the bills in the amount of $178,037.19.
Yes (3) Ferris, Naeyaert, Tornholm
No (4) Bruno, Clark, Johnson, Waltz
MOTION FAILED

MOTION by Naeyaert, second by Waltz,
to approve payment of the bills with the exception of $18,415.38, itemized under Central Solutions, Inc.
Yes (6) Bruno, Clark Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm,
MOTION APPROVED

MOTION by Naeyaert, second by Bruno,
to direct City staff to provide an independent opinion conducted of the billing for the City Hall/Police Department.
MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 10:05 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 7, 2010

Clark called the meeting to order at 7:38 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Ferris led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

None.

PEOPLE FROM THE FLOOR

City of Mason and area residents individually spoke urging Council to do what they could to reopen Rayner Park. Many spoke of childhood memories at the park, of taking their children and now their grandchildren to the park. Also, it was pointed out that the soccer fields are highly used, bringing many people into Mason. Speakers thanked Council for their willingness to accept responsibility of the park operations and maintenance. Most everyone present volunteered to help with maintenance. Suggestions were offered to support maintenance of Rayner Park as follows:

- Accept donations
- Institute an entrance fee
- Consider soliciting help from local clubs and organizations, MSU Intern Students and various departments, High School Honor Society Students
- Fundraisers

Concerns raised by those who spoke were as follows:

- The County's omission of the wood lot in their proposed resolution
- The County's ability to terminate upon 90-days written notice to facilitate the operation of a State Fair
- The park is suffering from neglect

The following individuals stated support for the City to enter into a Lease/Option to Purchase Agreement between Ingham County and the City of Mason for Rayner Park.

Al Schulien of 725 East Ash Street, also known as the Rayner House, gave a brief history of the park, adding that it is a County Historic Spot.

Anthony Klain of 810 South Barnes Street.

Jim Maddix of 450 High Point #2.

Bob Lyon of 1366 Ives Road.

Chris Jordan-Foreman of 180 East Scofield Road in Leslie.

Pete Zomora of 615 East Race Road in Leslie.

Kathy Nofzinger of 2580 Iosco Road in Ingham Township.

Duane Hall of 603 Hall Boulevard complained that the park has not been cared for making it a breeding ground for mosquitoes.

Ben Hassankhani of 620 East Ash Street stated support on behalf of himself, as well as his father who could not attend the meeting.

Diann Jackman of 768 West Howell Road.

Jean Bement of 205 Carom Circle stated that she is present as a life-long resident, former Dairy Hill employee, and as the current President of the Mason Area Historical Society. She showed an enlarged photo of a one-hundred-year-old post card depicting Rayner Park borrowed from the Mason Historical Museum. At the next meeting, Ms. Bement will ask Historical Society members for monetary support to assist with the operation and maintenance of Rayner Park.

Bradley Morrow of 1470 Harper Road #19.

Mark Pine 825 Wildemere Drive.

Joe Bement of Plains Road in Aurelius Township stated that his parents moved to Mason in 1920 and lived in the Rayner house until they built the house next door in 1949.

Natalie Trotter of 831 East Ash Street.

Heather Vogt of 1861 Darling Road.

Peggy Gunns of 722 East Columbia Street.

Jennifer Bradford-Vernon of 326 Steele Street.

Jon Droscha of 218 Peachtree Place and owner of Dairy Hill asked Council to act on the resolution authorizing an agreement between Ingham County and the City of Mason tonight so that a grand reopening of Rayner Park can be held before the end of June.

Kurt Creamer of 1817 Hagadorn.

INTRODUCTIONS

Colburn introduced Pete Zomora, Mayor Pro Tem for the City of Leslie

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove *Approval of Bills* and *Resolution No. 2010-24 – A Resolution Authorizing a Lease/Option to Purchase Agreement between Ingham County and the City of Mason for Rayner Park* from the Consent Agenda.

MOTION by Naeyaert, second by Bruno,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting May 17, 2010
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Bruno, second by Ferris,
to approve the bills in the amount of $283,238.78.

Discussion was held regarding the Central Solutions, Inc. (CSI) invoice. Colburn explained that there was a problem with the underground infrastructure; he asked Brian Tort, President of CSI, to respond. Mr. Tort stated that underground water lines were not delineated on the prints provided by Wolverine Engineering and Surveyors. The tower placement had to be moved back to the original location.

An extensive discussion was held regarding CSI invoices, including those for the communication tower and AT&T. Mr. Tort explained details of the invoice, stating that he submits detailed/itemized invoices. Colburn stated that the tower replacement was covered by the insurance claim. Council directed staff to provide a detailed accounting for the CSI invoices.

MOTION by Bruno, second by Johnson,
to amend the bills by removing payment to Central Solutions, Inc.
in the amount of $18,415.38 until further information is provided.

Discussion followed regarding the amount filed for the insurance claim and whether the additional costs incurred would be reimbursed. In response to questions by Council, Mr. Tort explained that the RFP was approved to build the tower; the underground work was not included in the RFP. Council asked if the hourly management rates were included in the RFP. Mr. Tort responded that the rates were not included in the RFP. He further explained that the City of Mason hired CSI to consult for needed technology for the project based on project hours at a reduced hourly rate. Colburn added that originally CSI was hired to provide staff with technological research and study. The relationship changed when The Christman Co. contract ended and the City hired The Granger Group. Because the technology design had commenced, Granger suggested that the City continue implementing the technological facet of the project.

VOTE ON THE AMENDMENT:
Yes (6) Bruno, Clark, Johnson, Naeyaert, Tornholm, Waltz
No (1) Ferris
MOTION APPROVED

MOTION by Johnson, second by Bruno,
to amend the bills by removing payment to Central Solutions, Inc.
itemized in the amount of $86,996.68 until further information is provided.

Mr. Tort stated that the project is in the final stages. He has been managing the subcontractors for the City; he stated concern for withholding pay to the subcontractors. An extensive discussion continued.

VOTE ON THE AMENDMENT:
Yes (5) Bruno, Clark, Johnson, Naeyaert, Waltz
No (2) Ferris, Tornholm
MOTION APPROVED

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

A brief recess was taken at 9:15 p.m. The meeting reconvened at 9:20 p.m.

Resolution No. 2010-24 – A Resolution Authori ing a Lease Option to Purchase Agreement between Ingham County and the City of Mason for Rayner Park

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2010-24 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-24 was introduced by Ferris and seconded by Tornholm. Discussion ensued regarding the County's proposed resolution excluding the wooded area of Rayner Park. Colburn stated that the County removed the woods from the resolution during the meeting after considering the City's counter offer. It was felt by the County that the woods should be kept with the Fair Grounds property. A brief discussion ensued.

MOTION by Johnson, second by Bruno,
to amend Resolution No. 2010-24 by striking 29.5 and inserting 59.9 in the third paragraph.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION No. 2010-24
A RESOLUTION AUTHORIZING A LEASE OPTION TO PURCHASE AGREETMENT BETWEEN INGHAM COUNTY AND THE CITY OF MASON FOR RAYNER PARK
JUNE 7, 2010

WHEREAS, Ingham County has determined that they are financially unable to continue the operation of Rayner Park; and

WHEREAS, the City of Mason believes it in our best interest to enter into an agreement with Ingham County to allow Rayner Park to be available for use by the citizens of the City and County; and

WHEREAS, the City of Mason has negotiated with Ingham County terms of the lease and future transfer of ownership of Rayner Park, approximately fifty-nine and nine-tenths (59.9) acres; and

WHEREAS, the City of Mason agrees to pay one dollar ($1.00) per year through December 31, 2016 for the lease of Rayner Park; and

WHEREAS, after meeting all terms of referenced lease/option purchase agreement to include maintaining the property, the City of Mason has the rights to acquire ownership of Rayner Park for the sum of one dollar ($1.00).

THEREFORE BE IT RESOLVED that the Mason City Council hereby agrees to enter into a Lease/Option to Purchase Agreement between the County of Ingham and the City of Mason for Rayner Park.

BE IT FURTHER RESOLVED that the Mason City Council authorizes signatory authority to the Mayor and City Administrator to enter said agreement.
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Waltz informed Council regarding Historic District Commission. Clark informed Council regarding DDA business.

COUNCILMEMBER REPORTS
Johnson commented on Attorney McGinty's report. He asked that the permit for SSAB be included into the report. McGinty corrected his correspondence regarding the timeline for Nitrex stating that the reference to the February 8, 2010 letter was a phone conversation. The January 19, 2010 letter is timely to request an appeal.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Johnson,
to adjourn to executive session to consider an attorney/client privileged communication.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 10:07 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 17, 2010

Clark called the meeting to order at 7:38 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Kathy Revels, Administrative Services Director
Dennis McGinty, City Attorney

ANNOUNCEMENTS

Naeyaert announced that the Mason community has experienced several tragedies recently and she encouraged those affected to accept help that is offered and others to impart help when possible.

PEOPLE FROM THE FLOOR

Greg Shaw of 1668 West Dansville Road asked Council if they had any update regarding the Rayner Park situation. Colburn stated that the City is in discussions with the County, and in closed session this evening he would be informing the Council regarding negotiations.

INTRODUCTIONS

Colburn introduced Will Goosen, Director of Operations, and Greg Markvluwer, Senior Vice President of Development & Financial Services, both from the Granger Group, LLC.

PRESENTATIONS

Granger Group, LLC

Greg Markvluwer, Senior Vice President of Development & Financial Services of the Granger Group, informed Council regarding the status of the City Hall/Police Station project. He stated that the Granger team, architects, and sub-contractors, decided to make it a LEED certified building by paying the cost and putting in the extra hours to meet the certification requirements. Will Goosen, Director of Operations, stated that the building is a 75/100-year building, is highly flexible and technology centered. The electrical and cable wiring, as well as heating and cooling are under the floor. The building is designed for growth with 4,400 square feet available on each wing of the building to grow up and backwards. He spoke regarding details of the final phase.

Bruno recognized John Evans, Senior Project Manager for Granger, for his skillful supervision of the project. Colburn spoke regarding the transition of the move relating to training, setting up house, and planning for a Grand Opening in late summer or early fall. He expressed appreciation to Granger, City staff, and particularly Kathy Revels for her support to him as Project Manager for the City. Clark thanked Will Goosen and John Evans for their willingness to keep Council informed, answer questions and for their gracious welcome to unannounced visits to the building during construction. He added that he feels they have been great to work with and they have built a wonderful building. A brief discussion ensued.

MOTION by Naeyaert, second by Tornholm,
to consider Resolution No. 2010-23 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-23 was introduced by Tornholm and seconded by Naeyaert. A brief discussion was held.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-23
A RESOLUTION AUTHORIZING PAYMENT TO THE GRANGER GROUP, LLC FOR SERVICES AS DESIGN-BUILDER FOR PHASE I OF THE CITY HALL AND POLICE STATION PROJECT
MAY 17, 2010

WHEREAS, Granger Group, LLC was awarded a Building Improvements Purchase Agreement August 17, 2009 to design and build a city hall and police station; and

WHEREAS, the agreement with Granger Group was for the purchase of the building improvements and all professional services inclusive of programming, architectural design and construction for the amount of $5,900,000; and

WHEREAS, the construction and completion of the project was to be completed in two phases, the first being the design/build of the city hall and police station facilities project; and

WHEREAS, it is agreed that payment less five percent for Phase I will be made upon on a closing date established by issuance of the Certificate of Occupancy for the amount of $4,684,350, and Granger shall convey the improvements to the City by bill of sale free and clear of any liens or encumbrances; and

WHEREAS, with the conveyance of the building, the move-in date shall be established immediately; and

WHEREAS, Granger Group will proceed with Phase II consisting of demolition of the old city hall, and construct the landscaping and parking lot, finalizing all portions within the original purchase agreement.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and City Administrator signatory authority on behalf of the City to close on the city hall and police station building improvements.

BE IT FURTHER RESOLVED, that funds for payment shall be released and paid by city staff in the amount of $4,684,350 to Granger Group, LLC for the completion of Phase I, including the conveyance of the City Hall and Police Station building improvements to the City of Mason.

MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

It was the consensus of Council to remove *Approval of Bills* and *Resolution No. 2010-20 – Resolution of City Officer Appointment to the Office of Public Works Director* from the Consent Agenda.

MOTION by Johnson, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: May 5, 2010

B. Resolution No. 2010–21 – Resolution of City Officer Appointment to the Office of City Clerk

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-21
RESOLUTION OF CITY OFFICER APPOINTMENT
TO THE OFFICE OF CITY CLERK
MAY 17, 2010

WHEREAS, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

WHEREAS, as listed in section 4.6, the Administrative Officers of the City are listed; and

WHEREAS, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

WHEREAS, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

WHEREAS, it is the recommendation of the City Administrator to fill the Administrative Officer position of City Clerk by appointing Deborah J. Cwiertniewicz.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Deborah J. Cwiertniewicz as an Administrative Officer to the office of City Clerk, of which she is hereby charged with performing the duties and responsibilities of City Clerk, effective July 1, 2010.
MOTION APPROVED UNANIMOUSLY

C. Resolution No. 2010–22 – Fireworks Display Agreement

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-22
FIREWORKS DISPLAY AGREEMENT
May 17, 2010

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2010 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

MOTION by Johnson, second by Naeyaert,
to approve the bills in the amount of $173,960.87

Discussion was held regarding the AT&T invoice. Brian Tort, President of Central Solutions, explained details regarding the work order he submitted to AT&T and subsequent invoice AT&T submitted to the City. He expressed cooperation difficulties with follow through and poor customer service by AT&T. Naeyaert stated that she would speak with the AT&T Michigan President.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-20 – Resolution of City Officer Appointment to the Office of Public Works Director

MOTION by Johnson, second by Waltz,
to consider Resolution No. 2010-20 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-20 was introduced by Naeyaert and seconded by Tornholm. A brief discussion was held regarding the DPW Reorganization Chart and whether the resolution should indicate that the Public Works Director appointment is temporary.

MOTION by Johnson, second by Waltz,
to insert the word “interim” in the sixth whereas previous to the words *Public Works Director*.

Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm
MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-20
RESOLUTION OF CITY OFFICER APPOINTMENT
TO THE OFFICE OF PUBLIC WORKS DIRECTOR
MAY 17, 2010

WHEREAS, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

WHEREAS, as listed in section 4.6, the Administrative Officers of the City are listed; and

WHEREAS, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

WHEREAS, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing Martin A. Colburn as interim Public Works Director.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Martin A. Colburn as an Administrative Officer to the office of Public Works Director, of which he is hereby charged with performing the duties and responsibilities of the Public Works Director, effective May 17, 2010.

YES (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
NO (2) Bruno, Johnson
RESOLUTION APPROVED UNANIMOUSLY

Discussion – Residential Rental Program

David Haywood, Zoning & Development Director gave a brief synopsis of the report he submitted to Council regarding implementing an ordinance to regulate residential rental units in the City. A lengthy discussion ensued. It was the consensus of the Council to have staff meet with city landlords to discuss details of the proposed ordinance and begin drafting language for Council discussions.

UNFINISHED BUSINESS

It was discussed that staff is evaluating the failing trees planted along Cedar Street through the MDOT enhancement grant. Haywood responded to questions regarding tall grass and the enforcement process. McGinty cited case law stating that County property is immune from local zoning ordinances, building permits, or care and maintenance regulations. Johnson inquired about the status of his question for the city attorney regarding whether building permit fees include the construction of personal property. McGinty stated that he will be meeting with the Building Inspector and City Administrator to finalize the opinion.

NEW BUSINESS

Waltz stated that St. James Catholic Church has approached the City to host an 8K Run/Walk; this item is not on the agenda because the meeting was held after the agenda deadline. Colburn stated that the 8K Committee submitted a letter this morning requesting street closures for July 25. Staff reviewed the information and he disseminated a four-page report from Sgt. Hude citing concerns and issues that need to be addressed, including the route. Staff would like to meet with the committee to coordinate the route and other details. Discussion ensued.

MOTION by Waltz, second by Johnson,
to authorize the City Administrator to approve the necessary street closures to facilitate the St. James Church 8K Run/Walk, contingent upon the 8K Committee providing the required information to the satisfaction of the City Administrator, Police Department and the Public Works Department.
MOTION APPROVED UNANIMOUSLY

Tornholm stated that there are City residents that walk to Meijer to shop. She asked staff to investigate the installation of sidewalks around the Meijer property.

Clark informed Council that he received a written request from the Mason Youth Baseball Association today requesting that the fees be waived for the use of Bond Park field for the June 11-13 Mason Youth Baseball Tournament. At the April 5th City Council meeting, Mr. Chrome spoke during public comment and requested Council to consider eliminating tournament fees. Colburn restated the field preparation and restoration costs that were discussed at the April 5th meeting.

MOTION by Naeyaert, second by Johnson,
to waive the fees for the use of Bond field for the Mason Youth Baseball Tournament, June 11-13.

MOTION by Tornholm, second by Johnson,
to amend the main motion by including language requiring the Mason Youth Baseball Association to pay a deposit in the amount of $360.00.
Yes (1) Tornholm
No (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
MOTION FAILED

VOTE ON THE MAIN MOTION:
Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm
MOTION APPROVED

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business. Clark informed Council regarding DDA business. Waltz informed Council that the Historic District Commission meets May 24 and he would not be available to attend the Mason City Council and Public School Joint Recognition Ceremony. Clark informed Council that he will be attending the Optimist Award Ceremony and will be unable to attend the Mason City Council and Public School Joint Recognition Ceremony

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to consider property acquisition.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 9:37 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 3, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Ken Baker, DPW Superintendent
Michelle Wallo, Asst. Finance Director/Treasurer
Dennis McGinty, City Attorney

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
David Trout of 3612 Josephine Lane stated that he was representing the Kiwanis Club of Mason. The members of the club make up the directors of the Kiwanis Village, a non-profit senior/disabled senior housing project. Kiwanis Village is protesting a water bill with the City of Mason. Mr. Trout explained the details of the water bill and protest for the 6-15-09 through 9-15-09 billing period. He asked Council to authorize the City Administrator to negotiate with Kiwanis Village and assure that there would not be an interruption of service until resolution can be made. It was the consensus of Council to have the City Administrator and City Attorney address the dispute and submit a report to Council with the outcome.

INTRODUCTIONS
None.

PRESENTATIONS
None.

PUBLIC HEARING
FY 2010-2011 Budget
Clark opened the public hearing at 7:40 p.m.

Administrator Colburn spoke regarding the following Budget goals: maintain public safety, clean water and sanitary services, provide a balanced budget with minimal reduction in fund surplus balances, do not spend down the fund surplus balances during these times of economic uncertainty, keep the City's 13.25 mill levy stable, and make appropriate increases to recover the cost of services.

Clark closed the public hearing at 7:45 p.m.

MOTION by Bruno, second by Johnson,
to consider Resolution No. 2010-17 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-17 was introduced by Tornholm and seconded by Johnson. A brief discussion ensued.

CITY OF MASON
CITY COUNCIL RESOLUTION 2010- 17
ADOPTION OF THE FY 2010-2011 BUDGET
MAY 3, 2010

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2010-2011 fiscal year budget on Monday, May 3, 2010 as prescribed by law;

NOW THEREFORE BE IT RESOLVED, that the proposed 2010-2011 Operating Budget is filed with the City Clerk, providing for the sums of $11,255,050 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2010-2011 fiscal year, and the said amount of $2,969,835 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason; and

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2010-2011 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $3,064,840 the sum of $40,610 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2010-2011 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $40,455,680; the sum of $160,460 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that the 2010-2011 Governmental Fund Budgets shall be automatically amended on July 1, 2010 to re-appropriate encumbrances outstanding and reserved on June 30, 2010; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2010-2011 proposed fiscal year budget which is currently on file in the office of the City Clerk.
RESOLUTION APPROVED UNANIMOUSLY

CONSENT AGENDA

It was the consensus of Council to remove Item 8(C) *Resolution No. 2010-18 - A Resolution to Award Large Diameter Sanitary Sewer, Clean, Televise, Inspect, Repair and Rehabilitation Project* from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: April 19, 2010

B. Approval of Bills - $174,636.78

C. Resolution No. 2010-19 – A Resolution Accepting a Water and Sewer Utility Easements Agreement between Evergreen Woods Condominiums Association and the City of Mason

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-19
A RESOLUTION ACCEPTING A WATER AND SEWER UTILITY EASEMENTS AGREEMENT BETWEEN EVERGREEN WOODS CONDOMINIUMS ASSOCIATION AND THE CITY OF MASON
MAY 3, 2010

WHEREAS, the Evergreen Woods Condominiums Association, a Michigan nonprofit corporation, is providing exclusive permanent utility easements for the purposes of a municipal water main and a municipal sanitary sewer main; and

WHEREAS, a sanitary sewer main and water main with related appurtenances was constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental

Quality to serve the properties known as the Evergreen Woods Condominiums; and

WHEREAS, the City of Mason anticipates that private development will extend public utilities eastward and adjacent to the Evergreen Woods Condominiums; and

WHEREAS, it is in the best interest of the City of Mason to acquire a 30-foot permanent easement for maintenance of public utilities serving the Evergreen Woods Condominiums for ingress and egress to and from said easement; and

WHEREAS, the City Attorney has reviewed the easement agreement for form and the City Engineer has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and City Clerk to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2010–18 – A Resolution to Award Large Diameter Sanitary Sewer, Clean, Televise, Inspect, Repair and Rehabilitation Project

MOTION by Bruno, second by Waltz,
to consider Resolution No. 2010-18 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-18 was introduced by Johnson and seconded by Tornholm. A brief discussion was held and DPW Superintendent Baker explained the priority plan to maintain the sanitary sewer system.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-18
A RESOLUTION TO AWARD LARGE DIAMETER SANITARY SEWER,
CLEAN, TELEVISE, INSPECT, REPAIR AND REHABILITATION PROJECT
MAY 3, 2010

WHEREAS, it is in the best interest of the City of Mason to reduce inflow and infiltration while maintaining its sanitary sewer system; and

WHEREAS, the scheduled 2009-2010 & 2010-2011 sanitary sewer Inflow and Infiltration reduction project was planned for in the Mason Capital Improvements Plan (CIP); and

WHEREAS, by reducing the inflow and infiltration within the sanitary sewer system, particularly during wet events, it reduces the city's liability of Sanitary Sewer Overflows (SSO), keeping the city compliant of our National Pollutant Discharge Elimination System (NPDES) general permit.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby award the bid for the Large Diameter Sanitary Sewer, Clean, Televise, Inspect, Repair and Rehabilitation project to Down Under Municipal Services for 2010-2011 for $118,577.40 for a multi year project and authorizes the City Administrator signature authority.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Tornholm inquired about the status of Rayner Park. Colburn stated that he will be discussing Rayner Park with the Interim County Controller later this week and would most likely provide information at the next meeting.

NEW BUSINESS

Johnson asked Attorney McGinty about jeopardy assessments, citing a particular case. Mr.

McGinty explained the urgency of the process. A local business owner received a certified letter informing them about the jeopardy assessment. The following day a letter arrived from the attorney's office. McGinty assured that it was an error.

Discussion was held regarding the letter from Robert C. Harter of Andrews Chevrolet Sales Inc. The Federal government has directed General Motors to hear the appeals that were previously filed and disregarded. Andrews Chevrolet has a June 10, 2010 arbitration date. Mr. Harter requested a notarized letter of support from the City of Mason.

> MOTION by Johnson, second by Bruno,
> to direct the City Administrator to compose a letter articulating Council's support of Andrews Chevrolet.
> MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Bruno informed Council regarding Tree Commission business. Waltz informed Council regarding Historic District Commission business. Clark informed Council regarding DDA business.

COUNCILMEMBERS REPORTS

Naeyaert gave a brief update regarding the process of the ad hoc committee that is reconsidering the City Administrator's evaluation procedure.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 19, 2010

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, Ferris, *Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis O'Brien, Cemetery, Parks, & Forestry Superintendent
Dennis McGinty, City Attorney

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
Clark introduced Capital Area District Library (CADL) representatives present for the annual report presentation, Lance Warner, CADL Director, Sheryl Bass, Mason Branch Head Librarian, Sally Trout, CADL Board Member, Maureen Hirten, CADL Assistant Director.

PRESENTATIONS
Annual Report – 2009- Capital Area District Library (CADL), Head Librarian Sheryl Bass
Sheryl Bass, Head Librarian for the Mason Branch of CADL, gave a brief synopsis of the submitted 2009 Annual Report.

Proclamation – Arbor Day
Collburn read the Arbor Day proclamation.

CONSENT AGENDA
It was the consensus of Council to remove Item 8(B) *Approval of Bills*, Item 8(D) *Resolution No. 2010-15 – Appointment by the Mayor to the Downtown Development Authority*, and 8(E) *Resolution No. 2010-16 – A Resolution to Approve the Buy-Sell Agreement for 972 North Mason Street,* from the Consent Agenda.

MOTION by Naeyaert, second by Tornholm,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: April 5, 2010

B. Resolution No. 2010–14 – Appointment by the City Council to the Election Commission

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-14
APPOINTMENT BY THE CITY COUNCIL
TO THE ELECTION COMMISSION
April 19, 2010

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby appoint Elaine Ferris to the Election Commission. The term of office commences April 19, 2010 and expires on December 31, 2010.

C. Street Closure for the Sixth Annual Mason Farmers Market

MOTION APPROVED UNANIMOUSLY

*Johnson arrived at 7:54 p.m.

REGULAR BUSINESS

Approval of Bills

A brief discussion was held regarding various invoices listed for payment.

MOTION by Waltz, second by Naeyaert,
to approve the payment of bills in the amount of $147,372.14 as submitted.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-15 – Appointment by the Mayor to the Downtho0wn Development Authority

MOTION by Naeyaert, second by Bruno,
to consider Resolution No. 2010-15 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-15 was introduced by Bruno and seconded by Ferris. A brief discussion was held regarding appointing an individual to multiple city official positions.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-15
APPOINTMENT BY THE MAYOR TO THE
DOWNTOWN DEVELOPMENT AUTHORITY
April 19, 2010

WHEREAS, the resignation of Bill Philip has created a vacancy on the Downtown Development Authority; and

WHEREAS, the term of the vacancy expires on December 31, 2011;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Mark Howe to the Downtown Development Authority of the City commencing April 19, 2010 through December 31, 2011.
Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz
No (1) Tornholm
MOTION APPROVED

Resolution No. 2010-16 – A Resolution to Approve the Buy-Sell Agreement for 972 North Mason Street

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2010-16 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-16 was introduced by Bruno and seconded by Ferris. Discussion ensued regarding financial and environmental issues the City would inherit with the purchase of 972 North Mason Street. The $1,600.00 purchase price was established in consideration of the 2009 paid taxes. In accordance with the will of Ronald Wright, proceeds from the property are designated to be donated to a diabetes foundation. In accordance with the Buy/Sell Agreement, environmental assessments will be conducted. He added that the City needs to obtain ownership of North Mason Street due to environmental pollution caused by Americhem and Safety Clean, as well as an old municipal landfill the City owned and operated near this

property. McGinty stated that acquiring properties neighboring a landfill site is a precautionary measure. In the event that the Michigan Department of Natural Resources (MDNR) would require use restrictions due to the landfill environmental contaminants, compliance could be met without suing for easements. Further discussion was held regarding closing costs outlined in the agreement.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-16
RESOLUTION TO APPROVE THE BUY/SELL AGREEMENT
FOR 972 NORTH MASON STREET
April 19, 2010

WHEREAS, the City of Mason is seeking to purchase the residential property located at 972 North Mason Street known as Parcel ID 33-19-10-05-127-003 and legally described as:

> THAT PT OF NW FRL ¼ OF SEC 5 LYING NW'LY OF MCRR EXC THE S 1 ACRE & EXC THE N 789.5 FT THEREOF, SEC 5, T2N, R1W, CITY OF MASON, INGHAM COUNTY, MICHIGAN; and

WHEREAS, the owner Ronald Wright passed away and the city hereby offers to purchase from Kellie Fell, Personal Representative of the Estate of Ronald J. Wright; and

WHEREAS, the agreed upon purchase price is the sum of One Thousand Six Hundred Dollars ($1,600); and

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Mason Michigan does hereby authorize the City Administrator to enter into said Buy/Sell Agreement to purchase the residential property located at 972 North Mason Street, Mason, MI 48854 for the purchase price of One Thousand Six Hundred Dollars ($1,600).

Yes (5) Clark, Ferris, Johnson, Naeyaert, Tornholm
No (2) Bruno, Waltz
MOTION APPROVED

Report – Phone System

At the request of Council, Brian Tort of Central Solutions, Inc. gave a brief summation of his submitted report regarding the new phone system installed in City Hall, the Police Department and the Fire Department offices. A lengthy discussion ensued regarding phone and data costs, particulars of the transfer from analog to digital, as well as the current installation to help employees acclimate to the system prior to moving to the new City Hall.

Discussion – Softball Fields

City policy was discussed regarding the Hayes and Bond Parks softball fields at the April 5, 2010 Council meeting during public comment. At the request of Council, Dennis O'Brien, Cemetery, Parks, & Forestry Superintendent, submitted an historic and current status of the City of Mason softball fields' administration and maintenance. Discussion ensued regarding softball tournament fees and associated administration and maintenance.

UNFINISHED BUSINESS

Johnson inquired about the status of his question for the city attorney regarding whether building permit fees include the construction of personal property. McGinty stated that it is not as easily answered as he thought it would be and he is in the midst of researching the matter.

NEW BUSINESS

None.

CORRESPONDENCE
All correspondence was distributed. Bruno asked for a City Hall project line-item tally. Smith explained the submitted revenue and expenditure report is an activity report; the Administrative Services Director has the project tally.

LIAISON REPORTS
Bruno informed Council regarding Tree Commission business. Discussion ensued regarding the Tree Commission reviewing projects and making recommendations to the Planning Commission where an applicant is required to plant trees.

Naeyaert informed Council regarding Planning Commission business. Clark informed Council regarding DDA business.

COUNCILMEMBERS REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

ADJOURNMENT
The meeting adjourned at 8:52 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 5, 2010

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, *Ferris, Johnson, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Sam Bibler, POTW Supervisor
Marco Broggio, DDA Executive Director
Kathy Revels, Administrative Services Director
Mark Howe, Building Authority Board Member/Asst Fire Chief

ANNOUNCEMENTS
None.

*Ferris arrived at 7:31 p.m.

PEOPLE FROM THE FLOOR
Al Shulien of 725 East Ash Street, representing the Friends of Rayner Park, urged Council to do whatever they could do to save Rayner Park.

Jon Droscha of 218 Peachtree Place stated that as co-owner of Dairy Hill located at 601 East Ash Street he is often asked about the future of Rayner Park and asked Council to verify the facts for him to inform those who ask. Council confirmed that Ingham County has officially closed Rayner Park, and the City is having discussions with the County regarding Rayner Park. Mr. Droscha asked Council to consider maintaining Rayner Park as a park. Mr. Droscha stated that he thinks the City could make it the premier park in Ingham County, and would also acquire three soccer fields, a softball diamond, a new disc golf course, and it could be used to complete the Hayhoe Riverwalk loop. He expressed various concerns if the park is left closed and unattended.

Paul Rogers of 814 West Grand River, Howell, Michigan, introduced himself and informed Council that he is a State Senate candidate for the 22nd District.

Tony Klain of 810 South Barnes Street stated that he was a committee member of the Friends of Rayner Park group and supported keeping the park open. He would be willing to volunteer to help with park maintenance if the City accepted the park.

Sam Chrome of 822 Roosevelt spoke regarding City policy for the Hayes and Bond Park baseball fields. He asked Council to consider changing the current policy and to remove tournament fees. He stated that the Nazarene Church is going to have softball, baseball, and soccer fields at their new complex. Mr. Chrome stated that non-profit groups will be applying for grants through the Major League Baseball Fund to build the sport fields there. He stated the grant would require City involvement and asked the Council to be involved in the process. In addition, he stated that he supports the City saving Rayner Park adding that the City should approach the Major League Baseball Fund to help maintain the fields at Rayner Park. Mayor Clark asked the City Administrator to provide a report at the next regular meeting regarding the softball fields.

INTRODUCTIONS

Clark introduced Marco Broggio, DDA Executive Director.

PRESENTATIONS

Michigan Rural Water Association – Wastewater Utility of the Year 2010 Award

Mayor Clark and Administrator Colburn presented Sam Bibler, Publicly Owned Treatment Works (POTW) Superintendent, the "Wastewater Utility of the Year 2010" sign awarded by the Michigan Rural Water Association to the Mason Waste Water Treatment Plant. Johnson stated that the late Mr. Rolland Olney must posthumously be thanked in recognition of his efforts which made the project a reality.

CONSENT AGENDA

It was the consensus of Council to remove Item 8(B) *Approval of Bills*, and Item 8(F) *Motion – Street Closure Request for the Sun Dried Music Festival*, from the Consent Agenda.

MOTION by Tornholm, second by Bruno,
to approve the Consent Agenda as follows:

A. Approval of Minutes – Regular Council Meeting: March 15, 2010

B. Resolution No. 2010–11 – A Resolution In Support of Federal and State Efforts to Prevent the Asian Carp from Infiltrating the Great Lakes

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-11
A RESOLUTION IN SUPPORT OF FEDERAL AND STATE EFFORTS TO PREVENT THE ASIAN CARP FROM INFILTRATING THE GREAT LAKES
April 5, 2010

WHEREAS, the City of Mason wishes to express its unified support for all aggressive efforts to stop the Asian carp from entering Lake Michigan; and

WHEREAS, Asian carp was brought to the United States from Taiwan in 1972;

WHEREAS, Asian carp was classified as an invasive species by the United States Department of the Interior in 2007 under the Lacey Act; and

WHEREAS, Asian carp have proven to be remarkably effective at adapting to and reproducing in the freshwaters of the United States of America; and

WHEREAS, this invasive species insatiably consumes forty percent (40%) of its own body weight each day and can grow to weigh one-hundred pounds (100 lbs.); and

WHEREAS, the rapid expansion of this invasive species has shown to decrease the abundance of indigenous mussels, other invertebrates and fish species; and

WHEREAS, Asian carp have migrated north via the Mississippi River and now threaten the Great Lakes ecosystem; and

WHEREAS, recent studies have conservatively associated more than 800,000 jobs with the Great Lakes; and

WHEREAS, the sport and commercial fishing of indigenous species and the associated fisheries in the Great Lakes are valued at more than $7 billion; and

WHEREAS, the Great Lakes provide one-fifth (1/5) of the world's freshwater; and

NOW, THEREFORE, BE IT RESOLVED the Mason City Council hereby urges the United States Congress and the State of Michigan to take all necessary precautions to protect the Great Lakes from Asian carp and

the eventual disaster and devastation that an invasion of this species would pose to the Great Lakes ecosystem, and ultimately, the economies of the Great Lakes States.

C. Resolution No. 2010-12 – A Resolution to Award the Bid for the Construction of a Communication Tower

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-12
A RESOLUTION TO AWARD THE BID FOR THE
CONSTRUCTION OF A COMMUNICATION TOWER
April 5, 2010

WHEREAS, the City of Mason must maintain a communications tower for public safety; and

WHEREAS, the existing tower is damaged beyond repair and must be replaced; and

WHEREAS, a bid was publicly advertised and opened March 23, 2010 for the construction of a communication tower and subsequently evaluated by Central Solutions, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council does hereby award the bid to Northern Tower Erection, the qualified low bidder, in the amount of $77,751.96.

D. Resolution No. 2010-13 – A Resolution to Approve the Continuing Disclosure Agreement and to Authorize the City Administrator to Execute the Agreement on Behalf of the City of Mason

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-13
A RESOLUTION TO APPROVE THE CONTINUING DISCLOSURE AGREEMENT AND TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY
April 5, 2010

A regular meeting of the City Council (the "City Council") of the City of Mason, Ingham County, Michigan (the "City"), was held in the City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 5th day of April, 2010, at 7:30 o'clock in the evening.

Present: Council Members: Bruno, Clark, Ferris, Johnson, Tornholm, Waltz

Absent: Council Member: Naeyaert

The following preamble and resolution were offered by Council Member Tornholm and supported by Council Member Bruno.

WHEREAS:

1. The City of Mason Building Authority (the “Building Authority”) is in the process of issuing its bonds, designated as the "2010 Building Authority Bonds" (the "Bonds"), to finance the cost of acquiring, constructing, equipping and furnishing a city hall and police station building, together with necessary and related improvements and site improvements (the "Project"); and

2. The City Council previously adopted a resolution on April 20, 2009 to approve the Building Authority’s proposed bond issue and to approve a related Full Faith and Credit General Obligation - Limited Tax Contract of Lease between the City and the Building Authority; and

3. Because the Bonds will be issued in the principal amount that exceeds One Million Dollars ($1,000,000), it is necessary for the City, on behalf of the Building Authority, to disclose certain information regarding the City pursuant to federal securities law, and to agree to provide annual and periodic disclosure of such information to the market; and

4. In order to memorialize the City's agreement to provide annual and periodic disclosure of information, it is necessary for the City to enter into and execute a Continuing Disclosure Agreement in

substantially the form as attached hereto as **Exhibit A**; and

5. The City Council desires to approve the Continuing Disclosure Agreement in substantially the form as attached hereto as **Exhibit A**, and to authorize the City Administrator or a designee thereof to execute the Continuing Disclosure Agreement on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Continuing Disclosure Agreement for the Bonds is hereby approved in its substantial form as attached hereto as **Exhibit A**, and the City Administrator or a designee thereof is hereby authorized to execute the Continuing Disclosure Agreement on behalf of the City.

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

EXHIBIT A

CITY CONTINUING DISCLOSURE AGREEMENT

$_____
CITY OF MASON BUILDING AUTHORITY
COUNTY OF INGHAM
STATE OF MICHIGAN

2010 BUILDING AUTHORITY BONDS
(GENERAL OBLIGATION - LIMITED TAX)
(FEDERALLY TAXABLE - BUILD AMERICA BONDS - DIRECT PAYMENT)

This Continuing Disclosure Agreement (the "Agreement") is executed and delivered by City of Mason, County of Ingham, State of Michigan (the "City"), on behalf of itself and the City of Mason Building Authority, County of Ingham, State of Michigan (the "Issuer"), in connection with the issuance of the Issuer's $_____ 2010 Building Authority Bonds (General Obligation - Limited Tax) (Federally Taxable - Build America Bonds - Direct Payment) (the "Bonds"). The Bonds are being issued pursuant to a resolution adopted by the City Council of the City on April 20, 2009 and a resolution adopted by the Commission of the Issuer on February 10, 2010 (the "Resolution"). The City covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Agreement. This Agreement is being executed and delivered by the City for the benefit of the Bondholders and in order to assist the Participating Underwriters in complying with the Rule. The City acknowledges that this Agreement does not address the scope of any application of Rule 10b-5 promulgated by the SEC pursuant to the 1934 Act to the Annual Reports or notices of the Listed Events provided or required to be provided by the City pursuant to this Agreement.

SECTION 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the City pursuant to, and as described in, Sections 3 and 4 of this Agreement.

"Bondholder" means the registered owner of a Bond or any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including any person holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bond for federal income tax purposes.

"Dissemination Agent" means any agent designated as such in writing by the City and which has filed with the City a written acceptance of such designation, and such agent's successors and assigns.

"EMMA" shall mean the MSRB's Electronic Municipal Market Access which provides continuing disclosure services for the receipt and public availability of continuing disclosure documents and related information required by Rule 15c2-12 promulgated by the SEC.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Agreement.

"MSRB" shall mean the Municipal Securities Rulemaking Board.

"1934 Act" shall mean the Securities Exchange Act of 1934, as amended.

"Official Statement" shall mean the final Official Statement for the Bonds dated _____, 2010.

"Participating Underwriter" shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with the offering of the Bonds.

"Resolution" shall mean the resolution duly adopted by the Issuer authorizing the issuance, sale and delivery of the Bonds.

"Rule" shall mean Rule 15c2-12 promulgated by the SEC pursuant to the 1934 Act, as the same may be amended from time to time.

"SEC" shall mean the Securities and Exchange Commission.

"State" shall mean the State of Michigan.

"State Repository" shall mean any public or private repository or entity designated by the State as a state repository for the purpose of the Rule and recognized as such by the SEC. Currently, the following is the State Repository:

Municipal Advisory Council of Michigan
Buhl Building
535 Griswold, Suite 1850
Detroit, Michigan 48226
Tel: (313) 963-0420
Fax: (313) 963-0943
E-Mail: mac@macmi.com

SECTION 3. Provision of Annual Reports.

(a) Each year, the City shall provide, or shall cause the Dissemination Agent to provide, on or prior to the 180th day after the end of the fiscal year of the City commencing with the fiscal year ending June 30, 2010, to EMMA and the State Repository an Annual Report for the preceding fiscal year which is consistent with the requirements of Section 4 of this Agreement. Currently, the Issuer's fiscal year ends on June 30. In each case, the Annual Report may be submitted as a single document or as separate documents comprising a package, and may include by specific reference other information as provided in Section 4 of this Agreement; provided, however, that if the audited financial statements of the City are not available by the deadline for filing the Annual Report, they shall be provided when and if available, and unaudited financial statements in a format similar to the financial statements contained in the Official Statement shall be included in the Annual Report.

(b) The Annual Report shall be submitted to EMMA either through a web-based electronic submission interface or through electronic computer-to-computer data connections with EMMA in accordance with the submission process, document format and configuration requirements established by the MSRB. The Annual Report shall also include all related information required by MSRB to accurately identify: (i) the category of information being provided; (ii) the period covered by the Annual Report; (iii) the issues or specific securities to which the Annual Report is related (including CUSIP number, City name, state, issue description/securities name, dated date, maturity date, and/or coupon rate; (iv) the name of any obligated person other than the City; (v) the name and date of the document; and (vi) contact information for the Dissemination Agent or the City's submitter.

(c) If the City is unable to provide to EMMA an Annual Report by the date required in subsection (a), the City shall send a notice in a timely manner to the MSRB and to the State Repository in substantially the form attached as Appendix A.

(d) If the City's fiscal year changes, the City shall send a notice of such change to the MSRB and to the State Repository in substantially the form attached as Appendix B. If such change will result in the City's fiscal year ending on a date later than the ending date prior to such change, the City shall provide notice of such change to the MSRB and to the State Repository on or prior to the deadline for filing the Annual Report in effect when the City operated under its prior fiscal year. Such notice may be provided to the MSRB and to the State Repository along with the Annual Report, provided that it is filed at or prior to the deadline described above.

SECTION 4. Content of Annual Reports. The City's Annual Report shall contain or include by reference the following:

(a) audited financial statements of the City prepared pursuant to State laws, administrative

rules and guidelines and pursuant to accounting and reporting policies conforming in all material respects to generally accepted accounting principles as applicable to governmental units as such principles are prescribed, in part, by the Financial Accounting Standards Board and modified by the Government Accounting Standards Board and in effect from time to time; and

(b) additional annual financial information and operating data as set forth in the Official Statement under "CONTINUING DISCLOSURE".

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which previously have been provided to each of the Repositories or filed with the SEC. If the document included by specific reference is a final official statement, it must be available from the MSRB. The City shall clearly identify each such other document so included by reference.

SECTION 5. Reporting of Significant Events.

(a) The City covenants to provide, or cause to be provided, notice of the occurrence of any of the following events with respect to the Bonds, if material, in accordance with the Rule:

(1) principal and interest payment delinquencies
(2) non-payment related defaults
(3) unscheduled draws on debt service reserves reflecting financial difficulties
(4) unscheduled draws on credit enhancements reflecting financial difficulties
(5) substitution of credit or liquidity providers, or their failure to perform
(6) adverse tax opinions or events affecting the tax-exempt status of the security
(7) modifications to rights of security holders
(8) bond calls
(9) defeasances
(10) release, substitution, or sale of property securing repayment of the securities
(11) rating changes

(b) Whenever the City obtains knowledge of the occurrence of a Listed Event, the City shall as soon as possible determine if such event would constitute material information for the Bondholders, provided, that any event under Section 5(a)(1), (8), (9), (10) or (11) above (only with respect to any change in any rating on the Bonds) will always be deemed to be material.

(c) The City shall promptly cause a notice of the occurrence of a Listed Event, determined to be material in accordance with the Rule, to be electronically filed with EMMA and with the State Repository together with a material event notice cover sheet substantially in the form attached as Appendix C. In connection with providing a notice of the occurrence of a Listed Event described in Section 5(a)(9) above, the City shall include in the notice explicit disclosure as to whether the Bonds have been escrowed to maturity or escrowed to call, as well as appropriate disclosure of the timing of maturity or call.

(d) The City acknowledges that the "rating changes" referred to above in Section 5(a)(11) of this Agreement may include, without limitation, any change in any rating on the Bonds or other indebtedness for which the City is liable.

(e) The City acknowledges that it is not required to provide a notice of a Listed Event with respect to credit enhancement when the credit enhancement is added after the primary offering of the Bonds, the City does not apply for or participate in obtaining such credit enhancement, and such credit enhancement is not described in the Official Statement.

SECTION 6. Termination of Reporting Obligation.

(a) The City's obligations under this Agreement shall terminate upon the legal defeasance of the Resolution or the prior redemption or payment in full of all of the Bonds.

(b) This Agreement, or any provision hereof, shall be null and void in the event that the City (i) receives an opinion of nationally recognized bond counsel, addressed to the City, to the effect that those portions of the Rule, which require such provisions of this Agreement, do not or no longer apply to the Bonds, whether because such portions of the Rule are invalid, have been repealed, amended or modified, or are otherwise deemed to be inapplicable to the Bonds, as shall be specified in such opinion, and (ii) delivers notice to such effect to the MSRB, and to the State Repository, if any.

SECTION 7. Dissemination Agent. The City, from time to time, may appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Agreement, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Agreement, this Agreement may be amended, and any provision of this Agreement may be waived to the effect that:

(a) such amendment or waiver is made in connection with a change in circumstances that arises from a change in legal requirements, a change in law or a change in the identity, nature or status of the City, or the types of business in which the City is engaged;

(b) this Agreement as so amended or taking into account such waiver, would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, in the opinion of independent legal counsel; and

(c) such amendment or waiver does not materially impair the interests of the Bondholders, in the opinion of independent legal counsel.

If the amendment or waiver results in a change to the annual financial information required to be included in the Annual Report pursuant to Section 4 of this Agreement, the first Annual Report that contains the amended operating data or financial information shall explain, in narrative form, the reasons for the amendment and the impact of such change in the type of operating data or financial information being provided. If the amendment or waiver involves a change in the accounting principles to be followed in preparing financial statements, the Annual Report for the year in which the change is made shall present a comparison between the financial statements or information prepared based on the new accounting principles and those prepared based on the former accounting principles. The comparison should include a qualitative discussion of such differences and the impact of the changes on the presentation of the financial information. To the extent reasonably feasible, the comparison should also be quantitative. A notice of the change in the accounting principles should be sent by the City to the MSRB and to the State Repository. Further, if the annual financial information required to be provided in the Annual Report can no longer be generated because the operations to which it related have been materially changed or discontinued, a statement to that effect shall be included in the first Annual Report that does not include such information.

SECTION 9. Additional Information. Nothing in this Agreement shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Agreement. If the City chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Agreement, the City shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the City to comply with any provision of this Agreement, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Agreement. A default under this Agreement shall not be deemed an Event of Default under the Resolution or the Bonds, and the sole remedy under this Agreement in the event of any failure of the City to comply with the Agreement shall be an action to compel performance.

SECTION 11. Duties of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Agreement.

SECTION 12. Beneficiaries. This Agreement shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriters, and the Bondholders and shall create no rights in any other person or entity.

SECTION 13. Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State, and any suits and actions arising out of this Agreement shall be instituted in a court of competent jurisdiction in the State. Notwithstanding the foregoing, to the extent this Agreement addresses matters of federal securities laws, including the Rule, this Agreement shall be construed and interpreted in accordance with such federal securities laws and official interpretations thereof.

CITY OF MASON
COUNTY OF INGHAM
STATE OF MICHIGAN

By:_____
Its: City Administrator

Dated: _____, 2010

APPENDIX A

NOTICE TO THE MSRB AND TO THE STATE REPOSITORY
OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: City of Mason Building Authority, Ingham County, Michigan

Name of City: City of Mason, Ingham County, Michigan

Name of Bond Issue: 2010 Building Authority Bonds (General Obligation - Limited Tax) (Federally Taxable - Build America Bonds - Direct Payment)

Date of Bonds: _____, 2010

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by Section 3 of its Continuing Disclosure Agreement with respect to the Bonds. The Issuer anticipates that the Annual Report will be filed by _____.

CITY OF MASON
COUNTY OF INGHAM
STATE OF MICHIGAN

By:_____
Its: City Administrator

Dated: _____

APPENDIX B

NOTICE TO THE MSRB AND THE STATE REPOSITORY
OF CHANGE IN ISSUER'S FISCAL YEAR

Name of Issuer: City of Mason Building Authority, Ingham County, Michigan

Name of City: City of Mason, Ingham County, Michigan

Name of Bond Issue: 2010 Building Authority Bonds (General Obligation - Limited Tax) (Federally Taxable - Build America Bonds - Direct Payment)

Date of Bonds: _____, 2010

NOTICE IS HEREBY GIVEN that the Issuer's fiscal year has changed. Previously, the Issuer's fiscal year ended on _____. It now ends on _____.

CITY OF MASON
COUNTY OF INGHAM

STATE OF MICHIGAN

By:_____
Its: City Administrator

Dated: _____

APPENDIX C

MATERIAL EVENT NOTICE COVER SHEET

This cover sheet and material event notice should be provided in an electronic format to the Municipal Securities Rulemaking Board and the State Repository pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)© and (D).

Issuer's and/or other Obligated Person's Name: _____

Issuer's Six-Digit CUSIP Number(s): _____

_____

or Nine-Digit CUSIP Number(s) to which this material event notice relates: _____

_____

Number of pages of attached material event notice: _____

Description of Material Events Notice (Check One):

1. _____ Principal and interest payment delinquencies
2. _____ Non-payment related defaults
3. _____ Unscheduled draws on debt service reserves reflecting financial difficulties
4. _____ Unscheduled draws on credit enhancements reflecting financial difficulties
5. _____ Substitution of credit or liquidity providers, or their failure to perform
6. _____ Adverse tax opinions or events affecting the tax-exempt status of the security
7. _____ Modifications to rights of securities holders
8. _____ Bond calls
9. _____ Defeasances
10. _____ Release, substitution, or sale of property securing repayment of the securities
11. _____ Rating changes
12. _____ Failure to provide annual financial information as required
13. _____ Other material event notice (specify) _____

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature: _____

Name: _____ Title: _____

Employer: _____

Address: _____

City, State, Zip Code: _____

Voice Telephone Number (_____)_____

The MSRB Gateway is www.msrb.org or through the EMMA portal at emma.msrb.org/submission/Submission_Portal.aspx. Contact the MSRB at (703) 797-6600 with questions regarding this form or the dissemination of this notice. The cover sheet and notice may also be faxed to the MAC at (313) 963-0943.

E. Motion – Mason Lions Club – Use of Public Right-of -Way for White Cane Drive

F. Consent Judgment with Regard to Esquire Development and Construction, Inc. v City of Mason Claim of Appeal of ZBA Decision of September 9, 2009

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Approval of Bills

A brief discussion was held regarding the repairs to the snow plow. Bruno stated that he felt the drain assessments should be charged to the major/local street fund rather than the water and sewer fund. Johnson inquired about the new phone system for City Hall. Mr. Brian Tort of Central Solutions, Inc. responded regarding the technical aspect of the phone system. Waltz inquired about the impact on the Fire Department and what affected a phone upgrade for the Fire Department. Colburn stated that upgrading the Fire Department was necessary once the decision to install digital phones was made. The Fire Department will be networked with the City and will not need a separate internet connection. An extensive discussion ensued. Mr. Tort will provide a report at a future meeting.

MOTION by Johnson, second by Waltz,
to approve the Bills in the amount of $71,851.36.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closure Request for the Sun Dried Music Festival

Bruno commented that he asked to remove this item from the consent agenda to say that some time soon, Council needs to consider the waiver of fees for community events.

Marco Broggio, DDA Executive Director, asked to amend the street closure request by adding the west side of Barnes Street between Maple and Ash Streets.

MOTION by Bruno, second by Johnson,
to approve the closure of Jefferson Street, between Maple and Ash Streets, Maple Street, between Jefferson and Barnes Streets, and the west side of Barnes Street between Maple and Ash Streets from Friday, August 27, 8:00 a.m. through Saturday, August 28,12:00 p.m.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson stated that he would like the city attorney to provide an opinion regarding building permit fees charged on the construction of personal property.

NEW BUSINESS

Johnson stated that he learned from various sources that the City had been warned twice by the Michigan Department of Natural Resources and Environment regarding un-permitted burning. He would like the Fire Chief to respond to the warnings and how it affects the City.

Assistant Chief Mark Howe was asked to respond. He is unaware of the information Councilmember Johnson had heard and would check with Fire Chief Minshall tomorrow.

CORRESPONDENCE

Distributed.

LIAISON REPORTS
None at this time.

COUNCILMEMBERS REPORTS
Tornholm stated that she, Rodney Jewett and Dorothy Ferris, all Historical Society members, offered to help Kathy Revels choose historical images for the new City Hall. The images depict historic city operations. She also informed Council that she is working as a census taker. Tornholm gave a brief report regarding the MML Elected Official's training that she and Councilmember Ferris attended.

ADMINISTRATOR'S REPORT
Colburn introduced Michael Gresens of Thrun Law Firm, P.C. For many years, Mr Gresens has worked on bond financing transactions for the City and he currently worked with the City as Bond Counsel on the City Hall/Police Station financing project. Mr. Gresens explained bond financing for the new City Hall/ Police Station. He stated that the City has an excellent credit rating, making the transaction inviting to the bond market, which acted very favorably to the City by proposing an incredible offer, excellent terms, and very low interest rates for a 30-year bond at 4.06%. Colburn thanked Building Authority members Norm Austin and Mark Howe for their expertise and service.

Colburn informed the Council regarding current city business.

ADJOURNMENT
The meeting adjourned at 8:34 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 15, 2010

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

Present: Councilmembers: Clark, Ferris, *Johnson, Naeyaert, Tornholm
Absent: Councilmember: Bruno, Waltz
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

Announcements were made for Council's information; Mason residents are starting to receive Census forms this week and a Community Garden meeting is scheduled for tomorrow night.

*Johnson arrived at 7:33 p.m.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Clark introduced Boy Scout Troup #911. The scouts are working toward earning their *Citizenship in the Community* Merit Badge.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Item 8(D) *Motion – Mason Area Chamber of Commerce Annual Events* from the Consent Agenda.

MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: March 1, 2010

B. Approval of Bills - $100,273.19

C. Resolution No. 2010-10 – A Resolution Supporting Appointment to the Capital Area District Library Board

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-10
A RESOLUTION SUPPORTING APPOINTMENTS
TO THE CAPITAL AREA DISTRICT LIBRARY BOARD
March 15, 2010

WHEREAS, the Ingham County Board of Commissioners appoint two members to the Capital Area District Library Board representing the areas of the County outside the City of Lansing, Lansing Township and Meridian Township; and

WHEREAS, two seats on the Capital Area District Library are open for a four-year appointment; and

WHEREAS, Sally Trout (Mason) and Deb Bloomquist (Delhi) have served honorably in this capacity the past four years and have indicated that they would like to be reappointed to the District Library Board for another term; and

NOW THEREFORE BE IT RESOLVED that the Mason City Council recommends the appointments of Sally Trout and Deb Bloomquist to serve a four-year term on the Capital Area District Library Board representing the portions of Ingham County outside of Lansing, Lansing Township and Meridian Township.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Mason Area Chamber of Commerce 2010 Annual Events

Doug Klein, Mason Area Chamber of Commerce (MACC) Executive Director, gave a brief synopsis of the annual events sponsored by the MACC as well as a request for equipment, staffing, and various street closings. Discussion was held regarding appropriate parking areas for vendors.

MOTION by Naeyaert, second by Johnson,
to approve the request for street closures, use of equipment, electrical power, and waiver of permit and fees for the annual community events in 2010 as outlined in the letter from Doug Klein, Mason Area Chamber of Commerce (MACC) Executive Director, dated March 8, 2010.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Naeyaert stated that she had been informed that downtown employees are parking in the street where it is designated as two-hour parking, leaving clients and shoppers unable to find convenient parking. It was discussed that the Police Department is aware of the issue and pursuing enforcement.

MOTION by Ferris, second by Johnson,
to excuse Mayor Pro Tem Naeyaert from the April 10 meeting.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Johnson,
to excuse Councilmember Waltz from tonight's meeting.
MOTION APPROVED UNANIMOUSLY

At the request of Mayor Clark, Colburn explained the bonding terms approved in City Council Resolution No. 2010-08 for constructing and equipping the new City Hall/Police Station.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Johnson informed Council regarding current Traffic Commission business. Naeyaert informed Council regarding current Planning Commission business. Clark informed Council regarding current Downtown Development Authority business.

COUNCILMEMBERS REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business; he informed the Council that he declared an emergency due to a collapsed sanitary line and storm drain on East Ash Street at Steele Street.

ADJOURNMENT
The meeting adjourned at 8:05 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 1, 2010

Clark called the meeting to order at 7:33 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: Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Bruno
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Chief
Ken Baker, DPW Supervisor
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

Various announcements were made for Council's information regarding the Community Garden and passing of Betty Evans.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

None.

PRESENTATIONS

Presentation – American Council of Engineering Companies – Honorable Conceptor Award for Mason Radium Removal Water Treatment Plant & Transmission Mains

The American Council of Engineering Companies (ACEC) has an annual award program within the individual states and nationally. The Eminent Conceptor Award Reviewing Board works off of established criteria, analyzing and reviewing newly designed facilities and systems, then recognizing them for their new technologies, designs and achievement. Wolverine Engineering and Jones and Henry Engineering submitted the Mason Radium Removal Water Treatment Plant and Transmission Mains to compete in the Michigan competition.

Colburn stated that he, City Engineer Don Heck, and Water & Street Superintendent Ken Baker attended the awards ceremony and accepted the plaque for the City of Mason. Baker presented Mayor Clark with a plaque and Colburn presented Mr. Baker with a plaque.

Presentation – 2009 Annual Report – Fire Department – Chief Kerry Minshall

Minshall presented his 2009 Annual Report for the Fire Department. Fire Department volunteers also in attendance were Asst. Chief Mark Howe, Captain Dennis Howe, and Fire Fighter Trainee Brian Tort.

MOTION by Naeyaert, second by Waltz,
to accept the Fire Department 2009 Annual Report and place it on file.
MOTION APROVED UNANIMOUSLY

CONSENT AGENDA

MOTION by Naeyaert, second by Johnson,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: February 15, 2010

B. Approval of Bills - $215,764.56

C. Resolution No. 2010-08 – A Resolution Conveying Title of the City Hall Building Site from the City of Mason to the City of Mason Building Authority

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-08
A RESOLUTION CONVEYING TITLE OF THE CITY HALL SITE FROM
THE CITY OF MASON TO THE CITY OF MASON BUILDING AUTHORITY
March 1, 2010

WHEREAS, The Mason Building Authority passed Resolution No. 2009-02 approving a "full faith and credit general obligation – limited tax contract of lease" to implement the financing arrangements, agreeing to construct and equip the new City Hall/Police Station and lease it to the City for a term of 50 years or until all outstanding bonds have been retired; and

WHEREAS, the Mason City Council approved a "full faith and credit general obligation – limited tax contract of lease" with the Mason Building Authority by Council Resolution No. 2009-17, agreeing that the Mason Building Authority shall construct and equip the new City Hall/Police Station and convey it back to the city when all outstanding bonds have been retired; and

NOW THEREFORE BE IT RESOLVED by the Mason City Council that to complete this arrangement, the City Council authorizes the execution and delivery of a quit claim deed for the project site to the Mason Building Authority; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk is hereby authorized to execute and deliver the deed for the City Hall site to the Mason Building Authority.

D. Resolution No. 2010-09 – A Resolution Accepting an Easement Agreement between the Ingham Intermediate School District and the City of Mason as a Trailhead for the Hayhoe Riverwalk

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-09
A RESOLUTION ACCEPTING AN EASEMENT AGREEMENT BETWEEN THE INGHAM COUNTY INTERMEDIATE SCHOOL DISTRICT AND THE CITY OF MASON AS A TRAILHEAD FOR THE HAYHOE RIVERWALK
March 1, 2010

WHEREAS, the Ingham County Intermediate School District (ISD) and the City of Mason are entering into an easement for a non-exclusive public easement for a non-motorized vehicle, bicycle and walking path (Hayhoe Riverwalk) and related uses including ADA access methods; and

WHEREAS, the easement allows parking at the ISD's southern parking lot adjacent to Howell Road, to be used as a trailhead for the Hayhoe Riverwalk; and

WHEREAS, the City of Mason agrees that they will properly sign and maintain the easement to meet the general uses of linking the parking lot, used as a trailhead to the Hayhoe Riverwalk, which runs through the City of Mason along the Sycamore Creek.

NOW THEREFORE BE IT RESOLVED by the Mason City Council that the Mayor and City Clerk are authorized signatory authority to enter into this easement agreement with the Ingham County Intermediate School District.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
None.

UNFINISHED BUSINESS
A brief discussion was held regarding Rayner Park.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Waltz informed Council regarding current Historic District Commission business.

COUNCILMEMBERS REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

ADJOURNMENT
The meeting adjourned at 8:24 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 15, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Planning and Zoning Director
John Stressman, Police Chief
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

None.

PEOPLE FROM THE FLOOR

David Barnett of 427 South Jefferson, Apartment #2, asked Council to reinstate the second "People from the Floor." Also, he stated that although a bronze statue of Stevens T. Mason would be awesome for the City of Mason, the City needs to concentrate on "need" items rather than "want" items. Clark informed Mr. Barnett that the re-structuring of the Agenda provides citizens the opportunity to speak on non-agenda and agenda items at the beginning of the meeting, rather than waiting to speak on business items at the end of the meeting.

Bernie Camp, owner of Wheatons Picture Frame Shop in Mason, stated that he feels the prices quoted for the statue of Stevens T. Mason are on the high side. He also stated that he is having problems with the height of the downtown dwarf pear trees blocking his store sign and the fruit that drops from them in front of his business is being tracked in on his new carpet. Also, since the paving of the alley, water pools where the sidewalk meets the alley creating an ice patch the width of the sidewalk in the winter. Clark directed Mr. Camp to appropriate city staff to discuss his concerns.

Angie Smitley of 329 East Cherry Street stated that she is interested in raising hens and questioned if the City would explore allowing hen ownership in the city limits. Clark directed Ms. Smitley to appropriate city staff to discuss her interest and Councilmember Naeyaert stated that she would discuss it with the Planning Commission.

INTRODUCTIONS

The Mason Promise Scholarship board members were recognized.

PRESENTATIONS

Bruce Johnston – Ingham County Housing Commission Director – Housing Issues

Bruce Johnston, Ingham County Housing Commission Director spoke regarding the tour of Neighborhood Stabilization Programs homes he led for the Council and city staff members prior to the meeting tonight. He stated that homes were purchased by the County in conjunction with the Landbank for the purpose of rehabilitation and resale. He also spoke regarding homeowner rehabilitation, rental registration opportunities, and new EPA lead-base paint laws.

2009 Annual Report – Zoning & Development – David Haywood

David Haywood, Zoning & Development Director gave a brief overview of the 2009 Zoning & Development Annual Report to Council.

MOTION by Johnson, second by Ferris,
to accept the Zoning & Development 2009 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

2009 Annual Report – Police Department – Chief John Stressman

Stressman presented a brief summation of the 2009 Police Department Annual Report to Council. Naeyaert asked staff to provide a copy of the Police Department's 2009 Annual Report to the Planning Commission for reference.

MOTION by Johnson, second by Ferris,
to accept the Police Department 2009 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

CONSENT AGENDA

By consensus, consent agenda item, "Motion - Historic District Commission Resolution No. 2010-01 – A Resolution Supporting the City Council's Pursuit of a Bronze Statue, Bust or Mould of Stevens T. Mason," was removed from the Consent Agenda.

MOTION by Johnson, second by Naeyaert,
to approve the Consent Agenda as follows:

A. **Approval Of Minutes – Regular Council Meeting: February 1, 2010**

B. **Approval of Bills - $252,804.04**

C. **Second Reading – Ordinance No. 179 – An Ordinance to Amend Section 2-8 – of Chapter 2 – Administration – of the Code of the City of Mason to Add Additional Civil Fines for Violations Related to Property Maintenance, Signs, Soil Erosion and Sedimentation, and Vegetation**

D. **Motion – Excused Absence – Councilmember Bruno**

MOTION APROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Historic District Commission Resolution No. 2010-01 – A Resolution Supporting the City Council's Pursuit of a Bronze Statue, Bust or Mould of Stevens T. Mason

Clark stated that the motion deferred from the February 4, 2010 meeting was on the floor. Waltz informed the Council that Mr. Gary Granger and the Granger Group have graciously committed to gifting a bronze bust of Stevens T. Mason to the City of Mason and its residents, including all costs associated with delivery and installation.

MOTION by Tornholm, second by Johnson,
to approve the amount of $10,500.00 for the purchase of a full-body mould of Stevens T. Mason, to be fashioned by Venus Bronze Works, Inc. and to pursue private donations to provide for the remaining amount, or full amount if possible, upon permission from the Detroit Parks & Recreation Department to make a mould of the Stevens T. Mason statue.
MOTION FAILED

Staff recommended that a note of appreciation and recognition be presented to Mr. Gary Granger and Granger Corp. at the appropriate time.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed. A brief discussion was held regarding the memorandum from Building Inspector/Building Official John Dodson in response to the letter received from Jerico Constitution Inc. Councilmember Johnson suggested that Jerico should be informed of the appeal process, per MBC 112. Mayor Clark explained that the time frame for the appeals process had passed and suggested that he speak with Mr. Haywood or Mr. Dodson regarding the matter. Bruno stated that he would be curious to know how the furnace for this project was assessed.

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

COUNCILMEMBERS REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

ADJOURNMENT
The meeting adjourned at 8:45 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 1, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Also present: Kathy Revels, Acting City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning and Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

ANNOUNCEMENTS

Various announcements were made for Council's information regarding the February 23 Special Election, the death of two prominent water and sewer retirees in the Ingham County area, and the upcoming Kiwanis Blood Drive.

PEOPLE FROM THE FLOOR

Michael O'Brien of 115 East Elm Street stated opposition to the proposal that will be on the February 23, 2010 ballot.

INTRODUCTIONS

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: January 18, 2010

B. Approval of Bills - $56,681.37

C. Motion – Amend the 2009-2010 Fiscal Year Budget

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Ordinance No. 179 – An Ordinance to Amend Section 2-8 - of Chapter 2 - Administration - of the Code of the City of Mason to Add Additional Civil Fines for Violations Related to Property Maintenance, Signs, Soil Erosion and Sedimentation, and Vegetation

Haywood spoke briefly regarding the amendments being proposed in Ordinance No. 179. McGinty spoke regarding the fines relating to municipal civil offenses, collection, and the course of action for third offense.

MOTION by Naeyaert, second by Tornholm,
to introduce and consider Ordinance No. 179 as read for the first time.
MOTION APPROVED UNANIMOUSLY

MOTION by Johnson, second by Naeyaert,
to introduce Ordinance No. 179.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-07 – A Resolution to Award the Bid for Multimedia Equipment for the City Hall and Police Department

Brian Tort of Central Solutions briefly spoke regarding the technological plan for the new City Hall and Police Department. Mr. Tort stated that he reviewed the bids and is recommending awarding the multimedia equipment bid to TEL Systems in the amount of $76,648.26.

MOTION by Naeyaert, second by Bruno,
to amend Resolution No. 2010-07 by inserting the words, *for $76, 648.26*, at the end of the last paragraph.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2010-07 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2010-07 was introduced by Naeyaert and seconded by Johnson.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-07
A RESOLUTION TO AWARD THE BID FOR MULTIMEDIA EQUIPMENT FOR THE CITY HALL AND POLICE DEPARTMENT
February 1, 2010

WHEREAS, the City of Mason and The Granger Group have an agreement to build a City Hall and Police Department; and

WHEREAS, the City has a total of $605,600 in technology, and furniture, fixture, and equipment allowances; and

WHEREAS, city staff along with the assistance of Brian Tort of Central Solutions, Inc. issued an RFP for Multimedia Equipment and received five (5) responses. Those responses were reviewed and evaluated.

NOW, THEREFORE, BE IT RESOLVED, the bid of TEL Systems, 7235 Jackson Road, Ann Arbor, MI 49505 has been determined to be the lowest and best of the five received for the Multimedia Equipment.

BE IT FURTHER RESOLVED that city staff are directed to proceed with the purchase and installation of equipment as quoted by TEL Systems for $76,648.26.
RESOLUTION APPROVED UNANIMOUSLY

Discussion – Historic District Commission Resolution No. 2010-01 – A Resolution Supporting the City Council's Pursuit of a Bronze Statue, Bust or Mould of Stevens T. Mason

Waltz gave a brief history of the City of Mason and Stevens T. Mason as well as the statue of Mr. Mason that currently stands in Capital Park in Detroit, Michigan, and the Historic District Commission's pursuit to obtain a 10' full-body, bust, or mould replication of the statue for the City of Mason. Currently, the bronze statue is being refurbished by the renowned Venus Bronze Works, Inc. Although it is an opportune time to obtain a replication, a decision must be made by the middle of February. Waltz added that Venus Bronze Works reduced the fee by over half of what they originally quoted.

Discussion ensued regarding options for securing Mason's namesake and funding this type of artwork for the city.

MOTION by Tornholm, second by Johnson,
to approve the amount of $10,500.00 for the purchase of a full-body mould of Stevens T. Mason, to be fashioned by Venus Bronze Works, Inc. and to pursue private donations to provide for the remaining amount, or full amount if possible, upon permission from the Detroit Parks & Recreation Department to make a mould of the Stevens T. Mason statue.

MOTION by Johnson, second by Bruno,
to defer taking action on the main motion until the next meeting to allow receiving comments from the City Administrator.
MOTION APPROVED UNANIMOUSLY

Johnson added that in follow-up to his motion, Councilmember Waltz would communicate the feeling of the Council to Venus Bronze Works and confirm that the next meeting date would be within the window of opportunity.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Correspondence was distributed. It was the consensus of Council to have Deputy Clerk Deborah Cwiertniewicz and/or Building Official John Dodson present a response at the next Council meeting responding to the questions in the letter received from Jerico Construction, Inc. dated January 19, 2010.

LIAISON REPORTS
Johnson informed Council regarding Traffic Commission business.

Waltz informed Council regarding Historic District Commission business. A brief discussion ensued.

COUNCILMEMBERS REPORTS
Bruno reported that he had given the book, Honor Roll and Complete War History of Ingham County and the Great World War 1914-1918, to Cheryl Bass, Library Head, Mason Branch of CADL. Brenda Stock, Secretary to Dennis McGinty, and her parents gave the historical book to the City for safe keeping. Ms. Bass will have the book cataloged with the CADL historian, making it available for members to borrow.

ADMINISTRATOR'S REPORT
Revels informed the Council regarding current city business.

ADJOURNMENT
The meeting adjourned at 9:10 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 18, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Ken Baker, DPW Superintendent
Dennis McGinty, City Attorney

ANNOUNCEMENTS

Tornholm stated that she and Councilmember Ferris are registered for the Elected Officials Academy Advanced Weekender hosted by the Michigan Municipal League. Also, she informed Council regarding Tri-County Regional Planning Commission's Transportation Plan meeting.

PEOPLE FROM THE FLOOR

None.

INTRODUCTIONS

Mayor Clark introduced Jakup Jahiri, President of the Municipal Assembly, Viti/Vitina, Kosovo, who is also a physicist and an environmentalist. Mr. Jahiri is visiting his son Peter Jahiri, a Mason resident for eight years and U.S. citizen. Peter Jahiri accompanied his father and served as his interpreter. Clark stated that he and Administrator Colburn met with the Jahiri's last Friday afternoon. They toured the Water Treatment Plant, Waste Water Treatment Plant, and the Fire Station. Mr. Jakup Jahiri spoke about Kosovo. He stated that he has heard that America is a place of democracy, and now he is convinced that it is true. He expressed gratitude for the United States, the State of Michigan, and the City of Mason for their hospitality to Kosovo families that came here in 1999 and 2000 as refugees to escape the Kosovo war. He thanked the people of Mason for extending kindness and hospitality to them as if they were their own family members. He thanked the Mayor, Council, and staff for welcoming them and giving them the opportunity to be here today. Mr. Jakup Jahiri stated that he was impressed with the decorum of the Council. He would like the City of Mason and the City of Viti/Vitina to become sister cities. The future of Kosovo would be to follow the people of the United States as mentors and leaders for democracy and understanding.

Mayor Clark stated that Mason and Viti/Vitina will cooperate as sister cities. He also stated that following the tour on Friday, Mr. Jakup Jahiri told him that the citizens of Mason should sleep very well with the professional leadership and quality infrastructure that they have.

PRESENTATIONS

Waltz informed Council regarding the Historic District Commission's (HDC) intent to commemorate Stevens T. Mason, the first Governor of Michigan, and the City of Mason's namesake. A statue of Mr. Mason stands on a marker containing the governor's remains in Detroit's Capitol Park. The construction of the new City Hall has presented a unique and timely opportunity. Monday, January 25th, he and Mayor Clark, Administrator Colburn, HDC member Loren Shattuck, and Ingham County Historical Commission member Scott Shattuck will travel to the City of Detroit to meet with Giorgio Gikas, founder and president of Venus Bronze Works, Inc., who currently is completing restoration of the statue. The meeting will be held to discuss plans for a replica statue or bust of Stevens T. Mason for placement in the new City Hall.

CONSENT AGENDA

MOTION by Naeyaert, second by Tornholm,
to remove Item C, Resolution No. 2010-03 and approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: January 4, 2010

B. Approval of Bills - $126,969.89

C. Resolution No. 2010-04 – City Administrator Employment Contract Amendment No. 8

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-04
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT #8
January 18, 2010

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert do hereby recommend extending the current Employment Contract between Martin A. Colburn and the City Council of the City of Mason for one year.

D. Resolution No. 2010-05 – Bid Award to Clery Fence Company for the Department of Public Works (DPW) Fence Project

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010 - 05
BID AWARD TO CLERY FENCE COMPANY FOR THE DPW FENCE PROJECT
JANUARY 18, 2010

WHEREAS, the fence at the front of DPW and POTW facilities is dilapidated and in need of replacing; and

WHEREAS, this project is in the approved Fiscal Year 2009 - 2010 Budget; and

WHEREAS, a competitive sealed bid was held and publicly read January 5, 2010 and Clery Fence Company has proven to be the low bidder.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby award the bid to replace the fence in front of the DPW and POTW facilities to Clery Fence Company in the amount of $31,000.00.

E. Resolution No. 2010-06 – Mayor's Appointment to the Historic District Commission

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-06
MAYOR'S APPOINTMENT TO THE HISTORIC DISTRICT COMMISSION
JANUARY 18, 2010

WHEREAS, a vacancy exists on the Historic District Commission due to the resignation of Jeff Taylor in 2008;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Marlon Brown to the Historic District Commission commencing January 18, 2010 through December 31, 2010, filling an unexpired term.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2010-03 – City Administrator Performance Evaluation for 2009 Calendar Year

MOTION by Naeyaert, second by Bruno,
to consider Resolution No. 2010-03 as being read.
MOTION APPROVED UNANIMOUSLY

A brief discussion was held. Bruno stated that he asked to remove Resolution No. 2010-03 from the Consent Agenda because he is dissatisfied with the current format utilized for the administrator's evaluation. This is the only reason he brought it up and will be voting against it. At the work session this evening, Council formed an ad hoc committee consisting of Mayor Pro Tem Naeyaert, Councilmembers Bruno and Tornholm to review the city administrator's evaluation process. The committee will provide a recommendation to Council by May.

MOTION by Naeyaert, second by Bruno,
to approve Resolution No. 2010-03.
Yes: (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No: (1) Bruno
MOTION APPROVED

UNFINISHED BUSINESS

Tornholm commented that the City website provides useful information for homeowners to obtain Federal funds for home improvements. She encouraged staff to include information regarding rebates and tax credits available to homeowners. Tornholm informed Council that she provided the City Administrator with a list of suggested landlords. Relating to the proposed rental ordinance that is currently being crafted, she suggested inviting rental landlords to review the draft document for input.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

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

COUNCILMEMBERS REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

ADJOURNMENT

The meeting adjourned at 7:57 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 4, 2010

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney
Ken Baker, DPW Superintendent
Sam Bibler, POTW Superintendent
Dennis O'Brien, Parks & Cemetery Superintendent
Kathy Revels, Administrative Services Director

ANNOUNCEMENTS
None.

PEOPLE FROM THE FLOOR
None.

INTRODUCTIONS
None.

PRESENTATIONS
The Granger Group – City Hall Construction Updates
Gary Granger, President/CEO of The Granger Group, spoke briefly regarding the construction project for the new city hall.

Will Goosen, Director of Operations of The Granger Group, spoke briefly regarding the bid process Granger utilized for building the new City Hall.

John Evans, Senior Project Manager of The Granger Group, briefly spoke regarding the construction time line. Currently, the project is ahead of schedule and he expects that it will be closed in by Wednesday, January 13, 2010.

American Public Works Association (APWA), Southwest Michigan Branch
Colburn stated that City Engineer Don Heck submitted three City of Mason projects to the American Public Works Association, two of which have won regional awards. The POTW Final Effluent Water project won the Environmental Less Than $2 Million award, and the Water Treatment Plant project won the Environmental Greater Than $2 Million award.

Also, City Engineer Heck submitted the City of Mason radium removal water treatment plant & transmission mains project to compete statewide being judged by the ACEC/M. This project was awarded an Engineering Honorable Award which will be presented in February. This award acknowledges the value of engineering towards technically challenging public projects. Both Wolverine Engineering and Jones & Henry Engineering are recognized for their exemplary work on this project, which will now go on to compete at the national level.

Colburn acknowledged DPW Superintendent Ken Baker, POTW Superintendent Sam Bibler and Cemetery and Parks Superintendent Dennis O'Brien for their excellent work on these projects.

CONSENT AGENDA

MOTION by Bruno, second by Naeyaert,
to approve the Consent Agenda as follows:

A. Approval Of Minutes – Regular Council Meeting: December 21, 2009

B. Approval of Bills - $97,670.49

C. Resolution No. 2010-01 – City Council & Planning Commission Meeting Dates

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2010
January 4, 2010

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2010, and that said meetings are to be held on the first and third Mondays of each month, with one holiday exception scheduled as a *Tuesday meeting, and

January 4 and 18	July *6 and 19
February 1 and 15	August 2 and 16
March 1 and 15	September *7 and 20
April 5 and 19	October 4 and 18
May 3 and 17	November 1 and 15
June 7 and 21	December 6 and 20 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2010, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months

January 12	May 11	September 14
February 9	June 15	October 12
March 9	July 13	November 9
April 13	August 10	December 14 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

D. Resolution No. 2010-02 – Establishment of a receiving Board for 2010 Elections

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-02
ESTABLISHMENT OF A RECEIVING BOARD
FOR THE 2009 GENERAL ELECTION
January 4, 2010

WHEREAS, Michigan Election Law states that the legislative body of a city may, by resolution, provide that one or more additional boards of election inspectors be appointed to serve as a Receiving Board at an election at which the ballots are counted and certified at the precinct; and

WHEREAS, not less than two election inspectors in a precinct, representing each of the major political parties, shall deliver to the Receiving Board for that precinct materials for canvassing in sealed containers, as required by Michigan Election Law; and

WHEREAS, the Receiving Board shall open the sealed containers and review the statement of votes to determine that the number of individuals voting recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of votes; and

WHEREAS, the Election Commission shall appoint two election inspectors from differing major political parties as the Receiving Board; and

WHEREAS, the City Clerk, as Chair of the City of Mason Election Commission, recommends that Receiving Boards be established for the Elections held in 2010.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mason City Council authorizes a Receiving Board for the Elections held in 2010.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
None.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
None.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

EXECUTIVE SESSION
MOTION by Naeyaert, second by Waltz,
To adjourn to executive session to consider the City Administrator's Evaluation by Mr. Colburn's request.
ROLL CALL VOTE:
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No. (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:10 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 21, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Tornholm
Absent: Councilmember: Johnson, Waltz
Also present: Martin Colburn, City Administrator
Michelle Wallo, Assistant Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Kathy Revels, Administrative Services Director

APPROVAL OF MINUTES: December 7, 2009
The regular meeting Minutes of December 7, 2009 were approved as submitted.

MOTION by Naeyaert, second by Bruno,
to excuse the absence of Councilmember Neal Johnson.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Bruno,
to excuse the absence of Councilmember Mike Waltz.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF BILLS
MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of $198,405.14 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Adam Hutchenson of 300 Green Park, Unit E, stated that he and many others in the audience were long-time members of Ironworkers Local 25. He stated that he wanted to bring it to Council's attention that non-union iron workers have been hired to work on the new City Hall structure while there are union steel workers living in the city who are out of work.

Victor St. Clair of 131 South Street stated that he and others in the audience were members of International Brotherhood Electrical Workers (IBEW) Local 665. He stated that he has not worked in two years.

Craig Barnes of 3197 Lyon Road stated that he is also representing the Iron Workers. He stated that he lives in the community and pays taxes, yet is unable to work here.

Phil Vaughn of 3526 Hillandale, Howell, Michigan, stated that he is a Business Agent for Ironworkers Local 25 and also represents Southeast Michigan Building Officials and Inspectors Association (SEMBOIA). Steel work has slowed down to nothing. There are men in the community that are working out of state. He stated opposition to Granger hiring non-union workers from out of Grand Rapids. The union workers are currently picketing City Hall because they want local jobs for local people.

REGULAR BUSINESS

Presentation – MSHDA – City of Mason Rehabilitation Program

Colburn showed a brief promotional film of Michigan State Housing Development Authority's (MSHDA) Rental Rehab Program. The film focuses on the rehabilitation of historical downtown lofts with Community Development Block Grant (CDBG) grant funds dispersed by the Ingham County Housing Commission. It was filmed in Mason, featuring City Administrator Martin Colburn and city business owners that have taken advantage of the program.

Second Reading – Ordinance No. 178 – Refuse Collection - An Ordinance to Amend Article II – Collection and Disposal – of Chapter 62 – Solid Waste – of the Code of the City of Mason to Add New Section 62-33 of Chapter 62 to Require the Owner or Person in Control of Premises in Excess of Four Dwelling Units to Provide Refuse Collection and to Amend Section 62-36 of Chapter 62 at Subsection (B) Establishing the Conditions Necessary for an Unauthorized Accumulation of Refuse and Section 62-38 of Chapter 62 at Subsection (C) to Establish Methods for the Collection of Unpaid Refuse Collection Fees and to Amend Chapter 2 – Administration – to Establish Fines for Violations.

MOTION by Naeyaert, second by Bruno,
to consider Ordinance No. 178 as read for a second time.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 178

AN ORDINANCE TO AMEND ARTICLE II – COLLECTION AND DISPOSAL - OF CHAPTER 62 – SOLID WASTE – OF THE CODE OF THE CITY OF MASON TO ADD NEW SECTION 62-33 OF CHAPTER 62 TO REQUIRE THE OWNER OR PERSON IN CONTROL OF PREMISES IN EXCESS OF FOUR DWELLING UNITS TO PROVIDE REFUSE COLLECTION AND TO AMEND SECTION 62-36 OF CHAPTER 62 AT SUBSECTION (b) ESTABLISHING THE CONDITIONS NECESSARY FOR AN UNAUTHORIZED ACCUMULATION OF REFUSE AND SECTION 62-38 OF CHAPTER 62 AT SUBSECTION (c) TO ESTABLISH METHODS FOR THE COLLECTION OF UNPAID REFUSE COLLECTION FEES AND TO AMEND CHAPTER 2 – ADMINISTRATION – TO ESTABLISH FINES FOR VIOLATIONS.

THE CITY OF MASON ORDAINS:

Sections 62-33 is hereby added to Article II of Chapter 62 of the Code of the City of Mason, which amended, article shall read as follows:

ARTICLE II. COLLECTION AND DISPOSAL*

Sec. 62-31. Definitions.

In this article, "director" means the director of public works of the city.

Sec. 62-32. Collection by city.

(a) *Required.* All refuse from buildings with dwelling units, not exceeding four in number, accumulated in the city shall be collected, conveyed and disposed of only by a contractor designated by the city. No other person shall collect, convey over any of the streets or alleys of the city or dispose of any refuse except in the manner as set forth in this section.

(b) *Refuse collection.* The collection of refuse by the city shall be confined to residential premises not exceeding four dwelling units. The city shall contract with one licensed hauler, who shall exclusively collect refuse from the dwellings.

(c) *Rubbish collection.* This article shall not prohibit other licensed collectors from collecting rubbish within the city nor prohibit the actual producers of rubbish, or the owner of the premises upon which rubbish has

accumulated from personally collecting, conveying and disposing of such rubbish, provided such persons dispose of such rubbish in an authorized and approved sanitary landfill.

(d) *Other refuse collection.* This article shall not prohibit licensed haulers from collecting refuse and rubbish from premises containing in excess of four dwelling units, or from trailer parks, commercial, industrial or institutional businesses, provided that such disposal of refuse and rubbish is in an approved sanitary landfill and does not violate the provisions of this chapter and the regulations issued under this chapter.

Sec. 62-33. Collection from structures in excess of four dwelling units.

The owner and/or person in control of premises containing in excess of four dwelling units shall provide or employ a refuse collection service which collects refuse on at least a weekly basis, or show a receipt evidencing the proper disposal of refuse by the owner or person in control of the premises within the previous week. The failure of the owner and/or person in control of the premises to produce such evidence within seven days, shall constitute in evidence a presumption that the refuse is not being disposed of in accordance with this subsection. Receptacles for the temporary storage of refuse shall be in accordance with Section 94-173(b).

Sec. 62-34. Collection supervised by director of public works.

(a) *Authority.* All refuse accumulated in the city from a dwelling unit shall be carted, conveyed and disposed of by a licensed contractor under contract with the city and under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the regulations, after public notice in a legal newspaper, provided that such regulations are not contrary to the provisions of this article.

(b) *Appeals.* Any person aggrieved by regulation of the director shall have the right to appeal to the city administrator, who shall have the authority to confirm, modify or revoke any such rule or regulation.

Sec. 62-35. Precollection practices.

(a) *Preparation of refuse.* All refuse shall be placed in tied polyethylene bags or in containers not exceeding a capacity of 30 gallons, or 60 pounds. All garbage, before placed in such containers, shall have drained from it all free liquids and may be wrapped in paper. Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

(b) *Refuse containers.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition; and any container that does not conform to the provisions of this article, or that may have ragged or chipped edges or any other defect liable to hamper or injure the person collecting the contents, shall be promptly replaced upon notice. The licensed hauler selected by the city shall have authority to refuse collection service for failure to comply with this section, after giving notice to the director of public works. All refuse containers shall be of substantial material and equipped with suitable handles and covers and shall be watertight. All such containers shall be kept in a clean, neat and sanitary condition at all times.

(c) *Points of collection.* In all areas of the city not served by public alleys, refuse containers shall be placed for collection at ground level between the front curb and the sidewalk of dwelling units, and where there is no curb or sidewalk, the front property line of the dwelling unit.

(1) Refuse containers shall not be placed on the traveled portion of the street or highway so as to interfere with vehicular or pedestrian traffic.

(2) The occupant or person in control of the premises shall not place any refuse containers for collection before 9:00 p.m. of the day preceding the day of collection, nor later than 8:00 a.m. the day of collection, and the empty containers shall be removed by 9:00 p.m. on the day of collection, such collection days to be determined by the director.

Sec. 62-36. Storing of refuse.

(a) *Public places.* No person shall place any refuse or rubbish in any street, alley or other public place or upon any private property, whether owned by such person or not, within the city, unless it is placed in proper containers for collection, or placed under express approval granted by the director, nor shall any person throw or deposit any refuse or rubbish in any stream or other body of water.

(b) *Unauthorized accumulation.* No person shall permit any refuse or rubbish to accumulate on any premises owned or controlled by such person for a period longer than the interval between the collection dates established for the neighborhood or the premises. Any unauthorized accumulation of refuse or rubbish on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse or rubbish shall be deemed a violation of this chapter.

(c) *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within the city refuse or rubbish in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or in any occupied premises within the city.

Sec. 62-37. Collection practices.

(a) *Frequency of collection.*

(1) *Residential.* Refuse accumulated from dwelling units shall be collected at least once each week.

(2) *Commercial.* Hotels, restaurants, institutions and such other places as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the director shall have the authority to require that more frequent collections be made.

(b) *Limits on quantity.* Refuse collection for dwelling units shall be unlimited; and the property owner may present for disposal as many containers, not exceeding the size described in this article, as may be necessary for the disposal of household refuse.

(c) *Special refuse and rubbish problems.*

(1) *Contagious disease.* The removal of wearing apparel, bedding or other refuse or rubbish from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the county health officer. Such refuse and rubbish shall not be placed in containers for regular collections.

(2) *Flammables or explosives.* Highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the director at the expense of the owner or possessor of such materials.

(d) *Requirements of collectors.* The actual producers of refuse or the owner of the premises upon which refuse is accumulated, who desire personally to collect and dispose of such refuse, and the collectors of refuse from outside of the city and who are licensed by the city, who desire to haul over the streets of the city, shall use a watertight vehicle, provided with a tight cover as approved by the director, and so operated as to prevent offensive odors from escaping and refuse from being blown, dropped or spilled. The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal relating to the hauling of rubbish by licensed haulers, as he shall find necessary, subject to the right of appeal, as set forth in section 62-34.

(e) *Refuse property of the city.* Ownership of refuse material set out for collection and collected by a duly licensed hauler approved by the city shall be vested in the city.

Sec. 62-38. Fees.

(a) *Residential.* The fees for collection and disposal of refuse from dwelling units shall be set by the city council, based on its contract with a licensed hauler, and subject to such increases or decreases as established by the city council.

(b) *Nonresidential.* For the collection and disposal of refuse and rubbish not otherwise provided for in this section, the property owner may make such agreement with a licensed hauler as deemed to his best advantage.

(c) *Payment.* For all premises containing four or fewer dwelling units, the city shall levy an annual refuse service collection fee per unit, which shall be due and payable on July 1 of the city's fiscal year, in advance, and not later than August 31 of the fiscal year. Payment shall be the obligation of the property owner, as shown by the tax rolls of the city; shall be included in the property tax statement; and, if unpaid, shall become a lien against the property and collected in the same manner as provided by law for delinquent and unpaid taxes. If not paid on or before August 31, service to the property shall be terminated and no further collections shall be made from the premises. Any property owner failing to pay within the time set forth in this subsection shall not be granted further service in the collection and disposal of refuse until the amount is paid, together with a reinstatement charge in the amount established by resolution.

(d) *Legal remedy.* The stoppage of service authorized for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in any manner provided by law for the collection of a municipal claim.

THE CITY OF MASON FUTHER ORDAINS:

Section 2-8 of Chapter 2 of the Mason City Code is hereby amended at subsection (a) to establish fines for failing to provide refuse collection service, which amended section shall read as follows:

Sec. 2-8. Schedule of civil fines.

(a) A schedule of civil fines, payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices, is established. The municipal civil infraction fines for the violations listed below shall be as follows. Repeat violations are those violations that are committed within one year of a previous violation of the same provision and, if a property violation, on the same property. The violation notice shall specify whether the violation is charged as a repeat violation and the number of prior violations of the same provision within the previous year.

Code Section	Description	First Violation	First Repeat Violation	Second or Subsequent Repeat Violation
Chapter 10	**Businesses**			
10-32 (1)	Failure to present business license	$25.00	$50.00	$100.00
10-32 (2)	Failure to pull motor vehicle parallel to curb	$25.00	$50.00	$100.00
10-32 (3)	Licensee Selling in public w/o permission	$50.00	$100.00	$200.00
10-33 (1)	Enter private residence w/ false pretenses	$100.00	$200.00	$400.00
10-33 (2)	Failure to leave residence upon request	$100.00	$200.00	$400.00
10-33 (3)	Soliciting prior to 9:00 a.m after 9:00 p.m.	$25.00	$50.00	$100.00
10-33 (4)	Soliciting by calling or other noise	$25.00	$50.00	$100.00
10-33 (6)	Occupy public space as transient merchant	$25.00	$50.00	$100.00
Chapter 14	Cemeteries			
14-36(1)	In cemetery after hours	$25.00	$50.00	$100.00
14-37(4)	Unleashed dog in cemetery	$25.00	$50.00	$100.00

14-37(4)	Fail to clean up dog feces in cemetery	$25.00	$50.00	$100.00
14-37(4)	Allow dog to trespass on marked grave	$50.00	$100.00	$200.00
Chapter 22	**Environment - Noise**			
22-32 to 36	Any noise violation	$50.00	$75.00	$100.00
Chapter 22	**Environment - Junk and Junk Cars**			
22-82	Junk storage	$75.00	$150.00	$300.00
22-83	Dismantle automobile	$75.00	$150.00	$300.00
22-84	Maintain unsecured vacant structure	$100.00	$200.00	$300.00
22-85	Storage of unenclosed building materials	$75.00	$150.00	$300.00
Chapter 26	Fire Prevention and Protection			
26-91	Open fire - no permit	$100.00	$150.00	$300.00
Chapter 42	**Offenses - General**			
42-6	Curfew violation	$25.00	$50.00	$100.00
Chapter 42	**Offenses Involving Public Peace and Order**			
42-82	Loud & Boisterous conduct	$50.00	$100.00	$150.00
42-86	Possession of Drug Paraphernalia	$50.00	$100.00	$150.00
42-91	Sale of Tobacco to Minor	$100.00	$200.00	$300.00
42-92	Use or Possession of Tobacco by Minor	$50.00	$50.00	$50.00
42-94	Open alcohol in public	$50.00	$100.00	$150.00
Chapter 42	**Offenses Involving Public Safety - Weapons**			
42-137	Sale of slingshot, airgun or weapon to minor	$50.00	$100.00	$150.00
Chapter 42	**Offenses Involving Schools**			
42-176	Drive on undesignated area - school grounds	$50.00	$100.00	$150.00
Chapter 46	**Parks**			
46-31	Failure to leave park when ordered	$50.00	$100.00	$150.00
46-32	Failure to clean park after use	$50.00	$100.00	$150.00
46-32 (2)	Pollute park waters	$100.00	$200.00	$300.00
46-32 (3)	Dump trash or fail to use receptacle	$100.00	$200.00	$300.00
46-32 (4)	Conduct oneself so as to endanger others	$100.00	$200.00	$300.00
46-32 (7)	Violate any park rule	$50.00	$75.00	$100.00
46-32 (8)	Interfere with others lawful use of park	$50.00	$75.00	$100.00
46-32 (9)	Swim, bathe or wade in undesignated area	$100.00	$150.00	$200.00

46-34	Present in park when closed	$25.00	$50.00	$75.00
46-35 (a)	Picnic or lunch in undesignated area	$25.00	$50.00	$75.00
46-35 (b)	Exclude use by others for private function	$25.00	$50.00	$75.00
46-36 (a)	Activities or games in undesignated areas	$50.00	$75.00	$100.00
46-36 (b)	Dangerous animal or unsupervised dog	$75.00	$150.00	$300.00
46-36 (c)	Sell, vend or peddle wares in park	$50.00	$100.00	$150.00
46-36 (d)	Post signs or ads in or adjacent to park	$25.00	$50.00	$75.00
46-37	Drive or park in undesignated area	$25.00	$50.00	$75.00
Chapter 62	**Solid Waste**			
62-33	**Fail to provide refuse collection service**	$75.00	$150.00	$300.00
62-35 (c) (1)	Placement of refuse container in street	$25.00	$50.00	$75.00
62-35 (c) (2)	Refuse container out too soon or too late	$25.00	$50.00	$75.00
62-36 (a)	Refuse on public property/ improper storage	$100.00	$200.00	$300.00
62-36 (b)	Unauthorized accumulation of refuse	$75.00	$150.00	$300.00
62-36 (c)	Deposit refuse so elements can scatter it	$50.00	$75.00	$150.00
Chapter 72	**Traffic & Vehicles - Skateboards**			
78-7 (a) (1)	Skateboarding on road	$25.00	$50.00	$75.00
78-7 (a) (2)	Skateboarding in downtown area	$25.00	$50.00	$75.00
78-7 (a) (3)	Skateboarding in Maple Grove Cemetery	$25.00	$50.00	$75.00
78-7 (b) (1)	Fail to yield to pedestrian on sidewalk	$25.00	$50.00	$75.00
78-7 (b) (2)	Fail to yield to pedestrian or car-parking lot	$25.00	$50.00	$75.00
78-7 (b) (3)	Reckless or careless skateboarding	$50.00	$75.00	$100.00
78-7 (b) (4)	Skateboarding in X walk > walking speed	$25.00	$50.00	$75.00
78-7 (b) (5)	Skateboarding on ramps on public property	$25.00	$50.00	$75.00
Any municipal civil infraction not specifically identified		$50.00	$100.00	$150.00

(b) A copy of the schedule shall be posted at the bureau.

Effective Date. This ordinance shall take effect 20 days after its passage, approval and publication.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2009-46 – Rules of Order for the City Council and for City Boards and Commissions

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-46 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-46 was introduced by Bruno and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-46
December 21, 2009
RULES OF ORDER
for the
CITY COUNCIL and for CITY BOARDS and COMMISSIONS

WHEREAS, the process of government in the City of Mason includes the activity of a City Council as well as numerous Boards and Commissions appointed by the City Council, each of which can play a significant role in the conduct of the affairs of the City; and

WHEREAS, the citizens of the City of Mason are best served by a City Council as well as City Boards and Commissions that function smoothly with a firm basis for resolving questions of procedure that may arise; and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection for the people and City of Mason, as well as for the Council and each Board and Commission as a body, and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection and consideration of the rights of individual members and the rights of individual citizens, and

WHEREAS, the application of parliamentary law is the best method yet devised to enable the City Council and City Boards and Commissions to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under the most diverse set of conditions, ranging from total harmony to impassioned division of opinion, with due regard for the opinion of each member and for the right of every citizen to address the Council, a Board or a Commission; and

WHEREAS, Rules of Order are the written rules of parliamentary law and are critical to ensure the most effective and efficient operation of any deliberative body; and

WHEREAS, the citizens of the City of Mason will be best served when the meetings of all public bodies are conducted according to similar procedures.

NOW, THEREFORE, BE IT RESOLVED, that these Rules of Order shall be the parliamentary law of the City Council and all City Boards and Commissions of the City of Mason, and shall nullify and replace Resolution 2008-52 dated December 1, 2008 and any other previously approved Rules of Order; and

THEREFORE, BE IT FURTHER RESOLVED, that these Rules of Order shall be consistently applied and actively enforced at all times in relation to the orderly transaction of business in meetings, and in relation to the duties of officers in the conduct of meetings, of the City Council, as well as all City Boards and Commissions, and shall be implemented starting January 4, 2010.

RULES OF ORDER FOR CITY COUNCIL, BOARDS, COMMISSIONS
City Council Resolution 2009-46
City of Mason, Michigan

1) ORDER OF BUSINESS
   a) City Council: At each regular meeting of the City Council the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:
      1. Call to Order
      2. Roll Call
      3. Pledge of Allegiance and Invocation
      4. Unfinished Business (meeting of Mayor and Mayor Pro Tem election)
      5. Adjourn Sine Die (meeting of Mayor and Mayor Pro Tem election)
      6. Election of Mayor and Mayor Pro Tem
      7. Announcements
      8. People from the Floor

9. Introductions
10. Presentations
11. Public Hearings
12. Consent Agenda
13. Regular Business
14. Unfinished Business
15. New Business
16. Correspondence
17. Liaison Report
18. Councilmember Report
19. Administrator Report
20. Adjournment

b) City Boards and Commissions: At each regular meeting of a City Board or Commission the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:
1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Unfinished Business (meeting of Chair and Vice Chair election)
5. Election of Chair and Vice Chair
6. People from the Floor
7. Announcements
8. Public Hearings
9. Introductions
10. Presentations
11. Regular Business
12. Unfinished Business
13. New Business
14. Correspondence
15. Liaison Report
16. Administrator Report
17. Adjournment

2. AGENDA

Any item of business to be considered shall be appropriately filed with the City Clerk/secretary by noon on the Wednesday preceding the subject meeting. Agenda requests by members of the body and the City Administrator shall be automatically granted by the City Clerk/secretary if filed in a timely manner. The City Clerk/secretary shall send a complete agenda to each member by close of business on the last business day of the week preceding the subject meeting. Each item on the agenda shall include sufficient explanation to indicate intent. Any question introduced at a meeting that does not appear on the agenda may be deferred for inclusion on the agenda of a subsequent meeting upon the request of any one member of the body, except that said question may be acted upon at once if so requested by a majority vote of the members present.

3. ANNOUNCEMENTS

Announcements provide a proper venue for informing Council about events, meetings, or matters of interest not related to Council business. Each councilmember is allowed three (3) minutes to make an announcement.

4. PUBLIC COMMENT

(a) It is the intent of these Rules to encourage public comment and participation by interested persons that is constructive, informative, and factual in a manner conducive to the conduct of an organized, efficient and professional meeting. Public comment by a person who is not a member of the body shall be allowed only during the People from the Floor and Public Hearing agenda items, or when permitted by the meeting Chair.

(b) People from the Floor is intended for public comment on agenda items as well as any topic a member of the public would like to bring to the attention of the Council. A member of the public who wants to speak to a specific agenda item may inform the Chair that they would like to reserve their comments to a specific item of interest. The Chair will make note of the request. Prior to the debate of the Council, the Chair will call on the individual, who may speak regarding that agenda item, as delineated by subsection (c).

(c) All public comment shall be appropriate to the agenda item under consideration. Each person shall be allowed to speak for a maximum of three (3) minutes and the Chair may limit the number of times each person is allowed to speak. The limits on time and quantity for speaking may be extended at the discretion of the Chair.

(d) Any person in attendance at a meeting shall comply with the direction of the Chair as to the appropriateness of their actions or comments. The Chair shall retain discretion to disallow or stop a person from speaking or to temporarily recess the meeting at any time to maintain the order of the meeting.
(e) Any person that speaks before the body shall state for the record their name, residence address and group affiliation, if any.

5. INTRODUCTIONS
Introductions will provide a venue in the order of business for making notable introductions of individuals or groups.

6. PRESENTATIONS
Presentations will provide a venue in the order of business for brief presentations that do not require formal action and are limited to five (5) minutes.

7. PUBLIC HEARINGS
Agenda items requiring action shall be placed under the related Public Hearing item for immediate consideration.

8. CONSENT AGENDA
A consent agenda may be used to allow the council to act on numerous items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of ordinances, resolutions, motions, etc. The City Council approves items listed on the consent agenda by single vote without debate. If any member of the City Council desires to debate any item(s) listed on the consent agenda, they may remove the item(s) and place it (them) on the regular agenda for consideration in due order.

9. MINUTES
Meeting minutes requiring approval shall be distributed to each member with the Agenda for the next regular meeting. There shall not be a reading of the minutes at the meeting. Approval of the minutes shall be considered under the Consent Agenda. If the minutes are removed from the Consent Agenda for discussion and a substantial correction(s), as determined by the Chair, is suggested by the Chair or a member, said correction(s) shall be agreed to by a two-thirds vote of the members present. Corrections not determined to be substantial shall be considered made by consensus unless any member challenges such determination, in which case said correction shall be treated as a substantial correction. Minutes shall then be considered approved without a vote after all suggested corrections are voted upon, or agreed to by consensus, as required.

10. UNFINISHED BUSINESS
Items considered under Unfinished Business are items or matters that have been previously addressed by Council but have not received Council action

11. NEW BUSINESS
Items considered under New Business are items or matters that may require immediate or future Council action.

12. COUNCILMEMBER REPORT
A Councilmember may report on a meeting or conference that is germane to the City Council.

13. CONDUCT OF BUSINESS
(a) Parliamentarian: The meeting Chair shall serve as Parliamentarian unless that duty is assigned and accepted by another member. The application and enforcement of these rules is the responsibility of the Chair.
(b) Reading of Resolutions and Ordinances: The text of any Resolution or Ordinance being considered shall be read into the record except when an appropriate motion to consider said Resolution or Ordinance as being read is approved by a majority vote of the members present. The reading of a Resolution or Ordinance shall occur before introduction for consideration.
(c) Reconsideration: A motion to reconsider enables a majority to bring back for further consideration a motion that has been voted on previously. The motion to reconsider can be made only by a member voting on the prevailing side and is in order only until the adjournment of the next regular meeting following the meeting during which the motion to be reconsidered was acted upon.
(d) Appeal to Chair: Any decision of the Chair in applying or interpreting these Rules of Order may be appealed by a motion made at the time of the ruling being appealed and before any debate or business has intervened. The Chair shall be allowed to speak first to an appeal with each member allowed to speak once. The Chair may speak one last time after all members have

been given an opportunity to speak. The question before the body on an appeal of the Chair shall be "Shall the decision of the Chair be sustained?" A majority or tie vote shall sustain the decision of the Chair.

(e) Abstain from Voting: No member of the City Council shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the conduct of the member, but, on all other questions, each member who is present shall vote unless excused by unanimous consent of the remaining members present.

(f) Considering a Motion: A motion that does not receive a second shall not be considered to be in order.

14. CHAIR AND VICE-CHAIR

(a) Election: The Chair (Mayor) and Vice-Chair (Mayor Pro Tem) shall be elected pursuant to the applicable provisions of the City Charter or of a City Ordinance if such provisions exist. Absent Charter or Ordinance requirements, election shall be by majority vote of the members present during the first regular meeting of each calendar year.

(b) Absence: In the absence or disability of the Chair and the Vice-Chair, the members present shall select by majority vote a member to be designated as Acting Chair to perform the duties of the Chair as necessary.

15. RULES OF ORDER

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the City Council and all City Boards and Commissions in all applicable cases in which Robert's Rules are consistent with these Rules of Order, the City Charter, City Ordinance, and State Statute.

16. SUSPEND RULES

A request to waive the Rules of Order shall be granted only by unanimous vote of the members present.

RESOLUTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Bruno,
to consider Resolution Nos. 2009-47 and 2009-48 at the same time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-47 – Mayoral Appointments to City Boards and Commissions

MOTION by Naeyaert, second by Ferris,
to consider Resolution Nos. 2009-47 and 2009-48 as read.
MOTION APPROVED UNANIMOUSLY

Resolution Nos. 2009-47 and 2009-48 were introduced by Bruno and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-47
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 21, 2009

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, 2010 and expire on December 31 of the year noted.

Board of Ethics	Mark Rigg	2012
Building Code & Sign Board of Appeals	Gordon Wilson	2012
Downtown Development Authority	Michelle Bontrager	2013
Historic District Commission	Mark Cummings	2012
	Dave Hyndman	2012
Planning Commission	James King (filling an unexpired term)	2011
	Jon Vincent	2012
	John Sabbadin	2012
	Ed Reeser	2012

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-48 – City Council Appointments to City Boards and Commissions

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-48
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 21, 2009

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, 2010 and expire on December 31 of the year noted:

Board of Review	Kris Johnson	2012
Building Authority	Mark Howe	2012
Cemetery Board	Richard Ferris	2012
Election Commission	Robin Naeyaert	2010
Local Development Finance Authority	on Vickers	2010
Utility Rate Study Committee	Larry Briggs	2012
	Jeff Shattuck	2012
Zoning Board of Appeals	Scott Shattuck	2012
	John Jenkins	2012
	Shirley Richards	2012

RESOLUTION APPROVED UNANIMOUSLY

Report – Blue Cross Insurance Plan

At the December 7th meeting, Leslie W. Bruno, Jr., of 1019 South Eugenia Drive spoke regarding issues he has encountered with the new employee/retiree health insurance. Council was provided a report from Administrative Services Director Kathy Revels, who was present to answer questions. She introduced Jerry Panich, GRA: Blue Cross Managing Agent & MML representative, Matt Burghardt, AmeraPlan: VP Sales Administration, Michael Simeoni, Blue Cross Blue Shield: Rx Specialist, and Ted Souphis, Ibex Insurance Agency: President of Employee Benefits. Mr. Bruno asked for clarification regarding information he received from the Blue Cross customer service representative regarding the 90-day prescription rider.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Naeyaert informed Council that she and Mayor Clark attended a meeting prior to the work session. They met with a gentleman from the IBEW regarding some of the same issues that were brought up under people from the floor tonight. She will forward questions from the meeting to staff for follow-up.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Tornholm asked how contractors could bid the jobs for the three houses being renovated through the neighborhood stabilization program.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:21 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 7, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, * Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

* Naeyaert arrived at 7:31 p.m.

APPROVAL OF MINUTES: November 16, 2009
The regular meeting Minutes of November 16, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $390,890.02 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Leslie W. Bruno, Jr., of 1019 South Eugenia Drive spoke regarding issues he has encountered with the new employee/retiree health insurance.

REGULAR BUSINESS
First Reading – Ordinance No. 178 – Refuse Collection an Ordinance to Amend Article II – Collection and Disposal – of Chapter 62 – Solid Waste – of the Code of the City of Mason to Add New Section 62-33 of Chapter 62 to Require the Owner or Person in Control of Premises in Excess of Four Dwelling Units to Provide Refuse Collection and to Amend Section 62-36 of Chapter 62 at Subsection (b) Establishing the Conditions Necessary for an Unauthorized Accumulation of Refuse and Section 62-38 of Chapter 62 at Subsection (c) to Establish Methods for the Collection of Unpaid Refuse Collection Fees and to Amend Chapter 2 – Administration – to Establish Fines for Violations.
Colburn informed Council regarding the amendments to Chapters 2 and 62 of the Code. There have been recurring problems with trash accumulating outside apartment buildings exceeding four residences. Staff researched the Code and found that refuse collection is not addressed for residents living in a rental dwelling with more than four apartments. This amendment would require property owners of structures with more than four dwellings to provide trash service to their tenants. A brief discussion ensued.

MOTION by Naeyaert, second by Bruno,
to consider Ordinance No. 178 introduced and read for the first time.
MOTION APPROVED UNANIMOUSLY

Motion – Local Officers Compensation Commission (LOCC) Recommendation

The Local Officers Compensation Commission (LOCC) meets every odd-numbered year to determine the compensation of all elected officials of the city. Doug Cripps, LOCC member, stated that in the 30 years he has served on the LOCC, Council has accepted the Commission's recommendation one time - ten years ago. Representing the Commission, he stated that the compensation recommendation is always thoroughly discussed and considered by the members. The LOCC considered the amount of time elected officials spend preparing and attending Council meetings and work sessions, as well as additional responsibilities such as attendance at various board and commission meetings, community events, and associated travel expenses. It is the feeling of the Commission that the efforts councilmembers put forth for the City should be rewarded. The compensation survey shows that the Mason Council is paid much less than councilmembers in similar communities. Mr. Cripps encouraged Council to accept the recommended per meeting increase for Mayor, $60.00 to $70.00, and for Council Members, $50.00 to $60.00.

Council expressed appreciation for the LOCC members' time and recommendation as well as recognition of councilmembers' efforts to this community as elected officials. However, they could not accept an increase in pay while state, county, and municipal employees in Michigan are, or may soon be, experiencing cuts in pay and/or hours.

> MOTION by Naeyaert, second by Bruno,
> to refuse the LOCC recommendation to increase the Mayor's compensation rate to $70.00 and Councilmembers' compensation rate to $60.00 per meeting
> MOTION APPROVED UNANIMOUSLY

Motion – Directory of Charges

The Directory of Charges is reviewed periodically and updated by staff. A draft document was reviewed by Council.

> MOTION by Naeyaert, second by Waltz,
> to approve the Directory of Charges dated December 7, 2009.
> MOTION APPROVED UNANIMOUSLY

Discussion – Rules of Order for the City Council and for City Boards and Commissions.

Clark informed the Council regarding the proposed changes to the Rules of Order, specifically establishing a Consent Agenda. A brief discussion ensued. It was the consensus of Council to set a work session Monday, December 21, 2009 at 6:30 p.m.

UNFINISHED BUSINESS

Johnson informed Council regarding the Middlebury and Foxview Lane neighborhood meeting held with city staff.

NEW BUSINESS

Ferris informed Council that she has received positive comments about the new holiday lights in the downtown area.

CORRESPONDENCE

Distributed.

LIAISON REPORTS
Waltz informed Council regarding current Historic District Commission business.
Clark informed Council regarding current Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. He added that he is expecting to hear from Ingham County regarding Rayner Park in the next seven to ten days.

PEOPLE FROM THE FLOOR
None.

EXECUTIVE SESSION – Personnel – City Administrator's Evaluation
Clark stated that an executive session will not be held tonight regarding the City Administrator's Evaluation. It will be held at the next regular meeting, December 21, 2009.

ADJOURNMENT
The meeting adjourned at 8:26 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 16, 2009

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

Present: Councilmembers: Clark, Ferris, *Johnson, Naeyaert, Waltz
Absent: Councilmember: Bruno, Tornholm
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: November 2, 2009
The regular meeting Minutes of November 2, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $75,801.16 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No 2009-45 – Easement Renewal between City of Mason and Mason Elevator

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-45 as read.
MOTION APPROVED UNANIMOUSLY

MOTION by Waltz, second by Naeyaert,
to amend the Easement Agreement between the City of Mason and Mason Elevator by correcting the spelling of *Curtis* Street in the legal descriptions in two places and to correct the name of the railroads referenced in four places in the document to *Norfolk Southern Railroad*
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-45 was introduced by Ferris and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-45
EASEMENT AGREEMENT RENEWAL BETWEEN
THE CITY OF MASON AND MASON ELEVATOR COMPANY
November 16, 2009

WHEREAS, the City of Mason granted a 20-foot non-exclusive easement to the Mason Elevator Company in 1989 on the condition that Mason Elevator construct and maintain a private drive on the easement and pay the City $50 per year for use of the easement; and

WHEREAS, the 20-year term expires November 28, 2009 and Mason Elevator has requested the opportunity to renew this easement for an additional 20-year term and pay the City $50 per year for the use of the easement; and

WHEREAS, the City Attorney has reviewed the easement renewal for form and the City Assessor has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure Request for Mason Area Chamber of Commerce (MACC) Holiday Celebration Lighted Parade

The lighted parade is an annual event promoted through the Mason Area Chamber of Commerce (MACC).

MOTION by Naeyaert, second by Waltz,
to approve the closure of Mason, Columbia, State, Maple, Jefferson, Ash, and Barnes Streets for the MACC Holiday Celebration Lighted Parade, November 27, 2009 between 6:30 p.m. and 7:30 p.m.
MOTION APPROVED UNANIMOUSLY

Motion – Bid – Farm Lease

Haywood informed Council regarding the bid opening held November 4, 2009 for the lease of city owned property, 56.77 acres located at Dexter Trail and Kipp Road; the current three-year lease expires December 31, 2009. Two bids were received. The high bid of $18,734.10 was submitted by Timothy Strickland of Woodlawn Farms and the second bid of $17,625.00 was submitted by Steven Lott of Steve Lott Farms.

*Johnson arrived at 7:42 p.m.

MOTION by Waltz, second by Naeyaert,
to accept the bid from Mr. Timothy Strickland in the amount of $18,734.10 for a three-year lease of the City's 56.77 acre property.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson stated that he was invited to attend the Middlebury Lane resident meeting this Wednesday, November 18, 2009 along with City staff.

NEW BUSINESS

Ferris stated that the Mason Library will hold a Christmas Open House Tuesday, December 1, 2009 at 5:00 p.m. She thanked Mr. Doug Klein for holding the Mason Area Entrepreneurs Club meetings.

Clark stated that a public meeting is scheduled on Wednesday, November 18, 2009 for discussing interest in starting a public garden in Mason.

CORRESPONDENCE

Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning Commission business.
Clark informed Council regarding current Downtown Development Authority business.
Johnson informed Council regarding current Ingham County Community Corrections Advisory Board business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

EXECUTIVE SESSION

MOTION by Waltz, second by Naeyaert,
to adjourn to executive session for the purpose of discussing attorney/client privileged communication.
Yes (5) Clark, Ferris, Johnson, Naeyaert, Waltz
No (0)
Absent: (2) Bruno, Tornholm
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:57 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 2, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: October 19, 2009

The regular meeting Minutes of October 19, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Ferris,
to approve the payment of bills in the amount of $63,488.99 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2009-44 – Resolution Objecting to the Transfer of Property

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-44 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-44 was introduced by Ferris and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-44
RESOLUTION OBJECTING TO THE TRANSFER OF PROPERTY
November 2, 2009

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases, and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city, village, township on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the current year property is located at 320 Center Street, Parcel # 33-19-10-05-478-012; and

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City Of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City Of Mason does not wish to obtain from the Treasurer any property upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

NOW THEREFORE BE IT RESOLVED, that the City Of Mason wishes to exercise its option under the Act to object to the transfer of property foreclosed upon by the Treasurer but not sold; and

BE IT FURTHER RESOLVED, that the City Of Mason wishes this objection to be effective for any property upon which the Treasurer will foreclose this year.
RESOLUTION APPROVED UNANIMOUSLY

Presentation – 2008-2009 Financial Statements

Mr. William I. Tucker IV, CPA from Abraham & Gaffney, P.C., presented the 2008-2009 financial statements of the audit he conducted for the City's records. Mr. Tucker stated that the City received an "unqualified opinion." Council commended Mr. Smith and Mr. Colburn.

MOTION by Naeyaert, second by Johnson,
to accept the City of Mason 2008-2009 Financial Statements and place them on file.
MOTION APPROVED UNANIMOUSLY

Motion – Tree Trimming Contract

The City of Mason has an annual maintenance program for trimming, removing, and planting trees. Ayles Tree Service has typically been the low bid. The City has been satisfied with Ayles' skill and reliability for more than 30 years. Staff requested Council to waive the formal bid process and accept the proposal from Ayles Tree Service

MOTION by Bruno, second by Naeyaert,
to waive the formal bid process and approve the proposal from Ayles Tree Service in the amount of $40,380.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson informed Council regarding traffic concerns on Bush Street. The Mason Police Department (MPD) conducted multiple investigations by various officers and the speed trailer was put in place for more than a week. The MPD will continue patrolling the area, and has spoken with the Ingham

County Road Commission regarding observance of the speed limit.

NEW BUSINESS

Tornholm reminded Council that the City is accepting City Board and Commission applications from interested parties.

Johnson informed Council that he has been appointed to the Ingham County Community Corrections Advisory Board representing the business community. He also reminded Council that the Ingham County Veterans Day parade will be held Saturday, November 7, 2009.

CORRESPONDENCE

Correspondence was distributed. Councilmember Tornholm distributed copies of a letter requesting that her absence from the November 16, 2009 meeting be excused.

> MOTION by Naeyaert, second by Johnson,
> to excuse the absence of Councilmembers Bruno and Tornholm from the November 16, 2009 meeting.
> MOTION APPROVED UNANIMOUSLY

Clark stated that a letter was distributed to Council this evening from David and Sue Mills regarding a meeting held with Councilmember Johnson, which initiated a meeting with the Community Officer of the MPD. Clark suggested that the Administrator, Councilmember Johnson, and the Community Officer meet with Mr. and Mrs. Mills to update them on recent information. Clark stated that it would be appropriate to address the Mills' concern with staff. Subsequently, if Mr. and Mrs. Mills are not satisfied, it would be appropriate to address Council regarding their concerns.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

> MOTION by Bruno, second by Naeyaert,
> to adjourn to executive session to discuss an attorney/client privileged communication.
> Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
> No (0)
> MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:12 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 2, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: October 19, 2009

The regular meeting Minutes of October 19, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Ferris,
to approve the payment of bills in the amount of $63,488.99 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2009-44 – Resolution Objecting to the Transfer of Property

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-44 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-44 was introduced by Ferris and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-44
RESOLUTION OBJECTING TO THE TRANSFER OF PROPERTY
November 2, 2009

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases, and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city, village, township on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the current year property is located at 320 Center Street, Parcel # 33-19-10-05-478-012; and

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City Of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City Of Mason does not wish to obtain from the Treasurer any property upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

NOW THEREFORE BE IT RESOLVED, that the City Of Mason wishes to exercise its option under the Act to object to the transfer of property foreclosed upon by the Treasurer but not sold; and

BE IT FURTHER RESOLVED, that the City Of Mason wishes this objection to be effective for any property upon which the Treasurer will foreclose this year.
RESOLUTION APPROVED UNANIMOUSLY

Presentation – 2008-2009 Financial Statements

Mr. William I. Tucker IV, CPA from Abraham & Gaffney, P.C., presented the 2008-2009 financial statements of the audit he conducted for the City's records. Mr. Tucker stated that the City received an "unqualified opinion." Council commended Mr. Smith and Mr. Colburn.

MOTION by Naeyaert, second by Johnson,
to accept the City of Mason 2008-2009 Financial Statements and place them on file.
MOTION APPROVED UNANIMOUSLY

Motion – Tree Trimming Contract

The City of Mason has an annual maintenance program for trimming, removing, and planting trees. Ayles Tree Service has typically been the low bid. The City has been satisfied with Ayles' skill and reliability for more than 30 years. Staff requested Council to waive the formal bid process and accept the proposal from Ayles Tree Service

MOTION by Bruno, second by Naeyaert,
to waive the formal bid process and approve the proposal from Ayles Tree Service in the amount of $40,380.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson informed Council regarding traffic concerns on Bush Street. The Mason Police Department (MPD) conducted multiple investigations by various officers and the speed trailer was put in place for more than a week. The MPD will continue patrolling the area, and has spoken with the Ingham

County Road Commission regarding observance of the speed limit.

NEW BUSINESS

Tornholm reminded Council that the City is accepting City Board and Commission applications from interested parties.

Johnson informed Council that he has been appointed to the Ingham County Community Corrections Advisory Board representing the business community. He also reminded Council that the Ingham County Veterans Day parade will be held Saturday, November 7, 2009.

CORRESPONDENCE

Correspondence was distributed. Councilmember Tornholm distributed copies of a letter requesting that her absence from the November 16, 2009 meeting be excused.

> MOTION by Naeyaert, second by Johnson,
> to excuse the absence of Councilmembers Bruno and Tornholm from the November 16, 2009 meeting.
> MOTION APPROVED UNANIMOUSLY

Clark stated that a letter was distributed to Council this evening from David and Sue Mills regarding a meeting held with Councilmember Johnson, which initiated a meeting with the Community Officer of the MPD. Clark suggested that the Administrator, Councilmember Johnson, and the Community Officer meet with Mr. and Mrs. Mills to update them on recent information. Clark stated that it would be appropriate to address the Mills' concern with staff. Subsequently, if Mr. and Mrs. Mills are not satisfied, it would be appropriate to address Council regarding their concerns.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

> MOTION by Bruno, second by Naeyaert,
> to adjourn to executive session to discuss an attorney/client privileged communication.
> Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
> No (0)
> MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:12 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 19, 2009

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin Colburn, City Administrator
David Haywood, Planning & Development Director
Ken Baker, Public Works Superintendent
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: October 5, 2009
The regular meeting Minutes of October 5, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $217,058.49 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No 2009-42 - A Resolution Approving a Proposal from Traffic Engineering Associates, Inc. for Traffic Engineering Services
Haywood gave a brief overview of the scope of work outlined for the City of Mason's traffic engineering services request for proposals.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-42 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-42 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-42
A RESOLUTION APPROVING A PROPOSAL FROM
TRAFFIC ENGINEERING ASSOICIATES, INC. FOR TRAFFIC ENGINEERING SERVICES
October 19, 2009

WHEREAS, the City of Mason is seeking traffic engineering services for the purpose of gaining a greater understanding of the traffic patterns, counts and safety of vehicles within the City; and

WHEREAS, a traffic study will help staff address the most immediate needs of the City's traffic circulation and prepare plans for future development; and

WHEREAS, a Request for Proposals (RFP) was noticed in the Ingham County Community News on September 20, 2009 and proposals were solicited from six traffic engineering firms; and

WHEREAS, Traffic Engineering Services, Inc. met the standards requested in the RFP and is the lowest qualified bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the City Administrator is provided signature authority on behalf of the City for the contract between the City of Mason and Traffic Engineering Services, Inc. in the amount of $49,970

RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-43 – Approval of Purchase of a 2009 Kawasaki Mule

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-43 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-43 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-43
APPROVAL TO PURCHASE A 2009 KAWASAKI MULE 610 4X4
OCTOBER 19, 2009

WHEREAS, it is in the best interest of the City of Mason to maintain public rights of way and to purchase equipment to maintain these right of ways; and

WHEREAS, the scheduled purchase of a vehicle to do that was planned for in the approved Fiscal Year 2009 - 2010 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2009 Kawasaki Mule 610 4x4 from Groves Motor Sports of Mason for $11,846.00.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Tornholm encouraged Council to look at a rental housing code for the City.

Colburn was asked to give a brief update regarding Bush Street traffic concerns that were submitted to Council by petition dated August 26, 2009, and discussed at the September 8, 2009 meeting. The petition requested a four-way stop for the intersection of Bush and Center streets due to speeding and cut-through traffic. Colburn stated that the Police Department conducted a traffic count, set the speed trailer, and talked with residents. Although information is still being compiled and analyzed, it has been determined that cut-through traffic is an issue. Speeding is analyzed by percentile, and is not a problem.

NEW BUSINESS

Tornholm asked council to think about providing direction in establishing a foundation to fund future projects, specifically a library.

Ferris informed Council that the City's Facebook page has meeting information for those interested in a Mason Community Garden program, November 18 at 7:00 p.m.

Bruno inquired where the expenses for the new City Hall were tracked on the revenue report. Colburn stated that it is under capital expenditures.

CORRESPONDENCE
In addition to the distributed correspondence, Clark stated he received a letter from Matt Meyer, Ingham County Controller, informing jurisdictions regarding Recovery Zone Economic Development Bonds. The letter listed those jurisdictions that have applied, including Mason.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning Commission business.

Colburn informed Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Mr. Colburn also reported on Core Legislative Principles and the proposed Conflict of Interest Policy for Michigan Municipal League (MML) employees. Both were seminar topics at the recent MML Conference he attended.

PEOPLE FROM THE FLOOR
Judge Donald Allen of the 55th District Court introduced himself and gave a brief history of his career. He stated that he has been working with Judge Boyd since January, presiding over the sobriety court. Judge Allen spoke briefly regarding the sobriety program.

ADJOURNMENT
The meeting adjourned at 8:50 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 5, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, *Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

*Councilmember Naeyaert arrived at 7:31 p.m.

APPROVAL OF MINUTES: September 21, 2009

Johnson stated that under unfinished business of the September 21, 2009 Minutes, his update regarding the meeting that would be held with Officer Nettles, was specifically regarding the blight issues on Middlebury Lane and the crime issues on the rental properties of Peachtree Place. It was discussed that only the Peachtree Place issue had been raised; Johnson explained that the residents of Middlebury Lane and Foxview Lane are concerned with blight issues on Middlebury Lane. The regular meeting Minutes of September 21, 2009 were approved by consensus as adjusted.

APPROVAL OF BILLS

MOTION by Bruno, second by Naeyaert,
to approve the payment of bills in the amount of $372,802.06 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Second Reading and Adoption – Ordinance No. 177 – An Ordinance to Amend Chapter 42 – Offenses – Of the Code of the City of Mason by Adding Article VI Which Defines Graffiti Offenses and Provides Penalties for Graffiti Within the City of Mason

MOTION by Johnson, second by Waltz,
to consider Ordinance No. 177 as read for a second time and adopted.
MOTION APPROVED UNNAIMOUSLY

CITY OF MASON
ORDINANCE NO. 177

AN ORDINANCE TO AMEND CHAPTER 42 - OFFENSES - OF THE CODE OF THE CITY OF MASON BY ADDING ARTICLE VI WHICH DEFINES GRAFFITI OFFENSES AND PROVIDES PENALTIES FOR GRAFFITI WITHIN THE CITY OF MASON.

THE CITY OF MASON ORDAINS:

Article VI of Chapter 42 - Offenses - of the Code of City of Mason is hereby added to read as follows:

Sec. 42-201. Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Aerosol paint container* means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

(b) *Broad-tipped marker* means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4th) of an inch, containing ink or other pigmented liquid that is not water soluble.

(c) *Etching equipment* means any tool, device, or substance that can be used to make permanent marks on any natural or man-made surface.

(d) *Graffiti* means any unauthorized inscription, word, figure, picture, pictograph, design, motto, inscription, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the city council.

(e) *Graffiti implement* means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

(f) *Paint stick or graffiti stick* means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-eighth (1/8th) of an inch in width.

Sec. 42-202. Prohibited acts.

(a) *Defacement.* It shall be unlawful for any person to injure, deface, destroy or apply graffiti to any natural or man-made surface on any public property or, without the permission of the owner or occupant, on any private property. Any person violating this subsection shall be guilty of a misdemeanor punishable as provided in section 1-8 of this code.

(b) *Possession of graffiti implements.*

(1) By minors at or near school facilities. It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this section shall not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class or sanctioned school activity that formally requires the possession of broad-tipped markers. The burden of proof in any prosecution for violation of this section shall be upon the minor student to establish the need to possess a broad-tipped marker.

(2) In designated public places. It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or structure or while in or within fifty (50) feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city.

(c) *Negligent parental supervision.* No parent or guardian of any minor under the age of eighteen (18) years shall by negligent supervision, or by failure to exercise reasonable parental control, suffer, permit or allow such minor to injure, deface or destroy public property or the private property of another by graffiti. An adjudication that said minor has violated subsection (a) of this section shall be prima facie evidence that said parent or guardian failed to exercise reasonable parental control.

Sec. 42-203. Accessibility to graffiti implements.

Furnishing to minors prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any person under the age of eighteen (18) years without the written consent of the parents or guardian of the person.

Sec. 42-204. Rewards and reimbursements for information.

(a) The city may offer a reward in an amount to be established by resolution of the city council for information leading to the identification and apprehension of any person who willfully damages or destroys any public property by the use of graffiti. In the event of any such damage to public property, the offender or the parents or legal guardian of any unemancipated minor shall reimburse the city for any reward paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate.

(b) Claims for rewards under this section shall be filed with the city in the manner specified by a resolution of the city council.

(c) No claim for a reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.

Sec. 42-205. Graffiti as nuisance.

(a) The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this article and sections 2.2(19) and 11.9 of the city charter.

(b) It is the duty of both the owner of the property to which graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

Sec. 42-206. Removal of graffiti by perpetrator.

Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the City or private owner of the property involved. Such removal in the case of public property shall be done in a manner prescribed by the chief of police, the director of the department of public works, or any additional city department head, as authorized by the city administrator. Any person applying graffiti shall be responsible for the costs of removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this article. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the costs of removal.

Sec. 42-207. Right of city to remove.

If graffiti is not removed by the perpetrator as required by section 42-206, graffiti shall be removed pursuant to the following provisions:

(a) *Property owner responsibility.* It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:

(1) The street address and legal description of the property sufficient for identification of the property;

(2) A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;

(3) A statement that the graffiti must be removed within ten (10) days after receipt of the notice and that if the graffiti is not abated within that time the city will declare the property to be a public nuisance, subject to the abatement procedures in sections 2.2(19), and 11.9 of the city charter; and

(4) An information sheet identifying any graffiti removal assistance programs available through the city and private graffiti removal contractors.

(b) *Exceptions to property owner responsibility*. The removal requirements of subsection (a) above shall not apply if the property owner or responsible party can demonstrate to the chief of police or city administrator that:

(1) The property owner or responsible party lacks the financial ability to remove the defacing graffiti;

or

(2) The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of fifteen (15) days after service by first class mail of notice of the defacement.

(c) *Right of city to remove.*

(1) Use of public funds. Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city shall be authorized to use public funds for the abatement of the graffiti nuisance, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the city administrator, or his designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

(2) Right of entry on private property. Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal the city shall attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this article, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city shall commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

(d) *Abatement and cost recovery proceedings.*

(1) Notice of due process hearing. If the owner has refused consent and the city intends to proceed with abatement, the city administrator, or his designee, serving as the hearing officer, shall provide the property owner of record and the party responsible for the maintenance of the property, if a person different from the owner, not less than forty-eight (48) hours notice of the city's intent to hold a due process hearing at which the property owner or responsible party shall be entitled to present evidence and testimony that the property does not constitute a public nuisance. Notice shall be served in the same manner as a citation in a civil action in accordance with section 1-13(7) of the code. If the owner of record cannot be found after a diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and mailing by first-class mail to the most current owner of record as shown on the city's tax rolls.

(2) Determination of hearing officer. The determination of the hearing officer after the due process hearing shall be final and not appealable. If, after the due process hearing, regardless of the attendance of the owner or the responsible party or their respective agents, the hearing officer determines that the property contains graffiti viewable from a public or quasi-public place, the hearing officer shall give written notice in an abatement order that, unless the graffiti is removed within ten (10) days, the city shall enter upon the property, cause the removal, painting over (in such color as shall meet with the approval of the hearing officer), or such other abatement thereof as the hearing officer determines appropriate, and shall provide the owner with an accounting of the costs of the abatement on a full cost recovery basis.

(3) Abatement effort. Not sooner than the time specified in the order of the hearing officer, the city administrator, or the designee of the city administrator, shall implement the abatement order and shall mail an accounting to the owner and the responsible party of the costs thereof.

(4) Cost hearing. The owner or responsible party may, within ten (10) days following date of mailing, request a hearing before the hearing officer on the abatement cost accounting, and appropriate due notice and a due process hearing shall be extended to the owner or responsible party. If, following the hearing, or if no hearing is requested, after the implementation of the abatement order, the total amount set forth in the abatement accounting, or an amount thereof determined as appropriate by the hearing officer, shall be due and payable to the city by the owner or responsible party within thirty (30) days.

(5) Lien. If all or any portion of the abatement charges remain unpaid after thirty (30) days, the portion thereof that remains unpaid shall constitute a lien on the property that was the subject of the abatement effort. The city treasurer shall cause a notice of lien to be recorded with the Ingham County Register of Deeds. If any such charges are not paid within six (6) months after the recording of the lien, the official in charge of the collection shall, prior to May 1 of each year, certify to the tax assessing officer of the

city of the facts of such delinquency, whereupon the officer shall enter such delinquent charges upon the next city tax roll as a charge against the premises pursuant to sections 2.2(19) and 11.9 of the city charter and the lien shall be enforced in the same manner as provided by law for delinquent and unpaid taxes.

(6) Suit. Unpaid abatement charges shall also constitute a debt owed to the city by the owner or the person occupying and controlling the property which may also be collected by the city by a suit in *assumpsit* brought in the name of the city against the owner or person occupying or in control of the premises, or both.

Sec. 42-208. Penalties.

(a) *Fines and imprisonment.* Except as otherwise stated herein, any person violating this article shall be responsible for a municipal civil infraction and punished by a fine of two hundred and fifty dollars ($250.00) for the first offense; five hundred dollars ($500.00) for the second offense; and one-thousand dollars ($1,000.00) for each subsequent offense and all direct and indirect costs of the action not to exceed the amount allowed by the Revised Judicature Act.

(1) In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines and costs.

(2) Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

(3) Upon an application and finding of indigence, the court may decline to order fines against the minor, parents or guardian.

(b) *Restitution.* In addition to any punishment specified in this section, the court may order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor for liquidated damages in an amount equal to the cost to restore or repair the defaced property.

(c) *Community service.* In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required by the court to perform community service as described by the court based on the following minimum requirements:

(1) The minor or adult shall perform at least thirty (30) hours of community service.

(2) At least one parent or guardian of the minor shall be in attendance a minimum of fifty percent (50%) of the period of assigned community service.

(3) The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police.

(4) Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

Effective Date. This ordinance shall take effect 20 days after its passage, approval and publication.

The foregoing ordinance was moved for adoption by Council Member Johnson and supported by Council Member Waltz with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of October, 2009.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-39 – Establishment of a Receiving Board for 2009 General Election

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2009-39 as read.
MOTION APPROVED UNNAIMOUSLY

Resolution No. 2009-39 was introduced by Waltz and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-39
ESTABLISHMENT OF A RECEIVING BOARD
FOR THE 2009 GENERAL ELECTION
October 5, 2009

WHEREAS, Michigan Election Law states that the legislative body of a city may, by resolution, provide that one or more additional boards of election inspectors be appointed to serve as a Receiving Board at an election at which the ballots are counted and certified at the precinct; and

WHEREAS, not less than two election inspectors in a precinct, representing each of the major political parties, shall deliver to the Receiving Board for that precinct materials for canvassing in sealed containers, as required by Michigan Election Law; and

WHEREAS, the Receiving Board shall open the sealed containers and review the statement of votes to determine that the number of individuals voting recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of votes; and

WHEREAS, the Election Commission shall appoint two election inspectors from differing major political parties as the Receiving Board; and

WHEREAS, the City Clerk, as Chair of the City of Mason Election Commission, recommends that Receiving Boards be established for the November 3, 2009 General Election.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mason City Council authorizes a Receiving Board for the November 3, 2009 General Election.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-40 – Acceptance of the Michigan Green Communities Challenge

MOTION by Naeyaert, second by Tornholm,
to consider Resolution No. 2009-40 as read.
MOTION APPROVED UNNAIMOUSLY

Resolution No. 2009-40 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-40
ACCEPTANCE OF THE MICHIGAN GREEN COMMUNITIES CHALLENGE
October 5, 2009

WHEREAS, the City of Mason wants to emphasize the benefits of energy efficiency and conservation; and

WHEREAS, the City of Mason wants to demonstrate that energy efficiency and conservation practices can be applied to the daily governmental operations and to infrastructure projects; and

WHEREAS, the City of Mason seeks to find methods of service delivery and operations that conserve energy and resources, saving taxpayer dollars and protecting and preserving the environment; and

WHEREAS, the City of Mason recognizes that green energy efficiencies and conservation practices can reduce government costs over the long-term; and

WHEREAS, the City of Mason will lead by example to show the practicality and effectiveness of these practices; and

WHEREAS, the City of Mason seeks to encourage its citizens and businesses to initiate green energy practices and stewardship activities that benefit the environment and their community;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Mason accepts the Michigan Green Communities Challenge and pledges to work toward achieving the goals of the *Basic Challenge* over

the next three years.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-41 – A Resolution Requesting Ingham County Board of Commissioners to Continue to Maintain Operations of Rayner Park, an Ingham County Park

Colburn gave a brief update regarding the Ingham County Board of Commissioners consideration of whether the County should continue maintaining the operation of Rayner Park.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-41 as read.
MOTION APPROVED UNNAIMOUSLY

A brief discussion ensued. Bruno stated that he believed this is an Ingham County decision and he would not vote in favor of this resolution.

MOTION by Waltz, second by Bruno,
to approve Resolution No. 2009-41.
Yes: (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No: (1) Bruno
MOTION APPROVED

Resolution No. 2009-41 was introduced by Waltz and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION No. 2009-41
A RESOLUTION REQUESTING INGHAM COUNTY BOARD OF COMMISSIONERS TO CONTINUE TO MAINTAIN OPERATIONS OF RAYNER PARK, AN INGHAM COUNTY PARK
OCTOBER 5, 2009

WHEREAS, the Ingham County Board of Commissioners Finance Committee voted 4 – 2 on September 23, 2009 to close Rayner Park and has forwarded this recommendation to the Board of Commissioners as a whole to implement in the 2010 fiscal year budget; and

WHEREAS, County Parks staff presented a scaled down annual budget for Rayner Park of $20,000 making continuing operations affordable; and

WHEREAS, Ingham County is making capital expenditures for new facilities in other county parks while contemplating closing down Rayner Park; and

WHEREAS, Rayner Park is the oldest and most historical park within the Ingham County Park system and is highly utilized by citizens from throughout Ingham County; and

WHEREAS, soccer leagues, little league and softball leagues with memberships from throughout Ingham County and beyond utilize Rayner Park as part of the primary park system; and

WHEREAS, individually Rayner Park typically has a visitation use of approximately 150,000 a year, more than the typical use of the Ingham County Parks of Burchfield, Riverbend, McNamara, Lake Lansing North, Lake Lansing Boat Launch and Baldwin; and

WHEREAS, the City of Mason is experiencing and funding projects and services related to federal mandates, increasing state fees, reduced state shared revenues and potential loss of services from Ingham County.

NOW, THEREFORE, BE IT RESOLVED that the Mason City Council hereby respectfully requests that the Ingham County Board of Commissioner's continue operating Rayner Park as part of the Ingham County park system.

BE IT FURTHER RESOLVED that Ingham County continue to work with all parties to strengthen the capabilities of the parks throughout Ingham County to meet the continuing needs of all constituencies.

Yes (6) Clark, Ferris, Naeyaert, Johnson, Tornholm, Waltz
No (1) Bruno
RESOLUTION APPROVED UNANIMOUSLY

Motion – Ingham County Veterans Day Parade

The American Legion Browne/Cavender Post #148 and Veterans of Foreign Wars, Jean R. Anderson, Post #7309, and the D.A.V. Chapter #8 of Lansing are sponsoring a county wide Veterans Day Parade to be held in the City of Mason, Saturday, November 7, 2009, at 2:30 p.m. Staging for the parade will take place at the Mason High School parking lot at 11:30 a.m. The organizations are requesting street closures and a waiver of all City associated fees.

MOTION by Naeyaert, second by Ferris,
to approve the street closure request of the American Legion Browne/Cavender Post #148 and Veterans of Foreign Wars, Jean R. Anderson, Post #7309, and the D.A.V. Chapter #8 of Lansing to allow holding the Ingham County Veterans Day Parade, November 7 2009, between 2:30 p.m. and 3:45 p.m. as depicted on the submitted map and to waive all City fees associated with conducting the parade
MOTION APPROVED UNANIMOUSLY

Motion – Amend the 2009-2010 Fiscal Year Budget

Amendments are made to the Budget quarterly. This quarter, five amendments resulted from City Council Resolution 2009-35, approved August 17, 2009, which authorized a reallocation of funds from the street program to assist funding for the City Hall/Police Station. The remaining changes amend the budget to reflect the usage of the funds previously set aside for the City Hall/Police Station project.

MOTION by Naeyaert, second by Johnson,
to amend the 2009-2010 Fiscal Year Budget as presented.
Yes: (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No: (1) Bruno
MOTION APPROVED

Report – Administrative Street Closures

At the September 21, 2009 meeting, Council directed the City Administrator and City Attorney to research City Code and the Charter to determine whether short term street closures could be accomplished administratively for events such as block party requests. Colburn reported that the City Administrator has the authority to allow the closure of a street on a short term basis for this type of use.

Motion – Traffic Control Order (TCO) 1-2009

TCO 1-2009 establishes closure for the 500 block of Park Street to traffic and temporary closure of the 400 block to through traffic during the construction of the City Hall/Police Department facility. Enactment of the order is at the discretion of the City Administrator when it is deemed necessary to provide public safety and site access control.

MOTION by Naeyaert, second by Johnson,
to approve Traffic Control Order 1-2009.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Naeyaert encouraged Council to send letters to Ingham County Commissioners expressing opinions regarding Rayner Park.

NEW BUSINESS
Ferris suggested drawing on the volunteer registry we now have to develop and distribute educational materials for citizens and businesses and establish an advisory commission for the Green Initative.

Waltz informed Council that an Aurelius Township resident expressed gratitude for the recent improvements to Columbia Street completed by the City. The resident travels Columbia Street transporting grain to the Mason Elevator; the ride in is smoother and the ride back home is quieter.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Waltz informed Council regarding Historic District Commission business.

Clark informed Council the Downtown Development Authority meeting had been rescheduled for October 8, 2009.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:20 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 21, 2009

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, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Kathy Revels, Administrative Services Director
John Stressman, Chief of Police
Ken Baker, DPW Water and Streets Division Superintendent
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: September 8, 2009
Discussion was held regarding wording under "Unfinished Business."

MOTION by Naeyaert, second by Bruno,
to amend the September 8, 2009, Minutes by inserting the words, "most of the suggestions at this time" under *Unfinished Business*, after the word "consider" in the fifth sentence.
MOTION APPROVED UNANIMOUSLY

The regular meeting Minutes of September 8, 2009 were approved as amended.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $327,840.40 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Introduction – Lance M. Werner, Director, Capital Area District Library
Colburn introduced Lance Werner, Executive Director of the Capital Area District Library (CADL), who was appointed August 3, 2009 following the retirement of Sue Hill. Mr. Werner spoke regarding his career history, goals for CADL, and the Mason Branch Librarian vacancy that occurred last Friday due to Barbara Faiks' departure.

Presentation – American Water Works Association (AWWA) Award from the Research & Technical Practices Committee
Bethel Skinker, MDEQ District Engineer of the Research and Technical Practices Committee, presented the City of Mason Water Treatment Plant representative Superintendent of the Water and

Streets Division Ken Baker with the American Water Works Association (AWWA) Award for the installation of a Radium Removal System which allowed the City to be in compliance with the Radium 226 & 228 standard.

Presentation – City Hall – The Granger Group

Granger staff Will Goosen, Project Manager, and Joe Ditanto, Designer, presented an overview of the City Hall site plan, highlighting areas that had been adjusted since the first presentation.

First Reading – Ordinance No. 177 – An Ordinance to Amend Chapter 42- Offenses – of the Code of the City of Mason by Adding Article VI Which Defines Graffiti Offenses and Provides Penalties for Graffiti Within the City of Mason

Stressman stated that the necessity for a graffiti ordinance has been realized in the past year. A brief discussion was held regarding recent graffiti reports and revising language within specific areas of the proposed ordinance.

> MOTION by Naeyaert, second by Johnson,
> to amend Ordinance No. 177 in subsection 42-202(b)(1) by striking "at the school" and inserting "or sanctioned school activity" and in subsection 42-208((a) by inserting "not to exceed the amount allowed by the Revised Judicature Act" at the end of the sentence.
> MOTION APPROVED UNANIMOUSLY

> MOTION by Johnson, second by Naeyaert,
> to consider Ordinance No. 177 as read for the first time.
> MOTION APPROVED UNANIMOUSLY

Presentation – Planning Commission By-Laws

At the September 8, 2009 Council meeting, Planning and Development Director David Haywood presented Council with the revised Planning Commission By-Laws adopted August 14, 2009, by the Planning Commission in accordance with the Michigan Planning Enabling Act. At that meeting, Council discussed language revisions to Section 2 of the By-Laws for consideration by the Planning Commission. At its September 15, 2009, meeting, the Planning Commission accepted the recommendations and amended the document.

> MOTION by Ferris, second by Johnson,
> to accept the Planning Commission By-Laws and place it on file.
> MOTION APPROVED UNANIMOUSLY

Motion – Street Closure Request for Mason High School Homecoming Parade

The homecoming parade is an annual event promoted by Mason High School. The construction of City Hall/Police Department will prevent staging in the usual location at Park and Jefferson streets. The Police Department has approved staging in the 100 block of East Oak Street with overflow lining up on the 500 block of South Barnes Street with the requirement that the streets be cleaned following the procession of horses.

> MOTION by Naeyaert, second by Johnson,
> to approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason High School Homecoming Parade, October 9, 2009, between 6:00 p.m. and 7:00 p.m., and assembly in the 100 block of East Oak Street and the 500 block of South Barnes

Street beginning at 5:00 p.m. with the condition that the staging area and city streets are cleaned following the procession of horses.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closure Request for Riverwalk Meadows Neighborhood Picnic
Clark stated that the Riverwalk Meadows neighborhood requested a street closure to hold its annual neighborhood picnic. However, often this type of request is not submitted far enough in advance for Council consideration. He proposed that administrative approval between the Police Department and Administration would be more appropriate for requests of this nature. It was the consensus of Council to direct the City Administrator and City Attorney to research City Code and the Charter to determine the authority of this matter.

UNFINISHED BUSINESS
Johnson informed Council that Officer Nettles is meeting with concerned residents of Middlebury Street and Foxview Lane regarding blight issues on *[insert]* Middlebury Lane and *[delete]* ~~with~~ *[insert]* crime issues at the rental properties *[insert]* on Peachtree Place between Ash and South streets.

NEW BUSINESS
Ferris commended Barbara Faiks for her service to the Mason Library.

Tornholm recommended that administration explore the implementation of a rental housing code.

Clark informed Council that on October 24, 2009, the Ingham County Hazardous Response Team is holding a hazmat exercise at the Ingham County Fairgrounds. City and township administrators, councilmembers, and board members are invited to attend all or select sessions offered.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning Commission business. Discussion was held to schedule a joint meeting between City Council and the Planning Commission.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:46 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 8, 2009

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, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Kerry Minshall, Fire Chief
Mark Howe, Assistant Fire Chief
David Haywood, Zoning and Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: August 17, 2009
The regular meeting Minutes of August 17, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $181,017.83 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Norm Austin, Mason Fire Department Engineer, invited Council to the Commemorative Memorial Ceremony to be held at the James Pelton Fire Station No. 1 lower level Memorial Garden, September 11, 2009 at 7:00 p.m. following "Mason Cares."

Angie and Dean Cords of 115 Bush Street submitted a petition dated August 26, 2009, to Council requesting a four-way stop for the intersection of Bush and Center streets.

REGULAR BUSINESS
Resolution No 2009-37 – Bid Award to Purchase a Pumper/Rescue Engine to Replace Engine 806 and Incorporate the Functions of Squad 815
Fire Chief Minshall spoke regarding the work accomplished through the committee formed by Assistant Fire Chief Howe to prepare a bid specification packet for the purchase of new Pumper/Rescue apparatus. The committee spent more than forty hours preparing bid specifications and evaluating the submitted bids. Assistant Chief Howe introduced fellow committee members; Engineers Dennis Whipple and Steve Armstrong, and Engineers/Fire Fighters Dan Kennedy and John Sabbadin. Howe presented the committee's itemized bid specification and subsequent findings.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-37 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-37 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-37
RESOLUTION TO ACCEPT THE BID TO PURCHASE AN ENGINE/RESCUE APPARATUS
September 8, 2009

WHEREAS, on September 26, 2008 the City Administrator authorized the Fire Department to assemble a committee to write specifications for a Engine/Rescue apparatus for the protection of the City and Townships; and

WHEREAS, on May 4, 2009 the Mason City Council through the approval of the 2009/2010 budget authorized the Engine/Rescue Committee to proceed with going to bid for the Engine/Rescue; and

WHEREAS, nine companies, submitting five bids, were received and reviewed by the Fire Department Engine/Rescue Review Committee and the City Management Review Team; and

WHEREAS, on August 22, 2009 after review and discussion the Fire Department Engine/Rescue Committee passed unanimously 5-0 their recommendation to City Council to expend $516,369 for the purchase of a Spencer/Spartan Engine/Rescue; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Mason accepts the recommendation of the Mason Fire Department Engine/Rescue Committee in expending up to $516,369 for a Spencer/Spartan Engine/Rescue.

FURTHER RESOLVED that the City Council hereby accepts the bid of Spencer Manufacturing, Incorporated for the Spencer/Spartan Engine/Rescue for $516,369.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-38 – A Resolution of Support for the Tri-County Regional Urban/Rural Service District/Boundary Committee and the Pursuit of the 2009 Land Information Access Association (LIAA) Partnerships for Change: Sustainable Communities Grant

Haywood gave a brief overview of the Regional Growth Project of the Tri-County Regional Planning Commission and one of its implementation efforts known as the Urban and Rural Services District/Urban Service Boundary (URSD/USB) Committee.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-38 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-38 was introduced by Bruno and seconded by Naeyaert. Discussion was held to include the contribution amount.

MOTION by Naeyaert, second by Johnson,
to amend Resolution No. 2009-38 by inserting the words "and agrees to contribute an amount not to exceed $400.00" at the end of the *Be It Further Resolved* paragraph.
Yes (5) Ferris, Naeyaert, Johnson, Tornholm, Waltz
No (2) Bruno, Clark
MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-38
A RESOLUTION OF SUPPORT FOR THE TRI-COUNTY REGIONAL URBAN/RURAL SERVICE DISTRICT/BOUNDARY COMMITTEE AND THE PURSUIT OF THE 2009 LAND INFORMATION ACCESS ASSOCIATION PARTNERSHIPS FOR CHANGE: SUSTAINABLE COMMUNITIES GRANT
September 8, 2009

WHEREAS, the Tri-County Regional Planning Commission adopted the "**Regional Growth: Choices for our Future**" report and poster plan; and

WHEREAS, members of the Tri-County Regional Planning Commission and other local communities have passed resolutions in support of the Regional Growth Project; and

WHEREAS, the **"Regional Growth Choices for Our Future"** project, if fully implemented, will:

- Reduce congested lane miles on regional roads by approximately 50% and save taxpayers between 1.6 and 4.8 billion dollars in road improvement costs which would otherwise be required if current trends are unchecked;
- Save the equivalent of three townships of agricultural land and open space;
- Reduce air pollutants by tens of thousands of kilograms per day, leading to public health benefits and lower long term public health costs; and Improve the region's quality of life and economic competitiveness, including urban redevelopment opportunities, in an increasingly global economy greater than would occur under current public policies; and

WHEREAS, the Urban and Rural Service Districts/Boundaries (URSD/USB) Committee is an implementation activity of the **"Regional Growth Choices for Our Future"** project; and

WHEREAS, the URSD/USB Committee and its members have demonstrated a multiple year commitment to the study of service boundaries and shared services between jurisdictions; and

WHEREAS, the Committee is pursuing a policy solution to the issue of urban service expansion based on the following elements of regionalism:

- Establishing visions and goals, and setting new policy to achieve those goals
- Looking at process: using visioning and planning to create a fair structure
- District and boundary lines that are flexible
- Collaboration emphasized through voluntary agreement
- There is a binding trust rather than accountability
- Empowerment created by the constructive involvement of many communities; and

WHEREAS, the urbanized core communities and the rural communities that surround it are equal partners in this endeavor, the entire region will benefit from the outcome of a successful urban service boundary strategy in terms of the farmland and natural resource protection, savings in infrastructure costs, and air pollution reductions listed above; and

WHEREAS, the Committee is determined to successfully implement an urban service boundary policy that strengthens relationships between local jurisdictions based on trust and equitable distribution of resources; and

WHEREAS, the most efficient manner to declare an equitable policy is to complete a detailed study and analysis of existing implementation strategies,

NOW, THEREFORE, BE IT RESOLVED that the City Council declares its support for the Urban/Rural Service District/Boundary Committee and its pursuit of research and grant opportunities related to the successful and equitable development of an urban service boundary policy, including the 2009 Land Information Access Association Partnerships for Change: Sustainable Communities Grant.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized to sign this resolution and transmit it to all other governments and agencies involved in the URSD/USB Committee and related research and grant activities, as an indication that the City Council supports and endorses this proposed project for the region agrees to contribute $400.00.

RESOLUTION APPROVED UNANIMOUSLY

Presentation – Planning Commission By Laws

Haywood informed Council regarding the revised Planning Commission By Laws adopted August 14, 2009 by the Planning Commission, in accordance with the Michigan Planning Enabling Act. Discussion was held regarding content of Section 2 of the by laws. Council asked Mr. Haywood to convey its comments to the Planning Commission for consideration as amendments to the document. No action was taken.

Discussion – Options to Deter Delinquent Water Bills from Rental Properties
The City Council requested research into alternative methods for reducing the number of delinquent water and sewer bills being placed on the summer tax roll. Smith reported on various enforcement methods used by other municipalities. He suggested adding a $50.00 fee to all water and sewer bills returned to the tax roll as a disincentive for delinquent payment property owners, as well as covering some of the expenses incurred by the process. It was the consensus of the Council to establish the $50.00 fee in the next update of the Directory of Fees at the end of 2009.

UNFINISHED BUSINESS
Tornholm commented regarding State budget cuts noting the affirmative planning for purchasing by the City and its volunteer fire service support. She also acknowledged Councilmember Ferris for her hours volunteered to the Farmer's Market. Tornholm spoke regarding the memo to Council from Michael Canteberry about the new City Hall site plan. Discussion ensued. It was discussed that it was too late to consider *[insert]* most of the suggestions at this time. Waltz stated that he spoke with staff regarding the concerns of Mr. Canteberry to find that the issues had been considered, but were not viable. Further discussion ensued.

NEW BUSINESS
Bruno informed Council that Mike Samson retired after almost 29 years of service to the City of Mason.

Naeyaert informed Council regarding a Mason High School student who has been diagnosed with cancer and whose family is unable to pay for the ongoing and building medical expenses. A can/monetary drive will be held this Saturday.

Johnson informed Council that Middlebury Street residents spoke with him informally regarding blight issues with rental properties on Peachtree Place between Ash and South streets. He asked the City Administrator to investigate the situation.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Waltz informed Council regarding current Historic District 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
Fire Chief Minshall thanked Council for their support.

ADJOURNMENT
The meeting adjourned at 9:17 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 17, 2009

Clark called the meeting to order at 7:37 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, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Kathy Revels, Administrative Services Director
Rolland Olney, Public Works Director
John Stressman, Police Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: August 3, 2009
The regular meeting Minutes of August 3, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $240,033.51 as submitted.

Discussion was held regarding the cost share for the drive approach and sidewalk installed at 201 East Ash Street.

MOTION by Bruno, second by Johnson,
To defer payment of Invoice No. 07557, D & K Concrete Contractors, LLC, to the next regular meeting to allow correcting the shared cost.
MOTION APPROVED UNANIMOUSLY

It was discussed that the approved payment of bills would be amended to $234,558.51.

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Presentation – Weatherization Assistance Program – Duane Griffus, Capital Area Community Services
Duane Griffus, Associate Director for Energy Programs of the Capital Area Community Services, gave a brief presentation regarding the Weatherization Program that assists qualified property owners in making energy saving home improvements. Council thanked Mr. Griffus for the informative presentation.

MOTION by Bruno, second by Johnson,
To amend the agenda by moving Item No. 7(G) Resolution No. 2009-36 to Item No. 7(B).

MOTION by Naeyaert, second by Waltz
To amend the main motion by moving Item No. 7(F) and (G) to Item No. 7(B) and (C) and adjusting the remaining agenda items accordingly.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No 2009-35 – Approval of the Amended Five-Year Local Streets Program 2009-2014 and Authorizing a Reallocation of Funds from the Street Maintenance Fund to Assist Funding the New City Hall/Police Station

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2009-35 as read.
MOTION APPROVED UNANIMOUSLY

The Michigan Department of Environmental Quality (MDEQ) has not issued a stream crossing permit for the Franklin Farms Drive extension culvert for Willow Creek. In view of that, Colburn proposed amending the Five-Year Local Streets Program for 2009-2014 to allow completing the prioritized street improvement projects for 2009, conduct a city wide traffic study for the Master Plan, and appropriating $500,000.00 of the annual street construction program toward the new City Hall/Police Station project. It was discussed whether using street funds for anything other than streets should be done, recognizing that it is allowable.

Resolution No. 2009-35 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009- 35
APPROVAL OF THE AMENDED FIVE-YEAR LOCAL STREETS PROGRAM 2009-2014 AND AUTHORIZING A REALLOCATION OF FUNDS FROM THE STREET MAINTENANCE FUND TO ASSIST FUNDING THE NEW CITY HALL/POLICE STATION
AUGUST 17, 2009

WHEREAS, a revised five year street reconstruction program was prepared and presented; and

WHEREAS, The Michigan Department of Environmental Quality has not issued a stream crossing permit for the Franklin Farms Drive Extension culvert for Willow Creek; and

WHEREAS, the current fiscal year street program funds are dedicated to the Franklin Farms Drive; and

WHEREAS, the Public Works Director conducted the annual street prioritization study, reviewed by the City Engineer, to update the street construction program for the fiscal year, and has determined the following streets and alleys as priority:

Streets:

- W. Columbia Street from Cedar St., to US 127
- Buhl Street
- Curtis Street
- Mason Street from Columbia St. to North St.

Alleys:

- E. Ash-between Barnes & Rogers
- E. Sycamore- between Jefferson & Barnes
- E. Elm- between Jefferson & Barnes

City Wide Traffic Study for Master Plan; and

WHEREAS, in accordance with the Mason City Charter, Section 8.4 the City Administrator may recommend less money for the street construction program than the maximum required 2/5 of one percent of taxable value: and

WHEREAS, the Mason City Council has designated the new City Hall/Police Station as a priority.

NOW THEREFORE BE IT RESOLVED, that the Five Year Street Construction Program has been amended by the Mason City Council for project planning and budgetary considerations.

FURTHERMORE BE IT RESOLVED, that City Council approves deferring Franklin Farms Drive extension and appropriates $500,000.00 of the annual street construction program towards the new City Hall/Police Station project.

Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (2) Bruno, Johnson
RESOLUTION APPROVED

Clark adjourned the meeting for a brief recess at 8:30 p.m. due to the loss of audio and video malfunction. After examination of the equipment, the problem was not detected. It was determined to continue the meeting without a live broadcast and continue taping for rebroadcast. The meeting reconvened at 8:49 p.m.

Resolution No 2009-36 – A Resolution Awarding a Building Improvements Purchase Agreement between the City of Mason and the Granger Group of Companies, LLC. to Provide the Services as Design-Builder for a New City Hall and Police Station

Colburn stated that during the work session of July 7, 2009, City Council discussed concepts for the future City Hall/Police Station. At that time, staff informed Council regarding concepts that the Granger Group offered the city with the $5.5 million budget. They provided two options: (1) 20,800 SF, 2 story facility w/raised floor/under floor HVAC air and the Haworth demountable walls, and (2) 25,600 SF, 2 story facility including a 4,800 SF basement, (excluding demountable walls or a raised floor system). With regard to the wishes of City Council and the building management team, the Granger Group was authorized to provide a schematic design for a 26,200 SF, 2-story facility including a 4,800 basement with improvements.

Mr. Gary L. Granger, P.E., President and CEO of the Granger Group introduced the members of build/design team: Greg L. Markvluwer, Senior Vice President of Development & Financial Services, Joe Ditanto, Project Architect, and Will Goosen, Estimator & Project Manager. Bernie Adams, a DBI Representative, was also present. The team presented a visual overview of their schematic design for the new City Hall/Police Station. Mr. Markvluwer stated that the intent of The Granger Group is to fast-track the drawing completion, starting construction within the next 30 days with completion in June of 2010. The Granger Group is seeking approval of the contract tonight to allow guarantee of project pricing with anticipated future increases for labor and material costs. The price for the project has been set and agreed upon at 5.9 million.

Attorney McGinty addressed a change in the contract on page 8 of the Building Improvements Purchase Agreement.

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-36 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-36 was introduced by Waltz and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-36
A RESOLUTION AWARDING A BUILDING IMPROVEMENTS PURCHASE AGREEMENT BETWEEN THE CITY OF MASON AND THE GRANGER GROUP OF COMPANIES, LLC. TO PROVIDE THE SERVICES AS DESIGN-BUILDER FOR A NEW CITY HALL AND POLICE STATION
August 17, 2009

WHEREAS, the City of Mason has planned to build a city hall and police station due to current facilities being obsolete with insufficient space and aging infrastructure; and

WHEREAS, the City of Mason has been reserving funds and intends to build and pay for the new facilities with current funding sources without raising any additional property taxes; and

WHEREAS, The Granger Group, LLC. was deemed a qualified provider as a Design – Builder for

professional services after completing the Qualified Based Selection Process (QBS); and

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby accept the negotiated amount of professional services inclusive of programming, architectural design and construction services.

FURTHER RESOLVED, that the City Administrator is provided signature authority on behalf of the City for the Building Improvements Purchase Agreement between the City of Mason and The Granger Group, LLC. in the amount of $5,900,000.

Yes (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (1) Bruno
RESOLUTION APPROVED

Norm Austin, Building Committee Chair, and Mark Howe, Building Committee Vice Chair, were asked to comment regarding the proposal from The Granger Group; both spoke regarding their satisfaction with The Granger Group, commenting that the team listened to the needs expressed for the new facility and worked well with city representatives. Also, Administrator Colburn, Administrative Services Director Revels, and Chief of Police Stressman commented favorably regarding specific areas of design that were met by The Granger Group.

Second Reading – Ordinance No. 175 – An Ordinance To Amend The Following Sections of Division 1, City Cemeteries, Of Chapter 14, Cemeteries, Of the Mason City Code; Section 14-36 – Amend Section to Adjust Hours of Operation and the Following Sections of Division 1, Parks and Recreation, of Chapter 46, Parks and Recreation, of the Mason City Code; Section 46-34 – Amend Section to Adjust Hours of Operation

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 175 read for the second time and adopted.

Attorney McGinty addressed his memo regarding suggested grammatical and stylistic changes.

MOTION by Johnson, second by Tornholm,
To amend Ordinance No. 175 as recommend by the City Attorney.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Ordinance No. 175 was introduced by Waltz and seconded by Naeyaert.

CITY OF MASON
ORDINANCE NO. 175

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF DIVISION 1, PARKS AND RECREATION, OF CHAPTER 46, PARKS AND RECREATION, OF THE MASON CITY CODE; SECTION 46-34 – AMEND SECTION TO ADJUST HOURS OF OPERATION, AND CITY CEMETERIES, OF CHAPTER 14, CEMETERIES, OF THE MASON CITY CODE; SECTION 14-36 – AMEND SECTION TO ADJUST HOURS OF OPERATION.

THE CITY OF MASON ORDAINS:

Section 46-34. Section 34 of Division 1, Hours of operation, of Chapter 46, of the Mason City Code is hereby amended to adjust the hours of operation, which amended section shall read as follows:

Sec. 46-34. Hours of operation.

(a) During the months of May through October, the city parks shall be open daily to the public during the hours of 8:00 a.m. to 10:00 p.m. In addition, Hayes Park and Bond Park may remain open until 11:00 p.m. during organized athletic events sponsored by an area school or other nonprofit

sponsoring organization, provided the organization obtains the written approval of the city administrator and designates a responsible individual who should be present during the event. No organization shall be granted approval to occupy Hayes Park or Bond Park after 10:00 p.m. for more than two events per week, except that approval may be granted for more than two events per week if determined necessary by the city administrator.

(b) During the months of November through April, the parks shall be opened daily to the public during the hours of 8:00 a.m. to one half hour after sunset; however, the director of the parks and cemeteries may keep open until 10:00 p.m. those parks he may designate for public ice skating or other organized winter activities sponsored by the city.

(c) Any section or part of a park may be declared closed to the public by the Director Superintendent of parks and cemeteries at any time and for any interval of time, either temporarily or at regular or stated intervals.

(d) It shall be unlawful for any person (other than city personnel conducting city business) to occupy or be present in any park during any hours in which the park is not open to the public.

(e) The hours of operation for authorized traffic utilizing the portions of the Hayhoe Riverwalk shall be 6:00 a.m. to 10:00 p.m.

(f) For the purpose of subsection (e) authorized traffic shall mean walkers, runners, bicyclers, in-line skaters, and those required to use devices to assist the disabled.

THE CITY OF MASON FURTHER ORDAINS:

Section 14-36. Section 36 of Division 1, Hours of operation, of Chapter 14, of the Mason City Code is hereby amended to adjust the hours of operation, which amended section shall read as follows:

Sec. 14-36. Hours of operation.

(a) The city cemeteries shall be opened daily to the public between the hours of 8:00 a.m. to one-half hour after sunset, with the exception of the hours of operation for authorized traffic utilizing the designated route of the Hayhoe Riverwalk shall be from 6:00 a.m. to 10:00 p.m. It shall be unlawful for any person (other than city personnel conducting city business) to occupy or be present in any city cemetery during any hours in which the park is not open to the public.

(b) Any section or part of the city cemeteries may be declared closed to the public by the superintendent of parks and cemeteries at any time and for any interval of time, either temporarily or at regular or stated intervals.

(c) For the purpose of subsection (a), authorized traffic shall mean walkers, runners, bicyclers, in-line skaters, and those required to use devices to assist the disabled.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of August, 2009.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No 2009-32 – Approval to Purchase a 2010 Ford Crown Victoria Police Car

Olney informed Council regarding the color of the police car and the decal package.

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-32 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-32 was introduced by Waltz and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-32
APPROVAL TO PURCHASE A 2010 FORD CROWN VICTORIA
POLICE CAR TO REPLACE POLICE CAR # 83

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of police car #83 was approved in the Fiscal Year 2009 - 2010 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2010 Ford Crown Victoria police car for $20,979.00 from Gorno Ford.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-33 – Approval to Purchase a 2010 GMC Pick-up Truck

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-33 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-33 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-33
APPROVAL TO PURCHASE A 2010 GMC 1500 PICKUP TRUCK
AUGUST 17, 2009

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of truck #12 was approved in the Fiscal Year 2009 - 2010 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2010 GMC 1500 Pickup truck for $18,014.00 from Red Holman GMC.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-34 – Bid – 6" Diesel Powered Sewage Trash Pump

Olney commented regarding the bids submitted and the recommendation to award the bid to Kennedy Industries Inc

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-34 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-34 was introduced by Waltz and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009- 34
RESOLUTION APPROVING THE PURCHASE OF A SIX (6) INCH TRASH PUMP
FOR THE MASON PUBLICLY OWNED TREATMENT WORKS PLANT
August 17, 2009

WHEREAS, due to recent flooding events at the Mason Publicly Owned Treatment Works (POTW) Plant it has become apparent that additional standby pumping is needed; and

WHEREAS, it is imperative to have adequate pumping ability at the POTW when high flows overwhelm the pumping capacities of the plant; and

WHEREAS, the DPW Director, POTW Superintendent and staff have determined that it is in the best interests of the City of Mason to purchase an additional trash pump, and have sought sealed bids from reputable suppliers; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of a Pioneer Six (6) inch Diesel Powered Trash Pump from Kennedy Industries Inc. for the total expense of Twenty-nine thousand, nine-hundred fifty dollars and 00 cents ($29,950.00).
RESOLUTION APPROVED UNANIMOUSLY

MOTION – Designation of Voting Delegate to the 2009 Michigan Municipal League (MML) Annual Meeting

The Annual Michigan Municipal League Convention will be held in Kalamazoo, September 22-25, 2009. The annual meeting is scheduled to be held Wednesday, September 23, 2009 at 11:00 a.m. at the Radisson Plaza Hotel. In accordance with the League Bylaws, Council selects a designee and alternate to attend the meeting by formal action. The official representative has voting privilege in the election of officers and other business. Colburn stated that he will attend a couple of the days.

MOTION by Bruno, second by Johnson,
to appoint Mayor Clark to serve as the City of Mason principal official representative and Administrator Colburn to serve as an alternate at the MML annual meeting held in conjunction with the 2009 MML Convention.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson thanked Council for excusing his unintended absence.

NEW BUSINESS

- Naeyaert wished Councilmember Johnson a happy birthday.
- Bruno provided cemetery street signs for intersecting streets “Dutch Lane” and “Brown Street.”

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Naeyaert informed Council regarding current Planning Commission business. Discussion was held regarding the notice sent to the developer of Franklin Farm to install sidewalks and street trees that have been omitted on the punch list.
- Clark informed Council regarding current DDA business.

ADMINISTRATOR’S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 10:34 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 3, 2009

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, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer

APPROVAL OF MINUTES: July 20, 2009
The regular meeting Minutes of July 20, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $375,953.94 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

MOTION by Bruno, second by Naeyaert,
to excuse the absence of Councilmember Neal Johnson from tonight's meeting.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
First Reading – Ordinance No. 175 – An Ordinance to Amend the Following Sections Of Division 1, Parks And Recreation, of Chapter 46, Parks And Recreation, of the Mason City Code; Section 46-34 – Amend Section to Adjust Hours of Operation, and City Cemeteries, of Chapter 14, Cemeteries, of the Mason City Code; Section 14-36 – Amend Section to Adjust Hours of Operation

MOTION by Waltz, second by Naeyaert,
to introduce and consider Ordinance No. 175 as read for the first time.
MOTION APPROVED UNANIMOUSLY

An extensive discussion was held regarding setting the hours of operations for Hayhoe Riverwalk.

Motion – Waiver of Administrative Fee for the Collection of 2008 Real Ad Valorem Taxes Requested by Kiwanis Village
The Kiwanis Village Board annually submits a letter requesting the City to waive the 1% administrative fee collected for real estate taxes. The organization provides affordable housing for Senior Citizens and physically challenged 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 Bruno, second by Tornholm,
to waive the 1% administrative fee for 2009 real ad valorem taxes collected for Kiwanis Village.
MOTION APPROVED UNANIMOUSLY

Motion – Use of Right-of-Way for Outdoor Seating – Bestsellers Books & Coffee Company and Turtle Tom's Ice Cream Shoppe

The Clerk's office received an application to utilize the public right-of-way for outdoor seating from Bestsellers Books & Coffee Company as well as one from Turtle Tom's Ice Cream Shoppe. Both meet the requirements of Resolution No. 2009-09.

MOTION by Naeyaert, second by Ferris,
To approve the business proposal for use of the public right-of-way for Bestsellers Books & Coffee Company and Turtle Tom's Ice Cream Shoppe.
MOTION APPROVED UNANIMOUSLY

Motion – Designation of Delegates – Michigan Employee Retirement System (MERS) Annual Meeting

Council approval is required for designating an Officer Delegate and Alternate to attend the MERS annual meeting being held in Grand Rapids, September 15 – 17, 2009. Staff has determined to send Kathy Revels as the Officer Delegate and Martin Colburn as the Officer Alternate.

MOTION by Naeyaert, second by Waltz,
to designate Kathy Revels as the Officer Delegate and Martin Colburn as Alternate to attend the MERS Annual Meeting, September 15 –17, 2009
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Discussion was held regarding Ingham County's consideration to close Rayner Park. Tornholm commented regarding the financial impact the City would incur if it were to assume responsibility of maintaining Rayner Park. Naeyaert commented that she is staying in touch with Rayner Park matters through County Commissioners, and that she started a "Save Rayner Park" Facebook page to update anyone interested; it rapidly grew to 1,300 members. Waltz commented that the City offered a solution that would have kept Rayner Park running for 20 years; since they declined the offer, the County should manage their budget to include keeping Rayner Park open.

Ferris informed Council that library repairs are completed following the basement flooding.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:24 p.m.

_____	_____
Martin A. Colburn, City Clerk	Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 20, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Waltz
Absent: Councilmember: Naeyaert, Tornholm
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: July 6, 2009 and July 7, 2009
The regular meeting Minutes of July 6, 2009, and the work session Minutes of July 7, 2009, were approved as submitted.

APPROVAL OF BILLS
MOTION by Waltz, second by Bruno,
to approve the payment of bills in the amount of $198,155.17 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Motion – Directory of Charges Update
The Directory of Charges was last revised April 7, 2008. Council was presented with a draft containing increases and additions recommended by staff. A brief discussion was held.

MOTION by Johnson, second by Waltz,
to approve the Directory of Charges dated July 20, 2009.
MOTION APPROVED UNANIMOUSLY

Report – 2009 Code Enforcement Mid-Year Report
Haywood gave a brief synopsis regarding the mid-year code enforcement report. A brief discussion was held regarding specific issues that are currently being addressed.

Resolution No. 2009-31 – Liquor License Ownership Transfer of Escrowed 2007 Class C Licensed Business with Outdoor Service and New Dance-Entertainment, Official Permit, and New SDM License
MOTION by Bruno, second by Ferris,
to consider Resolution No. 2009-31 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-31 was introduced by Waltz and seconded by Bruno.

CITY COUNCIL RESOLUTION NO. 2009-31
LIQUOR LICENSE – TRANSFER OF OWNERSHIP OF ESCROWED 2007 CLASS C LICENSED BUSINESS LOCATED AT 447 S. JEFFERSON STREET
JULY 20, 2009

At a REGULAR meeting of the MASON CITY COUNCIL
(**Regular** ~~or Special~~) (~~Township Board~~, **City** ~~or Village~~ **Council**)
called to order by MAYOR CLARK on JULY 20, 2009 at 7:30 P.M.

The following resolution was offered:

Moved by WALTZ and seconded by BRUNO

That the request from

Los Tres Amigos-Mason Restaurant, Inc. to transfer ownership of escrowed 2007 Class C licensed business from Mike's Firehouse Grill, Inc., Kelly M. Hagan Trustee, located at 447 S. Jefferson, Mason, MI 48854, Ingham County; and request new Dance-Entertainment.

be considered for APPROVAL
(Approval ~~or Disapproval~~)

APPROVAL	**DISAPPROVAL**
Yeas: (5) Bruno, Clark, Ferris, Johnson, Waltz	Yeas:
Nays: (0)	Nays:
Absent: (2) Naeyaert, Tornholm	Absent:

It is the consensus of this legislative body that the application be:
RECOMMENDED for issuance
(Recommended ~~or Not Recommended~~)

State of Michigan)
County of Ingham)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the CITY COUNCIL at a REGULAR
(~~Township Board~~, **City** ~~or Village~~ **Council**) (**Regular** ~~or Special~~)

meeting held on July 20, 2009
(Date)

(Signed) _____
(~~Township,~~ **City** ~~or Village~~ **Clerk**)

201 W. ASH STREET, MASON, MI 48854
(Mailing address of ~~Township~~, **City** ~~or Village~~)

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson informed Council that he received a letter from resident Franklin Smith informing him of his satisfaction with the work being done to repair his landscaping. Mr. Smith had involved Councilmember Johnson regarding the need to have his landscaping restored due to construction of the new water line that was installed through his yard.

Bruno inquired regarding the sewer issue at the library stating concern for the open access that should be sealed. It was discussed that although it is rare, the sewer and library repairs exceeded the bond that was held for the work. McGinty stated that he and Zoning & Development Director Haywood have discussed measures for filing an insurance claim to recover the exceeded amount.

NEW BUSINESS

MOTION by Johnson, second by Waltz,
to excuse the absence of Mayor Pro Tem Naeyaert from the July 20, 2009 Council meeting.
MOTION APPROVED UNANIMOUSLY

Clark thanked Administrator Colburn and staff for replacing the skateboarding signage downtown.

CORRESPONDENCE

Clark commented regarding the letter Administrator Colburn sent to Mr. James Guse. Officer Mentink informed Mr. Colburn that he regularly sees Mr. Guse collecting litter along his daily jogging route. The letter commended Mr. Guse's community spirit and care for the environment.

LIAISON REPORTS

Colburn informed Council regarding Planning Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
CITY COUNCIL WORK SESSION MEETING
MINUTES OF JULY 7, 2009

Clark called the meeting to order at 7:00 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Councilmembers: Bruno, Clark, Ferris, Tornholm, *Waltz
Absent: Councilmember: Naeyaert, Johnson
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Kathy Revels, Administrative Services Director
John Stressman, Chief of Police
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney
Norman Austin, Building Authority Chair

DISCUSSION

New City Hall/Police Department Presentation Given by Christman Company at the Monday, July 6, 2009 Regular City Council Meeting

A very lengthy discussion was held regarding the presentation given by Christman Company at the Monday, July 6, 2009, regular City Council Meeting. Council expressed disappointment that goals and objectives were not met. The building footprint is approximately 5,000 square feet less than agreed. Christman committed to design a 25,000 square foot building for 5.5 million dollars. The plans did not reflect or accommodate the needs of the City. McGinty stated concern that Christman had not submitted for monthly draws.

Colburn stated that too much has been compromised. He recommended negotiating out of the contract. Discussion ensued regarding terminating the contract with Christman.

MOTION by Bruno, second by Waltz,
to instruct the City Administrator to immediately suspend the contract with Christman Company.
MOTION APPROVED UNANIMOUSLY

Further discussion ensued, including the language of the motion.

MOTION by Bruno, second by Waltz,
to reconsider the motion to instruct the City Administrator to immediately suspend the contract with Christman Company.
MOTION APPROVED UNANIMOUSLY

MOTION by Bruno, second by Waltz,
to instruct the City Administrator to immediately suspend the contract with Christman Company.
Yes (0)
No (5) Bruno, Clark, Ferris, Tornholm, Waltz
Absent (2) Naeyaert, Johnson
MOTION FAILED

MOTION by Bruno, second by Waltz,
to direct the City Administrator and City Attorney to terminate the contract with Christman Company.
MOTION APPROVED UNANIMOUSLY

Discussion was held regarding a meeting held between staff, the Building Authority, and Granger. Staff provided Council with two schematic designs rendered by Granger. It was the consent of Council for staff to continue discussions with Granger.

ADJOURNMENT
The meeting adjourned at 8:27 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 6, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police
Rolland Olney, Public Works Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: June 15, 2009
The regular meeting Minutes of June 15, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $174,383.28 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Final Hearing Regarding the Results of the Downtown Planning Study Funded by the Michigan State Housing Development Authority (MSHDA) Grant
Clark opened the public hearing at 7:34 p.m.

Colburn stated that The City applied for a 50/50 matching grant of up to $20,000 through the Michigan State Housing Development Authority (MSHDA) to assist with developing a marketing study for the Mason Downtown Development Authority (MDDA).

McKenna and Associates, Inc. worked with the City and the MDDA on the project. The study has been completed and accepted by the MDDA. A final public hearing is the last step of the grant process.

Bruno inquired about the recommended improvements detailed in the study on page nine regarding the corner of State and Maple Streets. It is being recommended to enhance the streetscape improvements.

Tornholm stated that the City's Master Plan is consistent with the study's findings for accomplishing matters of concern and opportunities, like signage. However, it is mistakenly assumed that traffic and pedestrians primarily come from the west.

Clark stated that McKenna stood out as first choice for the project until key players left the company, followed by the replacements leaving the company as well. There were several typos, as well as nonsensical errors; the draft had to be sent back a second time. He concluded by saying that although the study could have been a better product, it will be helpful.

Clark closed the public hearing at 7:40 p.m.

REGULAR BUSINESS

Presentation – Christman Company

Jay Smith, Christman Company Senior Vice President, stated that he will be managing the City Hall/Police Department project: Similar to the City's experience with McKenna, Pete Kramer has left Christman Company. He introduced the management team present, Craig Smith of Christman Company, Jim Lynch, Civil Engineer with Fleis & VandenBrink Engineering, Inc., and designer Gene Carroll of Neumann/Smith Architecture Designers.

The Christman Team gave individual presentations of the schematic design. Craig Smith informed Council that the cost of construction will be $197 a square foot with a $171,000 contingency. He stated that the City clearly expressed that a raised access floor and under floor air distribution and demountable partitions were designated features in the plans. However, it was mutually determined by the team that the 5.5 million dollar budget did not allow inclusion of these items. Mr. Craig Smith stated that they are bumping into the budget everywhere they turn. They are striving to provide a functioning project that supports the needs while trying to satisfy the desires and goals that they set out originally; some of which have been hard to achieve.

Mr. Craig Smith stated they have estimated that if the preliminary phase was approved, they would proceed with the design phase through early September, provide final subcontractor bids and final project costs in mid October; construction would begin in November, continue through the winter, with a move in date of mid August 2010.

Discussion ensued regarding the nondescript elevation design and other items designated as most important and desirable by the City. Also discussed, was the desire to have the structure built in accordance with Leadership in Energy and Environmental Design (LEED) certification. The team stated that building will be constructed under a green approach; however, it will not achieve LEED certification. The plans will not include a basement, as the City had desired. The police department vehicle shelter is not incorporated in the project. The team stated that a shelter may be added if there are funds for it. The building plans fit the needs of current staff and do not include room for future growth.

It was the consensus of Council to schedule a work session Tuesday, July 7, 2009, at 7:00 p.m. to further discuss details of the presentation given by Christman Company tonight.

Resolution No. 2009-30 - Establish Retiree Health Funding Vehicle (RHFV)

MOTION by Naeyaert, second by Waltz
to consider Resolution No. 2009-30 as read.
MOTION APPROVED UNNAIMOUSLY

Resolution No. 2009-30 was introduced by Bruno and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-30
UNIFORM RESOLUTION ADOPTING THE MERS
RETIREE HEALTH FUNDING VEHICLE
(Excluding Plans Governed by Internal Revenue Code Section 401(h))
July 6, 2009

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retire ment Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution

program (MERS Plan Document Section 36(2)(a)); and the Municipal Employees Retirement Act of 1984, Section 36(2)(a) as amended by 1996 PA 220, MCL 38.1536(2)(a));

WHEREAS, the Board has previously authorized MERS' establishment of a retiree health funding vehicle ("RHFV" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, MERS has been determined by the Internal Revenue Service to be a taxqualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated June 15, 2005).

WHEREAS, the Board has established a governmental trust under Section 115 of the Internal Revenue Code (the "Trust Fund") to hold the assets of the RHFV, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a MERS health care trust fund constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income- of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the health care trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality and court enrolled in MERS defined benefit programs, Health Care Savings Program, the Retiree Health Funding Vehicle, and the Investment Services Pool Program, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 45; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Pool Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the Annual Meeting under Plan Section 45; MCL 38.1545.

WHEREAS, adoption of this Uniform Resolution (the "Uniform Resolution") by the Eligible Employer is necessary and required in order that the benefits available under the MERS Retiree Health Funding Vehicle may be extended;

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, MERS Plan Document Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Board "shall determine . . . and establish" all provisions of the retirement system. The MERS RHFV shall not be implemented with respect to any Eligible Employer unless in strict compliance with the terms and conditions of this Resolution, the Trust Document, and Trust Agreement.

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this Uniform Resolution Adopting MERS Retiree Health Funding Vehicle that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution, its administration or interpretation.

- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS Retiree Health Funding Vehicle is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the MERS RHFV or its Trust Fund; or to continue administration.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts the MERS PA 149 Health Care Trust Fund as provided below.

SECTION 1. MERS RHFV PROGRAM

EFFECTIVE July 6, 2009, the MFRS Retiree Health Funding Vehicle is hereby adopted by the City of Mason.
(MERS municipality or court or other eligible employer)

CONTRIBUTIONS shall be made only by the Eligible Employer, remitted to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the trust subfund for MERS RHFV. As this Plan is funded solely by employer, on a cash or actuarial basis as determined by the employer, there is no requirement for a Participation Agreement establishing the schedule of contributions.

INVESTMENT of funds accumulated and held in the Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

THE ELIGIBLE EMPLOYER shall abide by the terms of MERS RHFV, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS RHFV INVESTMENT FIDUCIARY AND TRUSTEE

(A) The governing body of this Eligible Employer desires that all assets placed in its MERS RHFV (as a sub-fund within all pooled Trust Funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, PA 149, all applicable provisions of the Internal Revenue Code and other relevant law.

(B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS RHFV Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all funds held in trust for all Eligible Employers.

(C) All monies in the MERS RHFV Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.

(D) The Eligible Employer will fund its MERS RHFV Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." Participation in and any coverage under RHFV shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963, nor shall any contribution method for Eligible Employer funding other than "pay as you go" cash funding be required or imposed, and all benefits, rights, and obligations conferred by or arising under RHFV shall be as provided under the RHFV documents.

(E) The Eligible Employer generically designates the following groups of persons as "Eligible Employees" who shall constitute "qualified persons," to receive retiree health care benefits subsidized under the MERS RHFV trust sub-fund. Groups may include any dependent(s) as specified in your bargaining agreement and/or personnel policy (provide copies of any governing agreement or other policy):

For example "non-union employees

All full time employees

(F) Finance Director (Use title of official, not name) shall be the Eligible Employer's RHFV Coordinator; **shall direct payment of** fund monies **for the benefit of the** Eligible

Employees identified in (E) under any MERS (or non-MERS) retiree health care benefit program, including, but not limited to, MERS HCSP, or MERS Premier Health; make investment allocations of the Employer's sub-trust fund within MERS-approved portfolios; receive necessary reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

(G) Fees and Expenses for the MERS RHFV are contained in Addendum A to this Resolution.

SECTION 3. EFFECTIVENESS OF THIS RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's RHFV Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

RESOLUTION APPROVED UNANIMOUSLY

MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM
RETIREE HEALTH FUNDING VEHICLE

CONTACT INFORMATION

Employer Name City of Mason

Contact Person and Title Eric Smith Finance Director

Phone (517) 676-9155 Ext 211

Facsimile (517) 676-1330

E-mail erics@mason.mi.us

Address 201 W Ash St

City Mason Zip 48854

ADDENDUM A

Fees and Expenses for the MERS RHFV are as follows:

(a) The administrative fee is 45 basis points (45 hundredths of 1 percent). The fee will be applied by MERS to the fair market value of assets determined as of the first business day of each month. The fee will be deducted from the municipality's account. A quarterly statement will be provided following each quarter.

(b) The administrative fee is separate from and does not include underlying investment management expenses netted from all MERS trust funds under investment on a daily valuation basis.

Dated: _____ , 20_____

_____
(Signature of authorized official)

_____
(Title)

RECEIVED AND APPROVED BY THE MUNICIPAL EMPLOYEES'

RETIREMENT SYSTEM OF MICHIGAN

Dated: _____, 20___ _____
(Authorized MERS RHFV signatory)

Motion – Renewal of Fire Service contracts with Aurelius and Vevay Townships

The City of Mason provides fire services to both Aurelius and Vevay Townships. The area includes the eastern two-thirds of Aurelius Township, and Vevay Township in its entirety. These contracts provide the language regarding the Mason Fire Department's response to the incidents, how the fees are calculated, the equipment and staffing committed to the services and the release of liability to personnel and property issues.

Both the City Administrator and Fire Chief meet with the respective Supervisors of the Townships annually to review the service and contract. The Supervisors are very satisfied with the service they are receiving. The changes within this contract, other than dates, are found in paragraph 1, listing fire apparatus owned by the city. The contract has been amended to reflect the change from two tankers to one pumper/tanker and one tanker.

MOTION by Tornholm, second by Naeyaert,
to accept the three-year Fire Service Contracts with Aurelius Township and Vevay Township as presented.
MOTION APPROVED UNANIMOUSLY

Motion – Recommendation from the Tree Commission Regarding City Tree Plantings

Bruno, liaison to the Tree Commission, stated that at its Tuesday, June 23, 2009, meeting, the Tree Commission recommended by unanimous vote, the following four items for Council's consideration: (1) Trees need to be planted on Cedar Street from South Street to the bridge crossing (2) Franklin Farm development needs to have one (1) tree per lot (3) Areas around the city that are missing trees need to be filled in with plantings from the approved tree species list (4) That city staff monitor and mow when necessary the MDOT right of way along N. Cedar St. to keep the entrance to the city looking good. Colburn stated that city matters are currently being address and that the developer for Franklin Farms is responsible to plant street trees.

Colburn recommended that the Commission and staff collaborate to develop a plan for inclusion with the next Master Plan process. No formal action was taken by Council.

Motion – Request to Waive the Formal Bid Process to Extend the Current Contract with Biotech Agronomics, Inc.

The City has been pleased with the service for biosolids land application from the POTW provided by Biotech Agronomics, Inc. They have agreed to extend the contract for a period of three (3) years, with the first year at no cost increase and the second and third year with a 1/10 of a cent per gallon increase. Therefore, staff is requesting to waive the formal bid process and renew the contract with Biotech Agronomics, Inc for a period of three (3) years.

MOTION by Bruno, second by Johnson,
to waive the formal bid process and renew the contract with Biotech Agronomics, Inc. for a period of three (3) years (2009-2011) as outlined in their proposal.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson informed Council that a resident asked him to attend a meeting being held between himself, City staff, and the contractor to address an issue he had with the new water line that went through his yard. The matter was resolved between the parties and the resident left satisfied with the course of action devised.

NEW BUSINESS
Tornholm stated that she provided each Councilmember with a letter requesting an excused absence for the next regular Council meeting. Also, she informed Council regarding Consumers Energy's announcement for energy efficient improvements rebates for commercial buildings.

> MOTION by Bruno, second by Johnson,
> to excuse Council Member Tornholm from the July 20, 2009 Council meeting.
> MOTION APPROVED UNANIMOUSLY

Ferris informed Council regarding the Garden Tour and the Farmer's Market. She asked if there was an update on the condition of the library roof. Colburn stated that the Friends of the Library gave a $2,000 monetary gift toward repairs of the roof. A brief discussion ensued regarding library repairs.

Naeyaert inquired about extending Curtis Street to the property west of Cedar Street. A brief discussion ensued regarding interest in the site.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Downtown Development Authority (DDA)
Clark informed Council regarding current DDA business. They are referring consideration of moving the handicap sign from in front of Mason State Bank to Wares on Jefferson Street.

Historic District Commission
Waltz informed Council regarding current Historic District business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:00 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 15, 2009

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: June 1, 2009
The regular meeting Minutes of June 1, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $206,689.61 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2009-24 - Designate Authorizing Signatories
MOTION by Bruno, second by Naeyaert,
to consider Resolution Nos. 2009-24 through 2009-28 as read.
MOTION APPROVED UNNAIMOUSLY

Resolution No. 2009-24 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-24
DESIGNATE AUTHORIZING SIGNATORIES
June 15, 2009

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Eric E. Smith, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or

filed with the above banks by the Clerk of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-25 – Amend the 2008-2009 Fiscal Year Budget

Resolution No. 2009-25 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-25
AMEND THE 2008-2009 FISCAL YEAR BUDGET
June 15, 2009

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2008-2009 fiscal year Budget is hereby amended as per the attached "Exhibit A."

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-26 – Return Delinquent Water and Sewer Bills to the July 2009 Tax Roll

Resolution No. 2009-26 was introduced by Waltz and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-26
RETURN DELINQUENT WATER AND SEWER BILLS
TO THE JULY 2009 TAX ROLL
June 15, 2009

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2009 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-27– Levy 1% Tax Administration Fee

Resolution No. 2009-27 was introduced by Waltz and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-27
LEVY 1% TAX ADMINISTRATION FEE
June 15, 2009

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2009 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2009 and 3% penalty from the December tax roll after February 14, 2010.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-28 – Return Miscellaneous Bills to the July 2009 Tax Rolls

Resolution No. 2009-28 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-28
RETURN MISCELLANEOUS BILLS TO THE JULY 2009 TAX ROLL
June 15, 2009

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2009 Tax Roll.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-29 – A Resolution Recognizing the "Mason Baseball – Softball Club Inc." a Non-Profit Organization in the City of Mason

Don Johns, Mason Baseball-Softball Club, Inc. President, stated that the organization is seeking a Charitable Gaming License from the State of Michigan Bureau of State Lottery. Approval is required by City Council stating that the "Mason Baseball - Softball Club, Inc." is recognized as a nonprofit organization in the community. Mr. Johns provided proof of existence to City staff.

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2009-29 read.
MOTION APPROVED UNNAIMOUSLY

Resolution No. 2009-29 was introduced by Tornholm and seconded by Naeyaert.

MASON CITY COUNCIL
RESOLUTION NO. 2009-29
LOCAL GOVERNING BODY RESOLUTION
FOR CHARITABLE GAMING LICENSES
(Required by MCL.432.103(9))

At a REGULAR meeting of the MASON CITY COUNCIL
REGULAR OR ~~SPECIAL~~ ~~TOWNSHIP~~, CITY, ~~OR~~ ~~VILLAGE~~ COUNCIL/~~BOARD~~

called to order by MAYOR LEON CLARK on JUNE 15, 2009

at 7:30 ~~a.m.~~/p.m. the following resolution was offered:
TIME

Moved by TORNHOLM and supported by NAEYAERT

that the request from MASON BASEBALL SOFTBALL CLUB, INC. of MASON,
NAME OF ORGANIZATION CITY

county of INGHAM, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for APPROVAL.
APPROVAL/DISAPPROVAL

RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure – Mark Street

The Mark Street residents are requesting to close the street on July 4, 2009, from 7:00 a.m. – 10:00 p.m. to hold an annual neighborhood block party.

MOTION by Naeyaert, second by Johnson,
to approve the request to close Mark Street on July 4, 2009, from 7:00 a.m. – 10:00 p.m. to allow the neighborhood to hold an annual block party.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Waltz informed Council regarding the city's effort to influence locating the Ingham County 911 Center within the City of Mason. Naeyaert expressed gratitude to County Commissioners Lauren Davis and Randy Schafer for their support for locating the 911 Center in Mason. Tornholm thanked fellow Councilmembers and City staff for their efforts on behalf of the community.

Bruno expressed disappointment with the quality of wood used to construct the gazebo at Griffin Park. Clark stated that the building inspector should be involved in city projects in the future. Colburn stated that the company is making corrections where needed.

NEW BUSINESS
Bruno informed Council regarding the MDEQ public hearing he attended.

Clark informed Council that he was the keynote speaker for the final 5th Grade Graduation of Cedar Street School.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Planning Commission
Naeyaert informed Council regarding current Planning Commission business.

Local Development Finance Authority
Clark informed Council regarding current Local Development Finance Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
Colburn showed Council one of the engraved marble stones that the American Legion and VFW is selling to place at the 15' flags lining the entrance drive to Maple Grove Cemetery. The stones are sold for $500.00.

ADJOURNMENT
The meeting adjourned at 8:30 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 1, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

Clark stated that Councilmember Johnson called to inform Council that he would be held over at work and unable to attend the meeting.

APPROVAL OF MINUTES: May 18, 2009 and May 26, 2009
The Minutes of May 18, 2009 and May 26, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $290,352.69 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Second Reading – Ordinance No. 165 – An Ordinance to Amend the Code of the City of Mason by Adding Chapter 60 – Soil Erosion and Sedimentation Control – Consisting of Sections 60-1, 60-2, 60-3, 60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, And 60-18
MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 165 as read for the second time and adopted.
Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent: (1) Johnson
MOTION APPROVED

CITY OF MASON
ORDINANCE NO. 165
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MASON BY ADDING CHAPTER 60 – SOIL EROSION AND SEDIMENTATION CONTROL – CONSISTING OF SECTIONS 60-1, 60-2, 60-3, 60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, and 60-18

THE CITY OF MASON ORDAINS:

That Chapter 60 – Soil Erosion and Sedimentation Control –Sections 60-1, 60-2, 60-3, 60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, and 60-18 be added to the Code of the City of Mason, which Chapter shall read as follows:

CHAPTER 60 – SOIL EROSION AND SEDIMENTATION CONTROL

60-1. Purposes. The purpose of this Soil Erosion and Sedimentation Control Chapter is to prevent soil erosion and sediment from earth change activities within the City of Mason by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience, and general welfare of the community and to insure compliance with Part 91 of 1994 PA 451 and the rules promulgated thereunder.

60-2. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

(1) *Accelerated Soil Erosion*. The increased loss of the land surface that occurs as a result of human activities.

(2) *Act 451.* The Michigan Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, being MCL 324.101, *et seq*.

(3) *Certification of Completion.* A signed, written statement by the Zoning and Development Director or designee that specific construction has been inspected and found to be in general conformance with the approved grading plans and specifications.

(4) *Drainage Course.* An open storm water conveyance channel used to carry storm drainage, has definite banks, a bed, visible evidence of continued occurrence of water and that empties into a City or County storm drain, lake, creek, stream or river.

(5) *Earth Change.* A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production or the harvesting of crops, or the cutting of trees or vegetation, however, stump or root removal shall be considered earth change.

(6) *Erosion.* The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

(7) *Excavation or cut.* The removal or recovery of exposed or submerged soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay, or other mineral or organic substances except vegetation, from water or land, whether exposed or submerged.

(8) *Flood Plain.* That special flood hazard area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred-year (100) recurrence frequency.

(9) *Grading.* Any stripping, excavating, filling, stockpiling, or any combination thereof, and shall include the land in its excavated or filled condition.

(10) *Grading/Soil Erosion and Sedimentation Control Permit.* A permit issued by the Zoning and Development Director to authorize work to be performed under this Chapter.

(11) *Lake.* All natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is equal to, or greater than, 1 acre. "Lake" does not include sediment basins and basins constructed for the sole purpose of storm water retention, cooling water, or treating polluted water.

(12) *Municipal Enforcing Agency.* The municipal enforcing agency designated to enforce this chapter in accordance with Section 9106(1) of Part 91 of Act 451, as amended, shall be the City Zoning and Development Department established pursuant to Division 2 of Article IV of Chapter 2 of this Code.

(13) *Permanent soil erosion and sedimentation control measure.* All control measures which are installed or constructed to control soil erosion and sedimentation and are to be maintained after project completion.

(14) *Stream.* A river, creek, or other surface watercourse which may or may not be serving as a drain as defined in Act No. 40 of the Public Acts of 1956, as amended, being section 280.1 *et seq*. of the Michigan Compiled Laws, and which has definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.

(15) *Stripping.* Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

(16) *Temporary soil erosion and sedimentation control measures.* Interim control measures which are installed or constructed to control soil erosion and sedimentation until permanent soil erosion controls are installed and the site is stabilized.

(17) *Zoning and Development Director.* The administrative officer appointed pursuant to the provisions of section 2-141 of this Code and having jurisdiction of the City Zoning and Development Department, or his or her designee.

60-3. Compliance with Chapter Required for Site Plan and Plat Approval. No site plan, plot plan, or plat shall be approved under Chapters 74 and 94 of this Code unless said site plan, subdivision plan, plot plan, or plat shall include soil erosion and sediment control measures consistent with the requirements of this Chapter and related land development regulations.

60-4. Compliance with Chapter Required for Occupancy. No certificate of occupancy for any land use, building or structure will be issued under Chapter 94 of this Code, unless the applicant for said certificate shall have obtained a certification of completion indicating compliance with all grading/soil erosion and sedimentation plans and specifications and completion of all permanent soil erosion and sedimentation control measures.

60-5. Permits and Fees.

(a) Permit Requirement. Except as exempted by Section 60-16 of this Chapter, no public or private person shall do any grading, stripping, excavating, or filling nor undertake or maintain any earth change without first obtaining a valid grading/soil erosion and sedimentation control permit issued by the Zoning and Development Director. No building permit shall be issued to any person engaged in an earth change until the grading/soil erosion and sedimentation control permit required by this Chapter has been issued.

(b) Permit Application. A separate application shall be required for each grading/soil erosion and sedimentation control permit. Plans, specifications, and timing schedules shall be submitted with each application for a grading/soil erosion and sedimentation control permit. The plans shall be signed and sealed by a professional engineer, architect, landscape architect, or registered land surveyor. For any earth change located more than five hundred (500) feet from the water's edge of a lake or stream or which disturbs less than one (1) acre in area, the Zoning and Development Director may waive approval and signature by the professional engineer, architect, landscape architect, or registered land surveyor when the work entails little hazard to the adjacent property.

(c) Application Data Required. The plans and specifications accompanying the grading/soil erosion and sedimentation control permit application shall contain the following data:

(1) A vicinity sketch at the scale of 1" - 200' showing the site location as well as the adjacent properties within 500' of the site boundaries and the proximity of any proposed earth change to lakes, streams, and predominant land features.

(2) A boundary line survey with a full legal description of the site on which the work is to be performed.

(3) A contour map showing the proposed contours of the land after the completion of the final grading of the site at not less than 2-foot contour intervals. Such map shall show the grading of the site and contour of the land in relation to adjoining properties. The map shall

contain a certification by a professional engineer, architect, landscape architect, or registered land surveyor that the finished topography of the site will not have any adverse effect on adjoining lands because of any change in the flowage of surface water.

(4) A soils survey or a written description of the soil types of the exposed land area contemplated for the earth change.

(5) A plan of the site at a scale not smaller than 1" - 100' complying with the submittal standards listed in Section 94-225(d) of Chapter 94, Zoning. In addition, the plan shall show the following details:

a. A description and the location of the physical limits of each proposed earth change.

b. The location and description of all existing and proposed drainage and dewatering facilities, retaining walls, cribbing, landscaping, anti-erosion devices, or other temporary or permanent soil erosion and sedimentation control measures to be constructed in connection with, or as a part of, the proposed work together with a map showing the drainage area of land tributary to the site and estimated storm water runoff from the disturbed area and tributary area.

c. Location of any natural feature on the site.

d. Location of any structure or natural feature on the land adjacent to the site and within fifty (50) feet of the site boundary line, including existing topography at two (2) foot intervals.

e. A statement of the quantity of excavation and fill involved.

f. The estimated total cost of the required temporary and permanent soil erosion control measures.

g. A timing schedule indicating the anticipated starting and completion dates of each sequence of the earth change, and the time of exposure of each area prior to the completion of effective permanent erosion and sediment control measures.

h. The location and description for installing and removing all proposed temporary soil erosion and sedimentation control measures.

i. A description and the location of all proposed permanent soil erosion and sedimentation control measures.

j. A note indicating that permanent soil erosion control measures will be placed within five (5) days of final grading.

k. A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance which program shall become part of any sales or exchange agreement for the land on which the permanent soil erosion measures are located.

l. Other information or data as shall be required by the Zoning and Development Director.

(d) Fees. Grading/soil erosion and sedimentation control permit applications shall be accompanied by the appropriate non-refundable fee(s) as established by resolution of the city council.

60-6. Bond Requirement. A grading/soil erosion and sedimentation control permit shall not be issued unless the permittee shall first post with the Zoning and Development Director a bond executed by the owner and a corporate surety with authority to do business in this State as a surety.

The bond shall be in a form approved by the City Attorney, payable to the City, and in the amount of the estimated total cost to install and maintain all temporary or permanent soil erosion control measures. The

total cost shall be provided by the design professional and reviewed by the Zoning and Development Director. The bond shall include provisions for recovery of the costs of the City to enter upon the land and construct, implement, and maintain soil erosion and sedimentation control measures as provided by MCL 324.9119 upon failure of the permittee to complete the work on schedule as specified on the permit. In lieu of a surety bond, the applicant may file with the City, a cash bond or an Instrument of Credit approved by the City Attorney in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made on the conditions that the permittee shall comply with all of the provisions of this Chapter and all of the terms and conditions of the grading/soil erosion and sedimentation control permit, and shall complete all of the work contemplated under the grading/soil erosion and sedimentation control permit within the time limit specified in the grading/soil erosion and sedimentation control permit, or if no time limit is specified, within 180 days after the date of the issuance of the grading/soil erosion and sedimentation control permit.

60-7. Extension of Time. If the permittee is unable to complete the work within the specified time, he/she may, at least ten (10) days prior to the expiration of the grading/soil erosion and sedimentation control, present in writing to the Zoning and Development Director a request for an extension of time setting forth the reasons for the requested extension, together with the appropriate fee as established by the City Council. In the event such an extension is warranted, the Zoning and Development Director may grant additional time for the completion of the work, but no such extension shall release the owner or the surety on the bond or the person furnishing the instrument of credit or cash bond.

60-8. Failure to Complete Work. In the event of failure to complete the work, or failure to comply with all the requirements, conditions, and terms of the grading/soil erosion and sedimentation control permit, the Zoning and Development Director shall order such work as is necessary for completion of all necessary temporary or permanent soil erosion control measures. The permittee and the surety executing the bond or person issuing the instrument of credit or making the cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be insured or expended by the City in causing any and all such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

60-9. Denial of Permit. Zoning and Development Director shall not issue Grading/Soil Erosion and Sedimentation Control permits where:

(1) The proposed work would cause hazards to the public health, safety and welfare.

(2) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property.

(3) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property.

(4) Where proposals are contrary to the standards listed in Chapter 30, Floods.

60-10. Modifications of Approved Plans. All modifications of the approved grading plans must be submitted to and approved by the Zoning and Development Director. All necessary sustaining reports shall be submitted with any proposal to modify the approved grading/soil erosion and sedimentation control plan. No grading work in connection with any proposed modification shall be permitted without the approval of the Zoning and Development Director.

60-11. Responsibility of Permittee. During grading operations the permittee shall be responsible for:

(1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment.

(2) The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to discharge sediment or endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

(3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and this Chapter.

(4) The prompt removal of all soil, miscellaneous debris, or other materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction, where such spillage constitutes a public nuisance or hazard.

(5) The preservation of as many trees, shrubs and natural features on the site as may be practicable in the development of the site.

60-12 Responsibility of Owner of Property.

(a) The owner of property that is subject to a permit under this ordinance is responsible for compliance with the terms of the permit that apply to that property.

(b) If property subject to a permit under this ordinance is transferred, both are transferred with the property:

1. The permit, including the permit obligations and conditions, and

2. Responsibility for any violations of the permit that exists on the date the property is transferred.

(c) If property subject to a permit under this ordinance is transferred, but not the entire property, both of the following are transferred with the permit:

1. The permit obligations and conditions with respect to that parcel, but not the permit itself, and

2. Responsibility for any violation of the permit with respect to that parcel that exist on the date the property is transferred.

(d) If property is subject to a permit under this ordinance is proposed to be transferred, the transferor shall notify the transferee of the permit in writing on a form approved by the City. The notice shall inform the transferee of the requirements of subsection (a) and, as applicable, subsection (b). The notice shall include a copy of the permit. The transferor and transferee shall sign the notice.

60-13. General Requirements.

(a) Any earth changes shall be conducted in such a manner which will effectively reduce accelerated soil erosion and resulting off-site sedimentation to the greatest extent practicable.

(b) All persons engaged in earth changes shall design, implement and maintain acceptable soil erosion and sedimentation and control measures, in conformance with Part 91 of Act 451 and all official rules promulgated pursuant thereto which are hereby adopted by reference as part of this Chapter.

(c) All earth changes shall be designed, constructed, and completed in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time.

(d) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.

(e) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a nonerosive velocity.

(f) A person shall install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and shall maintain the measures on a daily basis. A person shall remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. A person shall stabilize the area with permanent soil erosion control measures following approved standards and specifications as prescribed by Section of this Chapter.

(g) A person shall complete permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area within five (5) calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the-area is stabilized.

(h) The final surface grade of ground areas shall conform to the standards listed in section 94-177(o) of Chapter 94, Zoning.

60-14. Maintenance Requirements. Persons carrying out soil erosion and sediment control measures under this Chapter, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent anti-erosion devices, retaining walls, structures, plantings, and other protective devices.

60-15. Standards and Specifications for Erosion and Sediment Control.

(a) All grading/soil erosion and sedimentation control plans and temporary and permanent soil erosion control measures shall be prepared, installed, and maintained in accordance with the following standards:

(1) The soil erosion and sedimentation control procedures and measures prescribed by R323.1709 and R323.1710 of Part 17 of the Michigan Administrative Code of Rules.

(2) The Michigan Department of Environmental Quality's Guidebook of Best Management Practices for Michigan Watersheds.

(3) The MDOT Soil Erosion Sedimentation Control Manual.

(b) If a conflict exists between the standards and specification, then the Zoning and Development Director shall determine which specifications are appropriate for the project.

60-16. Variances and Exceptions.

(a) No Grading/Soil Erosion and Sedimentation Control permit shall be required for the following:

(1) Agricultural use of land where a person has entered into an agreement with the appropriate soil conversation district to pursue agricultural practices in accordance with and subject to the rules of Section 324.9109 of Part 91 451.

(2) Grading or an excavation below finished grade for structures of less than one thousand (1,000) square feet and more than five hundred (500) feet from any lake, stream or drainage course, provided that the total area of earth change shall not exceed six thousand four hundred (6,400) square feet in area.

(3) Normal road and driveway maintenance, such as grading or leveling, that does not increase the length or width of the road or driveway and that will not contribute sediment to lakes or streams.

(4) A person engaged in the logging or mining industry as defined and permitted by Section 9115 of Part 91 Act 451, as amended.

(5) Where the property owner certifies by signed affidavit that the planned work is less than 225 square feet, and the final structures or topographical changes will not result in, or contribute to, soil erosion, sedimentation of the waters of the State, will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way, will not create any hazards to any persons or property, and will have no detrimental influence upon the public welfare or upon the total development of the watershed.

(6) An earth change on residential property of a minor nature that is stabilized within 24 hours of the initial earth disturbance.

(7) Removal of tree stumps, shrubs stumps, or roots resulting in an earth change disturbing not to exceed 100 square feet on residential property.
(8) All of the activities described in subsection 9115a(1)(e) of Part 91 of Act 451.

(b) Although no permits are required under subsections (a) (1), (2), (3), (4), (5), (6) and (7) of this Section, the operations and constructions exempted from obtaining permits must comply with the rules and regulations related to the prevention of soil erosion and sedimentation specified in this Chapter.

(c) Where it is alleged that there is error or misinterpretation in any order, requirements, decisions, grant, or refusal made by the Zoning and Development Director, the Zoning Board of Appeals shall have the power to hear specific applications and may amend or change such order, requirements, decisions, grant or refusal so that it is in harmony with the general purpose and Intent of the requirements and complies with Part 91 of Act 451. The procedural requirements for appeals under Section 364 of Chapter 94, Zoning, shall be applicable to appeals under this Chapter.

(d) In the case of applications for permits for grading or excavation for buildings or structures on plots zoned RS-1, RS-2, and RS-3 of less than one (1) acre in size and not closer than five hundred (500) feet to a lake or stream, wetland, or catch basin, the Zoning and Development Director may waive one or more of the application data requirements of subsection 60-5(c)(1), (2) or (3) and the bond requirements of Section 60-6, provided the plans and specifications otherwise filed in connection with the application for a building permit provide sufficient information to allow the Zoning and Development Director to enforce and administer the provisions of this Chapter.

60-17. The requirements of this Chapter shall be enforced by the Zoning and Development Director. Personnel possessing a valid certificate of training issued by the MDEQ shall inspect the work for compliance with the provisions of this Chapter, Part 91 of Act 451, and the rules promulgated thereunder.

If the Zoning and Development Director finds any existing conditions not as stated in any application, grading permit or approved plan, he/she may refuse the continuance of further work until corrective actions are taken or approval of a revised grading plan which will conform to the differing conditions.

60-18. <u>Enforcement.</u>

(a) Notwithstanding the existence or pursuit of any other remedy, the City of Mason may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this Chapter.

(b) The Zoning and Development Director, or a duly authorized agent, may enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this Chapter, Part 91 of Act 451, or the rules promulgated thereunder under Part 91 of Act 451. The Zoning and Development Director, or a duly authorized agent may enter upon land to construct, implement and maintain soil erosion and sedimentation control measures in conformance with Section 9119 of Part 91 of Act 451.

(c) The City shall have a lien for the expenses incurred under subsection 60-18(b) of bringing the land into conformance with this ordinance and the rules promulgated under this ordinance. The lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act.

(d) A person who violates this chapter or the provisions of any cease and desist order issued by the Zoning and Development Director to enforce this chapter shall be responsible for a municipal civil infraction as defined by MCL 600.113 punishable by a civil fine of not more than $2,500 (plus all costs and expenses, direct and indirect), to which the City has been put in connection with the municipal civil infraction, up to the entry of the judgment. Each active violation and every day upon which a violation shall occur shall constitute a separate offense.

(e) The Zoning and Development Director and his or her designated agents and inspectors may issue a cease and desist order for any activity on land which may be a violation of this chapter. The Zoning and Development Director and his or her designated agents and inspectors are authorized to issue and serve municipal civil infraction citations for any violations of this chapter designated as a municipal civil infraction pursuant to Chapter 87 of 1961 PA 236, MCL 600.8707.

Effective Date. This ordinance shall become effective upon publication of the notice of adoption in a newspaper of general circulation within the city.

Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Bruno
ABSENT (1) Johnson
ORDINANCE APPROVED

Resolution No. 2009-23 – A Resolution Authorizing the Acquisition and Transfer of a Three-Acre Parcel to Ingham County to Locate the Ingham County, Michigan 911 Dispatch Center in Exchange for the Transfer of Rayner Park to the City of Mason.

Colburn stated that he, Mayor Clark, Mayor Pro Tem Naeyaert, Council Member Waltz, and Police Chief Stressman spoke at the Ingham County Law Enforcement Committee meeting on May 28, 2009, and presented draft Mason City Council Resolution No. 2009-23 offering to provide the three acres necessary to locate the consolidated 911 Dispatch Center in Mason Commerce Park in exchange for the acquisition and operation of Rayner Park. However, the Committee voted 5 to 1 to locate the facility on the Jolly Road site. Following passage of Resolution No. 2009-23 tonight, a certified copy will be presented at the County Community Services Committee meeting and the Finance Committee meeting, both being held this week, as well as at the Ingham County Board of Commissioners meeting, June 9, 2009.

An extensive discussion was held regarding the details of the County's needs for a 911 Center and the City's significant offer to meet and exceed those needs.

Motion by Naeyaert, second by Tornholm,
To consider Resolution No. 2009-23 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-23 was introduced by Naeyaert and seconded by Tornholm.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-23
A RESOLUTION AUTHORIZING THE ACQUISITION AND TRANSFER OF A THREE-ACRE PARCEL TO INGHAM COUNTY TO LOCATE THE INGHAM COUNTY, MICHIGAN 911 DISPATCH CENTER IN EXCHANGE FOR THE TRANSFER OF RAYNER PARK TO THE CITY OF MASON
June 1, 2009

WHEREAS, the Ingham County Board of Commissioners authorized the adoption of the Ingham County Central Dispatch Action Plan to accomplish a Consolidated 911 Dispatch Center operation with the intent of serving all of Ingham County from a central location; and

WHEREAS, the Mason Commerce Complex site is one of the final locations deemed by the Ingham County 911 Steering Committee's Facilities Committee and Landmark Design Group P.C., the County's architectural services consultant, as a viable location for the new 911 Central Dispatch Center; and

WHEREAS, it would be mutually beneficial to the City of Mason, the County of Ingham, and the mutual public interests served by them if the Consolidated 911 Dispatch Center were to be centrally located within the city of Mason; and

WHEREAS, Landmark Design has estimated a $220,000 difference in costs between the three site location options establishing a 7.42% difference between the Mason location and the Jolly Road location in Lansing; and

WHEREAS, Ingham County is facing increasing financial pressure due to the current economics within the County, State of Michigan and the United States which may prevent the continued operation and maintenance of Rayner Park within the city of Mason by Ingham County; and

WHEREAS, in order to induce Ingham County to locate the Consolidated 911 Dispatch Center within the city and to insure the continued operation and maintenance of Rayner Park as a public park within the city of Mason, the City is willing to provide the three acres of land necessary to site the Consolidated 911 Dispatch Center within the city of Mason in exchange for the acquisition and operation of Rayner Park as a city park by the City of Mason.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mason that it does hereby agree to acquire the three-acre parcel in the Mason Commerce Park identified in the Ingham County Landmark site evaluation report and convey it to Ingham County to locate and operate the Ingham County Consolidated 911 Dispatch Center in exchange for Rayner Park to be operated and maintained by the City as a city park.
BE IF FURTHER RESOLVED that the exchange of the 911 Dispatch Center site for Rayner Park shall be subject to the City and the County entering into an exchange agreement acceptable to their respective boards, which agreement shall reserve unto the Ingham County Drain Commissioner the right to access and maintain its county drain in those portions of Rayner Creek that flow through Rayner Park.

Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent (1) Johnson
RESOLUTION APPROVED

Motion – Service Agreement Extension for Employee Uniforms

Currently, the City has a two-year agreement with Arrow Uniform Service to supply uniforms, floor mats, and shop towels for the Public Works Department. Arrow has agreed to extend the agreement for an additional two years at the 2007 price with no per unit cost increase to the city, as well as waive the Environmental charge.

The City entered into a two year agreement with Arrow Uniform Service.

MOTION by Bruno, second by Tornholm,
To approve the service agreement extension with Arrow Uniform Service for a period of two (2) years (2009-2011) with the same unit prices as the 2007 agreement.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Bruno informed Council that he delivered the Sugar Maple tree gifted to the City of Lowell by the City of Mason through Mayors Exchange Day. Tornholm inquired about the quarterly newsletter schedule for the edition regarding the new city hall. Colburn informed Council that it will be going to the printer in about three weeks. Delays incurred due to the change of staff.

NEW BUSINESS

Tornholm stated that in response to the May 18, Lansing Regional Chamber of Commerce (LRCC) letter, she plans to submit comments relating to recommendations for development in the greater Lansing area.

MOTION by Naeyaert, second by Bruno,
to excuse Councilmember Johnson's absence from tonight's meeting.
MOTION APPROVED UNANIMOUSLY

Ferris commented that the transplanted Blue Spruce tree at Griffin Park looks like it has always been there. Also, she informed Council that the Farmers Market preview is June 13.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Waltz informed Council regarding current Historic District Commission business. Colburn informed Council from a report forwarded to him from Councilmember Johnson regarding current Traffic Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. He asked Zoning and Development Director Haywood to inform Council regarding the Library's flooded basement resulting from a puncture in the sanitary line by workers laying underground fiber optic cable in the Park Street right-of-way adjacent to the library. Haywood stated that the deluge of rains helped push the clay slurry through the floor drains and commodes. The remedial response was quick and immediate by all involved. Due to the water source, the damaged carpet was removed and the area was cleaned with an industrial disinfectant.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:39 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
SPECIAL CITY COUNCIL MEETING
MINUTES OF MAY 26, 2009

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Johnson, Tornholm, *Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Executive Session – Property Acquisition

MOTION by Naeyaert, second by Johnson,
to adjourn to executive session to consider property acquisition.
Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm
No (0)
Absent (1) Waltz
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 7:34 p.m.

*Waltz arrived at 7:36 p.m. As the ex officio member, he attended the Historic District Commission meeting held at 7:00 p.m.

The meeting reconvened at 9:02 p.m.

Motion – Authorize Signature Authority to Mayor Clark for Property Acquisition

MOTION by Naeyaert, second by Johnson,
to authorize signature authority to Mayor Clark for property acquisition for Option #1 in the proposal outlined by the City Administrator.

Bruno stated that he could not support this option.

McGinty stated that the motion should clarify the City's intent for Rayner Park; whether to acquire ownership or to operate for a specified length of time, as well as clarifying that the exchange for the three acres is the County's agreement to locate and operate the 911 Center on the three acres.

MOTION by Naeyaert, second by Waltz,
to amend the main motion by adding that in consideration of exchange for acquisition and the operation of Rayner Park, would be the agreement for the County to locate and operate the 911 Center on the three acres.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
Yes (5) Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (2) Bruno, Clark
MOTION APPROVED

Clark stated that he would rather have the proposal in resolution form.

MOTION by Naeyaert, second by Johnson,
to amend the agenda by adding Item No. 4(C) Discussion of a Resolution for a 911 Center Location and Operation in Exchange for Acquisition and Operation of Rayner Park between the City of Mason and Ingham County.
MOTION APPROVED UNANIMOUSLY

Discussion of a Resolution for a 911 Center Location and Operation in Exchange for Acquisition and Operation of Rayner Park between the City of Mason and Ingham County
Discussion was held regarding preparing a resolution for consideration at the next regular meeting that could be presented at the Ingham County Board of Commissioners meeting.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:15 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 18, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: May 4, 2009
The regular meeting Minutes of May 4, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $242,410.67 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
First Reading - Ordinance No. 165 - Soil Erosion – An Ordinance to Amend the Code of the City of Mason by Adding Chapter 60 – Soil Erosion and Sedimentation Control – Consisting of Sections 60-1, 60-2, 60-3, 60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, and 60-18
David Haywood gave a brief overview of Ordinance No. 165. Currently, the Ingham County Drain Commission is the enforcing agency. The City has determined to assume both the process of enforcement and issuance of permits for the administration of soil erosion and sedimentation control (SESC) to achieve regulatory control and management. In accordance with the Natural Resources and Environmental Protection Act (NREPA), the Michigan Department of Environmental Quality (MDEQ) has granted preliminary approval and permission to proceed with adoption.

MOTION by Waltz, second by Naeyaert,
to introduce Ordinance No. 165 and consider it read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No 2009-22 – Fireworks Display Agreement
MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-22 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-22 was introduced by Bruno and seconded by Johnson.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-22
FIREWORKS DISPLAY AGREEMENT
May 18, 2009

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2009 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Agreement – Harter – Franklin Farm Drive

Mason City Council designated the construction of Franklin Farm Drive extension as the priority of the 2010 street program. In addition to extending the public street from Lavonne Street south to Kipp Road, this project will involve the construction of a bridge over Willow Creek and a water line extension to Kipp Road.

Mr. and Mrs. Harter have gifted 1.14 acres to the City of Mason to construct the public road. Mr. and Mrs. Harter will maintain the current year property taxes and the City will be responsible for title insurance.

MOTION by Naeyaert, second by Waltz,
to authorize the Agreement between the City of Mason and Robert and Nancy Harter, transferring ownership of approximately 1.14 acres of land, allowing the City to construct the Franklin Farm Drive extension.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closure – Mason Farmers Market Association, Inc.

The Mason Farmers Market Association is requesting street closures for the annual Farmers Market held Saturday mornings, July through September, as well as a "Flag Day Market Preview" on June 13.

MOTION by Johnson, second by Naeyaert,
to approve the streets closure request by the Mason Farmers Market Association for East Maple Street from South Barnes Street to the west edge of the Ingham County Hilliard Building for the June 13, preview, and Saturday mornings falling on July 11 through September 26, 2009, between the hours of 6:00 a.m. and 1:00 p.m.
MOTION APPROVED UNANIMOULSY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Ferris informed Council that the Thursday Night Live begins May 28.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Deputy City Clerk Cwiertniewicz gave a brief overview of the Mayors Exchange Day itinerary.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:15 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 4, 2009

Clark called the meeting to order at 7:34 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Johnson led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: April 20, 2009
The regular meeting Minutes of April 20, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $258,420.09 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
FY 2009-2010 Budget
Colburn gave a brief overview of the FY 2009-2010 Budget.

Clark opened and closed the public hearing at 8:00 p.m. as there were no comments.

Resolution No. 2009-20 – Adoption of the FY 2009-2010 Budget
MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2009-20 read.
MOTION APPROVED UNNAIMOUSLY

Resolution No. 2009-20 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009- 20
ADOPTION OF THE FY 2009-2010 BUDGET
May 4, 2009

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2009-2010 fiscal year budget on Monday, May 4, 2009 as prescribed by law;

NOW THEREFORE BE IT RESOLVED, that the proposed 2009-2010 Operating Budget is filed with the City Clerk, providing for the sums of $12,427,380 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental

funds, and Special Assessment Funds for the 2009-2010 fiscal year, and the said amount of $3,204,255 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason.

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2009-2010 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $3,515,493 the sum of $46,580 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2009-2010 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $42,963,878; the sum of $159,310 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that the 2009-2010 Governmental Fund Budgets shall be automatically amended on July 1, 2009 to re-appropriate encumbrances outstanding and reserved on June 30, 2009.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2009-2010 proposed fiscal year budget which is currently on file in the office of the City Clerk.

RESOLUTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Presentation – Capital Area District Library (CADL) – Participating Membership

Colburn introduced Margaret Bossenbery, CADL Chairperson, and Debora Bloomquist, CADL Out-County Representative, presented the notification letter from Nancy R. Robertson, State of Michigan State Librarian, noting that the CADL agreement has been amended and the Library of Michigan (LM) acknowledges that Mason is a participating municipality in the agreement.

Second Reading – Ordinance No. 171 - An Ordinance to Amend Article II, Planning Commission, of Chapter 50, Planning, of the Code of the City of Mason to Conform the Provisions of the Planning Code to the Michigan Planning Enabling Act

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 171read for the second time and adopted
MOTION APPROVED UNNAIMOUSLY

CITY OF MASON
ORDINANCE NO. 171

AN ORDINANCE TO AMEND ARTICLE II - PLANNING COMMISSION - OF CHAPTER 50 - PLANNING - OF THE CODE OF THE CITY OF MASON TO CONFORM THE PROVISIONS OF THE PLANNING CODE TO THE MICHIGAN PLANNING ENABLING ACT

THE CITY OF MASON ORDAINS:

Article II of Chapter 50 of the Code of the City of Mason is hereby amended to read as follows:

Sec. 50-31. Created.

For the purpose of cooperating with the governments of the United States and of the state and region, and to promote the comfort, convenience, health, safety, and general welfare of the city and its environs, a city planning commission is created with powers and duties as prescribed by the Michigan Planning Enabling Act, 2008 PA 33, which shall be designated and known as "The Mason Planning Commission." In general, the planning commission shall have such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of the Michigan Planning Enabling Act, 2008 PA 33.

Sec. 50-32. Terms and qualifications.

The planning commission shall consist of nine members. Not less than eight members shall be qualified

electors of the city. Eight members shall be appointed by the mayor with the approval of the city council. One member shall be selected from the city council by resolution of the council to serve ex officio. The membership of the commission shall be representative of important segments of the community, including agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the city. The term of each member shall be three years, except that the term of the ex officio member shall be stated in the resolution selecting said member, but the term shall not extend beyond the term of office for said member as member of the city council.

Sec. 50-33. Bylaws, meetings and records.

The commission shall hold at least one regular meeting in each month. It shall keep a public record of its resolutions, transactions, findings and determinations as minutes in accordance with the Michigan Open Meetings Act, MCL 15.261 et seq. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of its official function shall be made available to the public in compliance with the Michigan Freedom of Information Act, MCL 15.231, et seq. The planning commission shall adopt bylaws for the transaction of its business.

Sec. 50-34. Expenditures.

The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for such purposes by the council.

Sec. 50-35. Functions, duties, master plan.

The planning commission shall make and approve a master plan as a guide for the development of the city, including any areas outside of its boundaries which in the commission's judgment bear relation to the planning of the city. In the preparation of a master plan, the planning commission shall do all of the following, as applicable:

(1) Make careful and comprehensive surveys and studies of present conditions and future growth within the city with due regard to its relation to neighboring jurisdiction.

(2) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(3) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the city and seek the maximum coordination of the city's programs with these agencies.

(4) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.

(5) If an airport approach plan or airport layout plan has been filed with the planning commission by the airport manager, the planning commission shall incorporate the airport approach plan or airport layout plan into any amendments or revisions to the city master plan and shall receive and consider comments from the airport manager at or before a public hearing held to consider any amendment to the zoning ordinance or zoning use district map which affects property within the airport approach plan or airport layout plan filed with the city.

(6) The planning commission may, by a majority vote of its members, adopt a sub-plan for a geographic area less than the entire city if, because of the unique physical characteristics of that area, more intense planning is necessary for the purposes set forth in section 50-31 and section 7 of the Michigan Planning Enabling Act, 2008 PA 33.

Sections 50-36 through 50-40 are hereby added to read as follows:

Sec. 50-36. Contents of master plan.

A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the city. A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the city.

(1) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.

(2) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and public utilities and structures.

(3) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(4) A zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(5) Recommendations for implementing any of the master plan's proposals.

(6) If a master plan is or includes a master street plan, the means for implementing the master street plan in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the city.

Sec. 50-37. Functions and duties; zoning commission.

The planning commission shall have and exercise all those powers and duties of a zoning commission as provided by Article III of the Michigan Zoning Enabling Act, 2006 PA 110, and such other authority and duties as shall be detailed and set forth by law.

Sec. 50-38. Functions, duties; capital improvements.

(a) *Construction of streets, squares, parks, public buildings, or other public way, ground, or open space.* A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by the municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the city council or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership.

(b) *Rescission of authorization for opening, widening or extension of streets or acquisition or enlargement of park or other open space.* If the opening, widening, or extension of a street or the acquisition or enlargement of any square, park, playground, or other open space has been approved by the planning commission and authorized by the city council as provided above, the council shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the council. If the planning commission disapproves the rescission, the council may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.

(c) *Capital improvements program.* To further the desirable future development of the city under the master plan, the planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the city for all types of public structures and improvements. Consequently, each agency or department of the city with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

Sec. 50-39. Subdivision review.

(a) The planning commission may recommend to the city council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105.

(b) Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.

(c) Before recommending an ordinance or rule described in subsection (a), the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the city.

(d) The planning commission shall review and make recommendations on plats before action thereon by the city council under section 112 of the Land Division Act, 1967 PA 288, MCL 560.112.

Sec. 50-40. Annual report.

The planning commission shall make an annual report to the city council concerning its operations and the status of planning activities, including recommendations regarding actions by the city council relating to planning and development.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of May, 2009.
ORDINANCE ADOPTED UNANIMOUSLY

Second Reading - Ordinance No. 172 – An Ordinance to Amend Sections 74-76 and 74-78 of Article II, Subdivisions, of Chapter 74, Subdivisions and Other Divisions of Land of the Code of the City of Mason to Conform the Provisions of the Subdivision Code to the Michigan Planning Enabling Act

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 172 read for the second time and adopted
MOTION APPROVED UNNAIMOUSLY

CITY OF MASON
ORDINANCE NO. 172

AN ORDINANCE TO AMEND SECTIONS 74-76 AND 74-78 OF ARTICLE II - SUBDIVISIONS - OF CHAPTER 74 - SUBDIVISIONS AND OTHER DIVISIONS OF LAND OF THE CODE OF THE CITY OF MASON TO CONFORM THE PROVISIONS OF THE SUBDIVISION CODE TO THE MICHIGAN PLANNING ENABLING ACT.

THE CITY OF MASON ORDAINS:

Sections 74-76 and 74-78 of Article II of Chapter 74 of the Code of the City of Mason are hereby amended to read as follows:

Sec. 74-76. Filing of preliminary plat with planning commission.

(a) Before a preliminary plat is submitted to the city council, it shall first receive the recommendations of the planning commission in conformance with the regulations of this section.

(b) The subdivider or developer shall submit a preliminary plat to the secretary of the planning commission at least 20 days prior to the regular planning commission meeting at which he is scheduled to appear. In

filing, the subdivider shall submit the following:

(1) Ten copies of a letter of application for a preliminary plat review.

(2) Ten copies of a preliminary plat.

Sec. 74-78. Preliminary plat review by planning commission.

(a) The proposed preliminary plat shall be placed on the agenda of the next regular planning commission meeting which follows the submittal, by no less than 20 days. Should any required data be omitted, the proprietor shall be notified in writing of the specific data required; and the planning commission shall delay further action until the data are received.

(b) The planning commission shall not take action on a proposed plat without affording an opportunity for a public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. It shall be the duty of the planning commission via the city clerk's office, to send notice by first class mail to the proprietor and to property owners immediately adjacent to the property to be platted, of presentment of the preliminary plat and the date, time and place of the meeting of the planning commission to consider the preliminary plat. The notice shall be sent not less than fifteen days before the public hearing date and shall be published in a newspaper of general circulation in the city.

(c) The planning commission shall recommend approval, conditional approval, or rejection of the preliminary plat. The planning commission shall review the preliminary plat in the following manner:

(1) All details of the proposed preliminary plat shall be reviewed with reference to the requirements of the zoning ordinance, the various elements of the plan, and the design standards set forth in this article. The planning commission may, at its discretion, transmit copies of the preliminary plat to the city engineer and the city administrator for their review. The planning commission shall transmit copies of the preliminary plat to all city departments concerned with the development, and may transmit a copy to the school board for review and recommendation.

(2) The planning commission shall act on the preliminary plat in sufficient time to permit the city council to act within the time limit required by section 112 of the Land Division Act (MCL 560.112).

a. Should the recommendation be a conditional approval and, therefore, tentative, and if the proprietor shall in writing have waived the time requirement set forth by this article, the preliminary plat shall not be forwarded to the city council until the conditions have been satisfied by the proprietor. The revised preliminary plat shall be marked as a revision and shall follow the filing procedure set forth in this article.

b. Should the planning commission recommend rejection of the preliminary plat, it shall record the reasons in the minutes of that meeting. A copy of the minutes and all copies of the preliminary plat shall be forwarded to the city council.

c. Should the planning commission find that all standards under the Land Division Act, 1967 PA 288, the design standards of this article, the requirements of the zoning ordinance, and the applicable elements of the master plan are met and all conditions have been satisfied, it shall recommend approval of the preliminary plat. The chairman or secretary of the planning commission shall make a notation to that effect on each copy of the preliminary plat, returning one copy to the proprietor, forwarding four copies to the city council via the city clerk's office, and retaining one copy for its files.

(3) The planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period.

Sec. 74-104. Review of the final plat by the city council.

(a) Upon receipt of the final plat from the planning commission, the city council shall review the final plat and all recommendations of the planning commission and shall take action to approve or disapprove the final plat at its next regular meeting, or at a meeting called within 20 days of the date of receipt.

(b) The city council shall require of the proprietor, as a condition of final plat approval, a cash deposit, certified check or irrevocable bank letter of credit, whichever the proprietor elects, running to the city to insure, within the time specified in the contract, the performance of any contract relation with the city relative to improvement of public places that have not been completely installed or constructed at the time of final plat approval, and shall require either a cash deposit, certified check, or irrevocable bank letter of credit, whichever the proprietor elects, running to the city for the full cost, as estimated pursuant to section 74-163(b)(1), of any required public improvements that have not been completely installed or constructed at the time of final plat approval, to insure the installation of such required public improvements within the time specified in the contract, after approval of the plat; provided the city shall refund to the proprietor as the work progresses, amounts of any cash deposits, or allow the appropriate reduction in security, in amounts equal to the cost of completed units of work stipulated in the agreement prepared pursuant to section 74-163(b)(1), and satisfactory accomplishment of the construction milestones noted in that section.

(c) After the city council has approved the final plat, no change shall be made in the plat unless the plat is resubmitted for review and approval in accordance with all the provisions of this article.

(d) Upon approval of the final plat, the subsequent approvals shall follow the procedure set forth in the Land Division Act (MCL 560.101 et seq.).

(e) A certificate of approval of the final plat shall be affixed to the plat by the surveyor, and all copies of the final plat signed by the city clerk on behalf of the city council upon approval of the final plat by that body.

(f) Once the final plat has been approved by the city and recorded under section 172 of the Land Division Act, 1967 PA 288, MCL 560.172, it shall be considered to be an amendment to the master plan of the city and a part thereof. Approval of a plat by the city does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of May, 2009.

ORDINANCE APPROVED UNANIMOUSLY

Second Reading - Ordinance No. 176 – An Ordinance to Amend Sections 94-101, 94-361 and 94-397 and to Add New Section 94-231 of Chapter 94, Zoning, of the Code of the City of Mason to Conform the Mason Zoning Ordinance to the Recent Amendments to the Michigan Zoning Enabling Act

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 176 read for the second time and adopted
MOTION APPROVED UNNAIMOUSLY

CITY OF MASON
ORDINANCE NO. 174
AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO CONDITIONALLY REZONE 0.225 ACRES 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 PARKING

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

LOT 3, BLOCK 7, SMITH AND PEASE ADDITION TO THE CITY OF MASON, ACCORDING TO THE RECORD PLAN THEREOF AS RECORDED IN LIBER 35 OF DEEDS, PAGE 186, INGHAM COUNTY, MICHIGAN RECORDS, CONTAINING 0.225 OF AN ACRE OF LAND.

be conditionally rezoned from R2F Two Family Residential to C-2 General Commercial subject to the following conditions voluntarily offered by the applicant and accepted by the City pursuant to MCL 125.3405:

1. The existing structure on the rezoned property shall be demolished and applicant shall construct the improvements and install and maintain the landscaping as shown in the Conditional Use Plan dated January 12, 2009 and received January 19, 2009 with the property owner's application for rezoning within one year from the effective date of this ordinance.

2. Implementation of the conditional use plan described in paragraph 1 above is conditioned upon the applicant receiving all necessary variances from the Mason Zoning Board of Appeals so as to allow the construction of the access drive as shown on the plan.

3. The development and use of the rezoned land shall be restricted to employee parking for the employees of the commercial business located at 110 N. Cedar Street, Mason, Michigan. No commercial vehicles as defined in Chapter 1 of the Mason City Code shall be allowed on the property.

4. The applicant shall make application to the Zoning Administrator for lot combination within the time frame described in subsection 5 below to combine lots 3 thru 6, including the southerly ½ of lots 7 and 8 as shown in the survey with the revised date April 24, 2000, as filed with their application for variance.

5. Should the approved redevelopment and/or use of the rezoned land not occur within the timeframe specified in paragraph 1 above, then the subject land shall automatically revert to its former zoning classification of R2F – Two-Family Residential, as provided by MCL 125.3405(2) and the zoning administrator shall commence proceedings to amend the City's zoning use district map accordingly in the manner provided by Article XII of the Mason Zoning Code.

6. The approved conditions of rezoning set forth in this ordinance or an affidavit or memorandum giving notice thereof shall be filed by the City Zoning Administrator with the Ingham County Register of Deeds.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal storm sewer is within a reasonable distance from the site, and if extended, would adequately serve the site; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 174, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Waltz, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 16th day of March, 2009.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No 2009-21 - Mayoral Appointment to the Traffic Commission

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-21 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-21 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-21
MAYORAL APPOINTMENT TO THE TRAFFIC COMMISSION
MAY 4, 2009

WHEREAS, the March 15, 2009, resignation of Scott Preadmore created an ex officio vacancy on the Traffic Commission;

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Neal Johnson (ex officio) to the Traffic Commission of the city commencing May 4, 2009 and expires on December 31, 2010.

RESOLUTION APPROVED UNANIMOUSLY

Report – Off-Road Recreation Vehicles (ORV) Dennis McGinty, City Attorney

McGinty stated that recent legislation allowing off-road recreation vehicles on local streets is restricted to municipalities and counties north of Claire County. It is experimental legislation and has a five year sunset. If the legislation is not repealed before or at that point, other communities could lobby to institute the ordinance. However, there would be a duty to maintain local streets for safe travel by ORVs. Currently, ORVs may be approved for limited use during special events. ORV exclusions in the law are defined as farm vehicles, military, fire, emergency, law enforcement purposes, oil and gas companies, and utility companies doing maintenance work on their systems.

UNFINISHED BUSINESS

Bruno stated that he was asked to participate in a tree planting ceremony organized by BlueGrass Landscape who is a member of Plant Michigan Green. In honor of Earth Day, BlueGrass donated and planted a Cleveland Pear tree at Hayes Park. Also, the Arbor Day Ceremony was held on the Hayhoe Riverwalk where a Katsura tree was planted for Arbor Day Honoree, Deborah Powers.

Clark informed Council regarding the Washington D.C. trip where he and Public Works Director Rolland Olney attended the National Rural Water Board Association's annual meeting. Mayor Pro Tem Robin Naeyaert and City Administrator Colburn joined them to lobby on behalf of the City to promote Mason's request for federal appropriations for the unfunded mandate of the new water treatment plant.

Naeyaert informed Council that Saturday, May 9 is Stamp Out Hunger Day.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:23 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 20, 2009

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

Present: Councilmembers: Bruno, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: Clark
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: April 6, 2009 Regular Meeting and April 13, 2009 Special Meeting
The regular meeting Minutes of April 6, 2009 and special meeting Minutes of April 13, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Waltz, second by Ferris,
to approve the payment of bills in the amount of $109,459.67 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
First Reading – Ordinance No. 171 - An Ordinance to Amend Article II, Planning Commission, of Chapter 50, Planning, of the Code of the City of Mason to Conform the Provisions of the Planning Code to the Michigan Planning Enabling Act
The Michigan Legislature consolidated the County, Township and Cities and Villages Planning Acts into a single planning enabling act in 2008. The purpose of the consolidation was to make planning law in the State easier to understand, user friendly, and uniform across different levels of government. Ordinance Nos. 171 and 172 reflect compliance with the Michigan Planning Enabling Act., and Ordinance No. 176 reflects compliance with the Michigan Zoning Enabling Act.

MOTION by Waltz, second by Bruno,
to introduce and consider Ordinance No. 171 read for the first time.
MOTION APPROVED UNANIMOUSLY

First Reading - Ordinance No. 172 – An Ordinance to Amend Sections 74-76 and 74-78 of Article II, Subdivisions, of Chapter 74, Subdivisions and Other Divisions of Land of the Code of the City of Mason to Conform the Provisions of the Subdivision Code to the Michigan Planning Enabling Act

MOTION by Bruno, second by Johnson,
to introduce and consider Ordinance No. 172 read for the first time.
MOTION APPROVED UNANIMOUSLY

First Reading - Ordinance No. 176 – An Ordinance to Amend Sections 94-101, 94-361 and 94-397 and to Add New Section 94-231 of Chapter 94, Zoning, of the Code of the City of Mason to Conform the Mason Zoning Ordinance to the Recent Amendments to the Michigan Zoning Enabling Act

MOTION by Johnson, second by Bruno,
to introduce and consider Ordinance No. 176 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No 2009-17 - A Full Faith and Credit General Obligation Limited Tax Contract of Lease between the City of Mason and the Mason Building Authority to Construct a City Hall/Police Station, and Approval of Notice of Intent

Tom Traciak of ACI Finance Inc. summarized the Full Faith and Credit General Obligation Limited Tax Contract of Lease between the City and the Building Authority to construct a city hall/police station and the requirement to publish a notice of intent.

MOTION by Johnson, second by Waltz,
to consider Resolution No. 2009-17 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-17 was introduced by Ferris and seconded by Johnson. A brief discussion was held regarding the timing of the City Hall/Police Department project, specifically whether it would be financially prudent to defer the project or to proceed.

CITY OF MASON
INGHAM COUNTY, MICHIGAN
CITY COUNCIL RESOLUTION NO. 2009-17
A FULL FAITH AND CREDIT GENERAL OBLIGATION LIMITED TAX CONTRACT OF LEASE BETWEEN THE CITY OF MASON AND THE MASON BUILDING AUTHORITY TO CONSTRUCT A CITY HALL/POLICE STATION, AND APPROVAL OF NOTICE OF INTENT
April 20, 2009

A regular meeting of the City Council (the "City Council") of the City of Mason, Ingham County, Michigan (the "City"), was held in the City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 20th day of April, 2009, at 7:30 p.m..

WHEREAS:

1. The City Council has determined that it is necessary to acquire, construct, equip and furnish a city hall and police station building, together with necessary and related site improvements and related appurtenances (the "Project"), and that title to the Project will held by the City of Mason Building Authority (the "Authority"), and that the City will lease the Project from the Authority for its municipal purposes; and

2. Pursuant to the provisions of the Michigan Building Authorities Act, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (the "Act"), this City Council has caused a Full Faith and Credit General Obligation - Limited Tax Contract of Lease (the "Contract") to be prepared and negotiated with the Authority, by the terms of which Contract the Authority will acquire the Project and lease the same to the City pursuant to the terms and conditions of the Contract, which Contract is attached hereto and incorporated herein as **Attachment A**; and

3. Pursuant to the provisions of Section 8b of the Act, this City Council may, by majority vote of its elected members, authorize the execution of a Full Faith and Credit General Obligation - Limited Tax Contract of Lease with the Authority, which contract shall not become effective until sixty (60) days after such notice of intent of entering into the contract has been published in a newspaper of general circulation within the City, provided no valid petition for referendum has been filed with the City within forty-five (45) days of publication; and

4. The Act further provides and requires the notice of intent to be published in a newspaper reaching the largest number of electors and taxpayers within the City and to state certain specific information therein; and

5. This City Council desires to reach the greatest number of electors and taxpayers of the City as possible by publication and is of the opinion that the Ingham County Community News is a newspaper of sufficient circulation to accomplish this objective; and

6. The Contract, in accordance with the authorization contained in the provisions of the Act, authorizes the issuance of bonds of the Authority in the aggregate principal sum of Five Million Five Hundred Thousand Dollars ($5,500,000) in anticipation of the Full Faith and Credit General Obligation - Limited Tax contractual commitments of the City under said Contract to finance all or a portion of the costs of said Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the Contract in its substantial form as provided in **Attachment A**, with such final modifications to the Contract that are approved and authorized by the City Clerk, which modifications shall not materially alter the terms of the Contract. The Mayor and City Clerk are hereby authorized and directed to execute the Contract.

2. The Contract shall not become effective until sixty (60) days after the latest publication date of the Notice of Intent in the Ingham County Community News, a newspaper published within and of general circulation in the City of Mason, provided no valid petition of referendum has been filed within forty-five (45) days of publication.

3. The Notice hereby directed to be published by the City Clerk shall be in substantially the form as provided in **Attachment B** to this resolution.

4. The Notice shall be published as a display ad in a size not less than one-quarter (1/4) page of the newspaper in which published.

5. A copy of the resolution and the Contract are hereby directed to be placed on file in the office of the City Clerk, and the City Clerk is further instructed to make the Contract available for examination to the public during normal business hours.

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

Yes (5) Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent (1) Clark

RESOLUTION APPROVED

ATTACHMENT A
CITY OF MASON BUILDING AUTHORITY
CITY OF MASON
FULL FAITH AND CREDIT GENERAL OBLIGATION - LIMITED TAX
CONTRACT OF LEASE

THIS FULL FAITH AND CREDIT GENERAL OBLIGATION - LIMITED TAX CONTRACT OF LEASE IS MADE AND EXECUTED as of this 20th day of April, 2009 (the "Effective Date"), by and between the CITY OF MASON BUILDING AUTHORITY, a public corporation organized and existing under the authority of the Michigan Building Authorities Act, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (the "AUTHORITY"), and the CITY OF MASON, a municipal corporation organized and existing under the Constitution and laws of the State of Michigan (the "CITY").

WITNESSETH:

WHEREAS, the AUTHORITY has been incorporated under and pursuant to the provisions of the Michigan Building Authorities Act, Act 31, Public Acts of Michigan, 1948 (First Extra

Session), as amended (the "Act"), for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and/or maintaining a building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use by the CITY; and

WHEREAS, the CITY desires to acquire, construct, equip and furnish a city hall and police station building, together with necessary and related site improvements (which is herein sometimes called "Project"), and the AUTHORITY is willing to acquire the Project and lease the same to the CITY; and

WHEREAS, the site upon which the Project will be located is a certain parcel of land in the CITY, more completely described in **Exhibit A**, attached hereto and made a part hereof by reference, unencumbered fee simple title to which is held by the CITY and all or a portion of the same will be acquired by the AUTHORITY pursuant to this Full Faith and Credit General Obligation - Limited Tax Contract of Lease (the "Contract"); and

WHEREAS, the acquisition of the Project by the AUTHORITY for use by the CITY is necessary for the public health, safety and welfare of the CITY, and the use of the AUTHORITY to accomplish such acquisition represents the most practical means to that end at the lowest cost to the CITY; and

WHEREAS, the total cost of the Project is estimated to be in the sum of Five Million Five Hundred Thousand Dollars ($5,500,000), which will include architect's fees, legal, bond issuance, and financing costs, investment income, and contingencies; and

WHEREAS, the CITY and the AUTHORITY have determined that all or a portion of the cost of the Project should be paid by the authorization and issuance of bonds (the "Bonds") by the AUTHORITY in anticipation of the full faith and credit general obligation limited tax contractual commitments of the CITY under this Contract, pursuant to the provisions of the Act, in the principal amount of not to exceed Five Million Five Hundred Thousand Dollars ($5,500,000); and

WHEREAS, as a prerequisite to the authorization and issuance of the Bonds, it is necessary for the parties hereto to enter into this Contract, whereby the AUTHORITY will lease the Project to the CITY and the CITY will hire the same from the AUTHORITY for a period extending beyond the last maturity date of said Bonds, but not to exceed a period of fifty (50) years; and

WHEREAS, this Contract has been executed by the CITY pursuant to a resolution of the City Council of the CITY, adopted on April 20, 2009, and notice thereof has been published in a newspaper of general circulation in the CITY, and this Contract shall become effective after sixty (60) days have elapsed following such publication, if no valid petition for referendum on the effectiveness of this Contract has been filed with the City Clerk of the CITY within forty-five (45) days of the publication or, in the event the City Council shall submit the question of approval of execution of the Contract to the electors, upon approval of the electors of the CITY.

IT IS, THEREFORE, AGREED BY AND BETWEEN THE PARTIES HERETO, for and in consideration of the agreement and covenants of each other and moneys to be paid out to the other, as follows:

1. (A) The CITY currently owns the parcel of land described in **Exhibit A** and shall convey and transfer to the AUTHORITY unencumbered fee simple title or its interest in all or a portion of that parcel of land for use by the AUTHORITY solely as a site for the Project. Such conveyance or transfer shall be made in a form and manner approved by the City Attorney of the CITY.

(B) The AUTHORITY will, on or before August 1, 2009, but in no event before the sale of the Bonds, enter into a final contract or contracts for the construction of the Project (except for equipment and furnishings therefor) and shall further thereafter cause the Project to be constructed promptly in accordance with the plans to be submitted by the AUTHORITY to the CITY and approved by the CITY, said Project to be available for the use of the CITY, in whole or in part, as of the date of Contract completion, but not later than November 30, 2010.

2. In consideration of the rentals, and terms and conditions herein specified, the AUTHORITY does hereby let and lease the Project to the CITY and the CITY does hereby let and lease the Project from the AUTHORITY, TO HAVE AND TO HOLD for a term commencing on the

date of possession of the Project to be delivered hereunder pursuant to Section 14 hereof and ending on a day fifty (50) years from the date hereof, or such lesser period as may be authorized by the provisions of this Contract.

3. The CITY hereby covenants and agrees to pay to the AUTHORITY cash rental for the use of the Project (hereinafter referred to as the "Cash Rental" or "Cash Rentals") in the amount based upon the AUTHORITY's debt service requirements on the Bonds, the principal maturities of which shall be set forth in **Exhibit B**. The Bonds shall be payable in not more than thirty (30) annual maturities, the first maturity of which shall come due not later than five (5) years after the Effective Date, and the last maturity of which shall come due not later than thirty-five (35) years after the Effective Date.

The CITY will pay to the AUTHORITY, commencing on October 1, 2010, and annually on October 1 of each year thereafter so long as Bonds are outstanding, Cash Rentals in an amount corresponding to the principal amount of Bonds maturing on the next succeeding November 1.

The CITY acknowledges also that the Bonds will be issued at a maximum interest rate of not to exceed seven percent (7.0%) per annum, and that so long as Bonds remain outstanding, such interest will accrue on the outstanding principal balance semi-annually. Therefore, the CITY further covenants and agrees that it shall pay to the AUTHORITY on or before April 1, 2010, such sum as shall be necessary to pay interest on the Bonds on May 1, 2010, and to pay the AUTHORITY, as part of Cash Rentals, semi-annually on each April 1 and October 1 of each year thereafter, so long as Bonds are outstanding, such additional sums as shall be necessary to pay all principal and interest due on the Bonds before the next succeeding semi-annual Cash Rental payment date.

It is understood and agreed by the parties hereto that the CITY's minimum Cash Rental obligation hereunder shall be the semi-annual payment of such amounts as shall equal the debt service requirements on the Bonds falling due before the next Cash Rental payment date. However, the CITY shall retain the unrestricted right and privilege to prepay at any time whatever amounts of Cash Rentals it may choose in order to fully or partially retire the Bonds and any interest then due thereon or in order to provide for such retirement at a specified future date. The total aggregate obligation of the CITY hereunder for Cash Rentals shall at any given point in time be equal to the sum of Cash Rentals yet to be paid to retire outstanding principal of the Bonds, plus interest accrued thereon since the last Cash Rental payment at the rate borne by the Bonds. The CITY warrants and represents that the amount of its obligations under this Contract, when taken together with other indebtedness of the CITY will not cause its obligations under this Contract to exceed any constitutional, statutory or charter debt limitation applicable to the CITY.

The AUTHORITY shall, within thirty (30) days after the delivery of the Bonds, furnish the CITY with a complete schedule of maturities of principal and interest thereon, and the AUTHORITY shall also, at least thirty (30) days before each semi-annual Cash Rental due date, advise the CITY, in writing, of the exact amount of Cash Rental due on said date, and the CITY shall pay such amount on the next following rental date.

4. The CITY, at its own expense during the term of this Contract, shall operate, maintain and keep in repair the completed portions of the Project, and the total expense in connection therewith shall be borne and paid by the CITY in addition to all other rentals herein required. Operation and maintenance shall include any and all costs and expenses of operation and maintenance and such costs and expenses of repairs and maintenance as are necessary to keep the Project in good repair and working order, and shall include, but not to the exclusion of any other items not herein specified, lighting, heating, snow and debris removal, painting and such other repair and maintenance items as are necessary to provide for efficient operation of the Project, and to keep the same in good repair and working order, such attendants and janitorial service as may be necessary, as well as proper insurance coverage. Further, the CITY shall pay, as a part of the operation and maintenance expense, upon written notification by the AUTHORITY, and within thirty (30) days after receipt thereof, such amounts as shall be required to meet all reasonable administrative costs and operating expenses of the AUTHORITY, including paying agent fees, Bond registration fees and any other costs or expense of the AUTHORITY, incidental to the issuance and payment of the Bonds or attributable to the Project.

5. It is understood and agreed by and between the parties hereto that the Bonds will be issued by the AUTHORITY in anticipation of the CITY's contractual Cash Rental obligation, as stated in Section 3 hereof. The CITY, pursuant to authorization of Section 8a of the Act, hereby recognizes and affirms that its contractual obligations expressed in Section 3 and 4 hereof are full

faith and credit limited tax general obligations of the CITY.

The CITY expressly and irrevocably pledges its full faith and credit for the prompt and timely payment of the Cash Rentals pledged for Bond payments as expressed in this Contract, and the semi-annual Cash Rentals constitute a full faith and credit limited tax general obligation of the CITY and, under the provisions of the Act, the CITY is required to provide sufficient moneys in its annual budget for the payment thereof and, if necessary, levy ad valorem taxes on all taxable property within its boundaries, but not in an amount or at a rate exceeding that necessary to pay such Cash Rentals, such levy being for the purpose of providing funds to meet the contractual obligations of the CITY in anticipation of which the Bonds are issued. Nothing herein contained shall be construed to prevent the CITY from using any, or any combination of, the means and methods provided in Section 8a of the Act for the purpose of providing funds to meet its obligations under this Contract, and if at the time of making any annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligation due before the next tax collection period, then such annual tax levy may be reduced by such amount. Any such tax levies, however, are subject to existing charter, statutory and constitutional tax rate limitations.

6. The CITY will, if necessary, amend its budget for the fiscal year commencing July 1, 2009, and shall include it in its budget for each fiscal year thereafter, an amount sufficient to pay the total obligations under this Contract coming due in each such fiscal year. Annually before finalization of its budget for the next ensuing fiscal year the CITY shall prepare and transmit to the AUTHORITY a statement of the moneys to be included in the budget for payment of all costs of the Project. The AUTHORITY shall have the right to communicate directly with the City Council of the CITY regarding any items in the budget relative to the Project which might be disputed and, in any event, the budget shall be reasonably adequate to cover all obligations of the CITY herein contained in this Contract.

7. The CITY may at any time pay in advance any of the obligations required to be paid by this Contract, in which event the AUTHORITY shall credit the CITY with advance payment on future-due payments to the extent of such advance payment.

8. The CITY may install in the Project such additional equipment or fixtures not furnished within the construction budget as it may desire, but shall not make any permanent alterations to the Project without the written consent of the AUTHORITY.

9. The CITY covenants and agrees that it will not permit the use of the Project in any manner that will result in a violation of local, state or federal laws, rules or regulations now or hereafter in force and applicable thereto and shall keep the AUTHORITY and the members of its Commission harmless and indemnified at all times against any loss, cost, damage or expenses by any accident, loss, casualty or damage resulting to any person or property through any use, misuses, or nonuse of the Project, or by reason of any act of things done or not done on, in or about the Project or in relation thereto. The CITY further covenants and agrees that it will promptly, and at its own expense, make and pay for any and all changes and alterations in or about the Project which during the term of this Contract may be required to be made at any time by reason of local, state or federal laws and to save the AUTHORITY harmless and free from all costs or damage in respect thereto.

10. To carry out the acquisition and improvement of the Project and the financing thereof in accordance with the provisions of the Act, the following actions shall be taken by the AUTHORITY.

(A) The AUTHORITY will immediately upon the execution of this Contract enact the necessary resolution or ordinance to authorize the issuance of the Bonds in anticipation of the Cash Rentals to be paid by the CITY hereunder. The AUTHORITY will offer for sale and take such other necessary legal procedures as may be necessary to sell the Bonds as soon as (i) this Contract becomes effective, (ii) final construction bids have been received (the bids to be held for final acceptance pending sale of the Bonds), and (iii) all other steps required to be taken before sale of the Bonds have been accomplished.

(B) The AUTHORITY will immediately upon the sale of the Bonds, but before the delivery thereof, enter into and execute contracts for the completion of the Project in accordance with the plans and specifications therefor prepared and approved by the AUTHORITY and the CITY. No changes in the plans and specifications shall be made by the AUTHORITY without the consent of the

CITY. The AUTHORITY shall not execute any contract in connection with the completion of the Project until the same has been approved by the City Council of the CITY.

(C) The AUTHORITY will require and secure from any contractor undertaking any work to be performed on the Project necessary and proper bonds in such amounts and in such forms as may be approved by the City Attorney of the CITY.

(D) The AUTHORITY will immediately upon receipt of the proceeds of sale of the Bonds comply with all requirements provided for in the ordinance or resolution relative to the disposition and use of such proceeds.

(E) The AUTHORITY may invest any bond proceeds or other funds held by it as permitted by law and investment income shall accrue to and be a part of the fund producing such income.

11. In the event that it should be determined that for any reason there are not sufficient funds to complete the Project or if repair, replacement or alteration of the Project should be required to make the Project usable for its originally intended purpose, and additional funds become necessary therefore, it is agreed by the parties hereto that this Contract may be supplemented or amended to provide for the issuance of additional bonds by the AUTHORITY to provide sufficient funds to complete, repair, replace or alter the Project and also to increase the Cash Rental by an amount fully sufficient to pay all principal of and interest on the Bonds herein referred to and such additional bonds when due.

In the event such determination of insufficient funds should be made after the letting of contracts for completion of the Project, but before completion thereof, the AUTHORITY shall be authorized, on its own motion, to issue such additional bonds as may be necessary to provide sufficient funds to complete the Project or to make necessary repairs, replacement or alteration therein, and the Cash Rental to be paid by the CITY shall automatically be increased by an amount fully sufficient to pay all principal of and interest on the Bonds herein referred to and such additional bonds when due. In the event any additional bonds are issued, the duties and obligations of the AUTHORITY and the CITY as expressed and set forth this Contract shall be applicable to such additional bonds as well as the Bonds herein referred to, it being at all times fully recognized and agreed that the Cash Rentals to be paid by the CITY, as specified in Section 3 of this Contract, shall be based upon the total amount of debt service on the bonds issued to pay the costs of the Project. Any such additional bonds shall mature serially on November 1, as shown in Section 3, shall be increased by the principal amount of such additional bonds maturing on said November 1, plus the additional interest payable thereon on said November 1 and the succeeding May 1. All of the provisions of this Contract shall be applicable to said increased amounts. Immediately upon the issuance of such additional bonds, the AUTHORITY shall furnish and supply the CITY documentation specifying the new schedule of Bond payments and Cash Rentals, increased as herein authorized, which shall be substituted and take the place of the schedules herein specified. In the event additional bonds are issued, all references herein to the Bonds shall be deemed to include such additional bonds.

In lieu of the issuance of additional bonds, the AUTHORITY and the CITY may enter into any other mutually agreeable arrangement to meet increased costs or bring such costs within the amount of funds available for construction of the Project.

12. In the event, by reason of favorable construction bids received, or for any other reason, it is not necessary to issue the Bonds in the full amount presently anticipated, the AUTHORITY shall be authorized, after consultation with the CITY, to reduce the amount of Bonds to such lesser principal amount as may be necessary to pay the cost of the Project and also to reduce the Cash Rental of the CITY so that the Cash Rental payment due on April 1 and October 1 of each year shall be sufficient to pay the principal of and interest on the Bonds the next succeeding November 1 and May 1. All the provisions of this Contract shall be applicable to the reduced amounts the same as though such Bonds and Cash Rentals were originally in the reduced amounts. In such event, the AUTHORITY shall furnish and supply to the CITY documentation specifying the new schedule of Bond payments and Cash Rentals, reduced as herein authorized, which shall be substituted and take the place of the schedules herein specified.

13. After completion of the Project and payment of all costs thereof, any unexpended balance remaining from the proceeds of sale of Bonds shall be used by the AUTHORITY, upon request made by resolution of the City Council of the CITY and with the approval of the Local Audit

and Finance Division of the Michigan Department of Treasury or its successor state agency for improvements to or enlargement of the Project or for any other projects of the AUTHORITY leased to the CITY. Any balance remaining after such use shall be applied to debt service requirements of the Bonds next coming due and the CITY shall receive a credit against the next due Cash Rentals to the extent of such application.

14. The AUTHORITY shall deliver immediate possession of the completed portions of the Project to the CITY. The Project shall be completed pursuant to the negotiated construction schedule but not later than November 30, 2010. In the event that for any reason whatsoever the Project is not completed by that date, the obligation of the CITY for the payment of the Cash Rentals and other costs of the Project and the performance of its other commitments under this Contract shall in any event remain in full force and effect in order to provide for the payment of principal and interest on the Bonds and other costs in connection therewith.

15. The CITY shall provide (A) liability insurance to the extent necessary to protect the AUTHORITY and the CITY against loss on account of damage or injury to persons or property imposed by reason of the ownership of the Project or resulting from any act of omission or commission on the part of the AUTHORITY or the CITY, their agents, officers and employees, in connection with the operation, maintenance or repair of said Project or the furnishing of any service to the CITY; (B) casualty insurance against such risks and in such amounts as are usually carried on projects of similar size and nature; and (C) a sufficient fidelity bond from any person handling the funds of the AUTHORITY.

16. Any funds received by the AUTHORITY or the CITY from any insurance policies, or otherwise, because of casualty or damage to the Project shall be used promptly to restore the Project to a condition satisfactory to the CITY. If such funds are not sufficient to so restore the Project, the CITY may provide sufficient additional funds therefore in such amounts as the CITY and the AUTHORITY may agree upon, or restoration, in which event the provisions of Section 11 hereof with respect to additional bonds and increased Cash Rentals shall apply. If in the judgment of the AUTHORITY, concurred in by the CITY, the funds received from any insurance policies, or otherwise, by the AUTHORITY or the CITY shall be insufficient to restore the Project to a condition satisfactory to the CITY, and if additional CITY funds are not made available or additional bonds are not authorized to make proper restoration, then, in that case, the AUTHORITY shall hold and/or invest the funds paid to it by reason of such loss for the benefit of the holders of the Bonds, and when upon receipt of sufficient Cash Rentals from the CITY which, together with the proceeds of the issuance and other available funds, will be sufficient to pay the principal and interest upon the Bonds, the moneys shall be deposited by the AUTHORITY, in trust, for the benefit of the bondholders and used to pay the principal and interest on the Bonds as they mature or as the Bonds become callable.

17. The leasehold rights, duties and obligations of the CITY as specified in this Contract shall not be assigned nor sublet, in whole or in part, during the term of this Contract or while any of the Bonds are outstanding and unpaid, except to the extent that such assignment or sublease benefits and serves a legitimate public purpose of the CITY, in which event the CITY shall be authorized to assign this Contract or sublet the Project, or any part thereof, but only to the extent and in the manner that the CITY could assign or sublet if it were the owner of the Project. In no event shall any assignment or subletting relieve the CITY of its primary obligation to pay the Cash Rentals and operation and maintenance costs of the Project hereunder or perform any of its other obligations hereunder. For purposes of this agreement, employment of a manager, management firm, or any operating agreement with a third party shall not be deemed an assignment or subletting.

18. The CITY shall have, and is hereby granted, the right to require the AUTHORITY to release from the terms and restrictions hereof any unimproved part of the site for the Project, or any interest therein, at any item and from time to time while the CITY is not in default hereunder, without cost to the CITY, provided that the CITY furnishes the AUTHORITY with:

(A) A notice, in writing, containing an adequate legal description of that portion of the site with respect to which such right is to be exercised, together with a survey thereof; and

(B) A certificate signed by an engineer or architect stating (i) that no part of the improvements constituting the Project (other than landscaping, roads, walkways, sewer, water, gas, electric and communication lines and other utilities, and the like, which shall be specified in such certificate) is located on the portion of the

site with respect to which such right is exercised; and (ii) that the severance of such portion of the site from the Project will not impair the operating unity or materially alter the character of the Project.

From and after the consummation of any release effected by the CITY pursuant to the provisions of this section, any reference herein to the Project shall be deemed to refer to the real property described herein, less and except any portion or interest therein released to the CITY under this section and any part theretofore released to the CITY under this section. No release effected by the CITY under the provisions of this section shall entitle the CITY to any abatement or diminution of the Cash Rentals or other obligations payable hereunder.

19. The AUTHORITY, its agents, servants or employees, shall have the right at all times of entering upon the Project for the purpose of acquiring, constructing, renovating, restoring and inspecting the same pursuant to its commitments hereunder and conditions herein contained are being complied with.

20. The CITY covenants and agrees that it will continue to pay to the AUTHORITY, in accordance with the terms of this Contract, the Cash Rentals at the times and in the manner herein established, without reduction or abatement for any cause or reasons whatsoever, including, but not limited to, casualty which results in the Project being untenantable or the failure to have the Project restored under Section 16 hereof, and without right of set off or recoupment, until the principal of and interest on all Bonds are paid in full or adequate funds are available and held in trust for the benefit of the holders of the Bonds for that purpose.

21. The CITY covenants and agrees that if, before the Bonds have been retired, default shall at any time be made by the CITY in payments of the Cash Rentals as herein required, or in the performance of any of its obligations hereunder, the AUTHORITY shall have the right to use all the remedies provided by law to correct the default. Such remedies include those specifically set forth in the Act and the ordinance or resolution to be enacted by the AUTHORITY providing for the issuance of the Bonds. In the event of any such default, the holder or holders of the Bonds may, to the extent permitted by law, exercise and enforce the rights of the AUTHORITY hereunder.

22. The AUTHORITY and the CITY each recognize that the Bonds are to be issued in anticipation of the Cash Rentals to be paid by the CITY hereunder and that the holders from time to time of the Bonds will have contractual rights in this Contract, and it is, therefore, covenanted and agreed by each of them that so long as any of the Bonds shall remain outstanding and unpaid the provisions of this Contract shall not be subject to any alteration or revision which would in any manner unfavorably affect either the security of the bonds or the prompt payment of principal or interest thereon. The AUTHORITY and the CITY further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Contract promptly at the times and in the manner herein set forth and will not suffer to be done and act which would in any way impair the Bonds, the security therefore, or the prompt payment of principal and interest thereon. The CITY may, in writing, waive strict compliance by the AUTHORITY with any dates set out herein for the entering into of final construction contracts and for completion of the Project, and such dates may be altered upon mutual agreement by the parties hereto.

23. Any notice necessary or proper to be given to any of the parties hereto may be served in the following manner:

(A) If to the AUTHORITY, by delivering the same to any member of the Commission thereof.

(B) If to the CITY, by delivering the same to the City Administrator, City Clerk or a deputy thereof.

24. This Contract shall terminate on the payment in full of all principal of and interest on all of the Bonds. When the Bonds have been retired and the Contract terminated, the AUTHORITY shall convey the Project to the City, without consideration, by quit claim deed and appropriate bills of sale in such form and manner as may be approved by the City Attorney of the CITY. Upon termination of this Contract in the manner set forth above, the AUTHORITY shall promptly pay over to the CITY any and all funds held by it pertaining to the aforesaid Bonds or in any other manner relating to the Project.

25. The AUTHORITY covenants that the CITY, upon compliance with the terms of this Contract, shall and may peacefully and quietly have and hold and enjoy the Project for the term herein provided.

26. Nothing herein contained shall in any way be construed to prevent additional financing under the provisions of the Act, or any other law, for any of the purposes set out in the Articles of Incorporation of the AUTHORITY.

27. This Contract shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the CITY OF MASON BUILDING AUTHORITY, by its Commission, and the CITY OF MASON, by its City Council have each caused its name to be signed to this instrument by its duly authorized officers, and its seal to be affixed hereto as of the Effective Date.

In the presence of: CITY OF MASON
BUILDING AUTHORITY

_____ By _____
Chairman of Its Commission

_____ By _____
Secretary of Its Commission

[Authority]
[Seal]

In the presence of: CITY OF MASON

_____ By _____

_____

[City]
[Seal]

EXHIBIT A

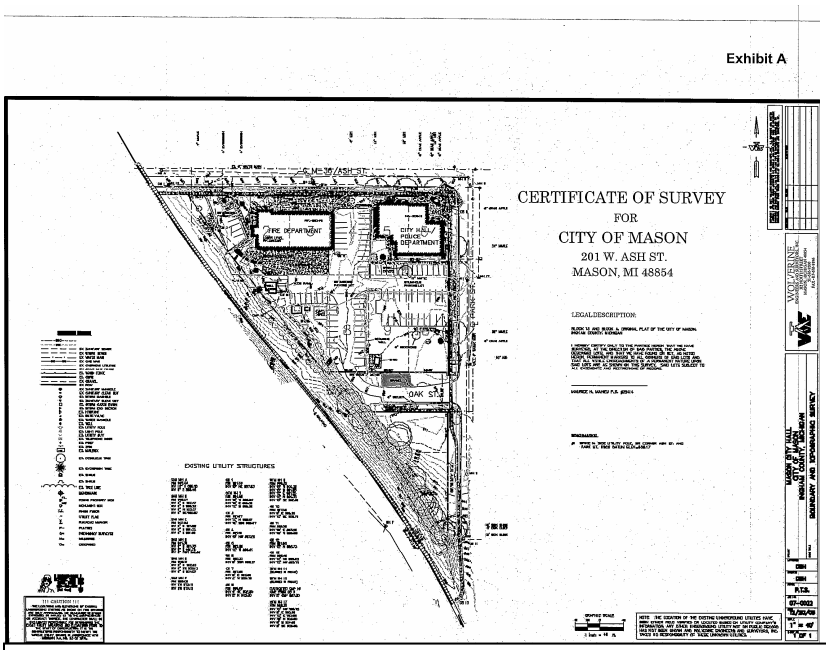

EXHIBIT B

(ATTACHED)

ATTACHMENT B

NOTICE OF INTENT TO EXECUTE A FULL FAITH AND CREDIT GENERAL OBLIGATION - LIMITED TAX CONTRACT OF LEASE BETWEEN THE CITY OF MASON AND CITY OF MASON BUILDING AUTHORITY NOTICE TO THE ELECTORS AND TAXPAYERS OF THE CITY OF MASON AND NOTICE OF RIGHT OF REFERENDUM

TAKE NOTICE THAT the City Council of the City of Mason intends to enter into a Full Faith and Credit General Obligation - Limited Tax Contract of Lease with the City of Mason Building Authority by the terms of which the City of Mason Building Authority (the "Building Authority") has agreed to acquire, construct, equip and furnish a city hall and police station building, together with necessary and related site improvements and related appurtenances (the "Project"), and to lease the same to the City of Mason for a period of not to exceed fifty (50) years.

The total cost of the Project is estimated to be Five Million Five Hundred Thousand Dollars ($5,500,000). The Building Authority will be authorized to issue bonds in the principal amount of not to exceed Five Million Five Hundred Thousand Dollars ($5,500,000) to mature over a period of not to exceed thirty (30) years to pay a portion of the cost of the Project, which bonds shall bear interest at a rate or rates to be determined upon public sale, but not to exceed seven percent (7.0%). The City of Mason will be obligated to make semi-annual cash rental payments to the Building Authority to enable the Building Authority to meet its annual principal and semi-annual interest requirements on the bonds.

PLEDGE OF FULL FAITH AND CREDIT AND SOURCE OF PAYMENT OF RENTAL OBLIGATION

The Contract obligates the City of Mason to expressly and irrevocably pledge its full faith and credit for the prompt and timely payment of the semi-annual cash rental payments, and the semi-annual cash rental payments constitute full faith and credit general obligations of the City of Mason. Under the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, the City of Mason is required to provide sufficient moneys in its annual budget for the payment thereof, and if necessary, levy ad valorem taxes on all taxable property within its boundaries. Any such levies, however, must be subject to existing charter, statutory and constitutional tax rate limitations. The cash rentals are not subject to set off or abatement for such cause, including but not limited to, casualty or any conditions that might cause the lease property to be partially or wholly untenantable.

The City of Mason is authorized to use any, or any combination of, methods provided in Act 31, as amended, for the purpose of providing funds to meet its obligations under this Contract; and, if at the time of making any annual tax levy, there shall be other funds on hand earmarked and set aside for the payment of contractual obligations due prior to the next tax collection period, the tax levy may be reduced by such amount.

The cash rental payments will be budgeted annually within the City of Mason's general fund. It is not anticipated that any tax increase will be required to service the contractual payments to be owed to the Building Authority.

RIGHT OF REFERENDUM

TAKE FURTHER NOTICE THAT THE CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL SIXTY (60) DAYS AFTER THIS NOTICE OF INTENT HAS BEEN PUBLISHED AND IF NO PETITION FOR REFERENDUM REQUESTING AN ELECTION ON THE CONTRACT HAS BEEN FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER THIS NOTICE IS PUBLISHED. IF A REFERENDUM PETITION IS FILED, SIGNED BY NOT LESS THAN TEN PERCENT (10%) OF THE REGISTERED ELECTORS OF THE CITY, A REFERENDUM ELECTION SHALL BE CALLED PURSUANT TO THE PETITION AND THE CONTRACT SHALL NOT BECOME EFFECTIVE UNLESS A MAJORITY OF THE ELECTORS VOTING THEREON AT A GENERAL OR SPECIAL ELECTION APPROVE THE AUTHORIZATION OF THE CONTRACT,

A COPY OF THE CONTRACT IS ON FILE IN THE OFFICE OF THE CITY CLERK AND AVAILABLE FOR PUBLIC EXAMINATION DURING NORMAL BUSINESS HOURS.

The number of registered voters of the City of Mason as of April 16, 2009 is 5,784.

_____
Martin A. Colburn, City Clerk
City of Mason

Resolution No. 2009-18 - Resolution Authorizing Payments of Expenses for the City Hall/Police Station Project be Reimbursed with Proceeds of General Obligation Bonds

MOTION by Johnson, second by Ferris,
to consider Resolution No. 2009-18 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-18 was introduced by Johnson and seconded by Ferris.

CITY OF MASON
INGHAM COUNTY, MICHIGAN
CITY COUNCIL RESOLUTION NO. 2009-18
A RESOLUTION AUTHORIZING PAYMENTS OF EXPENSES FOR THE CITY HALL/POLICE STATION PROJECT BE REIMBURSED WITH PROCEEDS OF GENERAL OBLIGATION BONDS

APRIL 20, 2009

A regular meeting of the City Council (the "City Council") of the City of Mason, Ingham County, Michigan (the "City"), was held in the City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 20th day of April, 2009, at 7:30 p.m..

WHEREAS:

1. The City intends to issue its bonds, or cause the issuance of bonds by the City of Mason Building Authority, for the purpose of financing all or a portion of the cost of acquiring, constructing, equipping and furnishing a city hall and police station building, together with necessary and related site improvements (the "Project"); and

2. The Internal Revenue Service authorizes, by regulation, the allocation of bond proceeds to reimburse expenditures previously made by an issuer of bonds, being Section 1.150-2; and

3. In anticipation of and preparation for the Project, the City and/or the Building Authority may incur certain expenses in advance of the receipt of bond proceeds; and

4. Payments of any such expenses for the Project made by the City Council or the Commission of the Building Authority are an advance from the General Fund to be repaid upon the approval and receipt of bond proceeds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All of the payments of expenses for the Project initially to be made with funds other than proceeds of the Bonds and then to be reimbursed by the City and/or the Building Authority from proceeds of the Bonds will be for costs of a type properly chargeable to the capital account of the Project under general income tax principles, non-recurring working capital expenditures (of a type not customarily payable from current revenues), or costs of issuing the Bonds. Other than any preliminary expenditures for architectural, engineering, surveying, soil testing, costs of issuing the Bonds, or similar purposes that may have been paid more than sixty (60) days prior to the date of this resolution, all such expenditures have been paid not more than sixty (60) days earlier than the date of this resolution or will be paid on or after the date of this resolution.

2. The payments of expenses for the Project and the purposes of said payments are hereby approved, and the monies are authorized to be advanced from monies on hand in the

General Fund, which monies will be repaid to the General Fund from the Bond proceeds when received. The debt service for the Bonds will be paid from the City's tax revenues.

3. The City and/or the Building Authority shall reimburse the General Fund not earlier than the date on which the expenses for the Project are paid and not later than the latter of:

(a) the date that is eighteen (18) months after the expenses are paid, or

(b) the date the Project, or any portion thereof, is placed in service or abandoned, but in no event more than three (3) years after the expenses are paid.

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

Yes (5) Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent (1) Clark
RESOLUTION APPROVED

Resolution No 2009-19 – Appointment to the Planning Commission

MOTION by Ferris, second by Johnson,
to consider Resolution No. 2009-19 as read.
MOTION APPROVED UNANIMOUSLY

A brief discussion ensued.

MOTION by Ferris, second by Johnson,
to defer the Planning Commission appointment to allow public notice of the vacancy.
ROLL CALL VOTE:
Yes (2) Bruno, Tornholm
No (4) Ferris, Naeyaert, Johnson, Waltz
MOTION FAILED

Resolution No. 2009-19 was introduced by Johnson and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-19
MAYORAL APPOINTMENT TO THE PLANNING COMMISSION
April 20, 2009

WHEREAS, a resignation created a vacancy on the Planning Commission;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint John Sabbadin to the Planning Commission of the city to fill the remainder of the unexpired term, commencing April 20, 2009 and expires on December 31, 2010.

ROLL CALL VOTE:
Yes (4) Ferris, Naeyaert, Johnson, Waltz
No (2) Bruno, Tornholm
RESOLUTION APPROVED

MOTION – Tree Commission Recommendation to Relocate Donated Tree

Mason property owner Jan Bernath has requested that the City of Mason accept the donation of a Blue Spruce tree sited on her property located at 104 East Oak. The tree is obstructing the traffic sight distance at the corner of West Oak and Jefferson Streets. Three options to remedy the obstruction have been discussed; Ms. Bernath could trim the lower branches to a height of eight (8)

feet from the ground to meet ordinance requirements or she could have the tree removed. The third option would be that the City would accept the donation and relocate the tree to an appropriate public location.

Several landscape companies were contacted, but only Anderson-Fischer of Mason would quote removal/relocation of a tree this size. The City would be responsible for all additional costs related to this project.

The total cost of relocation could be greater than $1,500.00 and there would be no guarantee that the tree would survive transplantation to its new location. Staff concluded that this would not be a sound investment. However, the Tree Commission met Tuesday, April 7, 2009, and took action to recommend to the City Council that funds be expended to relocate the Blue Spruce tree. Bruno, ex officio Tree Commission member, stated that the Tree Commission discussed relocating this tree last year due to its excellence as well as the value of obtaining a 16' Blue Spruce.

> MOTION by Bruno, second by Waltz,
> to approve the expenditure of funds necessary to relocate the donated Blue Spruce tree located at 104 East Oak Street to a city park.
> MOTION APPROVED UNANIMOUSLY

Motion – Mason Lions Club – Use of Public Right-of-Way for White Cane Drive

The Mason Lions Club is requesting permission to use the public right-of-way for the annual White Cane Drive on the sidewalks of Mason Friday, April 24th and Saturday, April 25th

> Motion by Johnson, second by Bruno,
> to approve the Mason Lions Club's request to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason Friday, April 24th and Saturday, April 25th as requested in the submitted letter.
> MOTION APPROVED UNANIMOUSLY

Proclamation – Arbor Day

Each year, a mayoral proclamation is presented to Council proclaiming the observance of Arbor Day for the City of Mason, the fourth Friday in April. The City of Mason has been named a Tree City USA by The National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service. It is the eighteenth year Mason has received this national recognition. The City of Mason has made a commitment to further the health and welfare of the community forestry program by becoming a Tree City USA. The Tree City USA program is sponsored by The National Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters. To maintain "Tree City" status, four of the six category standards set by the Foundation must be met each year. Officially recognizing Arbor Day meets one of the criterions.

UNFINISHED BUSINESS

Bruno asked why brake repair was contracted for truck #25 rather than being repaired by the city mechanic. Colburn stated that the city mechanic is not certified and the city does not have the necessary equipment.

NEW BUSINESS

Bruno informed Council that this year's Arbor Day celebration will be held Friday, April 24, 2009 at

noon. Honoree Deborah Powers requested that a Katsura shade tree will be planted along the Hayhoe Riverwalk. Also, he informed Council regarding legislation recently passed permitting municipalities to adopt a resolution allowing the use of off-road recreational vehicles (ORV). He requested review of the legislation for Council's consideration. Attorney McGinty will report at the next meeting regarding the new law.

Ferris informed Council that Spring Fling and the library book sale will be held the weekend of May 2, 2009.

Naeyaert welcomed Neal Johnson to the Council. Also, she stated that Mayor Clark is in Washington D.C. with Public Works Director Rolland Olney. She and Administrator Colburn will be leaving tomorrow to join them in meeting with the Michigan Congressional Delegation to continue urging them to support funding for the Water Treatment Plant.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Discussion was held to appoint a Traffic Commission ex officio member at the next meeting. Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:57 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
SPECIAL CITY COUNCIL MEETING
MINUTES OF APRIL 13, 2009

Clark called the meeting to order at 7:00 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
Also present: Martin Colburn, City Administrator
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

PEOPLE FROM THE FLOOR
None.

SPECIAL BUSINESS
Resolution No. 2009-13 – Appointment to Fill Council Vacancy
The candidates who submitted a letter of interest were invited to address Council regarding their interest and qualifications to fill the vacant Council seat. The following candidates were in attendance and spoke with Council: Jeremy E. Bliesener of 906 South Barnes Street, Neal Johnson of 819 Charrington Court, Ted J. Kilvington of 880 Brookdale Street James J. King of 863 Brookdale Avenue, Bob McCormick of 725 Hagadorn Street, Patrick M. Price of 525 East South Street, Sandra S. Russell of 768 East Columbia Street, John Sabbadin of 425 South Lansing Street. Jim Maddix of 424 West Columbia Street submitted a letter that was read into the record by Clerk Colburn. Gordon A. Wilson of 404 West Maple Street was not present and Victor F. Whipple of 863 Eaton Drive withdrew his application

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-13 as read.
MOTION APPROVED UNANIMOUSLY

MOTION by Tornholm, second by Ferris,
to appoint James Maddix to the position of City Council Member for the unexpired four-year term, commencing April 6, 2009, and expiring December 31, 2010 by Resolution No. 2009-13.
Yes (2) Ferris, Tornholm
No (4) Bruno, Clark, Naeyaert, Waltz
MOTION FAILED

Discussion ensued regarding the merits supporting and opposing the reappointing of Mr. Johnson to the City Council a second time.

MOTION by Naeyaert, second by Waltz,
to appoint Neal Johnson to the position of City Council Member for the unexpired four-year term, commencing April 6, 2009, and expiring December 31, 2010 by Resolution No. 2009-13.
Yes: (3) Clark, Naeyaert, Waltz
No: (3) Bruno, Ferris, Tornholm
MOTION FAILED

The meeting adjourned for a brief recess at 7:55 p.m. and reconvened at 8:03 p.m.

MOTION by Bruno, second by Ferris,
to appoint Robert McCormick to the position of City Council Member for the unexpired four-year term, commencing April 6, 2009, and expiring December 31, 2010 by Resolution No. 2009-13.
Yes: (3) Bruno, Clark, Ferris
No: (3) Naeyaert, Tornholm, Waltz
MOTION FAILED

MOTION by Bruno, second by Naeyaert,
to reconsider the motion for Neal Johnson to the position of City Council Member for the unexpired four-year term, commencing April 6, 2009, and expiring December 31, 2010 by Resolution No. 2009-13.
Yes: (5) Bruno, Clark, Ferris, Naeyaert, Waltz
No: (1) Tornholm
MOTION APPROVED

MOTION by Bruno, second by Naeyaert,
to appoint Neal Johnson to the position of City Council Member for the unexpired four-year term, commencing April 6, 2009, and expiring December 31, 2010 by Resolution No. 2009-13.
Yes: (5) Bruno, Clark, Ferris, Naeyaert, Waltz
No: (1) Tornholm
MOTION APPROVED

Resolution No. 2009-13 was Introduced: by Ferris and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-13
APPOINTMENT TO FILL COUNCIL VACANCY
April 13, 2009

WHEREAS, Scott Preadmore submitted a written letter of resignation dated March 15, 2009, and,

WHEREAS, in accordance with the City Charter, Section 5.5, the occurrence of a vacancy must be filled by appointment by a majority of the remaining members of the Council for the unexpired term within thirty days; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby appoint Neal Johnson to the position of City Council Member for the unexpired four-year term, commencing April 6, 2009, and expiring December 31, 2010.
Yes (5) Bruno, Clark, Ferris, Naeyaert, Waltz
No (1) Tornholm
RESOLUTION APPROVED

Colburn administered the Oath of Office to Neal Johnson.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:10 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 6, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Tornholm, Waltz
Absent: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: March 16, 2009
The Minutes of March 16, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Bruno, second by Waltz,
to approve the payment of bills in the amount of $454,445.10 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Presentation – Bruce Johnson, Executive Director – Ingham County Housing Commission
Bruce Johnston, Executive Director of the Ingham County Housing Commission spoke regarding the 25 renovated downtown loft apartments accomplished in partnership with the Ingham County Housing Commission (ICHC) and the Michigan State Housing Development Authority (MSHDA). Mr. Johnston stated that ICHC is seeking additional funds to continue the program. He also stated that between the efforts of Administrator Colburn, MDSHDA, and ICHC, funds have been secured to rehabilitate the downtown building located at 124 and 140 East Ash Street. He informed Council that ICHC is continuing to foster more partnerships for different downtown and community projects. He stated that MSHDA has indicated to him that Mason would be a site to designate targeted home owner improvement, specifying areas that most need homeowner rehabilitation. Mr. Johnston spoke briefly regarding rental registration programs and indicated interest to participate if the City wishes to implement such a program in Mason.

Annual Report – Capital Area District Library – Barbara Faiks, Library Head
Barbara Faiks, Library Head for the Capital Area District Library (CADL) Mason Branch, gave a brief synopsis of the annual report for 2008. Sue Hill, CADL Executive Director, and CADL Board Members, Deb Bloomquist and Sally Trout were in attendance.

Motion – Street Closure – Memorial Day Parade

The annual Memorial Day event is being held by VFW Post #4309 to remember the lives sacrificed for our freedoms. This event will be held on Monday, May 25, 2009. In addition to street closures, the organization requested Council to waive all fees associated with the parade.

MOTION by Bruno, second by Tornholm,
to waive the fees associated with the Memorial Day Parade and approve the requested street closures as submitted.
MOTION APPROVED UNANIMOUSLY

Resolution No 2009-13 - Appointment to Fill Council Vacancy

Mr. Scott Preadmore submitted a letter of resignation dated March 15, 2009. At the March 16, 2009 meeting, Council declared the seat vacant and took action to accept letters of interest for consideration at the April 6, 2009, meeting.

MOTION by Waltz, second by Tornholm,
to defer Resolution No. 2009-13 to the special meeting scheduled April 13, 2009.
Yes (4) Clark, Ferris, Tornholm, Waltz
No (1) Bruno
Absent (1) Naeyaert
MOTIOIN APPROVED

Resolution No 2009-14 - Approval of Application for Reissue of Industrial Facilities Exemption Certificate (IFEC) with Company Name Change from Gestamp US Hardtech, Inc. to Gestamp Mason, LLC

The City has been informed by Jeffrey Wilson, President of Gestamp U.S. HardTech, regarding the merger of Gestamp US Hardtech, Inc. into Gestamp Mason, LLC. It is their intent to obtain the Industrial Facilities Exemption Certificate (IFEC) issued in 2001, 2003, 2004, and 2006 reissued in the new name.

MOTION by Waltz, second by Ferris,
to consider Resolution No. 2009-13 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-14 was introduced by Ferris and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-14
APPROVAL OF APPLICATION FOR REISSUE OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (IFEC) WITH COMPANY NAME CHANGE FROM GESTAMP US HARDTECH, INC. TO GESTAMP MASON, LLC
April 6, 2009

WHEREAS, Gestamp US Hardtech, Inc. merged into Gestamp Mason, LLC; and

WHEREAS, Gestamp Mason, LLC, intends to apply for revised Industrial Facilities Exemption Certificates with the City of Mason under the new name for the four existing certificates, listed as follows:

- Certificate Number 2001-561
- Certificate Number 2003-557
- Certificate Number 2004-188
- Certificate Number 2006-622; and

WHEREAS, the State of Michigan Department of Treasury requires approval for a name change on an existing IFEC by the local governing body; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the name change from Gestamp US Hardtech, Inc. to Gestamp Mason, LLC on the four existing industrial facilities exemption certificates as listed above.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-15 - Approval of Bid for Equipping Well No. 8

MOTION by Ferris, second by Waltz,
to consider Resolution No. 2009-15 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-15 was introduced by Ferris and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009- 15
APPROVE BID FOR EQUIPPNG WELL NO. 8
April 6, 2009

WHEREAS, it is hereby deemed advisable to equip Well No. 8 at the newly constructed Mason Water Treatment Plant; and

WHEREAS, the City of Mason received sealed bids on Tuesday, March 31, 2009 and said sealed bids were opened and read at that time; and

WHEREAS, it is the recommendation of the City Engineer and City staff to approve the low bid for this work submitted by Peerless-Midwest; and

WHEREAS, it is in the best interest of the City of Mason to equip this new well at this time.

NOW THEREFORE BE IT RESOLVED, that the Mason City Clerk be and is authorized to award the contract to Peerless-Midwest, in the amount of $117,198.32, and execute such authorization for the equipping of Well No. 8 on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

MOTION – Farmland and Open Space Preservation Program Application

In accordance with the Farmland and Open Space Preservation Program, the City of Mason has been requested to forward comments regarding the application submitted to the Alaiedon Township Clerk by the Oesterle Brothers.

MOTION by Tornholm, second by Waltz,
Move to direct the City Clerk to forward a letter to the Alaiedon Township Clerk stating that the City of Mason is not opposed to the Farmland and Open Space Preservation Program application submitted by the Oesterle Brothers.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

MOTION by Waltz, second by Ferris,
to excuse Councilmember Naeyaert from the April 6, 2009 meeting.
MOTION APPROVED UNANIMOUSLY

Waltz informed Council that he participated with the Mason Fire Department in the controlled house burning training.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Waltz informed Council regarding current Historic District 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

Victor Whipple of 863 Eaton Drive asked for clarification of the time set for the special meeting scheduled April 13, 2009. Mayor Clark responded that the meeting would be held at 7:00 p.m.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 16, 2009

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

Present: Councilmembers: Clark, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember Bruno
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director
Rolland Olney, Public Works Director
David Haywood, Zoning & Development Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: March 2, 2009
The Minutes of March 2, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $160,978.54 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Olney stated that he is a member of the Board of Directors for the Michigan Rural Water Association (MRWA). On behalf of MRWA, he presented Mayor Leon Clark with the 2009 Michigan Rural Water's Mayor of the Year award. The plaque was presented in recognition of Mayor Clark being an instrumental elected official with the construction of the mandated water treatment plant, the first of its kind in Michigan; in addition, he recently attended the National Water Association Water Rally in Washington D.C. to lobby support for national and Michigan rural water, and for spending three days to visit lawmakers in Washington D.C., expressing the importance of rural water.

Colburn presented Public Works Director Rolland Olney with the 2009 Michigan Rural Water's Man of the Year award. The plaque was presented in recognition of Mr. Olney's career in the water and wastewater industry, providing drinking and sanitary water for rural areas, his years of dedication to the Michigan Rural Water Association, and service to his country through the Marine Corps.

PUBLIC HEARING
Special Assessment Roll for the Sidewalk Improvements
Special Assessment Resolution No. 5, Project No. 2009-01
Colburn informed Council regarding the re-calculation of the bid cost for the 2009 sidewalk improvements and the Franklin Farms Drive extension project slated for this year. He recommended that Council defer the sidewalk improvements to keep within the appropriations for street and sidewalk construction.

MOTION by Naeyaert, second by Waltz,
to defer 2009 sidewalk improvements indeterminately.
MOTION APPROVED UNANIMOUSLY

Michigan Department of Natural Resources Trust Fund Grant Application
Resolution No. 2009-12 – A Resolution to Approve Matching Funds for the Mason Linear Trail Grant Application

Clark opened and closed the public hearing at 7:38 p.m. as there were no public comments.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-12 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-12 was introduced by Waltz and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-12
A RESOLUTION TO APPROVE MATCHING FUNDS
FOR THE MASON LINEAR TRAIL GRANT APPLICATION
March 16, 2009

WHEREAS, the City of Mason has prepared a grant application for submittal to the Michigan Natural Resources Trust Fund for the construction of a linear trail connecting the Hayhoe Riverwalk Trail with Maple Grove Park, Bond Park, Laylin Park, Rayner Park and the Mason High School, and

WHEREAS, the proposed project described in the grant application is an action item listed in Section VIII of the Mason Five-Year Recreation Plan 2008 - 2013, and

WHEREAS, the estimated project cost, including matching obligations, is as follows:

City of Mason match	$306,000
State Funds (MI Natural Resource Trust Funds)	$720,000
Total Project Cost	$1,026,000

WHEREAS, a public hearing was held on March 16, 2009, in the Mason City Hall Council Chambers to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the grant application, and

NOW THEREFORE BE IT RESOLVED, the City Council commits to expending $306,000, in the fiscal year 2010 – 2011, as local matching funds to the Michigan Natural Resources Trust Fund grant for the construction of the Mason Linear Trail.

RESOLUTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Resolution No. 2009-09 – Use of Public Right-of-Way for Outdoor Seating, Sales and Service Policy

Haywood gave a brief synopsis of the proposed policy for the use of public right-of-way for outdoor seating, sales, and service. A brief discussion ensued.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-09 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-09 was introduced by Naeyaert and seconded by Waltz.

City of Mason
City Council Resolution 2009-09
USE OF RIGHT-OF-WAY FOR OUTDOOR SEATING, SALES AND SERVICE POLICY
March 16, 2009

WHEREAS, on August 4, 2008, the City Council adopted Ordinance No. 166 to permit use of the public right-of-way for outdoor food and drink service in the commercial zoning districts, and

WHEREAS, Section 94-173(j)(2) of Ordinance No. 166 establishes the minimum standards for the use of the public right-of-way for outdoor food and drink service and requires a license issued by City Council to conduct such use, and

WHEREAS, it is desirable to establish policy guidelines for the issuance of licenses for the use of the public right-of-way for outdoor food and drink service.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes the following policy for issuing licenses for the use of the public right-of-way for outdoor food and drink service:

The goal of this policy is to encourage and support retail business while retaining or improving the character of the public spaces downtown. Plazas, sidewalks, and other pedestrian spaces have a solid tradition of enhancing downtown commercial areas. Programmed use of outdoor space by businesses is one way to encourage positive activity throughout the day and evening. The downtown is a lively and animated place for people to come together; and through the controlled use of public space for food and drink service, this policy is intended to enhance and support the vitality of the business community and enhance the quality of life for residents by providing more activities and elements of interest in the downtown.

PROPOSALS FOR THE USE OF RIGHT-OF-WAY

Businesses adjoining any plaza, public sidewalk or other right-of-way may propose to the City Council the use of a certain designated portion of the right of way adjacent to their businesses according to the guidelines below. City Council will judge these proposals in light of the public safety, welfare and general public benefit and whether the proposal meets or exceeds the following guidelines:

1. A PROPOSAL APPLICATION FORM is available for your convenience, but a proposal may be submitted without the form as long as it includes the following elements. The proposal must include a written description of the type and extent of the business activity proposed. The written request must include the following information: the number of square feet of right of way to be used, dates and hours of operation, and if the space is to be used for outdoor seating the proposal must include the total number of square feet of the patio/outdoor seating space, and the number of tables and seats proposed.

2. Use of the right-of-way for outdoor food and drink service shall not occur before March 15, nor after November 15 of the same year. Businesses should submit applications at least two weeks in advance of a City Council meeting to be placed on the agenda. Applicants submitting less than two weeks prior to a Council meeting will not be guaranteed to be on the next City Council agenda and in such cases applications may be held until the following Council meeting.

3. A business may seek to use that space directly adjacent to their business or may gain the written approval of a neighboring business and property owner in order to use additional space. In all cases, the spaces proposed for business use must be designed in such a way as to allow for logical pedestrian circulation patterns into neighboring businesses and to improve the overall attractiveness of the outdoor space. The remaining public walkway shall not be reduced to less than four feet wide.

4. The proposal must be accompanied by a drawing using hand drawing tools or other method showing the layout of the space to be used. All elements shown on the plan, including, but not limited to buildings and structures, tables, in the drawing shall be fully dimensioned. It must

show the businesses adjacent to the space in question, the doorways, trees, trash receptacles, signs, utility poles, parking meters and other public and private amenities that are within twenty feet of the space to be used. If a fence is to be used to enclose the space a drawing of the fence showing the height, material, design and method of fastening must also be included. Fencing is required around areas where alcohol is to be served.

5. All of the above information must be included on the drawing for the application to be considered complete. Applicants will be required to resubmit the drawing if it is not complete, which will delay the review of the right-of-way application.

OPERATING REQUIREMENTS

1. Each business must clean the area of all trash, litter and food at the time of the service and not allow food or trash to enter other areas of the public right-of-way. The area must be thoroughly cleaned at the time the outdoor space closes each evening.

2. A business which is licensed to use the public right-of-way must arrange the outdoor sales and service area presentably for the public at the time business opens each day. A restaurant should not leave tables and chairs stacked on the public right-of-way during hours that the restaurant is open.

3. Each business using the public right of way must provide sufficient trash receptacles for their patrons in order to prevent the accumulation of trash and litter in the public space. The use of public trash receptacles to satisfy this requirement is prohibited.

4. A restaurant must restrict the number of patrons to the number of chairs provided in the allotted space and must require patrons to wear shirts and shoes.

5. No amplified music will be allowed on the public space without prior special permission from City Council.

6. The use of the right-of-way can be temporarily revoked as necessary for community events which may require use of the space, therefore the fences, seating and other amenities should be reasonably portable.

7. No alcoholic beverages shall be sold or consumed in licensed area unless the area is also licensed by the Liquor Control Commission for outdoor service.

8. Restaurants that sell alcohol must close their outdoor eating space at or before 12:00 a.m. (midnight) in order to be consistent with other outdoor food and drink service areas on private property.

9. For restaurants that serve alcohol outside, the total occupancy of the restaurant, including the outdoor seating area, shall not exceed the maximum permitted occupancy for the interior of the premises in order to be consistent with other outdoor food and drink service areas on private property.

10. Unless specifically written in the approved permit conditions to remain, all tables, chairs, fencing and other furniture and amenities placed within the public right-of-way under this permit shall be removed from the right-of-way at the time the outdoor space closes each evening.

LICENSE REQUIREMENTS

Upon City Council approval of a business's proposal "for use of the public right-of-way", the City Clerk may issue a license agreement which specifies the dates of the outdoor dining season, the area for which the use is defined, the applicability of building codes and other law, and such other terms required by City Council. This license will require proof of insurance which indemnifies the City. It will also require payment of a license fee. The license fee is $25.00 for the entire outdoor seating

season (March 15-November 15) regardless of the date the license is obtained. There shall be no pro-ration of the license fee. The issuance of a license agreement shall create no vested rights on the recipient or any third party, and any such license shall be revocable at any time by the City Council at will and without notice whenever the City Council determines, in its sole discretion, that continued use of the right-of-way is not appropriate. If a license is revoked for cause, the license fee will be forfeited. Upon revocation for the convenience of the City, the prepaid license fee will be returned pro rata.

A temporary right-of-way application may be approved at the discretion of the Zoning Administrator.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-10 – Designate Authorizing Signatories

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-10 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-10 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION 2009-10
DESIGNATE AUTHORIZING SIGNATORIES
March 16, 2009

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Eric E. Smith, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-11 – Advisability and Necessity to Vacate Streets

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-11 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-11 was introduced by Naeyaert and seconded by Waltz.

City of Mason
City Council Resolution No. 2009-11
A Resolution Determining the Necessity and Advisability
of Vacating Portions of West Oak Street and Park Street and all of Alley 15
March 16, 2009

WHEREAS, it is deemed advisable and necessary for the health, welfare, comfort, and safety of the people of the City of Mason to discontinue and vacate the following platted public streets and alley:

A portion of West Oak Street and Park Street and all of Alley 15, as described in the Consolidated Plat of the Village (now City) of Mason dated December 25th 1866, which streets and alley are

more particularly described as follows:

> That portion of Oak Street, 66 feet wide, between Block15 and Parcel A, lying west of the west line of Park Street (formerly A Street) and east of the east line of the Norfolk Southern Railroad (formerly Jackson Lansing Saginaw Railroad) in the Consolidated Plat of the Village (now City) of Mason, as recorded in Liber 37 of Deeds, Pages 234 and 235, Ingham County Records, Michigan.
>
> That portion of the southerly extension of Park Street, 66 feet wide, (formerly A Street) between the south line of Oak Street and the north line of Elm Street, also known as Parcel F and part of Parcel E in the Consolidated Plat of the Village (now City) of Mason, as recorded in Liber 37 of Deeds, Pages 234 and 235, Ingham County Records, Michigan.
>
> All of the Alley, 33 feet wide, within Block 15, Consolidated Plat of the Village (now City) of Mason, as recorded in Liber 37 of Deeds, Pages 234 and 235, Ingham County Records, Michigan, said alley is between the west right of way line of Park Street (formerly A Street) and the east line of the Norfolk Southern Railroad (formerly Jackson Lansing Saginaw Railroad); and,

WHEREAS, the City of Mason deems it advisable to reserve an easement in the above-described premises for public utility purposes and other public purposes within the right-of-way to be vacated, including an easement for installation of cable for cable television and telecommunications networks.

NOW, THEREFORE, BE IT RESOLVED, that the City Council deems it advisable and necessary for the health, welfare, comfort, and safety of the people of the City of Mason, to discontinue, vacate, and abolish said premises, described above, subject to the reservation of an easement in the City of Mason for public utility purposes and other public purposes including the right to maintain and continue any and all existing public or quasi-public utility easements thereover or thereunder, and the right of ingress and egress thereto for any purposes whatsoever.

FURTHER, BE IT RESOLVED, that this Council will meet at 7:30 p.m. on April 20, 2009, in the Council chambers at 201 West Ash Street, Mason, Michigan for the purposes of hearing objections thereof.

FURTHER, BE IT RESOLVED, that the City Clerk is directed to give notice of such hearing by notice in the Ingham County Community News at least once each week for not less than four (4) consecutive weeks, preceding such hearing.

RESOLUTION APPROVED UNANIMOUSLY

MOTION – Bid – Waste Water Piping Improvements

Olney stated that twelve bids were received and opened March 3, 2009, for piping improvements at the wastewater treatment plant. This project includes establishing a non-potable water source and improvements to the valve system which moves sludge. The non-potable water source allows the use of non-treated water, reducing the use and cost of treated water for the waste water system. The valve and piping system will move sludge to the large holding tank using a valve and metered system rather than estimation. Staff recommended awarding the project to Rothenberger Construction Company due to past experience with the low bidder.

MOTION by Naeyaert, second by Waltz,
to award the bid for piping improvements at the Mason Waste Water Treatment Plant to Rothenberger Construction Company in the amount of $206,278.79.
MOTION APPROVED UNANIMOUSLY

Report – Request for Investigation of the Mason Police Department
Clark reported regarding the progress of the request by Russ Whipple for an investigation of the Mason Police Department. At the March 2, 2009, meeting, Mr. Whipple asked Council to initiate an investigation into an anonymous letter he received that he feels is threatening to him and his family. Council directed the City Administrator to initiate an investigation into the matter. Since there is a current law suit filed by Mr. Whipple against four MPD officers, Colburn requested assistance from the Meridian Charter Township Police Department who agreed to manage the investigation.

Discussion – Water Tower Logo
Discussion ensued regarding paint colors and the design for the south water tower and logo. It was the consensus of Council to use navy blue and white in the "golf tee" paint design for the water tower.

MOTION by Naeyaert, second by Waltz,
to assign the design of the water tower logo to the Planning Commission.
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Waltz,
to add Item No. 7(G) Discussion – Scott Preadmore – Resignation.
MOTION APPROVED UNANIMOUSLY

Resignation – Scott Preadmore
The written resignation of Scott Preadmore dated March 15, 2009, was received by Colburn. A brief discussion was held regarding the process for filling a Council vacancy.

MOTION by Naeyaert, second by Waltz,
to accept applications from interested parties for consideration at the April 6, 2009, regular meeting to fill the open Council seat vacated March 15, 2009.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
A brief discussion ensued regarding the date and time of the upcoming budget meeting.

NEW BUSINESS
Councilmember Ferris informed Council regarding March Reading Month. Council welcomed newly appointed Finance Director, Eric Smith.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Discussion was held regarding filling the the ex-officio appointment to the Traffic Commission vacated by Mr. Preadmore's resignation. Naeyaert informed Council regarding current Planning Commission business. Clark informed Council regarding current DDA business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:56 p.m.

_____	_____
Martin A. Colburn, City Clerk	Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 2, 2009

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

Present: Councilmembers: Clark, Ferris, Naeyaert, Preadmore, Tornholm, Waltz
Absent: Councilmember: Bruno
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning & Development Director
Eric Smith, Assistant Finance Director
Ken Baker, Superintendent Street, Water, and Motor Vehicle Pool Division
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: February 16, 2009
The Minutes of February 16, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $91,668.51 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Russell Whipple of 322 Lawton Street submitted a written request to Council to initiate an investigation of the Mason Police Department, in accordance with Section 6.9 of the City Charter, regarding an anonymous letter he received in the mail February 28, 2008. A copy of the letter and envelope were attached to the submitted request. Mr. Whipple asked that Council form a committee tonight to spearhead the investigation. Attorney McGinty advised Council regarding the interpretation of Section 6.9. A brief discussion ensued regarding the seriousness of the issue as well as the ambiguous challenge of an anonymous accusation.

MOTION by Naeyaert, second by Preadmore,
to direct the City Administrator to address the request to investigate the accusation of the anonymous letter received by Russell Whipple and submitted to Council, and provide a report to Council at the next regular meeting.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Second 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.

MOTION by Naeyaert, second by Preadmore,
to consider Ordinance No. 174 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 174

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO CONDITIONALLY REZONE 0.225 ACRES 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 PARKING

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

LOT 3, BLOCK 7, SMITH AND PEASE ADDITION TO THE CITY OF MASON, ACCORDING TO THE RECORD PLAN THEREOF AS RECORDED IN LIBER 35 OF DEEDS, PAGE 186, INGHAM COUNTY, MICHIGAN RECORDS, CONTAINING 0.225 OF AN ACRE OF LAND.

be conditionally rezoned from R2F Two Family Residential to C-2 General Commercial subject to the following conditions voluntarily offered by the applicant and accepted by the City pursuant to MCL 125.3405:

1. The existing structure on the rezoned property shall be demolished and applicant shall construct the improvements and install and maintain the landscaping as shown in the Conditional Use Plan dated January 12, 2009 and received January 19, 2009 with the property owner's application for rezoning within one year from the effective date of this ordinance.

2. Implementation of the conditional use plan described in paragraph 1 above is conditioned upon the applicant receiving all necessary variances from the Mason Zoning Board of Appeals so as to allow the construction of the access drive as shown on the plan.

3. The development and use of the rezoned land shall be restricted to employee parking for the employees of the commercial business located at 110 N. Cedar Street, Mason, Michigan. No commercial vehicles as defined in Chapter 1 of the Mason City Code shall be allowed on the property.

4. The applicant shall make application to the Zoning Administrator for lot combination within the time frame described in subsection 5 below to combine lots 3 thru 6, including the southerly ½ of lots 7 and 8 as shown in the survey with the revised date April 24, 2000, as filed with their application for variance.

5. Should the approved redevelopment and/or use of the rezoned land not occur within the timeframe specified in paragraph 1 above, then the subject land shall automatically revert to its former zoning classification of R2F – Two-Family Residential, as provided by MCL 125.3405(2) and the zoning administrator shall commence proceedings to amend the City's zoning use district map accordingly in the manner provided by Article XII of the Mason Zoning Code.

6. The approved conditions of rezoning set forth in this ordinance or an affidavit or memorandum giving notice thereof shall be filed by the City Zoning Administrator with the Ingham County Register of Deeds.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal storm sewer is within a reasonable distance from the site, and if extended, would adequately serve the site; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 174, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Preadmore, with a vote thereon being: YES (6) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 16th day of March, 2009.

Ordinance No. 174 declared adopted this 16th day of March 2009.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2009-07 – Resolution of City Officer Appointment Finance Director/Treasurer

Colburn offered information to Council regarding the proposed reorganization, including a financial analysis, job description of the proposed administrative services director position, and other related data. Smith spoke regarding the financial analysis.

MOTION by Naeyaert, second by Preadmore,
to consider Resolution No. 2009-07 as read.

MOTION by Naeyaert, second by Waltz,
to amend Resolution No. 2009-07 in the last paragraph by inserting "upon the position becoming vacant" following the words *Finance Director/Treasurer*.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-07 was introduced by Waltz and seconded by Preadmore. A lengthy discussion ensued.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-07
March 2, 2009
RESOLUTION OF CITY OFFICER APPOINTMENT
FOR FINANCE DIRECTOR/TREASURER

WHEREAS, In accordance with Section 4.6 of the Mason Code, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing Eric Smith as the Finance Director/Treasurer.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Eric Smith as an Administrative Officer to the office of Finance Director/Treasurer upon the position becoming vacant and is hereby charged with performing the duties and responsibilities of the office.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-08 – Mayor's Appointment to the Local Officers Compensation Commission

MOTION by Preadmore, second by Naeyaert,
to consider Resolution No. 2009-08 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-08 was introduced by Preadmore and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-08
March 2, 2009
MAYOR'S APPOINTMENT TO THE
LOCAL OFFICERS COMPENSATION COMMISSION

WHEREAS, a vacancy exists on the Local Officers Compensation Commission since 2007;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Tamara Rockey to the Local Officers Compensation Commission commencing March 2, 2009 through December 31, 2010.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-09 – Use of Public Right-of-Way for Outdoor Seating, Sales and Service

Haywood informed Council regarding the proposed policy that would allow outdoor seating, sales and services in the public right-of-way. Discussion ensued regarding whether an annual renewal should be required.

MOTION by Preadmore, second by Ferris,
to defer Resolution No. 2009-09 until to the next regular meeting to allow staff to research the Council's intent for issuing a license.
MOTION APPROVED UNANIMOUSLY

MOTION – Bid – South Water Tower Repaint and Repair

Dixon Engineering was hired to conduct bid management for the exterior repaint and interior partial repaint with repairs of the south water tower. Dixon Engineering recommended awarding the project to Kountoupes Painting. Discussion ensued regarding discussion to implement a new logo for the water towers when it came time to repaint the towers. Baker responded to questions regarding costs associated with changing paint color and the logo design. Staff was asked to verify Kountoupes Painting Company's safety rating.

MOTION by Tornholm, second by Waltz
to approve the bid of Kountoupes Painting for the exterior repaint and interior partial repaint with repairs of the south water tower in the amount of $201,200.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Tornholm thanked Council for the opportunity to attend the Michigan Municipal League training. She stated that she would like to attend the MML Conference. She appreciated the Water Treatment Plant tour given by Superintendent Ken Baker. A brief discussion ensued. Naeyaert commended Mason's competitive Varsity Cheerleaders Squad is advancing to the State finals. Ferris reminded Council that Arbor Day Honoree nominations are due by March 24, 2009.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Waltz informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
David Haywood, Zoning & Development Director, informed Council that he researched City Council Minutes regarding the earlier discussion about whether an annual renewal should be required for the license issued for outdoor seating, sales and services in the public right-of-way. He found that Council determined to omit the annual license renewal provision at the August 4, 2008, meeting.

ADJOURNMENT
The meeting adjourned at 9:51 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 16, 2009

Clark called the meeting to order at 7:45 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, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Preadmore
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning & Development Director
John Stressman, Chief of Police
Dennis O'Brien, Cemetery & Parks Superintendent
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

MOTION by Naeyaert, second by Bruno,
to excuse the absence of Councilmember Preadmore for this meeting.
MOTION APPROVED UNAIMOUSLY

APPROVAL OF MINUTES: February 2, 2009
The Minutes of February 2, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $200,179.84 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
First Reading – Ordinance No. 174 – An Ordinance to Conditionally Rezone the Property Located at 514 West Ash 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
MOTION by Naeyaert, second by Waltz,
To consider Ordinance No. 174 read for the first time.

Ordinance No. 174 was introduced by Bruno and seconded by Tornholm.

Report – 2008 Annual Report – Zoning & Development – David Haywood
Haywood presented the Zoning & Development 2008 Annual Report.

MOTION by Naeyaert, second by Tornholm,
to accept the 2008 Annual Report for the Zoning & Development Department and place it on file.
MOTION APPROVED UNANIMOUSLY

Report – 2008 Annual Report – Police Department – Chief John Stressman
Stressman presented the Mason Police Department 2008 Annual Report.

MOTION by Waltz, second by Naeyaert,
to accept the 2008 Annual Report for the Police Department and place it on file.
MOTION APPROVED UNANIMOUSLY

Motion – Bid – Replacement of Three Light Poles at Hayes Park
O'Brien informed Council regarding the replacement of light poles and bases for city parks that has been practiced since the early 1980's. For the past four years, American Electrical Services was contracted for this service and have proven to be skilled and reliable. They have been replacing one or two each year. However this year, 3 poles and 4 bases need replacing, which exceeds the formal bid requirement threshold. Staff is requesting Council to waive the formal bid process and accept the proposal from American Electrical Services, Inc.

MOTION by Waltz, second by Naeyaert,
to waive the formal bid process and approve the proposal from American Electrical Services, Inc. in the amount of $21,722.00 for the replacement of damaged light poles, bases, and associated work.
Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent: (1) Preadmore
MOTION APPROVED

Motion – Request for Excused Absence – Councilmember Bruno
MOTION by Naeyaert, second by Waltz,
to excused Council Member Bruno from the March 2nd and March 16th regular meeting.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Bruno informed staff regarding a language correction to the CIP.

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
None.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
To adjourn to executive session to discuss pending litigation.
Yes (6) Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
No (0)
Absent: (1) Preadmore
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned to executive session at 8:58 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 2, 2009

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, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember Preadmore
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Dennis McGinty, City Attorney
Kerry Minshall, Fire Chief
John Stressman, Chief of Police
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: January 19, 2009
The Minutes of January 19, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of $81,169.47 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2009-04 – A Resolution Awarding A Contract Between The City Of Mason And The Christman Company To Provide The Services As Design-Builder For A New City Hall And Police Station
Colburn informed Council regarding the services and phases of the design-build process for the proposed city hall and police department. Visioning meetings will be held with the community and City Council. Norm Austin, Building Authority Board Member and former Finance Director for the City of Mason, was asked to speak regarding the history of the current city hall. He informed Council that the land was donated and the building was built to last 25 to 30 years. Discussion was held regarding whether the project would be accelerated by the fast-track method. Dennis Anderson, Building Committee Advisor, was asked to respond and stated that it was not the intention at this time to fast-track the project. Attorney McGinty added that the contract stipulates that the Owner would be informed of work being done by the formal bid procedure. Further discussion ensued.

MOTION by Naeyaert, second by Tornholm,
to consider Resolution No. 2009-04 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-04 was introduced by Naeyaert and seconded by Tornholm. Further discussion

was held regarding Council Member Bruno's concern for the state of the economy at this time, and possible postponement of the project until the status of the economic stimulus plan is known.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-04
A RESOLUTION AWARDING A CONTRACT BETWEEN THE CITY OF MASON AND THE CHRISTMAN COMPANY TO PROVIDE THE SERVICES AS DESIGN-BUILDER FOR A NEW CITY HALL AND POLICE STATION
February 2, 2009

WHEREAS, the City of Mason has planned to build a city hall and police station due to current facilities being obsolete with insufficient space and aging infrastructure; and

WHEREAS, the City of Mason has been reserving funds and intends to build and pay for the new facilities with current funding sources without raising any additional property taxes; and

WHEREAS, the City of Mason utilized the Qualified Based Selection Process (QBS) to select a Design – Builder for professional services; and

WHEREAS, on December 15, 2008, Mason City Council authorized staff to negotiate a contract with The Christman Company to provide Design-Build professional services.

BE IT HEREBY RESOLVED by the City Council of the City of Mason that it does hereby accept the negotiated amount of professional services inclusive of programming, architectural design and construction services.

FURTHER RESOLVED that the City Administrator is provided signature authority on behalf of the city for the contract awarded to The Christman Company in the amount of $955,989.
Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent (1) Preadmore
RESOLUTION APPROVED

Resolution No. 2009-05 – A Request To The Ingham County Commissioners That The Consolidated 911 Dispatch Center Be Located In Mason, Michigan, The Seat Of Ingham County Government

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-05 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-05 was introduced by Bruno and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-05
A REQUEST TO THE INGHAM COUNTY COMMISSIONERS THAT THE CONSOLIDATED 911 DISPATCH CENTER BE LOCATED IN THE INGHAM COUNTY SEAT, CITY OF MASON, MICHIGAN
FEBRUARY 2, 2009

WHEREAS, the Ingham County Board of Commissions has conducted studies to evaluate the potential of combining the two 911 Dispatch Centers in Lansing and East Lansing; and

WHEREAS, Ingham County has entered into a "Resolution of Intent" to enter into a Conditional Agreement with the Cities of East Lansing and Lansing for the purposes of creating an Ingham County Consolidated 911 Center, and creating a single emergency dispatch center servicing all of Ingham County.

WHEREAS, due to limitation of available 911 funds and difficult economic times, Ingham County and the Cities of Lansing and East Lansing find it necessary to proceed with this course of action to create a cost savings to all participating governmental agencies; and

WHEREAS, the City of Mason is the County Seat for Ingham County; and

WHEREAS, the site availability for the Consolidated 911 Center, which meets the necessary Homeland Security requirements, is located within the City of Mason.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council respectfully requests that the Ingham County Commissioners site the Consolidated 911 Center in the City of Mason, the County Seat of Ingham County.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-06 – Mayor's Appointment To The Building Code Board Of Appeals

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-06 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-06 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-06
MAYOR'S APPOINTMENT TO THE
BUILDING CODE BOARD OF APPEALS
February 2, 2009

WHEREAS, a resignation by Gordon Richards created a vacancy on the Building Code Board of Appeals; and

WHEREAS, the term of the vacancy expires on December 31, 2008;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Patrick Hicks to the Building Code Board of Appeals of the City commencing February 2, 2009 through December 31, 2011.
Yes (5) Bruno, Clark, Ferris, Naeyaert, Waltz
No (1) Tornholm
Absent (1) Preadmore
RESOLUTION APPROVED UNANIMOUSLY

2008 Annual Report – Fire Department – Chief Kerry Minshall

Minshall presented the Mason Fire Department 2008 Annual Report.

MOTION by Naeyaert, second by Waltz,
to accept the Mason Fire Department 2008 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

MOTION – Mason Area Chamber Of Commerce (MACC) Annual Events

Doug Klein, MACC Executive Director, briefly spoke regarding the request for equipment, staffing, and various street closings for the annual events sponsored by the MACC.

MOTION by Naeyaert, second by Ferris,
to approve the MACC request as outlined in the letter from Doug Klein, MACC Executive Director, dated January 27, 2009, for street closures, use of equipment, electrical power, and waiver of permit and fees for the annual July 4 and November 27 parades.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Bruno stated that the location of the speed trailer placed at Franklin Farms Drive will be ineffectual. Staff stated that it would be relocated for an accurate analysis. Bruno also asked about delaying the extension of Franklin Farms Drive due to the appeal by Esquire Development filed with the Circuit Court. Bruno asked that the issue be on the next regular meeting agenda.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Waltz informed Council regarding current Historic District 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
Nena Bondarenko of 2645 Hagadorn Road and property owner in Mason thanked Mayor Clark for taking the time to explain the need to construct a new city hall and police station and stated that she thinks that Council has done their due diligence over the years.

EXECUTIVE SESSION
MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to discuss pending litigation.
Yes (6) Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz
No (0)
Absent (1) Preadmore
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT
The meeting adjourned to executive session at 9:35 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 19, 2009

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

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Preadmore, Tornholm, Waltz
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: January 5, 2009
The Minutes of January 5, 2009 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $474,039.75 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Nena Bondarenko of 2645 Hagadorn Road stated concern regarding the current economic condition in the State and the country. She suggested that Council reconsider building a new city hall at this time.

REGULAR BUSINESS
Resolution No. 2009-03 – Mayor's Appointment to the Tree Commission
MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-03 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-03 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-03
MAYOR'S APPOINTMENT TO THE TREE COMMISSION
January 19 2009

WHEREAS, a vacancy exists on the Tree Commission since 2006;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Brenda Hershberger to Tree Commission of the City commencing January 19, 2009 through December 31, 2012.
RESOLUTION APPROVED UNANIMOUSLY

Report – Capital Improvements Plan (CIP) Relating to Budget
Colburn presented the Capital Improvements Plan (CIP) to Council.

UNFINISHED BUSINESS
Bruno asked that Council consider installing temporary speed bumps at the Northbrook Street cul-de-sac area in April to force traffic to slow down until the closure is completed on November 15, 2009. Colburn stated the speed trailer revealed that speeding was not a significant problem. It was discussed that the speed trailer was in place during construction on a water main break which caused traffic to slow down. It was the consensus of Council to have the speed trailer put in place.

NEW BUSINESS
Council thanked city staff for their long hours and diligence removing snow this season.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:00 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 5, 2009

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple 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
Dennis McGinty, City Attorney
John Stressman, Chief of Police
Dennis O'Brien, Parks & Cemetery Superintendent
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES: December 15, 2008 and December 18, 2008
The Minutes of December 15, 2008 were approved as submitted.

MOTION by Waltz, second by Naeyaert,
To reconsider the motion approved at the December 18, 2008 special meeting affirming the decision of the Planning Commission to close the entrance at the south end of Northbrook Street.

Extensive discussion was held regarding facts and concerns relating to the closure of the Northbrook Street cul-de-sac in Franklin Farms.

VOTE ON THE MOTION TO RECONSIDER
Yes (4) Clark, Mulvany, Naeyaert, Waltz
No (3) Bruno, Preadmore, Whipple
MOTION APPROVED

MOTION by Bruno, second by Whipple,
to affirm the decision of the Planning Commission to close the entrance at the south end of Northbrook Street.

MOTION by Bruno, second by Whipple,
to amend the main motion to close the entrance at the south end of Northbrook Street by inserting at the end of the sentence, "by November 15, 2009."
Yes (6) Bruno, Clark, Naeyaert, Preadmore, Waltz, Whipple
No (1) Mulvany
MOTION APPROVED

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

The Minutes of December 18, 2008 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of $118,201.75 as submitted.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

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

MOTION by Preadmore, second by Naeyaert,
to consider Resolution No. 2008-55 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-55 was introduced by Waltz and seconded by Preadmore. Whipple stated that he would not support Resolution No. 2008-55; he did not think that the resolution accurately reflected the breadth of opinion. He thought it was not a good year and that a few very major mistakes had been made. Bruno stated that he would not support Resolution No. 2008-55. There were several items that he had brought up over the past several years that have not been addressed.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-55
CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2008 CALENDAR YEAR
January 5. 2009

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 1, 2008, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; and

BE IT FURTHER RESOLVED, that the following is a summary of the performance of Administrator Colburn arranged according to the major categories listed on the composite "City Administrator Performance Evaluation Form":

Professionalism
In the area of Professionalism, Mr. Colburn met Council expectations. The overall feeling was that Mr. Colburn generally conducts himself in a professional manner.

Relationship with Council
Mr. Colburn met expectations in his relationship with Council, with a reminder to respond to Council Members concerns in a timely and appropriate fashion.

Policy Execution
The Council felt that Mr. Colburn met expectations in regard to executing Council directives in a timely manner. It was noted that particular attention should be given to goals established in budget meetings, and barring unforeseen circumstances, should be followed through.

Reporting
In the area of reporting, Mr. Colburn met Council expectations. It is suggested that Mr. Colburn continue to improve his written skills and verbal communications. When a question is posed, and an answer is not known, state that, and follow up when answer is obtained.

Public Relations
Mr. Colburn met Council expectations in regard to public relations. Mr. Colburn circulates well within the community, and is an effective people person.

Staffing
Mr. Colburn has met Council expectations in regard to staffing. Mr. Colburn has taken the Council concerns of customer service, and implemented training and polices to improve it. There is still, however, some concern with respect to micro-management of the staff by Mr. Colburn.

Fiscal Management
The city continues to enjoy a solid financial standing due to Mr. Coburn's leadership, and the effective policies adopted by his management team. Even though Mr. Colburn met Council's expectations, some concern was expressed about maintenance of City Hall and Library grounds, as well as his commitment to grow Rayner Bond fund to one million dollars.

BE IT FURTHER RESOLVED, that the City Council does hereby establish the following specific Council objectives for Administrator Colburn for the 2009 calendar year:

A. *Proceed with new City Hall/Police Station.*
B. *Conduct Transportation Study in conjunction with Master Plan*
C. *Complete ISO fire rating for community.*
D. *Update City Street Paser Study.*
E. *Update finance and purchasing policies into new document.*
F. *Investigate DDA Liquor License quota.*
G. *Update DDA Plan with data from new study.*

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; and

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.
Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz
No (2) Bruno, Whipple
RESOLUTION APPROVED

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

MOTION by Preadmore, second by Naeyaert,
to consider Resolution No. 2008-56 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-56 was introduced by Preadmore, seconded by Waltz. Whipple stated that he would not support Resolution No. 2008-56 for the same reasons he did not vote for the previous resolution. He does not think it was a successful year overall for the City Administrator and does not believe any reward should be forthcoming.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-56
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT #7
January 5, 2009

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert do hereby submit the following proposed revisions to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason;

Section 2. Salary. Increase salary paid by 2.5% to $84,384.22 per year.

Pay for Sick Leave. Payment shall be made for one-half of an employee's accumulated sick leave-not to exceed payment of 100 days at retirement (paid directly to the employee), at death (paid to the employee's heirs), or leave the service of the city, at the employee's prevailing pay rate at that time.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute an amendment to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein January 1, 2009.

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

At this time, Mayor Clark presented Council Member Whipple a plaque in recognition of 16 years of dedicated service to the Mason community. Mayor Clark also presented Council Member Mulvany in recognition of 30 years of dedicated service to the Mason community. Mulvany expressed appreciation for working with this Council as well as previous Councils. He stated that City staff and administration are the best. He commended the Mayor and Mayor Pro Tem for their work, especially their trip to Washington D.C. to lobby legislature for assistance with the mandated water treatment plant costs. Whipple echoed Council Member Mulvany's comments regarding city staff. He stated that it has been an honor to serve in this capacity and to serve as Mayor; it has meant a lot to him to be entrusted with the responsibility and that it has helped him as a person. He has spent a third of his life on the City Council. He is grateful for everything, the good and the bad. He commended city staff and the City Administrator. He wished Council and City staff the best.

Adjourn Sine Die – 2008 Council

MOTION by Whipple, second by Naeyaert,
to adjourn sine die.
MOTION APPROVED UNANIMOUSLY

The 2007 City Council adjourned sine die at 8:23 p.m. and Clark passed the gavel to Colburn. At this time, Administrator/Clerk Colburn administered the oath of office to re-elected council members Leon Clark and Mike Waltz and newly elected Elaine Ferris and Barbara Tornholm.

Election of Mayor and Mayor Pro Tem for 2009-2010
Colburn opened the floor for nominations.

Bruno nominated Leon Clark for Mayor.
LEON CLARK ELECTED MAYOR UNANIMOUSLY

Bruno nominated Robin Naeyaert for Mayor Pro Tem.
ROBIN NAEYAERT ELECTED MAYOR PRO TEM UNANIMOUSLY

Clark received the gavel and proceeded with the meeting.

PEOPLE FROM THE FLOOR
None.

Presentation – Mason Centennial Fund
Colburn stated that the grant application submitted to the Mason Centennial Fund was awarded. He presented Council with a $1,500.00 check from the agency; the grant money will used to purchase trash cans and benches for Hayhoe Riverwalk. He thanked Mason State Bank and the Mason Centennial Fund.

Resolution No. 2009-01 – City Council and Planning Commission Meeting Dates
MOTION by Naeyaert, second by Bruno,
to consider Resolution No. 2009-01 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-01 was introduced by Waltz and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2009
January 5, 2009

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2009, and that said meetings are to be held on the first and third Mondays of each month, with one holiday exception scheduled as a *Tuesday meeting, and

January 5 and 19	July 6 and 20
February 2 and 16	August 3 and 17
March 2 and 16	September *8 and 21
April 6 and 20	October 5 and 19
May 4 and 18	November 2 and 16
June 1 and 15	December 7 and 21 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2009, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months

January 13	May 12	September 15
February 10	June 9	October 13
March 10	July 14	November 10
April 14	August 11	December 15 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-02 – Mayor's Appointment to the Downtown Development Authority

MOTION by Preadmore, second by Tornholm,
to consider Resolution No. 2009-02 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-02 was introduced by Preadmore and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-02
January 5, 2009
MAYOR'S APPOINTMENT TO THE
DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, a resignation by Jack Davis created a vacancy on the Downtown Development Authority; and

WHEREAS, the term of the vacancy expires on December 31, 2012;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Jettie Fientuck to the Downtown Development Authority of the City commencing January 5, 2009 through December 31, 2012.

RESOLUTION APPROVED UNANIMOUSLY

Motion– Waive the Bid Process and Approve Ayles Tree Service Proposal

O'Brien informed Council regarding Ayles Tree Service's performance for 2007. He stated that Ayles has typically been the low bidder and has performed their job to the satisfaction of the City for over 30 years. Their submitted proposal has not increased from the 2008 cost. Staff requested the formal bid process be waived and recommended acceptance of the proposal from Ayles Tree Service.

MOTION by Bruno, second by Preadmore,
to waive the formal bid process and award the tree trimming contract to Ayles Tree Service for the amount of $41,695.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Newly elected Council Members Ferris and Tornholm were welcomed to the Council.

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.

EXECUTIVE SESSION

MOTION by Preadmore,
to adjourn to executive session to discuss attorney/client privileged communication
ROLL CALL VOTE:
Yes (7) Bruno, Clark, Ferris, Naeyaert, Preadmore, Tornholm, Waltz
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:45 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
SPECIAL CITY COUNCIL MEETING
MINUTES OF DECEMBER 18, 2008

Clark called the meeting to order at 7:30 p.m. in the Community Room at 201 W. Ash Street, Mason, Michigan.

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

PEOPLE FROM THE FLOOR
None.

HEARING OF APPEAL
Appeals of the Decision of the Planning Commission to Deny a Request to Amend the Approved Site Plan for the Village of Franklin Farms
Clark read the list of exhibits, the summary statement, and the chronology of events from the staff agenda report; Waltz added City Council Special Meeting Minutes dated March 6, 2000, to the list.

Clark opened the hearing of appeal for the appeals of the decision of the Planning Commission to deny a request to amend the approved site plan for the Village of Franklin Farms at 6:50 p.m.

James Bonfiglio of Esquire Development stated that he was the spokesperson for those who signed his letter of appeal, and stated support for permanently maintaining the entrance at the south end of Northbrook Street. Mr. Bonfiglio stated that the record provides support from City staff including the Zoning & Development Director, Fire Chief, Chief of Police, and Public Works Director for maintaining the entrance for safety purposes; Mr. Bonfiglio cited Section 176-4 of the Zoning Code, stating that there should be at least two access points to residential homes where there are more than 25 units.

Bridget Brennan of 1111 Carom stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Matt Fry of 1124 Carom Circle stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety as well as the impact on more than 150 residents for the benefit of 5 residents.

William Shepard of 601 Carom Circle stated support for permanently maintaining the entrance at the south end of Northbrook Street.

Staci Carl of 615 Carom Circle stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Tori Fredline of 611 Carom Cirlcle stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

*Jim Mulvany arrived at 7:11 p.m.

Amanda Kemper of 1025 Franklin Farm Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Matt Krysiak 1035 Franklin Farm Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Carl Laitzenhauer of 944 Franklin Farm Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Keith Hein of 1002 Eugenia Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Dean Baker of 925 Franklin Farm Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Danielle Brinn of 614 Carom Circle stated support for permanently maintaining the entrance at the south end of Northbrook Street.

Jennifer Cornell of 1101 Carom Circle stated support for permanently maintaining the entrance at the south end of Northbrook Street.

Abu Husain of 954 Franklin Farm Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street.

Teresa Walker of 411 Carom Circle Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

John Adado of 854 Northbrook Drive stated concern regarding speeders that travel through the access. He bought his house with the understanding that the home was on a cul-de-sac.

Lisa Hanna of 910 Carom Circle stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Lester Strickler of 308 Carom Circle Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety.

Matthew Sartorious of 1103 Carom Cirlcle Drive stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety, adding that the impact of the majority should be the deciding factor.

Dan Price of 857 Northbrook stated opposition for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety for the children on the cul-de-sac area and asked the City to provide an alternate choice.

Stacy Adado of 854 Northbrook Drive stated opposition for permanently maintaining the entrance at the south end of Northbrook Street. Ms. Adado stated when they purchased their home that they were assured that the temporary access would be closed. She stated that the original contract needs to be honored; they have been waiting seven years.

Stacy Carl of 615 stated that she has been living in Franklin Farms Village for seven years and was never told the access would be closed.

Amanda Kemper of 1025 Franklin Farm Drive stated that she was never told the access would be closed. Ms. Kemper stated that she doesn't want her dead end street to be an open access.

704 Carom Circle 176 stated support for permanently maintaining the entrance at the south end of Northbrook Street, citing reasons of safety for the majority of the residents.

Sheryl Morris of 925 Eugenia stated that she is an original owner in the subdivision. Ms. Morris stated support for permanently maintaining the entrance at the south end of Northbrook Street, stating reasons of safety for the majority of the residents.

Clark closed the public hearing at 7:47 p.m. and adjourned the meeting for a brief recess. The meeting reconvened at 7:59 p.m.

MOTION by Bruno, second by Whipple,
to affirm the decision of the Planning Commission to close the entrance at the south end of Northbrook Street.

Discussion ensued to direct staff to begin the process of extending Franklin Farm Drive to Kipp Road in 2009. It was suggested that Northbrook Drive remain open until the street to Kipp Road is completed. Discussion ensued that the original intent of the access was for emergency access.

MOTION by Mulvany, second by Naeyaert,
to amend the main motion to set the closing of the cul-de-sac to the time when the Franklin Farm Drive extension has been completed to Kipp Road.
Yes (1) Mulvany
No (6) Bruno, Clark, Naeyaert, Preadmore, Waltz, Whipple
MOTION FAILED

VOTE ON MAIN MOTION:
MOTION APPROVED UNANIMOULSY

MOTION by Whipple, second by Bruno,
to amend the agenda by inserting, "Give Direction to the City Administrator Regarding the Extension of Franklin Farm Drive" as Agenda Item No. 6, and move the remaining items accordingly.
MOTION APPROVED UNANIMOUSLY

Motion – Give Direction to the City Administrator Regarding the Extension of Franklin Farm Drive

MOTION by Whipple, second by Bruno,
to direct the City Administrator to bring a plan to City Council for extending Franklin Farm Drive through to Kipp Road as soon as possible.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Distributed.

PEOPLE FROM THE FLOOR

Dave Fellows of 1102 Carom Circle stated concern that an extension to Franklin Farm Drive would not alleviate traffic on Carom Circle.

Teresa Walker of 411 Carom Circle asked if the Council's decision is appealable and inquired about maintaining the Northbrook access until the Kipp Road extension is completed. Mr. Bonfiglio has the opportunity to request to maintain the Northbrook access until the Kipp Road extension is completed.

Matt Fry of 1035 Franklin Farm Drive asked about the purchase of property for the extension. Council stated that the property could be attained.

Bill Shepard of 601 Carom Circle stated concern for homeowners that have traffic issues and asked Council to assist.

ADJOURNMENT

The meeting adjourned at 8:56 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

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 Cwiertniewicz, 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 UNANIMOULSY

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 UANIMOUSLY

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

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-57
FOP SUPERVISIORY 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

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall 517-676-9155
Fax 517-676-1330

CITY COUNCIL MEETING - COUNCIL CHAMBER
Monday, December 15, 2008

7:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Approval of Minutes Regular Council Meeting: December 1, 2008
5. Approval of Bills
6. People from the Floor
7. Public Hearing
   A. Special Assessment Roll for the Sidewalk Improvements
8. Regular Business
   A. Special Assessment Resolution No. 3, Project No. 2009-01
   B. Special Assessment Resolution No. 4, Project No. 2009-01
   C. First Reading – Ordinance No. 174 – An Ordinance to Conditionally Rezone the Property Located at 514 West Ash 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
   D. Resolution No. 2008-53 – Mayoral Appointments to City Boards and Commissions
   E. Resolution No. 2006-54 – City Council Appointments to City Boards and Commissions
   F. Resolution No. 2008–55 – City Administrator Performance Evaluation for 2008 Calendar Year
   G. Resolution No. 2008-56 – City Administrator Employment Contract Amendment No. 7
   H. Executive Session – Collective Bargaining Agreement
   I. Resolution No. 2008-57 – FOP Supervisory Division Agreement
9. Unfinished Business
10. New Business
11. Correspondence
    - Thank you – Dick Ferris, Cemetery Board Chair
    - Monthly Revenue and Expenditure Report
12. Liaison Reports
13. Administrator's Report
    - Revenue Sharing
14. People from the Floor
15. Adjournment

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 1, 2008

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Watltz 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: November 17, 2008
The Minutes of November 17, 2008, were approved as submitted.

APPROVAL OF BILLS
MOTION by Whipple, second by Naeyaert,
to approve the payment of bills in the amount of $193,783.32 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Presentation – PRIME Award to City Finance Director/Treasurer Kathy Revels
Kathy Revels, Finance Director/Treasurer, was presented the Michigan Municipal Treasurer's Association (MMTA) 2008 PRIME Award by MMTA PRIME Award Committee member Bruce Malinczak. Also present were Blinda Baker, MMTA PRIME Award Committee member, Janice Thelen, and Karen Tebeau, MMTA Board representatives.

Presentation – Safety Record of Christman Company
At the November 17, 2008, meeting, Council considered the Qualifications – Based Selection (QBS) process for retaining professional services for the construction of a new City Hall/Police Station. Staff recommended Council authorize negotiating a contract with Christman Company. After much discussion, Council deferred action and requested staff to invite a safety representative to address the safety issues that have occurred under the leadership of the Christman Company.

Pete Kramer, Vice President of Christman Company, Jay Smith, Senior Vice President of Corporate Safety, and Don Staley, Corporation Safety Manager, addressed specific safety violations and citations from MIOSHA to the satisfaction of the Council.

Motion – Provide Staff Authorization to Negotiate for Professional Services for the City Hall/Police Station
Action was deferred at the November 17, 2008, meeting regarding authorization to negotiate professional services for the City Hall/Police Station; the following motion is on the floor for consideration:

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.
MOTION APPROVED UNANIMOUSLY

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

MOTION by Whipple, second by Bruno,
to consider Ordinance No. 170 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 170

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF DIVISION 3, TREES ON PUBLIC PROPERTY, OF CHAPTER 86, VEGETATION, OF THE MASON CITY CODE; SECTION 86-75 – AMEND SECTION TO PROHIBIT THE KEEPING OF TREES INFESTED WITH THE EMERALD ASH BORER; SECTION 86-131 – AMEND SECTION TO UPDATE THE LIST OF OFFICIAL STREET TREE SPECIES FOR THE CITY; SECTION 86-132 – AMEND SECTION TO ELIMINATE THE SEPARATION STANDARD FOR SMALL TREES; SECTION 86-133 – AMEND SECTION TO ELIMINATE THE SMALL TREE CATEGORY FROM THE LIST OF STANDARD DISTANCES THAT TREES MAY BE PLANTED FROM CURB AND SIDEWALK.

THE CITY OF MASON ORDAINS:

Sections 86-75, 86-131, 86-132, and 86-133 of Division 3, Trees on Public Property, of Chapter 86, Vegetation, of the Mason City Code are hereby amended to read as follows:

Sec. 86-75. Keeping of trees with diseases or infestations prohibited.

No person shall keep or maintain any part of any elm tree infected with the Dutch Elm disease or any part of any ash tree infected with the Emerald Ash Borer within the City.

Sec. 86-131. Street tree species to be planted.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the tree commission.

Medium Trees	Large Trees
Crimson King Maple	Sweet Gum
Red Maple and Selections	Greenspire Linden
Hedge Maple	Thornless Locust Species
Callery Pear	Sugar Maple
Zelkova	Red Oak
Hop Hornbeam	White Oak
Shingle Oak	London Plane Tree
Black Gum	Pin Oak
Amur Cork Tree	Katsura Tree
Thornless Cocksper Hawthorn	
Japanese Pagoda Tree	
Ginko	

Sec. 86-132. Spacing.

The spacing of street trees will be in accordance with the two species size classes listed in section 86-131; and no trees may be planted closer together than the following: Medium trees, 40 feet; large trees 50 feet; except in special plantings designed or approved by a landscape architect.

Sec. 86-133. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the two species size classes listed in section 86-131. No trees may be planted closer to any curb or sidewalk than the following: Medium trees, three feet; and large trees, four feet.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2008-52 – Rules of Order for the City Council and for City Boards and Commissions

MOTION by Whipple, second by Bruno,
to consider Resolution No. 2008-52 as being read.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-52 was introduced by Whipple and seconded by Waltz. Whipple commented briefly regarding the interpretation of the Rules of Order for the City Council, boards and commissions relating to Section 4(c). Discussion ensued regarding interpretation of the word "waive" in that section. Attorney McGinty was asked whether it is the discretion of the Chair to eliminate or extend the limits on time and quantity for speaking. McGinty stated that his recollection of Council's practice has been to reduce or extend the time of which people may speak. The criterion for reducing the time limit has been applied in instances when people state repetitive comments of prior comments, or to allow everyone a chance to speak. However, the Chair may not eliminate a person's opportunity to speak. Discussion ensued.

MOTION by Bruno, second by Whipple,
to amend the Rules of Order, Section 4(c) by changing "four (4) minutes" to "three (3) minutes".
Yes (1) Bruno
No (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
RESOLUTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-52
December 1, 2008
RULES OF ORDER
for the
CITY COUNCIL and for CITY BOARDS and COMMISSIONS

WHEREAS, the process of government in the City of Mason includes the activity of a City Council as well as numerous Boards and Commissions appointed by the City Council, each of which can play a significant role in the conduct of the affairs of the City; and

WHEREAS, the citizens of the City of Mason are best served by a City Council as well as City Boards and Commissions that function smoothly with a firm basis for resolving questions of procedure that may arise; and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection for the people and City of Mason, as well as for the Council and each Board and Commission as a body, and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection and consideration of the rights of individual members and the rights of individual citizens, and

WHEREAS, the application of parliamentary law is the best method yet devised to enable the City Council and City Boards and Commissions to arrive at the general will on the maximum number of questions of

varying complexity in a minimum amount of time and under the most diverse set of conditions, ranging from total harmony to impassioned division of opinion, with due regard for the opinion of each member and for the right of every citizen to address the Council, a Board or a Commission; and

WHEREAS, Rules of Order are the written rules of parliamentary law and are critical to ensure the most effective and efficient operation of any deliberative body; and

WHEREAS, the citizens of the City of Mason will be best served when the meetings of all public bodies are conducted according to similar procedures.

NOW, THEREFORE, BE IT RESOLVED, that these Rules of Order shall be the parliamentary law of the City Council and all City Boards and Commissions of the City of Mason, and shall nullify and replace Resolution 2001-22 dated April 16, 2001 and any other previously approved Rules of Order; and

THEREFORE, BE IT FURTHER RESOLVED, that these Rules of Order shall be consistently applied and actively enforced at all times in relation to the orderly transaction of business in meetings, and in relation to the duties of officers in the conduct of meetings, of the City Council, as well as all City Boards and Commissions.
YES (4) Bruno, Mulvany, Preadmore, Whipple
NO (3) Clark, Naeyaert, Waltz
RESOLUTION APPROVED

RULES OF ORDER FOR CITY COUNCIL, BOARDS, COMMISSIONS
City Council Resolution 2008-52
City of Mason, Michigan

1) ORDER OF BUSINESS
   a) City Council: At each regular meeting of the City Council the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:
      (1) Call to Order
      (2) Roll Call
      (3) Pledge of Allegiance and Invocation
      (4) Approval of Minutes
      (5) Approval of Bills
      (6) Unfinished Business (meeting of Mayor and Mayor Pro Tem election)
      (7) Adjourn Sine Die (meeting of Mayor and Mayor Pro Tem election)
      (8) Election of Mayor and Mayor Pro Tem
      (9) People from the Floor
      (10) Public Hearings
      (11) Regular Business
      (12) Unfinished Business
      (13) New Business
      (14) Correspondence
      (15) Liaison Report
      (16) Administrator Report
      (17) People from the Floor
      (18) Adjournment
   b) City Boards and Commissions: At each regular meeting of a City Board or Commission the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:
      (1) Call to Order
      (2) Roll Call
      (3) Approval of Minutes
      (4) Unfinished Business (meeting of Chair and Vice Chair election)
      (5) Election of Chair and Vice Chair
      (6) People from the Floor
      (7) Public Hearings
      (8) Regular Business
      (9) Unfinished Business
      (10) New Business
      (11) Correspondence
      (12) Liaison Report

(13) Administrator Report
(14) People from the Floor
(15) Adjournment

2) AGENDA

Any item of business to be considered shall be appropriately filed with the clerk/secretary by noon on the Wednesday preceding the subject meeting. Agenda requests by members of the body and the City Administrator shall be automatically granted by the clerk/secretary if filed in a timely manner. The clerk/secretary shall send a complete agenda to each member by close of business on the last business day of the week preceding the subject meeting. Each item on the agenda shall include sufficient explanation to indicate intent. Any question introduced at a meeting that does not appear on the agenda may be deferred for inclusion on the agenda of a subsequent meeting upon the request of any one member of the body, except that said question may be acted upon at once if so requested by a majority vote of the members present.

3) MINUTES

Meeting minutes requiring approval shall be distributed to each member with the Agenda for the next regular meeting. There shall not be a reading of the minutes at the meeting. Minutes shall be considered approved unless a substantial correction, as determined by the Chair, is suggested by the Chair or a member. If a substantial correction is suggested, said correction shall be agreed to by a two-thirds vote of the members present. Corrections not determined to be substantial shall be considered made by consensus unless any member challenges such determination, in which case said correction shall be treated as a substantial correction. Minutes shall then be considered approved without a vote after all suggested corrections are voted upon, or agreed to by consensus, as required.

4) PUBLIC COMMENT

a) It is the intent of these Rules to encourage public comment and participation by interested persons that is constructive, informative, and factual in a manner conducive to the conduct of an organized, efficient and professional meeting. Public comment by a person who is not a member of the body shall be allowed only during the People from the Floor and Public Hearing agenda items, or when permitted by the meeting Chair.

b) The first People from the Floor agenda item is intended for public comment only on matters not included as agenda items for that meeting. A person who wants to speak to an agenda item may so inform the Chair of their desire to address the body on that item either during the first People from the Floor agenda item or by requesting recognition from the Chair by a raised hand prior to the body taking up a motion on the particular agenda item of interest.

c) All public comment shall be appropriate to the agenda item under consideration. Each person shall be allowed to speak for a minimum of four (4) minutes and the Chair may limit the number of times each person is allowed to speak, but to no fewer than two (2) times. The limits on time and quantity for speaking may be extended at the discretion of the Chair.

d) Any person in attendance at a meeting shall comply with the direction of the Chair as to the appropriateness of their actions or comments. The Chair shall retain discretion to disallow or stop a person from speaking or to temporarily recess the meeting at any time to maintain the order of the meeting.

e) Any person that speaks before the body shall state for the record their name, residence address and group affiliation, if any.

5) CONDUCT OF BUSINESS

a) Parliamentarian: The meeting Chair shall serve as Parliamentarian unless that duty is assigned and accepted by another member. The application and enforcement of these rules is the responsibility of the Chair.

b) Reading of Resolutions and Ordinances: The text of any Resolution or Ordinance being considered shall be read into the record except when an appropriate motion to consider said Resolution or Ordinance as being read is approved by a majority vote of the members present. The reading of a Resolution or Ordinance shall occur before introduction for consideration.

c) Reconsideration: A motion to reconsider enables a majority to bring back for further consideration a motion that has been voted on previously. The motion to reconsider can be made only by a member voting on the prevailing side and is in order only until the adjournment of the next regular meeting following the meeting during which the motion to be reconsidered was acted upon.

d) Appeal to Chair: Any decision of the Chair in applying or interpreting these Rules of Order may be appealed by a motion made at the time of the ruling being appealed and before any debate or business has intervened. The Chair shall be allowed to speak first to an appeal with each member allowed to speak once. The Chair may speak one last time after all members have been given an opportunity to speak. The question before the body on an appeal of the Chair

shall be "Shall the decision of the Chair be sustained?". A majority or tie vote shall sustain the decision of the Chair.

e) Abstain from Voting: No member of the City Council shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the conduct of the member, but, on all other questions, each member who is present shall vote unless excused by unanimous consent of the remaining members present.

f) Considering a Motion: A motion that does not receive a second shall not be considered to be in order.

6) CHAIR AND VICE-CHAIR

a) Election: The Chair (Mayor) and Vice-Chair (Mayor Pro Tem) shall be elected pursuant to the applicable provisions of the City Charter or of a City Ordinance if such provisions exist. Absent Charter or Ordinance requirements, election shall be by majority vote of the members present during the first regular meeting of each calendar year.

b) Absence: In the absence or disability of the Chair and the Vice-Chair, the members present shall select by majority vote a member to be designated as Acting Chair to perform the duties of the Chair as necessary.

7) RULES OF ORDER

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the City Council and all City Boards and Commissions in all applicable cases in which Robert's Rules are consistent with these Rules of Order, the City Charter, City Ordinance, and State Statute.

8) SUSPEND RULES

A request to waive the Rules of Order shall be granted only by unanimous vote of the members present.

Discussion – Creation of Administrative Services Director Position

During the work session of November 10, 2008, Council was informed regarding Administrator Colburn's proposed reorganization of administrative staffing for departments at Mason City Hall including Administrative Services Director, Bookkeeper, and City Clerk positions.

Colburn stated that the position of Administrative Services Director is the concept developed and he placed on a timeline due to expanding requirements of administrative tasks and programs. With the growth of the city, additional requests and requirements are placed on city staff through additional activities and reporting requirements, and the demands on administrative staff have continued to expand.

To quantify the need of this position, Colburn asked Finance Director/Treasurer Revels to walk Council through a worker's compensation event in detail; he followed by adding his involvement with the event. Colburn stated that several recent policies have been added and additional reporting requirements result from new legislation.

The job description for the new position will include Project Management (City Hall/Police Station), keeping personnel and city policies up to date, Risk Management, Update job descriptions, manage personnel and medical files, accident report tracking, training, safety committee and working with the City Administrator on analysis of issues.

NEW BUSINESS

Report – Investigatory Powers of the City Council

At the November 17, 2008, meeting, Councilmembers Preadmore and Whipple were excused to respond to a Mason Fire Department call. At that time, Attorney McGinty was giving a report on the investigatory powers of the City Council. Attorney McGinty was asked to repeat his report at this meeting.

McGinty stated that the City Council may undertake an investigation of any of the affairs or conduct of

City government as it chooses. There are no promulgated rules; it can be done through City Council or by a committee. McGinty stated that he thinks the request for an investigation should be submitted in writing, and that the City Administrator should provide information that he has acquired. Ultimately, it is the decision of the Body whether to hold, or not to hold, an investigation. Discussion ensued regarding the complaint documents.

At this time, Councilmember Whipple asked to approach the podium. Mr. Whipple submitted the investigation request in writing to the City Administrator/Clerk.

UNFINISHED BUSINESS

Discussion was held regarding interpretation of Mason Code, Section 94-193 (6)(b). The letter of notice for the Franklin Farms Hearing of Appeal stated that oral arguments would be granted to individuals who have been granted standing to appeal by the City Council and who requested oral arguments in their letter of appeal. McGinty stated that he and Mr. Haywood discussed the interpretation. McGinty stated that he supported Mr. Haywood's interpretation of Section 94-193 (6)(b). A brief discussion ensued.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Barb Tornholm, Councilmember Elect, suggested keeping the time limit for public comment consistent.

Elaine Ferris, Councilmember Elect, invited Council to the Library Open House, December 2, 2008.

EXECUTIVE SESSION

MOTION by Preadmore, second by Whipple,
to adjourn to executive session to consider the City Administrator's evaluation.
ROLL CALL VOTE:
Yes (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 9:37 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

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 Cwiertniewicz, 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

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 10, 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, 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 Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $216,940.48 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Judy Whipple of 322 Lawton Street stated concern regarding the process, examination and evaluation of citizen complaints she, her husband, and her father-in-law submitted to the City. Ms. Whipple gave a detailed account of her observations on the process and outcome. She asked Council to request an independent review of the complaints, including the City Administrator.

Russ Whipple of 322 Lawton Street expressed disappointment in the way the formal complaints that he, his wife and his father submitted to the City were handled. Mr. Whipple also spoke regarding the process, examination and evaluation of the complaints in detail. He stated that he believes the City Council needs to initiate an investigation of their own, pursuant to Section 6.9 of the Charter.

Dennis Whipple of 295 N. College Road stated that he supported all the comments and observations of Judy and Russ Whipple and encouraged the Council to conduct an investigation.

REGULAR BUSINESS
None.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Naeyaert, Waltz, and Whipple commended the Clerk's office for the successful General Election held November 4, 2008. Naeyaert stated that she is looking forward to serving on Council with Councilmembers Elect, Elaine Ferris and Barbara Tornholm.

CORRESPONDENCE

A brief discussion was held regarding two letters of appeal from residents of the Village of Franklin Farms regarding the Planning Commission consideration to amend the special use permit and final site plan for the condominium development to allow a permanent driveway access at Northbrook.

LIAISON REPORTS

There were no reports at this time.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. He commended Deputy Clerk Cwiertniewicz for the successful General Election held November 4, 2008, crediting it to the rearrangement of precincts, in addition to several other improvements that were implemented to increase efficiency and voter ease for the significant turnout.

Clark stated that citizens requested Council to take action regarding concerns expressed during people from the floor. It was the consensus of the Council to have the City Attorney, at the next regular meeting, advise what form of action should be taken.

PEOPLE FROM THE FLOOR

Barb Tornholm, Council Member Elect, suggested the Council consider implementing a community garden.

ADOURNMENT

The meeting adjourned at 8:06 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 15, 2008

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany 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
Rolly Olney, Public Works Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: September 2, 2008

The Minutes of September 2, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple
to approve the payment of bills in the amount of $758,691.90 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Greg Crockett stated that he is a probate judge candidate and gave a synopsis of his credentials.

REGULAR BUSINESS

Resolution No. 2008-36 – Mayor's Appointment to the Local Development Finance Authority

Resolution No. 2008-36 was introduced by Mulvany and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-36
MAYOR'S APPOINTMENT TO THE LOCAL DEVELOPMENT FINANCE AUTHORITY
September 15, 2008

WHEREAS, a vacancy occurred on the Local Development Finance Authority by the loss of Sue Ann Parsons; and

WHEREAS, the term of the vacancy expires on December 31, 2011;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Joe Dean to the Local Development Finance Authority of the city to fill the remainder of the unexpired term, commencing September 15, 2008.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-37 – Resolution to Accept Avery Lane as a Public Street

Resolution No. 2008-37 was introduced by Preadmore and seconded by Mulvany. Discussion was held regarding whether Avery Lane was an acceptable name. The Tri-County Regional Planning Commission did not recommend use of this name because the name is already in use in Oneida Township near Grand Ledge and reserved in Bingham Township located in Clinton County. It was also discussed whether the road would be used, designed, or qualify as a public road.

MOTION by Preadmore, second by Bruno,
to defer Resolution No. 2008-37 to the October 6, 2008, regular meeting.
Yes (3) Bruno, Preadmore, Whipple
No (4) Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-37
A RESOLUTION TO ACCEPT AVERY LANE AS A PUBLIC STREET
September 15, 2008

WHEREAS, the City Council entered into a Development Agreement on November 15, 2004 with the Trustee of the Alice L. Jewett Trust and the Arthur W. Jewett Trust for the development of the area of the city adjacent to the Jewett Airport and the related public infrastructure improvements; and

WHEREAS, the Trustee is Dennis Anderson, also known to the city as the Developer; and

WHEREAS, in the Development Agreement, Section III, E, "The infrastructure improvements including public roads shall be dedicated to the public use, and shall be owned and solely maintained by the City…"; and

WHEREAS, the City agreed to allow the Developer to name the first street entering into the development properties which he has designated as Avery Lane, after his first grand-daughter; and

WHEREAS, Avery Lane will be added to the City of Mason annual Act 51 Reports forwarded to the State of Michigan Department of Transportation, designated as a local public street.

NOW THEREFORE BE IT RESOLVED, that Mason City Council does hereby recognize Avery Lane, as a public street, which runs from the east side of South Temple Street bearing east, on the north side of Rayner Creek approximately 783 feet.

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

MOTION – Amendment to 2008 Annual Street Program

MOTION by Preadmore, second by Naeyaert,
to table Item 7(C) - Amendment to 2008 Annual Street Program.
MOTION APPROVED UNANIMOUSLY

MOTION – Ingham County Veteran's Day Parade

MOTION by Naeyaert, second by Bruno,
to approve the requested street closures to hold a Veterans Day Parade, November 11, 2008, between 4:00 p.m. and 6:00 p.m. as depicted on the submitted map, to utilize the parking spaces on the north side of the Ingham County Court House to place temporary bleachers, and to waive all city fees associated with conducting the parade.
MOTION APPROVED UNANIMOUSLY

MOTION – Street Closure Request for Mason High School Homecoming Parade

MOTION by Naeyaert, second by Waltz,
to approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason High School Homecoming Parade, October 3, 2008, between 5:00 p.m. and 7:00 p.m.
MOTION APPROVED UNANIMOUSLY

MOTION – Street Closure Request for Riverwalk Meadows Homeowner's Association Annual Picnic

MOTION by Preadmore, second by Whipple,
to approve the street closure request for the cul-de-sac of Raging River Street for Riverwalk Meadows Home Owner's Association annual picnic to be held September 21, 2008, from 3:00 p.m. to 7:00 p.m.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Whipple requested to have the city attorney provide an opinion regarding the use of Act 51 and millage monies used for Avery Lane. Bruno stated that former City Administrator, Pat Price, lost his brother on Saturday. Fred Robinson retired August 27, 2008 with 28 years of service to the City of Mason.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning 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 8:13 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 2, 2008

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany 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
Rolly Olney, Public Works Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: August 18, 2008
The Minutes of August 18, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore
to approve the payment of bills in the amount of $203,903.99 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

MOTION by Bruno, second by Mulvany,
to amend the agenda by moving regular business items 7(E) and (F) to items 7(A) and (B), and items 7(A) and (B) to items 7(F) and (G), and adjusting the remaining regular business items accordingly.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Resolution No. 2008-34 – A Resolution Recognizing Browne Cavander American Legion, Post #148 and Jean R. Anderson, Veterans of Foreign Wars, Post #7309 as a "Duly Authorized Military Organization"
Bob Raab, Sr., Commander of Browne Cavandar, American Legion, Post #148, addressed the Council regarding the request of Browne Cavandar, American Legion, Post #148, and Jean R. Anderson, Veterans of Foreign Wars, Post #7309, to be recognized as a "Duly Authorized Military Organization" by the City of Mason. In accordance with Mason Code, organizations so recognized are exempt when acting in the discharge of their duties. Both organizations perform military services and funerals. Resolution No. 2008-34 was introduced by Preadmore and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-34
A RESOLUTION RECOGNIZING
BROWNE CAVANDER AMERICAN LEGION, POST #148 AND
JEAN R. ANDERSON, VETERANS OF FOREIGN WARS, POST #7309
AS A "DULY AUTHORIZED MILITARY ORGANIZATION"
SEPTEMBER 2, 2008

WHEREAS, Section 42-136 of the Mason Code regulates the use of weapons in the City of Mason; and

WHEREAS, The Code exempts members of any duly authorized military organization when acting in the discharge of their duties; and

WHEREAS, Browne Cavander American Legion, Post #148 and Jean R. Anderson, Veterans of Foreign Wars, Post #7309 has submitted a formal request to be recognized as duly authorized military organizations in the City of Mason for the purposes of this Code.

NOW THEREFORE BE IT RESOLVED, that Mason City Council does hereby recognize Browne Cavander American Legion, Post #148 and Jean R. Anderson, Veterans of Foreign Wars, Post #7309 as a "Duly Authorized Military Organization".
RESOLUTION APPROVED UNANIMOUSLY

*Whipple arrived at 7:39 p.m.

MOTION – Amendment to 2008 Annual Street Program

Colburn stated that costs for the construction of the water treatment plant had been reduced significantly last October, partially by reducing the amount of asphalt to be used for paving from Temple Street to the Water Treatment Plant. However, the contractor applied an extra layer of asphalt, and then notified the City that they had done so in the city's best interest as well as protecting the interest of their investment. Colburn recommended using the monies that recently became available due to Council's determination not to upgrade the Jefferson and Ash Streets traffic signal being installed by Michigan Department of Transportation (MDOT), making approximately $85,000.00 available from this year's street millage.

Olney informed Council regarding expenditures, deductions, and current costs for the water treatment plant. He reiterated that he and Mr. Colburn discussed using the funds budgeted for the water treatment plant for the water treatment plant area, the parking lot, and drive entrance, and using street monies for the roadway leading to the plant. Discussion ensued.

MOTION by Bruno, second by Naeyaert,
to amend the 2008 Annual Street Program to allow $52,000.00 to be used for the public roadway leading to the new water treatment plant.

Discussion continued regarding the change order from April 2007; however, it was unclear whether there was a change order presented in October. Discussion followed regarding the appropriate fund to use for paving the entranceway.

MOTION by Whipple, second by Naeyaert,
to amend the main motion to spend the $52,000.00 for the driveway out of the Water & Sewer Fund.

Further discussion was held regarding the cost and payment for the entranceway to the new water treatment plant. Colburn provided the October 2007 change order to Council, stipulating line item number three which reads, "provide two inch thick asphalt, delete asphalt wearing course, quantity is one, reduction of one, and reduction of $45,000.00".

VOTE ON THE AMENDMENT:
Yes (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (1) Bruno
MOTION APPROVED

MOTION by Whipple, second by Waltz,
to amend the main motion to reduce the amount to $45,000.00.

Discussion ensued regarding deferring the business for further study and discussion regarding the depth of asphalt that is currently in place.

MOTION by Whipple, second by Bruno,
to defer the matter of the amending the 2008 Annual Street Program to the September 15, 2008, regular meeting.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 167 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 2.58 Acres Located on West Ash Street West of Highway US 127 From AG Single Family Agricultural to RS-3 Single Family Residential – First Reading

MOTION by Preadmore second by Naeyaert,
To consider Ordinance No. 167 read for the second time and adopted
ORDINANCE APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 167

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 2.58 ACRES LOCATED ON WEST ASH STREET WEST OF HIGHWAY US 127 FROM AG SINGLE FAMILY AGRICULTURAL TO RS-3 SINGLE FAMILY RESIDENTIAL.

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

A parcel of land in the Northwest 1 / 4 of Section 8, T2N, R1W, Vevay Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Northwest corner of said Section 8; thence S89°59'53"E along the North line of said Section 8 a distance of 663.43 feet to the East line extended of Snyder's Addition to the City of Mason, as recorded in Liber 12 of Plats, Page 47, Ingham County Records; thence S00°16'00" W along said East line and extended East line 442.48 feet to the Westerly limited access right of way line of Highway U.S. 127 and the point of beginning of this description; thence S16°01'26"E along said Westerly line 914.61 feet to the North line of Hunting Meadows Subdivision as recorded in Liber 47 of Plats, Pages 26-28, Ingham County Records; thence N89°59'28"W along said North line 256.56 feet to the East line of said Synder's Addition; thence N00°16'00"E along said East line 879.04 feet to the point of beginning; said parcel containing 2.58 acres more or less; said parcel subject to all easements and restrictions if any.

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 167, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached.

THE CITY OF MASON FURTHER ORDAINS: That the proposed RS-3 Single Family Residential zoning district complies with the standards of approval listed in Section 94-396; and

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer; and

THE CITY OF MASON FURTHER ORDAINS: That a public hearing was noticed and held at the Planning Commission's regular meeting of August 12, 2008, with testimony given and public comments solicited in accordance with Section 94-101 of the Mason Code; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective seven days after publication of notice its adoption; and

THE CITY OF MASON FURTHER ORDAINS: That notice of adoption of this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Mulvany and seconded by Council Member Preadmore with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 2nd day of September, 2008.

Ordinance No. 167 declared adopted this 2nd day of September, 2008.

Ordinance No. 168 – An Ordinance To Amend Sections 78-5, 78-6 And 78-7 Of Chapter 78 - Traffic And Vehicles – Of The Code Of The City Of Mason To Readopt By Reference The Uniform Traffic Code As a Traffic Code Of The City Of Mason, And To Amend Section 42-2 Of Chapter 42 – Offenses And Miscellaneous Provisions - Of The Code Of The City Of Mason To Define The Term "Obstruct" – First Reading

MOTION by Preadmore second by Naeyaert,
To consider Ordinance No. 168 read for the second time and adopted.
ORDINANCE APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 168

AN ORDINANCE TO AMEND SECTIONS 78-5, 78-6 and 78-7 OF CHAPTER 78 - TRAFFIC AND VEHICLES - OF THE CODE OF THE CITY OF MASON TO READOPT BY REFERENCE THE UNIFORM TRAFFIC CODE AS A TRAFFIC CODE OF THE CITY OF MASON, AND TO AMEND SECTION 42-2 OF CHAPTER 42 - OFFENSES AND MISCELLANEOUS PROVISIONS - OF THE CODE OF THE CITY OF MASON TO DEFINE THE TERM "OBSTRUCT."

THE CITY OF MASON ORDAINS:

Section 78-5 of Chapter 78 - Traffic and Vehicles - of the Code of the City of Mason is hereby amended to read as follows:

Sec. 78-5. ***Uniform Traffic Code for Cities, Townships and Villages adopted.***

(a) The Uniform Traffic Code for Cities, Townships and Village as promulgated by the director of the Michigan Department of State Police made effective October 30, 2002 is adopted by reference pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(b) Reference in the Uniform Traffic Code for Cities, Townships and Villages to "governmental unit" shall mean the City of Mason.

The Uniform Traffic Code as adopted pursuant to Section 78-5.

Section 78-6 of Chapter 78 - Traffic and Vehicles - of the Code of the City of Mason is hereby amended to read as follows:

Sec. 78-6. ***Amendments to Uniform Traffic Code for Cities, Townships and Villages.***

The following additional sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages are added as set forth in this section.

Section 28.1159. Through Streets. The following streets and every portion thereof are hereby designated as "through streets." It is the duty of the traffic engineer to place and maintain a stop sign on each and every street which intersects such through streets, or which intersects a portion of such through streets:

(A) Ash Street, from the east city limit to Cedar Street.
(B) Cedar Street, from the north city limit to its southernmost terminus.
(C) Columbia Street, from the east city limit to the west city limit.
(D) Jefferson Street, from the north city limit to the south city limit.
(E) Okemos Street, from the north city limit to Columbia Street.

Section 28.1160. *Truck Routes; Restrictions; Exceptions; Definition; and Penalty.*

(A) No person shall drive, move, or cause or permit to be driven or moved any truck upon any street or highway of this city except such streets or highways as may be designated as truck routes.

(B) Truck routes are hereby designated to be Kipp Road from Eden Road to U.S. 127, U.S. 127, M-36 Highway, West Columbia Street from M-36 Highway to the west city limit, Howell Road from Okemos Road to the west city limit, and such other routes as may hereafter be designated pursuant to section 28.1153 of the Mason Uniform Traffic Code.

(C) The prohibitions of this section shall not apply to persons who shall drive or move trucks to and from locations within the city for local delivery or transport of goods or services.

(D) A truck, for purposes of this section, shall be any vehicle which is defined as a "truck" under Section 75 of the Michigan Vehicle Code (MCL 257.75) and having three or more axles.

(E) A person who violates this section is guilty of a misdemeanor. This prohibition shall not be enforced until notice thereof is given by posting of appropriate official signs.

Section 28.1825. Parking on Lawn Extension Between Sidewalk and Curb. No person shall drive upon, park, or stand any vehicle between the curb or curbline and the lot line nearest the street, such area being commonly known as the lawn extensions, whether or not any sidewalk or curb is actually in place on such street. A person who violates this section is responsible for a civil infraction.

Section 28.1826. Parking Fully Within Space. When a space is marked for parking, every vehicle shall be parked wholly within the marked space, except that a vehicle which is too large to be parked within a single designated space shall be permitted to occupy two adjoining marked spaces. A person who violates this section is responsible for a civil infraction.

Section 28.1827. Overtime Parking. Where signs are erected limiting the maximum period of time for parking in any parking zone, no person shall stop or park a vehicle in such zone for a period of time longer than the posted time. A person who violates this section is responsible for a civil infraction.

Section 28.1828. Overnight Parking; Trucks; Definitions; Violation as Civil Infraction.

(A) Parking is prohibited on all of the streets in the City of Mason between the hours of 2:00 a.m. and 6:00 a.m. during the winter months beginning November 1 through May 1. All parking may be prohibited on certain streets between the hours of 2:00 a.m. and 6:00 a.m. all of the year by traffic control orders issued pursuant to section 28.1153 of this code.

(B) The parking of trucks is prohibited on all of the streets in the City of Mason between the hours of 2:00 a.m. and 6:00 a.m. all of the year.

(C) The parking of trucks is prohibited on residential streets in the City of Mason between the hours of 10:00 p.m. and 6:00 a.m. all of the year.

(D) A truck for purposes of this section shall be any vehicle defined as a truck under Section 257.75 of the Michigan Vehicle Code (MCL 257.75) and having a combined weight of vehicle, cargo, and occupants exceeding five tons.

(E) A residential street is defined for purposes of this section as any highway or street where within any 600 feet along such street or highway there are buildings or uses for residential purposes which occupy at least 300 feet of frontage collectively on both sides of the street.

(F) A violation of this section shall be a civil infraction.

Section 78-7 of Chapter 78 - Traffic and Vehicles - of the Code of the City of Mason is hereby amended to read as follows:

Sec. 78-7. Skateboards.

(a) *Use limited*. No person shall use a skateboard in the following places:

(1) On any roadway within the city, except while crossing a highway or street on a crosswalk, and then only in the manner specified by Section 28.1204 of the Uniform Traffic Code for Cities, Townships and Villages, as adopted and amended by the city.

(2) On any of the lands leased or owned by the public, including public easements and rights-of-way, or on the private property of another, within that area of the city bounded by the Michigan Central Railroad right-of-way, Oak Street, Barnes Street, and the alley located between Maple Street and Sycamore Street, including an extension of the lateral line of the alley west to the Michigan Central Railroad right-of-way on Monday through Saturday

from the hours of 8:00 a.m. to 8:00 p.m. and at such other times as declared by the chief of police.

(3) On any of the lands dedicated to the use of the Maple Grove Cemetery.

(b) *Manner of use.* No person shall use a skateboard:

1) Upon a sidewalk, walkway or other surface or facility used or intended for pedestrians without yielding at all times the right-of-way to pedestrians.

2) Upon a public or private parking lot or facility open to the public without yielding the right-of-way at all times to pedestrians and vehicles and so as to not interfere with the parking of vehicles.

3) In a reckless or careless manner, or in any manner likely to result in injury or damage to the person or property of another.

4) At a speed greater than a walking speed when crossing within a crosswalk or crossing a roadway where no crosswalk is provided.

5) By placing portable ramps or similar devices or structures upon public property.

(c) *Posting of signs.* The department of public works shall erect appropriate signs which designate where skateboards are prohibited by this section.

(d) *Penalty*. Any person who violates any provision of this section shall be responsible for a civil infraction and subject to a civil fine of not more than $100.00. A police officer witnessing a violation of this section may stop the person, detain the person temporarily for purposes of making a record and prepare and subscribe a complaint for a civil infraction in the manner provided by Section 28.1110a of the Uniform Traffic Code for Cities, Townships and Villages, as adopted and amended by the city.

Section 42-2 of Chapter 42 - Offenses and Miscellaneous Provisions of the Code of the City of Mason is hereby amended to read as follows:

Sec. 42-2. Resistance and obstruction of city officials prohibited.

(a) No person shall willfully obstruct, resist or oppose the performance of duties by someone the person knows or reasonably should have known to be a city police or any other authorized official of the city,

(b) As used in this section, "obstruct" includes the use or threatened use of physical interference or force or knowing failure to comply with a lawful command.

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption and publication.

The foregoing Ordinance was moved for adoption by Council Member Preadmore and supported by Council Member Mulvany, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 2nd day of September, 2008.

MOTION – MML Annual Meeting – Designation of Voting Delegate

MOTION by Whipple, second by Bruno,
to appoint Mayor Clark as the principal official representative and Mayor Pro Tem Naeyaert to serve as the alternate to attend the annual MML Convention
MOTION APPROVED UNANIMOUSLY

Executive Session - Collective Bargaining Agreement

MOTION by Preadmore, second by Whipple,
to adjourn to Executive Session to consider negotiations with the Fraternal Order of Police (FOP).

ROLL CALL VOTE:
Yes (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to Executive Session at 8:24 p.m. and reconvened at 8:35 p.m.

Resolution No. 2008-35 – FOP Non-Supervisory Division Agreement
Resolution No. 2008-35 was introduced by Mulvany and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-35
FOP NON-SUPERVISIORY DIVISION AGREEMENT
SEPTEMBER 2, 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 Non-Supervisory Division, dated July 1, 2007 – June 30, 2010; 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
None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:45 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 18, 2008

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Kathy Revels, Finance Director/Treasurer
John Stressman, Chief of Police
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

Mayor Clark informed the Council that Administrator Colburn was absent from the meeting in order to attend the Lansing City Council meeting whose agenda included consideration of the City of Mason's request to be included as a participating municipality in the Capital Area District Library Board.

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: August 4, 2008
The Minutes of August 4, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $869,627.59 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Ordinance No. 167 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 2.58 Acres Located on West Ash Street West of Highway US127 From AG Single Family Agricultural to RS-3 Single Family Residential – First Reading

MOTION by Whipple, second by Preadmore,
To consider Ordinance No. 167 read for the first time.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 168 – An Ordinance To Amend Section 78-5, 78-6 And 78-7 Of Chapter 78 - Traffic And Vehicles – Of The Code Of The City Of Mason To Readopt By Reference The Uniform Traffic Code As a Traffic Code Of The City Of Mason, And To Amend Section 42-2 Of Chapter 42 – Offenses And Miscellaneous Provisions - Of The Code Of The City Of Mason To Define The Term "Obstruct" – First Reading
Stressman spoke briefly regarding the updates to the Uniform Traffic Code. McGinty also spoke regarding the updates and conformance with State law. Discussion ensued regarding language in Section 42-2.

MOTION by Whipple, second by Waltz,
To consider Ordinance No. 168 read for the first time with the change of the words "knowingly fail" to "knowing failure" in Section 42-2(b).
MOTION APPROVED UNANIMOUSLY

MOTION – Amendment to 2008 Annual Street Program

Discussion was held to defer Agenda Item No. 7(C) due to Administrator Colburn's absence. Public Works Director Olney was prepared to address Council regarding the annual street program in Mr. Colburn's absence; however, he was unavailable due to a family tragedy.

> MOTION by Bruno, second by Preadmore,
> To defer Agenda Item No. 7(C) Amendment to 2008 Annual Street Program to the next regular meeting, September 2, 2008.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Bruno stated that American Legion Post No. 148 performs military funerals, Memorial Day parades, Veteran Day remembrance, and the Pearl Harbor Day remembrance which involve the use of firearms. He contacted Chief Stressman to ask whether the organization is violating a city ordinance by conducting firearm practice at its facility located at 840 E. Columbia Street. Chief Stressman referred him to Mason Code, Section 42; Councilmember Bruno referred the matter to Attorney McGinty. Bruno asked Attorney McGinty if they are legally able to conduct practice at the 840 E. Columbia Street location, and if they are violating the city ordinance, what they need to do to correct it. McGinty stated that Section 42-136(c) exempts military organizations such as the American Legion, which use firearms for honorary events. He stated that it would be appropriate for such organizations to request to be recognized as a "Duly Authorized Military Organization" for purposes of this ordinance.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

None.

ADMINISTRATOR'S REPORT

Clark stated that any questions regarding the administrator's report could be directed to Mr. Colburn during the week.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned to at 7:50 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 4, 2008

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

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: July 21, 2008
The Minutes of July 21, 2008, were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $167,383.93 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Elaine Ferris of 417 W. Sycamore encouraged Council to vote yes for the Capital Area District Library millage proposal on the ballot, August 5, 2008.

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 – Second Reading and Adoption
MOTION by Preadmore, second by Naeyaert,
To consider Ordinance No. 166 read for the second time and adopted.

MOTION by Whipple, second by Naeyaert,
To amend Ordinance No. 166 by adding subsection 94-223(3) to explicitly give administrative review authority to the Zoning Administrator for outdoor seating areas on private property, now shown in the ordinance title; and replace standards for outdoor seating on private property, including screening and lighting standards to Section 94-173(j)(1)(d) and (e) when adjacent to residential property; and replace subsection 94-173(j)(2)(c) specifying that licenses are annually renewable for one calendar year.
MOTION APPROVED UNANIMOUSLY

Discussion ensued. Haywood spoke regarding the intent of the ordinance language pertaining to drawing specifications and McGinty spoke regarding his recommendation for setting a definite term for the license.

MOTION by Whipple, second by Naeyaert,
To amend Ordinance No. 166 by striking section 94-173(j)(2)(c) specifying that licenses are annually renewable for one calendar year.
MOTION APPROVED UNANIMOUSLY

VOTE ON MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 166

AN ORDINANCE TO AMEND SECTIONS 94-141 - C-1 CENTRAL BUSINESS DISTRICT, 94-142 - C-2 GENERAL BUSINESS DISTRICT, AND 94-143 - C-3 LOCAL BUSINESS DISTRICT – OF CHAPTER 94 OF THE CODE OF THE CITY OF MASON – TO PERMIT, AS A USE BY RIGHT, OUTDOOR FOOD AND DRINK SERVICE, AND TO AMEND SECTION 94-173 – SUPPLEMENTAL USE REGULATIONS – BY ADDING SUBSECTION (j) ESTABLISHING SPECIAL CONDITIONS FOR OUTDOOR FOOD AND DRINK SERVICE AREAS, AND TO AMEND SECTION 94-223 – ADMINISTRATIVE SITE PLAN REVIEW AUTHORITY – BY ADDING SUBSECTION (3) ESTABLISHING ADMINISTRATIVE SITE PLAN REVIEW AUTHORITY FOR OUTDOOR FOOD AND DRINK SERVICE AREAS.

THE CITY OF MASON ORDAINS:

Section 94-141 of Chapter 94 of the Mason City Code is hereby amended at subsections (b)(9) and (d)(6) thereof to permit outdoor food and drink service as a use permitted by right in the C-1 Central Business zoning district, which amended section shall read as follows:

Sec. 94-141. C-1: Central business district.

(a) *Intent and purpose*. It is the primary purpose of this district to provide opportunities for business establishments in the area generally referred to as the Downtown Center in the city master plan that address the local day-to-day office, retail, and service needs of residents of, and visitors to, the city. It is the intent of this district to prohibit uses that draw from a regional population causing excessive traffic levels or that may otherwise undermine the intended function and character of the historic business area of the city.

(b) *Uses permitted by right.*

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
(2) Photographic studios.
(3) Professional services establishments providing human health care on an outpatient basis.
(4) Medical, optical and dental offices and laboratories.
(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
(6) Music, dance, or performing arts studios.
(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, with or without outdoor food and drink service (refer to section 94-173(j)), drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
(10) Bed and breakfast (refer to section 94-192(7)).
(11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
(12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
(13) Public assembly buildings, indoor theaters, and auditoriums.

(c) *Permitted accessory uses.* Accessory uses and structures as defined in this chapter.

(d) *Uses authorized by special use permit.*

(1) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).

(2) Public or private educational structures or uses (refer to section 94-192(8)).

(3) Vehicular drive-in service when associated with a principal use.

(4) Off-street public or private parking facilities (refer to section 94-192(8)).

(5) Boarding and rooming houses.

(6) Pub, tavern, or restaurant with outdoor entertainment, including music.

(7) Any use permitted in this district involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area.

(8) Monopole telecommunication towers and antennae in accordance with the requirements of section 94-173(d)(13)(a)(5).

THE CITY OF MASON FUTHER ORDAINS:

Section 94-142 of Chapter 94 of the Mason City Code is hereby amended at subsection (d)(13) to permit outdoor food and drink service as a use permitted by right in the C-2 General Commercial zoning district, which amended section shall read as follows:

Sec. 94-142. C-2: General commercial district.

(a) *Intent and purpose.* It is the primary purpose of this district to provide opportunities for business establishments that address the retail and service needs of both local and regional populations, including the highway traveler and uses that draw from a regional market or which uniquely benefit from close proximity to the US-127 interchanges.

(b) *Uses permitted by right.*

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
(2) Photographic studios.
(3) Professional services establishments providing human health care on an outpatient basis.
(4) Medical, optical and dental offices and laboratories.
(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
(6) Music, dance, or performing arts studios.
(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants with or without outdoor food and drink service (refer to section 94-173(j)), drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
(10) Boarding and rooming houses.
(11) Bed and breakfast (refer to section 94-192(7)).
(12) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
(13) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
(14) Outdoor retail sales and service.
(15) Wholesale businesses.
(16) Plumbing, heating, retail sales and service and other similar uses.
(17) Farm machinery and implement sales.
(18) Nursery, shrubbery, and garden supply centers.

(c) *Permitted accessory uses.* Accessory uses and structures as defined in this chapter.

(d) *Uses authorized by special use permit.*

(1) Community commercial centers (refer to section 94-192(5)).
(2) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).
(3) Public or private educational structures or uses (refer to section 94-192(8)).
(4) Vehicular drive-in service.
(5) Off-street public or private parking facilities.
(6) Communication towers and antennas (refer to section 94-173(d)).
(7) Hotels and motels.
(8) New and used motor vehicle, boat and trailer sales and service.
(9) Automobile service stations and automobile repair garages (refer section 94-192(2)).
(10) Automatic and self-serve car wash.
(11) Mini-warehouse.
(12) Adult businesses (refer to section 94-173(h)).
(13) Pub, tavern, or restaurant with outdoor entertainment including music.
(14) Any use permitted in this district involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area.

(e) *Development standards.* Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter.

THE CITY OF MASON FUTHER ORDAINS:

Section 94-143 of Chapter 94 of the Mason City Code is hereby amended at subsection (d)(6) to permit outdoor food and drink service as a use permitted by right in the C-3 Local Commercial zoning district, which amended section shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(a) *Intent and purpose.* It is the primary purpose of this district to provide opportunities for business establishments that address the local day-to-day office, retail, and service needs of the City's residents and visitors, and nearby surrounding populations, and which are not located in the City's historic business area (C-1 District) nor cater to the highway traveler or serve more regional populations, for which the C-2 District has been established.

(b) *Uses permitted by right.*

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.

(2) Photographic studios.

(3) Professional services establishments providing human health care on an outpatient basis.

(4) Medical, optical and dental offices and laboratories.

(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.

(6) Music, dance, or performing arts studios.

(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.

(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.

(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants with or without outdoor food and drink service (refer to section 94-173(j)), drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.

(10) Bed and breakfast (refer to section 94-192(7)).

(11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.

(12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.

(c) *Permitted accessory uses.* Accessory uses and structures as defined in this chapter.

(d) *Uses authorized by special use permit.*

(1) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).

(2) Public or private educational structures or uses (refer to section 94-192(8)).

(3) Vehicular drive-in service when associated with a principal use.

(4) Off-street public or private parking facilities (refer to section 94-192(8)).

(5) Boarding and rooming houses.

(6) Pub, tavern, or restaurant with outdoor entertainment, including music.

(7) Any use permitted in this district involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area.

(e) *Development standards.* Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-173 of Chapter 94 of the Mason City Code is hereby amended by adding subsection (j) to establish special conditions for outdoor food and drink service areas, which amended section shall read as follows:

Sec. 94-173. Supplemental use regulations.

(a) *Home occupation.*

(1) Intent. It is the intent of this section to set forth the requirements for establishing a home occupation as an accessory use of a single-family detached dwelling unit. Such home occupations could involve crafting, electronic or mail order sale or marketing of goods, the provision of services, or instruction in a craft or the fine arts which is conducted entirely within the dwelling unit by one or more persons, all of whom reside within the dwelling, and which is clearly incidental and secondary to the use of the dwelling as a residence.

(2) Location. Home occupations shall be allowed only as an accessory use in those districts specifically allowing such use as provided in article IV of this chapter.

(3) Regulations and standards. Home occupations shall meet the following regulations and standards:

a. There shall be no outdoor on-site storage of materials, inventory, equipment, or accessory items, or display of materials, inventory, goods, or supplies used in the conduct of the home occupation.

b. Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation. All activities related to the home occupation shall be carried on entirely within the dwelling unit.

c. Home occupations are permitted only in the principal structure/building. However, in no case shall more than 25 percent or 480 square feet, whichever is smaller, of the gross floor area of the principal building be utilized for a home occupation.

d. A home occupation shall not generate an undue amount of traffic in excess of that prevailing or expected for the general area in which it is located. The home occupation shall not generate more than ten round trips per day, excluding trips generated by the occupants of the home. Adequate parking spaces shall be provided on the premises for persons patronizing the establishment.

e. Home occupations shall maintain at least two on-site parking spaces dedicated for the permanent residents. All parking spaces shall be located in compliance with article IX of this chapter.

f. The establishment of a home occupation shall not necessitate exterior modification or alter the fire rating, except as may be required by the building official, of any structure/building on the property.

g. Home occupations shall not be open to the public except between the hours of 7 a.m. to 8 p.m., unless otherwise provided by special use permit.

h. No food or beverages shall be sold to be consumed on the premises.

i. No amusement games or devices shall be provided for or by customers on the premises.

j. Uses prohibited as home occupations shall include the following:

1. Convalescent and nursing homes.

2. Day care centers or nursery schools, except as provided for in this chapter.

3. Funeral homes.
4. Kennels.
5. Medical or dental clinics or hospitals, or animal hospitals.
6. Refuse collection businesses.
7. Repair of automobiles, motorcycles, boats, trailers, trucks or similar equipment or vehicles.

k. The use of a detached garage or accessory building for home occupation is not permitted.
l. One sign shall be permitted if the sign does not exceed two square feet in area, is not illuminated, and is mounted flat against the wall of the dwelling.
m. The home shall be in compliance with all other applicable laws and ordinances.

(b) *Solid waste disposal.*

(1) Intent. Receptacles for the temporary storage of refuse or recyclable material are permitted in all districts as an accessory use to any use other than single family residential uses, subject to the requirements of this section and division 2 of article VII of this chapter. The requirements of this section shall apply to any receptacle commonly referred to as a dumpster or any other container or group of containers having a total capacity of more than four 30-gallon cans.

(2) Location. All receptacles shall be located in a rear or side yard, shall not encroach upon required parking areas, and shall be clearly accessible to servicing vehicles. Receptacles shall be located as far as practicable from any adjoining residential district or use but shall in no instance be located closer than 15 feet, or the minimum side yard setback of the particular zoning district in which it is located, whichever is greater, of any residential property line or district.

(3) Regulations and standards.

a. Screening. Receptacles shall be screened from view from adjoining property and public streets and thoroughfares. Receptacles shall be screened on three sides with a permanent wall or fence of not less than the minimum height required in section 94-241(h) or two feet above the highest wall of the enclosed receptacle, whichever is higher. The fourth side of the receptacle screening shall be equipped with an opaque lockable gate that is the same height as the other sides. The wall or fence should blend with the materials, color and style of the development.
b. The location and method of screening of all receptacles shall be shown on the site plans and shall be subject to the approval of the designated site plan approval body in accordance with division 1 of article VII of this chapter.
c. Receptacle locations shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the buildings they serve.
d. Receptacles shall be situated so as to not cause excessive nuisance or offense to occupants of the development they serve or of nearby buildings.
e. Concrete pads of appropriate size and construction shall be provided for all receptacles regulated by this section. Aprons shall be provided for loading of a single receptacle with a capacity of one and one-half cubic yards or more.
f. If a receptacle enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.
g. The area inside and around the outside of a receptacle enclosure shall be maintained and litter free at all times. The enclosure shall also be maintained and repaired as necessary.

(4) Compost piles. Composting shall be limited to manufactured commercial compost containers or equivalent containers and shall be regulated the same as other types of receptacles covered in this section.

(c) *Satellite dish antenna.*

(1) Intent. The use of a satellite dish antenna shall be permitted in all districts as an accessory use. A satellite dish antenna is an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

(2) Location.

a. No satellite dish antenna may be located in any front yard or side yard open space unless mounted to and located completely within four feet of a building wall.
b. No satellite dish antenna may be located within any required parking area.
c. No satellite dish antenna may be constructed such that any part of the antenna or supporting structure is closer to a lot line than the minimum setback for the district in which the antenna is located.
d. Satellite dish antennas greater than 24 inches in diameter are prohibited on the roof or walls of any building in residentially zoned districts.
e. Roof-mounted satellite dish antennas shall be mounted directly upon the roof of a building and shall not be mounted upon appurtenances such as chimneys, towers, poles, or spires.

(3) Regulations and standards.

a. The placement of any satellite dish antenna greater than 24 inches in diameter by any means in any zoning district is prohibited unless a site plan thereof is approved by the planning commission in accordance with the standards contained in division 1 of article VII of this chapter.
b. Only one satellite dish antenna per residential dwelling unit shall be permitted.
c. All satellite dish antennas and the construction and installation thereof shall conform to the building code.
d. The surface of any satellite dish antenna shall be painted or treated so as not to reflect glare from sunlight or artificial lighting.
e. No satellite dish antenna shall be:
1. Linked physically to or with any structure which is not on the same lot.
2. In excess of an overall diameter of 12 feet.
3. Located such that any portion of a roof-mounted antenna is more than ten feet above the highest point of a roof.
4. Located such that any portion of a roof-mounted antenna is less than four feet from the edge of the roof.
5. Supported by structural supports other than corrosion-resistant metal.
6. Wired to a receiver, except by wires located at least four inches beneath the ground in a rigid conduit or other wiring configuration approved by the building official.

(d) *Wireless telecommunications towers and antennas.* The purpose of this section is to establish the procedures and guidelines for the siting of wireless communications towers and antennas. In furtherance of this purpose, the city shall give due consideration to the master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas, subject to the following definitions, review requirements, and criteria. The objectives of this section are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
(2) Direct the location of towers to appropriate nonresidential areas;
(3) Minimize the total number of towers throughout the community;

(4) Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, positioning, landscape screening, and innovative camouflaging techniques;
(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
(8) Consider the public health and safety of communication towers;
(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
(10) Applicability. All towers or antennas in the city shall be subject to these regulations, except as provided in the following.
a. Amateur radio station operators/receive-only antennas. Other than the provisions of subsections 94-173(d)(11)e. and f., this chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned by or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
b. AM array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
(11) General requirements.
a. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
b. Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
c. Aesthetics. Towers and antennas shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
d. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
e. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
f. Building codes and safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the state construction codes and the applicable standards for towers that are published by the Electronic Industries Association. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna as a public nuisance at the owner's expense.
g. Not essential services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
h. Signs. No signs shall be allowed on an antenna or tower.
i. Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 94-173(d)(13)b.
(12) Uses permitted by administrative review. The zoning official may administratively approve a permit for any wireless communication facility for which all support equipment is screened from view and which complies with one of the following criteria:
a. A roof mounted antenna not exceeding ten feet in height and located on a nonresidential structure.
b. Antennas and supporting equipment cabinets and structures which are architecturally integrated with a principal building or structure so as not to be recognized as antennas.
c. Up to three whip antennas with a maximum height of 20 feet.
d. Collocation of a wireless communication antenna on an existing monopole support structure, on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility company in any district of the city, provided:
1. The antenna does not extend more than 30 feet above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes.
(13) Uses permitted by special use permit. No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to

the general standards applicable to a special use permit as set forth at subsection 94- 191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.
   1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.
   2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.
   3. Monopoles and similar support structures are permitted as a principal or accessory use only in the M-2 general manufacturing district, and those portions of the M-1 light manufacturing district and the C-2 general commercial district lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended. Mounted wireless communication facilities are permitted in all districts except single-family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.
   4. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.
   5. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

b. Development and design standards.
   1. Setbacks.
      i. Wireless communications facilities including all anchors or pads shall be sited so that the anchors and pads for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.
      ii. Separation requirements for towers shall comply with the minimum standards shown in table 100-3 in chapter 100.
      iii. Mounted wireless communication facilities shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.
   2. Spacing requirements. Monopole tower structures shall be separated from all other towers by a minimum of 750 feet. For purposes of this subsection, the separation distance between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan, of the proposed tower. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries.
   3. Height of the support structure must be the minimum necessary to support the required coverage; however, in no case shall the antenna or its support structure exceed:
      i. For a single user, 90 feet.
      ii. For two users, 120 feet.
      iii. For three or more users, 150 feet.
   4. Support structures shall be painted in unobtrusive colors, unless in accordance with any other statutory or regulatory requirements.
   5. Where an equipment building accompanying the support structure is erected, it shall be designed to be compatible with the adjacent architecture.
   6. Landscaping and visual impact requirements.
      i. Landscaping shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped. This information shall be presented on a landscape plan.
      ii. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication tower.
      iii. Whether a freestanding or mounted wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners.
      iv. Lighting at the facility and accessory structures shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards.

c. Safety and security requirements.
   1. All new wireless communication facilities shall be designed within the applicable ANSI/EIA standards (RSA-22, Revision E), and so as not to be in conflict with existing airport locations and flight patterns.
   2. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communication facility is in compliance with all Federal Communications Commission (FCC) regulations and all building code requirements.
   3. All wireless communication facilities shall maintain comprehensive general liability insurance issued by a company authorized to do business in Michigan with combined limits of not less than $1,000,000, and the applicant shall supply the city with proof of same prior to construction.
   4. Security fencing shall be installed completely around freestanding facilities, any accessory utility structures and guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.
   5. All towers or similar facilities, antenna structures, accessory utility structures and guy anchors and pads shall be equipped with anti-climbing devices.

d. Collocation.
   1. In order to maximize the efficiency of the provision of wireless communication services, while also minimizing the impact of such facilities on the community, collocation shall be encouraged. All applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at proposed or existing sites. Furthermore, all applicants shall be required to provide a notarized letter of intent to lease excess space on the proposed facility and commit itself to the following:
      i. Respond to any requests for information from another potential shared use applicant;
      ii. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically feasible; and
      iii. Make no more than a reasonable charge for a shared use lease.

2. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the building(s) on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style and exterior appearance. Review and approval of accessory mechanical building(s) at a collocation-site shall be made by the planning commission.

e. Abandonment.
   1. Wireless communication facilities which have been abandoned or are unused or disconnected from the network for a period of 12 months shall be immediately removed from the site at the cost of the facility applicant or successor.
   2. Upon removal of a tower from a site, the foundation shall also be removed to a depth of at least six feet. Additionally, the fencing and accessory structure(s) shall be demolished and removed from the site at the cost of the facility applicant or successor.

f. Application requirements. Applications for a special use permit as set forth in this section shall contain the following in addition to the requirements or article VI of this chapter:
   1. An explanation of the need of the applicant's clientele for this communications capacity.
   2. Site and landscape plans drawn to scale.
   3. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
   4. A report including a description of the tower with technical support for the tower design.
   5. Documentation establishing the structural integrity of the tower for the proposed uses.
   6. The general capacity of the tower, and information necessary to assure that ANSI standards are met.
   7. A statement of intent on whether excess space will be leased.
   8. Proof of ownership or authorization to utilize the proposed site.
   9. Copies of any easements necessary.
   10. An analysis of the area containing existing topographical contours.
   11. A presentation size map which shows an inventory of existing and proposed tower installations within the city and within one mile of the border thereof, including specific information about the location, height and design of each tower. The zoning official may share such information with other applicants applying for administrative approvals or seeking special use permits under this chapter or other organizations seeking to locate antennas within the city, provided, however, that the zoning official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
   12. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the city or other persons located within a one-mile radius of the proposed tower site.
   13. A written statement from a registered professional engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within a one-mile radius of the proposed tower site.

(e) *Swimming pools.* Pools used for swimming or bathing shall not be located in any front yard and shall conform to the applicable yard and setback requirements for a principle structure. Any fencing, barriers, and structures shall comply with the state construction code and county health department specifications. Any lights used for illumination of a swimming pool shall be arranged or shaded so as to reflect light away from adjoining premises.

(f) *Junk storage, inoperable vehicles, restorable vehicles.*

(1) Junk storage.
   a. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, a dismantled, partially dismantled, unlicensed, unrestorable, or inoperable motor vehicle, junk, rubbish, trash, old furniture, used lumber, unused or discarded machines or equipment, or litter upon any premises, except in an approved and licensed salvage or junk yard or in the case of motor vehicles unless confined in a wholly enclosed structure.
   b. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, wrecked or inoperable farm machinery, unless hidden from all vantage points from the general public.

(2) Restorable vehicles.
   a. A junk vehicle is considered an inoperable vehicle that is not a "restorable vehicle". A "restorable vehicle" is defined as a vehicle actively being restored in connection with a hobby.
   b. The restorable vehicle must be in active use as the object of the restoration effort.
   c. All junk vehicles or inoperable vehicles that do not qualify as restorable vehicles shall not be parked or stored in the open in any zoning district of the city. The only exception is vehicles parked in connection with a business legitimately using such vehicles, such as a body shop or wrecking yard, in zoning districts where such businesses are authorized. In such cases vehicle storage must meet the screening requirements in division 2 of article VII of this chapter.

(3) Standards.
   a. No inoperative, restorable vehicle shall be parked or stored in the front yard or within the required setback of the side yard of property in any zoning district.
   b. No more than one restorable vehicle may be stored in the open in inoperable condition on any residential lot. A cover or wrap is to be provided to conceal the vehicle parked in the open.
   c. All doors, hatches, and trunk lids shall be secured against entry by small children.
   d. Inoperable vehicles described in this section are not permitted in the RS-1, RS-2, and RS-3 districts unless such vehicles qualify as restorable vehicles.
   e. Open storage of parts, tools, and materials is forbidden.

(g) *Accessory structures.* Any garage or other structure used for motor vehicle storage or as an accessory structure shall satisfy the following:

(1) Authorized accessory structures may be erected as a part of the principal structure, may be connected to the principle structure by a roofed over porch, patio, breeze way, or similar structure, or may be completely detached from the principle structure. If connected to the principal structure, an accessory structure shall be made an integral part of it, and shall comply in all respects with the requirements applicable to the principal structure. An accessory structure not

attached and not made a part of the principal structure shall not be nearer than ten feet from any other structure on the same lot and shall also comply with the front, rear and side yard requirements of this chapter.

(2) In all residential zoning districts, the storage of commercial vehicles in accessory structures shall be limited as provided in subsection 94-292(d) of this chapter.

(3) Space in a garage accessory to a multiple-family unit or a motel shall not be rented out except to occupants of the principal dwelling.

(4) The total lot coverage of all accessory structures shall not exceed 35 percent of the area of any rear yard.

(5) Side yard. In all districts accessory structures shall not be erected nearer to a side lot line than the permitted setback distance for the district unless otherwise permitted by this chapter. In the RS-1, RS-2, RS-3, and R2F districts, an accessory structure may be erected not closer than two feet from the side lot lines if the following requirements are satisfied:

a. The accessory structure is not attached to, and is located completely behind, the associated principal structure.

b. The interior and/or exterior surfaces of the wall facing a side lot line are constructed of fire-resistant material as approved by the building official if any portion of that wall is closer than five feet from a side lot line.

(6) Rear yard. In all districts accessory structures shall not be erected nearer to a rear lot line than the permitted setback distance for the district unless otherwise permitted by this chapter. In the RS-1, RS-2, RS-3 and R2F districts, an accessory structure may be erected nearer to a rear lot line than the permitted setback distance for the district provided the accessory structure is not attached to, and is located completely behind, the associated principal structure, and pursuant to the following:

a. Where there is a public alley abutting the rear of a lot for the full width of that lot, an accessory structure may be erected not closer than ten feet from a rear lot line.

b. Where there is not a public alley abutting the rear of a lot for the full width of that lot, an accessory structure may be erected not closer than five feet from a rear lot line.

(7) Corner lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than the side yard setback requirement of said adjoining lot.

(8) Accessory structures shall not include structures, fabrications, items, or enclosures originally designed for other purposes. The following are specifically prohibited from being used as accessory structures in the city.

a. Mobile home.

b. Travel trailers.

c. Former vehicles such as buses and ambulances.

d. Motor homes.

e. Semi-trailer.

f. Other similar structures, fabrications, items, or enclosures.

(h) *Adult businesses.*

(1) Intent. The intent of this section is to regulate the location of, but not to exclude, adult businesses in the city by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the city recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The city recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

(2) Definitions. As used in this chapter, the following terms shall have the meanings set forth below:

a. *Adult bookstore* means an establishment which has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35 percent of the floor area of the establishment.

b. *Adult business* means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section.

c. *Adult business, significant portion* means a business where the stock in trade or services provided meets one or more of the following criteria:

1. Thirty-five percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined in subsection 94-173(h)(2).

2. Thirty-five percent or more of the usable floor area of the building in which the adult business is located, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined in subsection 94-173(h)(2).

3. Thirty-five percent of the gross revenues of the business are derived from the sale or payment of an admission fee for adult materials and/or services as defined in subsection 94-173(h)(2).

4. The advertising (signs, publications, television, radio, and other media) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

d. *Adult cabaret* means an establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas as defined herein.

e. *Adult motion picture theater* means an establishment which offers for sale the viewing of motion picture films, videotapes, pictures or photographs, television, or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

f. *Adult novelties* means objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

g. *Adult personal service business* means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include modeling studios, body painting studios, wrestling studios, personal dance rooms, and conversation parlors.

h. *Massage parlor* means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.
i. *Massage* means offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.
j. *Nude modeling studio* means a place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.
k. *Offered for sale* means offered in exchange for money, a membership fee or any other valuable consideration.
l. *Sodomy* means sexual intercourse with a member of the same sex or an animal.
m. *Specified anatomical areas means:*
1. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
2. Less than a fully opaque covering of:
i. A female individual's breast below a point immediately above the top of the nipple and areola.
ii. Any individual's genitals.
iii. Any individual's anus.
n. *Sexual intercourse* includes genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body.
o. *Specified sexual activities means:*
1. Acts of human masturbation, sexual intercourse or sodomy.
2. Fondling or other erotic touching of specified anatomical areas.
3. Human genitalia in a state of sexual stimulation or arousal.

(3) Location of uses. Any existing building or land, or new building hereinafter erected, converted or structurally altered or used for an adult business, shall meet all of the following conditions:
a. An adult business shall only be permitted in the C-2 general commercial district with the approval of a special use permit.
b. No adult business, as defined herein, shall be permitted within a 600-foot radius of an existing adult business. Measurement of the 600-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the existing and proposed adult uses are situated.
c. No adult business, as defined herein, shall be permitted within a 600 foot radius of any residentially used or zoned land as depicted on the official zoning map and defined in this chapter. Measurement of the 600-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed adult use and the residential use are situated.
d. No adult business, as defined herein, shall be permitted within a 1,000-foot radius of a school, library, park, playground, licensed group day care center, church, convent, monastery, synagogue or similar place of worship or public congregation. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed adult use and the place of worship or public congregation are situated.

(4) Miscellaneous requirements.
a. No person shall reside in or permit any person to reside in the premises of an adult business.
b. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the state of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license.

(i) *Hotel, motel, transient lodging facilities.*

(1) Intent. The following shall set forth the requirements for construction and site development of transient housing accommodations within the city.

(2) Standards.
a. Minimum floor area for each guest unit shall contain not less than 250 square feet.
b. The minimum lot area shall be one acre with a minimum width of 150 feet, provided that there shall be at least 800 square feet of lot area for each guest.
c. The maximum lot coverage of all buildings, including accessory building shall not exceed more than 25 percent of the area within the boundary lines of land developed at any one time.
d. Minimum yard dimensions. All buildings shall observe a setback of not less than 75 feet from any road right-of-way, and not less than 40 feet from any side or rear property line.
e. The maximum building height shall not exceed two stories or 35 feet.
f. Site screening. The site may be enclosed by open structure wood or wire fences, shrubs and/or trees which, along any yard line, shall not exceed six feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicles. Screening at least four feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than 50 feet to any street line, except headlight screening shall not be closer than 30 feet.
g. Lighting. All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets and thoroughfares, and shall not impair the safe movement of traffic.

(3) Accessory uses. Accessory uses such as meeting rooms, taverns, bars, or similar uses are permitted provided such shall be conducted within the same building as the principal use. A caretaker or proprietor's residence shall be permitted as an accessory use.

(4) Motor vehicle access.
a. Site plans. All site plan proposals submitted for this use shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a minor or residential street. All points of entrance or exit shall be no closer than 50 feet from the intersection of the right-of-way lines of two streets.
b. Interstate or interchange site location. Whenever a proposed use is located adjacent to or within one-half mile of an existing, or planned state or interstate limited access highway interchange, it shall be incumbent upon the applicant to show that the proposed site location shall not cause unsafe traffic congestion resulting at or in conjunction with said limited access interchange, and the applicant shall request and submit with the application a written recommendation from the Traffic Division of the Michigan Department of State Highways. In no case, shall private access drives be less than 200 feet from an interchange.

(5) Signs shall be those identifying any of the permitted uses within the zoning district and shall be in accordance with the provisions of any applicable city chapter.
(6) Off-street parking and loading requirements shall be in accordance with the provisions of article IX of this chapter except that required parking shall be furnished on the immediate premises.
(7) The storage of refuse and space required for the accumulation and out loading of garbage, trash, scrap, waste, and containers therefore shall comply with the standards in section 94-173(b).

(j) Outdoor food and drink service areas. It is the intent of this section to set forth the requirements for establishing outdoor food and drink service areas at a pub, tavern, or restaurant.

(1) General standards.
   a. Provide a drawing to scale showing the seating plan and the layout of the outdoor dining space to be used in relation to adjacent properties and other public and private fixtures and amenities.
   b. Trash receptacles shall be provided in food and drink service areas where table service is not provided. Trash receptacles shall be emptied when full and maintained in a clean and sanitary condition at all times.
   c. Seating may not be placed in a way that obstructs pedestrian circulation or interferes with the opening of doors of buildings or parked vehicles.
   d. An opaque fence or wall six feet in height shall be erected along all property lines abutting residentially zoned or used property.
   e. Lighting shall be deflected away from abutting residentially zoned or used property.
(2) Establishments utilizing the public right-of-way shall do so only under a license granted by the City Council which shall be revocable at the will of the Council and shall include the following minimum standards in addition to the general standards of this section:
   a. Establishments shall agree to defend, indemnify, and hold the city and its elected and appointed officers, agents, and employees harmless from all liability for damages or personal injuries resulting from any occurrence on the licensed property as a result of the establishment's use or occupancy of the public right-of-way and shall provide public liability insurance naming the city as an additional named insured in a form and with limits acceptable to the city.
   b. Establishments must maintain a minimum of four feet of unobstructed sidewalk within the public right-of-way.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-223 of Chapter 94 of the Mason City Code is hereby amended by adding subsection (3) establishing administrative site plan review authority of outdoor food and drink service areas, which amended section shall read as follows:

Sec. 94-223. Administrative site plan review authority.

The zoning official may approve or deny any site plan for the use of land and structures listed in this section. The zoning official may refer any submitted site plan to the planning commission for review and approval.

(1) All uses of existing principal and accessory buildings which do not increase the base or footprint of the structure.
(2) All uses of land and building which do not increase the number of required off-street parking spaces by more than two spaces.
(3) Outdoor food and drink service areas at a pub, tavern, or restaurant unless otherwise permitted by special use permit.

The foregoing Ordinance was moved for adoption by Council Member Preadmore and supported by Council Member Waltz, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 4th day of August, 2008. Ordinance No. 166 declared adopted this 4th day of August, 2008.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2008-31 – Mayor's Appointment to the Downtown Development Authority

Resolution No. 2008-31 was introduced by Preadmore and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-31
MAYOR'S APPOINTMENT TO THE DOWNTOWN DEVELOPMENT
August 4, 2008

WHEREAS, a resignation created a vacancy on the Downtown Development Authority; and

WHEREAS, the term of the vacancy expires on December 31, 2009;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Michelle Bontrager to the Downtown Development Authority of the city to fill the remainder of the unexpired term, commencing August 31, 2008.

RESOLUTION APPROVED

Resolution No. 2008-32 – Resolution to Approve the Purchase of a 2009 Three-Quarter Ton Plow Truck

Resolution No. 2008-32 was introduced by Whipple and seconded by Preadmore.

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2008-32
RESOLUTION TO APPROVE THE PURCHASE
OF A 2009 THREE-QUARTER TON PLOW TRUCK
AUGUST 4, 2008

WHEREAS, it is in the best interest of the City of Mason to purchase equipment to maintain its new water treatment plant within the motor vehicle pool fleet; and

WHEREAS, the scheduled purchase of a thee-quarter ton plow truck for the water treatment plant was planned for the approved Fiscal Year 2008 - 2009 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2009 Chevrolet three-quarter ton plow truck for $26,365.20 from Buff Whelan Chevrolet.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-33 – A Resolution Approving the Purchase and Installation of Playground Equipment at Austin Park and a Gazebo for Griffin Park

Rolland Olney, Public Works Director, and Dennis O'Brien, Cemetery and Parks Superintendent, informed City Council regarding playground equipment and arrangement plans for Austin Park and the construction of a Gazebo at Griffin Park.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2008-33 as read.

MOTION by Whipple, second by Naeyaert,
to amend Resolution No. 2008-33 in the *now therefore be it resolved* paragraph, in the first line, following the word "hereby", by inserting the phrase, "waive the bid process and".
MOTION APPROVED UNANIMOUSLY

VOTE ON MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-33 was introduced by Waltz and seconded by Preadmore.

It was discussed that there was a discrepancy between the total amount of the quotes received from All About Play, Inc. and the total amount cited in the resolution. Colburn stated that staff will pick up play equipment pieces at the warehouse located in Litchfield rather than have it delivered. The quote amount shown reflects the deduction for the delivery and freight charge; however the deduction was not reflected in the resolution because he was recommending maintaining the quoted amount to allow for contingencies. Discussion ensued.

MOTION by Bruno, second by Preadmore,
to amend Resolution No. 2008-33 in the *now therefore be it resolved* paragraph, by changing the dollar amount from $54,168.36, to read $52,970.36.
MOTION APPROVED UNANIMOUSLY

Whipple stated that the original and approved park improvement budget is $70,000.00. At the last meeting $113,000.00 was committed to park improvements. He sees that it is more than 100% increase and would like to have council discuss the ramifications of spending funds that were not discussed for spending $283,000.00 this fiscal year on park improvements. Discussion ensued.

MOTION by Whipple, second by Bruno,
to defer Resolution No. 2008-33 to no later than the first meeting in

September to hold a council work session to discuss the park improvements budget and its relationship to the total budget.
ROLL CALL VOTE:
Yes (3) Bruno, Preadmore, Whipple
No (4) Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

VOTE ON MAIN MOTION:
Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz
No (2) Bruno, Whipple
MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-33
A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF NEW PLAYGROUND EQUIPMENT FOR AUSTIN PARK AND A GAZEBO FOR GRIFFIN PARK
AUGUST 4, 2008

WHEREAS, the Mason City Council has determined improvements to the city park system as a priority within the city goals and objectives; and

WHEREAS, Austin Park improvements are to include a tot playground and Health Quest System located along the Hayhoe Riverwalk; and

WHEREAS, Griffin Park improvements include a gazebo and additional landscaping; and

WHEREAS, funding was allocated and approved in the City of Mason Fiscal Year Budget 2008-2009; and

WHEREAS, the city obtained public bids from playground equipment providers for a previous project; and

WHEREAS, based on the previous bid acceptance the city selected a Michigan supplier, All About Play, Inc., qualified to provide the equipment and installation for the playground equipment and gazebo.

NOW THEREFORE BE IT RESOLVED, that Mason City Council does hereby waive the bid process and award the quote for the purchase and installation of playground equipment for park improvements at Austin Park and Griffin Park to All About Play, Inc., not to exceed $52,970.36

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

Motion – Bid – Purchase and Installation of Variable Frequency Drives for Franklin Farms Well - #6, Hayes Park Well - #4, and Kipp Road Well - #7

Olney informed Council regarding the bid opening held July 22, 2008, for the purchase and installation of three (3) Variable Frequency Drives (VFD) for the Franklin Farms Well - #6, Hayes Park Well - #4, and Kipp Road Well - #7. He stated that staff recommended accepting the bid from Ballard Electric Company based on their previous service to the city and that they are a local business.

MOTION by Bruno, second by Preadmore,
to approve the Ballard Electric Company bid in the amount of $13,800.00 for the purchase and installation of three (3) Variable Frequency Drives for three city wells, Franklin Farms Well - #6, Hayes Park Well - #4, and Kipp Road Well - #7.
MOTION APPROVED UNANIMOUSLY

Motion – Michigan Department of Transportation (MDOT) – Traffic Signal Located at Jefferson Street and Ash Street

Colburn addressed Council regarding the Michigan Department of Transportation (MDOT) timeline for choosing the style of traffic signal the city would prefer for the intersection of Jefferson and Ash Streets. To meet new traffic light standards, MDOT's basic installation model is the box span. For visual preference, staff suggested the dual post double mast arm traffic signal as an alternative. Cost estimates for the dual post double mast arm system were $85,000 more versus the box span. However, the most recent estimate indicates that the double mast arm system will cost approximately $35,000 more than the box span. Discussion ensued regarding the style of post that would be appropriate and financially sound.

MOTION by Mulvany, second by Preadmore,
to accept the MDOT proposal for the double mast arm system in the amount of $35,000.00.

Discussion ensued regarding the color of the posts, the location of the control box, and traffic signal style options. Discussion ensued regarding the need for further information prior to making a decision.

ROLL CALL VOTE:
Yes (3) Mulvany, Preadmore, Waltz
No (4) Bruno, Clark, Naeyaert, Whipple
MOTION FAILED

MOTION by Whipple, second by Bruno,
to direct the City Administrator to meet with MDOT to diligently pursue a better location to place the traffic light control box.
MOTION APPROVED UNANIMOUSLY

Motion – Amendment to 2008 Annual Street Program

Colburn stated that $85,000 was appropriated from the capital street maintenance fund in the 2008 Budget for a traffic signal at the intersection of Jefferson and Ash Streets. Originally, because of the amount of money being spent on the water treatment plant, staff reduced the amount of asphalt used for road paving at the plant until monies were available for full road construction during another fiscal year. As a result of Council choosing the box span traffic light for the intersection of Jefferson and Ash Streets, Colburn recommended that the remaining funds designated for the traffic signal at the intersection of Jefferson and Ash Streets be used for the road leading to the new water treatment plant. The cost is estimated to be $54,000.00. Discussion was held regarding the excessive cost of asphalt estimated for the road.

MOTION by Naeyaert, second by Preadmore,
to defer the request to amend the 2008 annual street program to the August 18, 2008, meeting to permit staff to verify the cost of asphalt for the public road to the water treatment plant.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closure Requests for Bailey Park Homeowners Association's First Annual Picnic Basket Social and Holt Street Neighborhood Block Party

The Bailey Park neighborhood is requesting street closures at the corner of Ann and Monroe Streets, as well as the corner of North Bailey and East Bailey Streets, Sunday, August 10, 2008, between 12:30 p.m. and 3:00 p.m. to hold the "Bailey Park Homeowners Association's First Annual Picnic Basket Social". Music will be preformed during those hours by a nine-piece non-amplified band. An agreement for signatures was circulated to each address in the subdivision

informing residents of the street closure and band; of the twenty-three residents approached, eighteen homeowners signed the agreement and five were not home at the time of the survey.

The neighborhood of Holt Street between South and Bond Streets is planning a neighborhood block party Saturday, August 9, 2008, from 12:00 noon to 12:00 midnight. A letter was submitted requesting street closures at the corner of Holt and South Streets and Holt and Bond Streets. Staff recommends allowing the block party between the hours of 12:00 noon to 10:00 p.m.

> MOTION by Bruno, second by Naeyaert,
> to approve two requests for street closures for the corners of Ann and Monroe Streets and North Bailey and East Bailey Streets on August 10, 2008, between 12:30 p.m. and 3:00 p.m. to hold the "Bailey Park Homeowners Association's First Annual Picnic Basket Social", and the corner of Holt and South Streets and Holt and Bond Streets, Saturday, August 9, 2008, from 12:00 noon to 10:00 p.m. to hold a neighborhood block party.
> MOTION APPROVED UNANIMOUSLY

Motion – Use of Public Right-of-Way for Collection of Charitable Contributions

Lynne Lindsay of 305 W. Elm Street stated that Capital Area Community Services is sponsoring her in her campaign to unite the community and meet the need of local food banks by collecting non-perishable food items. She will also collect classroom school supplies that will be given to the Mason Public School District. Ms. Lindsay requested permission to use the public right-of-way Saturday, August 16, from 7:30 a.m. to 5:30 p.m.

> MOTION by Naeyaert, second by Waltz,
> to approve the Capital Area Community Services to allow resident Lynne Lindsay to use the public right-of-way to collect non-perishable food items; and allow Ms. Lindsay to collect classroom school supplies that will be donated to Mason Public School District on the sidewalk located in front of 108 West Maple Street, the Maple Street Mall, Saturday, August 16, 2008, from 7:30 a.m. to 5:30 p.m.
> MOTION APPROVED UNANIMOUSLY

Motion – Use of Public Right-of-Way for Property Maintenance at 344 S. Jefferson Street

Daniel Schlattman, owner of Freedom Tax Services located at 344 S. Jefferson Street, requested closing the portion of Ingham Court between his building and Mason State Bank located at 322 S. Jefferson Street for the purpose of painting the building. A high reach manliift will be used on the project. He is committing to complete the task within two Saturdays, working 4 - 6 hours each day, and is proposing the following ""rain" dates; August 9, 16, 23, 30, September 6, or 13. He is requesting to block off the delivery parking area to place scaffolding to allow cleaning and painting of the iron work under the stairwell on the building on a Saturday following the painting of the building, which will not impede Ingham Court traffic. He is also requesting to block off a portion of the sidewalk in front of the building when needed to erect scaffolding with walls. The sidewalk will be passable by pedestrians during the maintenance to the front of the building.

> MOTION by Whipple, second by Preadmore,
> to approve the request of Dan Schlattman for closing Ingham Court and a portion of the sidewalk in front of 244 S. Jefferson Street per his submitted letter for August 9, 16, 28, 30, September 6 or 13.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Whipple inquired about the dead trees in Bond Park and other locations. O'Brien informed Council that there was a plan in place and that funds were appropriated in the current budget to deal with the removal of Ash trees attacked by the Emerald Ash Bore. Bruno informed Council regarding the successful treatment he has been using on the Autumn Purple Ash at Bond Park.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:20 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

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 Cwiertniewicz, 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 ENERING INTO TWO CONRACTS 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

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 7, 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
Eric Smith, Asst. Finance Director
Kerry Minshall, Fire Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: June 16, 2008

The Minutes of June 16, 2008 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore
to approve the payment of bills in the amount of $342,433.69 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Elaine Ferris, Friends of the Library President, stated support of the Capital Area District Library (CADL) millage request on the August 5, ballot.

REGULAR BUSINESS

Resolution No. 2008-28 – Change Authorization for the Standard Streetlighting Contract Between the City and Consumers Energy Company

Resolution No. 2008-28 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-28
RESOLUTION TO CHANGE AUTHORIZATION FOR THE STANDARD STREETLIGHTING CONTRACT BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY
JULY 7, 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 for the installation of five (5) streetlights on the entrance drive to the Water Treatment Plant, 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

Resolution No. 2008-29 – Approval to Purchase a 2008 Chevrolet Impala to Replace the Police Detective Car

Resolution No. 2008-29 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-29
APPROVAL TO PURCHASE A 2008 CHEVROLET IMPALA
TO REPLACE THE POLICE DETECTIVE CAR
July 7, 2008

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of the police detective car was planned for in the approved Fiscal Year 2008 - 2009 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) Chevrolet 2008 Impala police package car for $18,434.00 from Shaheen Chevrolet.

RESOLUTION APPROVED UNANIMOUSLY

MOTION – Waive Bid Process to Purchase Self Contained Breathing Apparatus (SCBA) Ensembles for Fire Department

Minshall informed Council that in January of this year, the Mason Fire Department was notified that FEMA had approved a request under the Assistance to Firefighters Grant (AFG) program to purchase 20 new self contained breathing apparatus (SCBA) ensembles. The grant request was originally submitted in 2003 for a total amount of $100,000 ($95,000 grant plus $5,000 [5%] match) and has been renewed annually since 2003.

At the time of the original grant request and subsequent renewals, the Mason Fire Department (MFD) had 24 SCBA ensembles 19 of which were purchased in the early 90's and five of which were purchased with Tower 808 in 2001. After the last grant request renewal in early 2007, NFPA issued a new standard effective in September 2007 that resulted in it being cost prohibitive to retrofit the SCBA ensembles on T808. Therefore, it is necessary to replace all 24 SCBA ensembles owned by MFD.

The new standard also resulted in a significant increase in the cost of SCBA generally. A request by MFD to amend the approved grant to cover additional SCBA units (more than the 20 approved) was denied by FEMA. But a request by MFD to amend the approved grant to cover higher anticipated costs for SCBA was approved by FEMA, increasing the total amount to $103,640 ($98,458 grant plus $5,182 [5%] match).

MFD has used Scott brand SCBA for over 25 years. Department members are comfortable with the performance of the equipment and some members are trained to perform inspections and minor repairs. Therefore, it is the preference of MFD to purchase Scott brand SCBA. The 2008-09 budget includes $120,000 for the purchase of SCBA, which includes the City match for the FEMA grant.

MOTION by Bruno, second by Naeyaert,
to waive the bid process and approve the purchase of 24 SCBA ensembles from West Shore Fire Supply for a total cost of $116,416.00.
MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Naeyaert,
to amend the agenda by moving Item No. 7(D) to the end of the meeting.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

A brief discussion was held regarding the time frame for tree stumps removal following the recent storm cleanup and distribution of the surplus compost.

NEW BUSINESS

Mulvany stated that the manhole covers are problematic following the final paving of E. Columbia. Bruno echoed his concerns and added that W. Oak and Lansing Streets water valves were below grade as well. Naeyaert informed Council regarding the emerging leaders program offered through the City of E. Lansing. Whipple and Mulvany informed staff regarding plugged catch basins.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Preadmore, second by Whipple,
to adjourn to executive session to consider negotiations with the Fraternal Order of Police (FOP).
ROLL CALL VOTE:
Yes (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:00 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 16, 2008

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: June 2, 2008

The Minutes of June 2, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $1,175,802.53 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2008-23 – Designate Authorizing Signatories

Resolution No. 2008- 23 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-23
DESIGNATE AUTHORIZING SIGNATORIES
June 16, 2008

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Kathy L. Revels, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-24 – Amend the 2007- 2008 Fiscal Year Budget

Resolution No. 2008- 24 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-24
AMEND THE 2007-2008 FISCAL YEAR BUDGET
June 16, 2008

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2007-2008 fiscal year Budget is hereby amended as per the attached "Exhibit A."

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-25 – Return Delinquent Water and Sewer Bills to the July 2008 Tax Roll

McGinty recommended removing water bills from the delinquent list due to claims that have been filed with the bankruptcy court. Discussion ensued regarding an individual rental property owner appearing on the delinquent list for multiple addresses as well as possible solutions for receiving payment when renters move out without notice. Resolution No. 2008-25 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-25
RETURN DELINQUENT WATER AND SEWER BILLS
TO THE JULY 2008 TAX ROLL
June 16, 2008

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2008 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-26 – Levy 1% Tax Administration Fee

Resolution No. 2008- 26 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-26
LEVY 1% TAX ADMINISTRATION FEE
June 16, 2008

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2008 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2008 and 3% penalty from the December tax roll after February 14, 2009.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-27 – Return Miscellaneous Bills to the July 2008 Tax Roll

Resolution No. 2008- 27 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-27
RETURN MISCELLANEOUS BILLS TO THE JULY 2008 TAX ROLL
June 16, 2008

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2008 Tax Roll.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure for Neighborhood Block Party on Mark Street

The neighborhood of Mark Street requested the closure of Mark Street between Maple and Columbia Streets, July 4, 2008, from 7 a.m. – 10 p.m. to hold a neighborhood block party.

> MOTION by Preadmore, second by Waltz,
> to approve the request to close Mark Street between Maple and Columbia Streets, July 4, 2008, from 7 a.m. – 10 p.m. to hold a neighborhood block party.
> MOTION APPROVED UNANIMOUSLY

*Mulvany arrived at 8:03 p.m.

Report – Proceed with the Qualifications Based Selection (QBS) Process to Build a New City Hall and Police Department

Colburn stated that he will pursue the Qualifications Based Selection (QBS) process to identify the professional services necessary for the construction of a new City Hall and Police Station.

Bruno stated concern that if the Capital Area District Library (CADL) millage question on the Primary Election ballot passes, the city will be obligated to provide property for a library in addition to building the City Hall and Police Department. Waltz stated that delaying the City Hall and Police Department project two months would allow consideration of both projects if necessary. Discussion ensued.

> MOTION by Bruno, seconded by Waltz,
> to defer the discussion to proceed with the construction of a new City Hall and Police Department until the result of the August 8, 2008, Primary Election CADL millage question is known.
> ROLL CALL VOTE:
> Yes: Bruno, Waltz
> No: Mulvany, Naeyaert, Preadmore, Whipple, Clark
> MOTION FAILED

Executive Session – Attorney Client Privilege Communication Regarding Property Lease Agreement

> MOTION by Whipple, second by Preadmore,
> to adjourn to executive session to consider an attorney/client privilege communication regarding a property lease agreement.
> ROLLCALL VOTE:
> Yes: (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
> No: (0)
> MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:19 p.m. and reconvened at 8:33 p.m.

> MOTION by Whipple, second by Preadmore,
> to amend the agenda by inserting Item No. 7(l), Motion – Oil and Gas Lease with Savoy Energy, L.P.
> MOTION APPROVED UNANIMOUSLY

Motion – Oil and Gas Lease with Savoy Energy, L.P.
Mr. Doug Miller, representative for Savoy Energy, has informed staff that the company would like to acquire a lease for mineral and gas rights in Porter Township of Midland County Michigan. The city owned properties were donated by Iva Bond in the early 1960's. This lease originally requested 480 acres and further clarification has led to discussion regarding 320 acres of which the city has rights of a net 240 acres.

> MOTION by Whipple, second by Naeyaert,
> to approve the Mayor and City Clerk entering into an Oil and Gas Lease with Savoy Energy, L.P.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Mulvany commended Kathy Revels, Finance Director/Treasurer, for the tour she arranged with Haworth.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business. Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Discussion ensued regarding current street construction and city construction for the new water treatment plant.

PEOPLE FROM THE FLOOR
Elaine Ferris, Farmer's Market Manager, stated that the June 14th "Preview Market Day" was a success. The market will open for the season on July 12.

ADJOURNMENT
The meeting adjourned at 8:50 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 2, 2008

Clark called the meeting to order at 7:36 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk
Rolland Olney, Public Works Director
Kenneth Baker, Public Worker Superintendent

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 19, 2008
The Minutes of May 19, 2008, were approved as submitted.

APPROVAL OF BILLS
A brief discussion was held regarding the plans to install a water main with the M-36 project as well as where the recent compost fee required by Michigan Department of Environmental Quality (MDEQ) should be charged. It was questioned whether costs for North Central Laboratories was billed twice or duplicated in error due to illegible invoice numbers on the copy.

MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $138,199.47 as submitted.
Yes (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (1) Bruno
MOTION APPROVED

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2008-21 – Approval of an Amended Application for Industrial Facilities Exemption Certificate and Industrial Facilities Exemption Agreement with Gestamp U.S. HardTech, Inc.
Resolution No. 2008-21 was introduced by Whipple and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-21
APPROVAL OF AN AMENDED APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND INDUSTRIAL FACILITIES EXEMPTION AGREEMENT WITH GESTAMP U.S. HARDTECH, INC.
June 2, 2008

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, Gestamp U.S. HardTech, Inc. (SSAB) submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of land and building improvements of $12,000,000 and machinery, equipment, furniture and fixtures of approximately $47,100,000, with said improvements totaling $59,100,000 as set forth in the applicant's application to the City Administrator dated September 1, 2006; and

WHEREAS, the City Council adopted Council Resolution 2006-41 after a public hearing on October 16, 2006, duly noticed by publication pursuant to Act 198, approving an Industrial Facilities Exemption Certificate in the amount requested; and

WHEREAS, the Michigan State Tax Commission issued its Industrial Facilities Tax Exemption Certificate No. 2006-662 on December 13, 2006, granting an exemption for a new facility consisting of $12,000,000 for real property and $47,100,000 for personal property; and

WHEREAS, SSAB has submitted a request to the Mason City Council dated May 12, 2008, that the real property component of IFEC 2006-662 be amended to increase the real property exempt component from $12,000,000 to $22,000,000;

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 a taxing unit which levies ad valorem property taxes in the City of Mason; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the application of Gestamp U.S. HardTech, Inc. to amend its Industrial Facilities Exemption Certificate and the Industrial Exemption Facilities Agreement for real property improvements to increase the amount of exempt improvements from $12,000,000 to $22,000,000 is hereby approved.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-22 – Resolution to Approve Change Order No. 3 - Raw Water Main Construction

Resolution No. 2008-22 was introduced by Whipple and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008- 22
Resolution to Approve Change Order for Water Main Loop Under US-127
June 2, 2008

WHEREAS, a proposal has been made to complete a 12-inch water main loop from the east side of Columbia Street to the west side beneath US-127; and

WHEREAS, this loop would improve pressure, reliability, and fire protection to the west side of the City: and

WHEREAS, it is in the best interest~~s~~ of the City of Mason to proceed with the proposed water main extension at this time; and

WHEREAS, the contractor is available to perform the work at this time, at the same unit cost as the raw water main project, it is cost effective for the City of Mason to approve a change order for this work; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve Change Order No. 3, for an increase in the amount of $62,000.00.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure- Patriotic Bike Parade

Mary Kay Gavitt, Mason Public School Community Education/Aquatic Director, requested street closures to hold the first annual Patriotic Bike Parade, July 3, 2008, from 9:30 a.m. to 10:00 a.m. for children ages 5 years old to 13 years old. The parade will be the finale of "Patriotic Week" held for the children.

MOTION by Naeyaert, second by Bruno,
to approve the street closures, July 3, 2008, between 9:30 a.m. and 10:00 a.m. for the Patriotic Bike Parade, as requested.
MOTION APPROVED UNANIMOUSLY

MOTION – Bid – Purchase of a 2008 Half-Ton Pick-Up Truck

Rolly Olney, Public Works Director and Ken Baker, Public Works Superintendent addressed Council. Olney informed Council that truck #16 was slated to be replaced in the 2008-2009 fiscal year. However, as a result of a recent accident, the truck was totaled and needs to be replaced immediately. Staff presented the bids from last January's truck purchase as well as from two local dealerships. Olney requested Council to waive the formal bid process and accept the Andrews Chevrolet bid for $14,352.58.

MOTION by Bruno, second by Naeyaert,
to waive the formal bid process and approve the purchase of a 2008 half-ton pick up truck through Andrews Chevrolet for the price of $14,352.58, and approve a budget amendment in the amount of $14,352.58.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Bruno asked about replacing the detective car prior to July 1, 2008, due to similar promotions as those offered for the replacement of truck #16. Discussion ensued whether staff had been directed to do research. It was the consensus of Council to have Colburn look into making a purchase.

NEW BUSINESS

None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Bruno informed Council that a Tree Commission meeting will be scheduled to review and recommend the types of trees to be used for neighborhood street trees. Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:08 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 2, 2008

Clark called the meeting to order at 7:36 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk
Rolland Olney, Public Works Director
Kenneth Baker, Public Worker Superintendent

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING May 19, 2008
The Minutes of May 19, 2008, were approved as submitted.

APPROVAL OF BILLS
A brief discussion was held regarding the plans to install a water main with the M-36 project as well as where the recent compost fee required by Michigan Department of Environmental Quality (MDEQ) should be charged. It was questioned whether costs for North Central Laboratories was billed twice or duplicated in error due to illegible invoice numbers on the copy.

MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $138,199.47 as submitted.
Yes (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (1) Bruno
MOTION APPROVED

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2008-21 – Approval of an Amended Application for Industrial Facilities E emption Certificate and Industrial Facilities E emption Agreement with Gestamp U.S. HardTech, Inc.
Resolution No. 2008-21 was introduced by Whipple and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-21
APPROVAL OF AN AMENDED APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND INDUSTRIAL FACILITIES EXEMPTION AGREEMENT WITH GESTAMP U.S. HARDTECH, INC.
June 2, 2008

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, Gestamp U.S. HardTech, Inc. (SSAB) submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of land and building improvements of $12,000,000 and machinery, equipment, furniture and fixtures of approximately $47,100,000, with said improvements totaling $59,100,000 as set forth in the applicant's application to the City Administrator dated September 1, 2006; and

WHEREAS, the City Council adopted Council Resolution 2006-41 after a public hearing on October 16, 2006, duly noticed by publication pursuant to Act 198, approving an Industrial Facilities Exemption Certificate in the amount requested; and

WHEREAS, the Michigan State Tax Commission issued its Industrial Facilities Tax Exemption Certificate No. 2006-662 on December 13, 2006, granting an exemption for a new facility consisting of $12,000,000 for real property and $47,100,000 for personal property; and

WHEREAS, SSAB has submitted a request to the Mason City Council dated May 12, 2008, that the real property component of IFEC 2006-662 be amended to increase the real property exempt component from $12,000,000 to $22,000,000;

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 a taxing unit which levies ad valorem property taxes in the City of Mason; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the application of Gestamp U.S. HardTech, Inc. to amend its Industrial Facilities Exemption Certificate and the Industrial Exemption Facilities Agreement for real property improvements to increase the amount of exempt improvements from $12,000,000 to $22,000,000 is hereby approved.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-22 – Resolution to Approve Change Order No. 3 - Raw Water Main Construction

Resolution No. 2008-22 was introduced by Whipple and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008- 22
Resolution to Approve Change Order for Water Main Loop Under US-127
June 2, 2008

WHEREAS, a proposal has been made to complete a 12-inch water main loop from the east side of Columbia Street to the west side beneath US-127; and

WHEREAS, this loop would improve pressure, reliability, and fire protection to the west side of the City: and

WHEREAS, it is in the best interests of the City of Mason to proceed with the proposed water main extension at this time; and

WHEREAS, the contractor is available to perform the work at this time, at the same unit cost as the raw water main project, it is cost effective for the City of Mason to approve a change order for this work; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve Change Order No. 3, for an increase in the amount of $62,000.00.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure- Patriotic Bike Parade

Mary Kay Gavitt, Mason Public School Community Education/Aquatic Director, requested street closures to hold the first annual Patriotic Bike Parade, July 3, 2008, from 9:30 a.m. to 10:00 a.m. for children ages 5 years old to 13 years old. The parade will be the finale of "Patriotic Week" held for the children.

MOTION by Naeyaert, second by Bruno,
to approve the street closures, July 3, 2008, between 9:30 a.m. and 10:00 a.m. for the Patriotic Bike Parade, as requested.
MOTION APPROVED UNANIMOUSLY

MOTION – Bid – Purchase of a 2008 Half-Ton Pick-Up Truck

Rolly Olney, Public Works Director and Ken Baker, Public Works Superintendent addressed Council. Olney informed Council that truck #16 was slated to be replaced in the 2008-2009 fiscal year. However, as a result of a recent accident, the truck was totaled and needs to be replaced immediately. Staff presented the bids from last January's truck purchase as well as from two local dealerships. Olney requested Council to waive the formal bid process and accept the Andrews Chevrolet bid for $14,352.58.

MOTION by Bruno, second by Naeyaert,
to waive the formal bid process and approve the purchase of a 2008 half-ton pick up truck through Andrews Chevrolet for the price of $14,352.58, and approve a budget amendment in the amount of $14,352.58.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Bruno asked about replacing the detective car prior to July 1, 2008, due to similar promotions as those offered for the replacement of truck #16. Discussion ensued whether staff had been directed to do research. It was the consensus of Council to have Colburn look into making a purchase.

NEW BUSINESS

None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Bruno informed Council that a Tree Commission meeting will be scheduled to review and recommend the types of trees to be used for neighborhood street trees. Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:08 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 19, 2008

Clark called the meeting to order at 7:32 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, Naeyaert, Mulvany, Waltz, Whipple
Absent: Councilmember: Preadmore
Also present: John Stressman, Chief of Police/Acting City Administrator
Deborah Cwiertniewicz, Deputy City Clerk

MOTION by Bruno, second by Waltz,
to excuse Council Member Preadmore from the May 19, 2008 meeting.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 5, 2008
The Minutes of May 5, 2008, were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of $771,759.90 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Billie Jo O'Berry introduced herself and informed Council that she is a 55th District Judge candidate.

REGULAR BUSINESS
Resolution No. 2008-19 – Fireworks Display Agreement
Resolution No. 2008-19 was introduced by Waltz and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-19
FIREWORKS DISPLAY AGREEMENT
May 19, 2008

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2008 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-20 – A Resolution Recognizing the "Don Fackler Memorial Scholarship Fund", a Non-Profit Organization in the City of Mason, and Approval for a Charitable Gaming License through the State of Michigan, Bureau of State Lottery, Charitable Gaming Division

Mr. Dan DeMartin of 409 S. Park Street, Mason, Michigan gave a brief overview of the non-profit organization, "Don Fackler Memorial Scholarship Fund." He stated that the organization is seeking a charitable gaming license. The State of Michigan requires City Council approval and affirmation that the organization is a recognized nonprofit in Mason as part of the application process. Resolution No. 2008-20 was introduced by Whipple and seconded by Waltz.

MASON CITY COUNCIL
RESOLUTION NO. 2008-20
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

At a Regular meeting of the City of Mason
REGULAR ~~OR SPECIAL~~ COUNCIL/~~BOARD~~ ~~TOWNSHIP,~~ CITY, ~~OR VILLAGE~~

called to order by Mayor Clark on May 19, 2008
DATE

7:30 ~~a.m./~~p.m. the following resolution was offered:
TIME

Moved by Whipple and supported by Waltz.

that the request from Don Fackler Memorial Scholarship Fund of Mason,
NAME OF ORGANIZATION CITY

county of Ingham, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable gaming

licenses, be considered for Approval.
APPROVAL/~~DISAPPROVAL~~

APPROVAL	~~DISAPPROVAL~~
Yeas: (6) Bruno, Clark, Mulvany, Naeyaert, Waltz, Whipple	~~Yeas~~:
Nays: (0)	~~Nays~~:
Absent: (1) Preadmore	~~Absent~~:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the

Mason City Council at a Regular
~~TOWNSHIP,~~ CITY~~, OR VILLAGE COUNCIL/BOARD~~ REGULAR ~~OR SPECIAL~~

meeting held on May 19, 2008.
DATE

SIGNED: _____
~~TOWNSHIP,~~ CITY~~, OR VILLAGE~~ CLERK

Martin A. Colburn, City Clerk
PRINTED NAME AND TITLE

201 W. Ash Street, Mason, MI 48854
ADDRESS

RESOLUTION APPROVED UNANIMOUSLY

MOTION – Street Closure- Memorial Day Parade

MOTION by Whipple, second by Naeyaert,
to approve the street closures for the annual Memorial Day parade as requested.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Whipple stated that the Tree Commission should review and recommend the types of trees to be recommended for use as for neighborhood street trees. Bruno agreed and said he would arrange the meeting. Whipple stated that the Revenue Expenditure Report should be made available online rather than printing it for the packet due to its length; a brief discussion ensued. Clark informed Council that Sue Ann Parsons passed away this morning. Mrs. Parsons was appointed to City Council in 1980 and then elected in 1984, 1988, and 1992. She was elected by her peers and served as mayor from 1989–1991 and 1993-1994. She was serving on the Local Development Finance Authority at the time of her death.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

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

ADMINISTRATOR'S REPORT

Stressman informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 5, 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, Naeyaert, Mulvany, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator/Clerk
Kathy Revels, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 19, 2008
The Minutes of April 19, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Preadmore,
to approve the payment of bills in the amount of $73,403.92 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
FY 2008-2009 Budget
Clark opened the public hearing at 7:34 p.m. Colburn gave an overview of the FY 2008-2009 Budget. Judge Tom Boyd asked to comment on a non-budget item as he arrived late and missed the opportunity to address Council during the appropriate agenda item, people from the floor. Clark denied the request due to the public hearing format being restricted to the purpose of the hearing. Discussion ensued. Clark closed the public hearing at 7:58 p.m. as there were no comments from the public.

REGULAR BUSINESS
Resolution No. 2008-18 – Adoption of the FY 2008/2009 Budget
Resolution No. 2008-18 was introduced by Waltz seconded by Preadmore.

MOTION by Preadmore, second by Whipple,
to amend the Budget by increasing the Fire Department's line item for personal protective equipment to $43,300.00 for the purchase 20 sets of turn out gear.

A lengthy discussion was held whether to accelerate the budget plan to provide turn out gear for all of the frontline fire fighters this year rather than purchasing half in the 2008-2009 budget cycle and the remainder in the 2009-2010 budget cycle. Preadmore provided a graphic analysis depicting the current condition of each item of gear, a comparison of the proposed replacement plan, and the proposed amendment.

VOTE ON THE MAIN MOTION:
Yes (2) Preadmore, Whipple
No (5) Bruno, Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

Naeyaert commended Administrator/Clerk Colburn and Finance Director/Treasurer Revels on the Budget; Bruno and Waltz echoed the sentiments.

CITY OF MASON
CITY COUNCIL RESOLUTION 2008-18
ADOPTION OF THE FY 2008-2009 BUDGET
May 5, 2008

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2008-2009 fiscal year budget on Monday, May 5, 2008 as prescribed by law;

NOW THEREFORE BE IT RESOLVED, that the proposed 2008-2009 Operating Budget is filed with the City Clerk, providing for the sums of $12,022,700 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2008-2009 fiscal year, and the said amount of $3,059,370 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason; and

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2008-2009 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $3,464,935, the sum of $42,845 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2008-2009 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $34,871,414; the sum of $151,879 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that the 2008-2009 Governmental Fund Budgets shall be automatically amended on July 1, 2008 to re-appropriate encumbrances outstanding and reserved on June 30, 2008; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2008-2009 proposed fiscal year budget which is currently on file in the office of the City Clerk.

RESOLUTION APPROVED UNANIMOUSLY

At this time, it was the consensus of Council to allow Judge Boyd to address the Council. Judge Tom Boyd, Chief Judge of the 55th District Court, gave a brief report regarding the results of the Operation Night Hawk and thanked the Mason Police Department for their participation.

Motion – Bid – Audit Services

Revels gave a brief overview of the bids submitted for auditing services.

MOTION by Naeyaert, second by Whipple,
to approve the three year auditing services bid from Abraham & Gaffney for not more than $55,500 with an option for the following two years as quoted.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closure – Rayner Ponds Estates Community Association

MOTION by Naeyaert, second by Preadmore,
to approve the request to close Charrington Court at Wildemere Drive, Friday, June 20, from 6:30 p.m. – 8:00 p.m. to hold a neighborhood social, and in the event of inclement weather, June 27.
MOTION APPROVED UNANIMOUSLY

Discussion – Federal Appropriation Request – Water Treatment Plant – Rolly Olney
Public Works Director Olney has served on the Board of Directors for the Michigan Rural Water Association for the past twelve years and has served for the past nine years as a National Director for Michigan on the National Rural Water Board. Each year the Association travels to Washington to lobby for appropriations for the Association. He may invite one elected official as a guest and asked Mayor Clark to attend with him to share the small town perspective with the Board and promote Mason's request for federal appropriations for the unfunded mandate of the new water treatment plant. Mayor Pro Tem Naeyaert and Administrator Colburn traveled to Washington D.C. at this time, as well, to lobby on behalf of the City. Between them, they were able to meet with all seventeen members of the Michigan Delegation as well as various members of the Federal Appropriations Committee.

Clark informed Council about events of the trip to Washington D.C. and thanked Public Works Director Rolly Olney for the opportunity he provided him to attend. He thanked Mayor Pro Tem Naeyaert for scheduling appointments and keeping them in pace with them. Naeyaert informed Council regarding the meetings. Colburn thanked Council for pursuing this course of action and he recognized the Mayor and Mayor Pro Tem for using personal vacation time to serve their community.

UNFINISHED BUSINESS
Mulvany provided photos of an intersection in Downtown Marshal depicting the box span traffic signals and stated that would not be obtrusive and thinks that it would be a better choice than paying for the upgrade of mast arm poles.

Bruno recalled that Drain Commissioner Lindemann addressed Council May 21, 2007, to inform them of the plans for Rayner Creek in the upcoming year and asked about the progress. Colburn recently met with Mr. Lindemann and he told him he is conducting an analysis at this time and intends to begin with the area of Bond Park.

Clark informed Council that the new audio system was used this weekend to fill downtown with music during shopping hours in preparation of Spring Fling. Positive comments have been received from downtown shoppers. Also, he thanked the Tree Commission and commended their honoree selection, the late Mr. Evans.

NEW BUSINESS
Waltz informed Council regarding the invitation for the Mason Promise Scholarship this Wednesday.

Whipple asked about the planting standard for neighborhood street trees. He stated concern that dwarf ornamental trees are being planted as a standard rather than a tree that will provide shade and a canopy. Colburn stated that dwarf trees are being planted to prevent butchering canopy trees that interfere with electrical lines.

Naeyaert stated that two liaison reports were omitted from the April 21, 2008, Minutes.

> MOTION by Naeyaert, second by Bruno,
> to amend the April 21, 2008, Minutes under liaison reports by inserting the Capital Area District Library update given by Councilmember Waltz and the Planning Commission report given by Councilmember Naeyaert.
> MOTIN APPROVED UNANIMOUSLY

Clark informed Council that the Sycamore Creek clean-up held last Saturday was very successful. Also, he and Administrator Colburn met with Paul Steinman, Manager of Transportation Service Center, and Ronald DeCook, Director of the Office of Governmental Affairs, for Michigan Department of Transportation (MDOT), to discuss current projects.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business. Bruno informed Council regarding current Tree Commission business and the Arbor Day Celebration at Laylin Park.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:28 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 21, 2008

Naeyaert 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, Naeyaert, Mulvany, Preadmore, Waltz, Whipple
Absent: Councilmember: Clark
Also present: Martin Colburn, City Administrator
Deborah Cwiertniewicz, Deputy City Clerk

MOTION by Bruno, second by Waltz,
To excuse the absence of Mayor Leon Clark for the April 21, 2008 meeting.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 7, 2008
The Minutes of April 7, 2008 were approved as submitted.

APPROVAL OF BILLS
MOTION by Preadmore, second by Whipple,
to approve the payment of bills in the amount of $371,125.37 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2008-16 – Mayoral Appointment to the Planning Commission
Resolution No. 2008-16 was introduced by Preadmore and seconded by Mulvany. Mayor Pro Tem Naeyaert introduced Mr. Matthew Smith.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-16
April 21, 2008
MAYORAL APPOINTMENT TO THE PLANNING COMMISSION

WHEREAS, a resignation created a vacancy on the Planning Commission; and

WHEREAS, the term of the vacancy expires on December 31, 2008;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Matthew Tolbert Smith to the Planning Commission of the city to fill the remainder of the unexpired term, commencing April 21, 2008.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-17 – A Resolution Authorizing the City of Mason to Participate with the Michigan Department of Transportation on a Request for a Category III Type Traffic Signal with Mast Arms at the Intersection of M-36 (Ash Street) and Jefferson Street
Resolution No. 2008-17 was introduced by Mulvany and seconded by Preadmore.

MOTION by Bruno, second by Waltz,
to defer discussion regarding proposed Resolution No. 2008-17 to the next

regular meeting to allow consideration of the control cabinet location.

Colburn stated that he asked MDOT about the size of the control cabinet and was told that until it is designed, they are unable to say. However, they will only begin design once they have received an official request by City Council.

VOTE ON THE MOTION:
Yes (2) Bruno, Waltz
No (4) Mulvany, Naeyaert, Preadmore, Whipple
Absent (1) Clark
MOTION FAILED

MOTION by Whipple, second by Bruno,
to amend Resolution No. 2008-17 in the fifth "whereas" by striking the words following "right-of-way" and inserting, "at a location mutually agreed upon by the City and MDOT.
MOTION APPROVED UNANIMOUSLY

A brief discussion was held regarding the exterior façade of the traffic signal poles and control cabinet. It was the consensus of the Council that Administrator Colburn would report back regarding MDOT's material and paint standard for traffic signal poles and control cabinets.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-17
A RESOLUTION AUTHORIZING THE CITY OF MASON TO PARTICIPATE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) ON A REQUEST FOR A CATEGORY III TYPE TRAFFIC SIGNAL WITH MAST ARMS AT THE INTERSECTION OF M-36 (ASH STREET) AND JEFFERSON STREET
April 21, 2008

WHEREAS, the Michigan Department of Transportation (MDOT) has included "Box Span" traffic signal improvements for the intersection of M-36 (Ash Street) and Jefferson Street in their construction program for the summer of 2008; and

WHEREAS, the City of Mason is requesting consideration of replacing a "Box Span" traffic signal with a Category III type traffic signal with mast arms; and

WHEREAS, the City of Mason understands that it would be responsible for future inspection costs associated with Category III type traffic signal poles with mast arms; and

WHEREAS, it is understood that the two traffic signal poles, arms and pedestals will be painted black; and

WHEREAS, the electrical cabinet will be located in city right-of-way at a location mutually agreed upon by both the City and MDOT; and

WHEREAS, the MDOT will design the Category III traffic signal and provide the City of Mason a project estimate, reducing the project cost to the city by the original expenses of a "Box Span" traffic signal system prior to final acceptance of an agreement.

NOW, THEREFORE BE IT RESOLVED, that the Mason City Council endorses the request to participate with the MDOT with a Category III type traffic signal with mast arms, painted black, and future inspection costs at the M-36 (Ash Street) and Jefferson Street intersection.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure - Mason Farmers Market Association, Inc.
Elaine Ferris, Mason Farmers Market Association President, stated that the Association was requesting approval to close E. Maple Street between S. Barnes Street and the west edge of

the Ingham County Hilliard Building to hold the annual Farmers Market on Saturday mornings July 12, through September 27 of 2008, between 6:00 a.m. and 1:00 p.m. This year they will begin the season with a "Flag Day Market Preview" on June 14, during the same hours.

> MOTION by Preadmore, second by Mulvany,
> to approve the closure of the 100 block of E. Maple Street on Saturday mornings June 14, and July 12, through September 27, 2008, between the hours of 6:00 a.m. and 1:00 p.m. to allow the Mason Farmers Market Association, Inc. to hold the annual Farmers Market.
> MOTION APPROVED UNANIMOUSLY

Proclamation – Arbor Day
Bruno informed Council that it is the seventeenth year Mason has received national recognition as Tree City USA by the Department of Natural Resources. To maintain "Tree City" status, four out of six category standards set by the Foundation must be met each year.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Whipple informed Council that the Mason Firefighters Association will hold a pancake breakfast fundraiser May 17.

> MOTION by Whipple, second by Preadmore,
> to authorize the Mason Fire Fighters Association to post a sign advertising a pancake breakfast on city owned property in front of the Fire Station between April 22 and May 17, 2008.
> MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Bruno informed Council regarding current Tree Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:15 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 7, 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, Preadmore, Waltz, Whipple
Absent: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: March 17, 2008
The Minutes of March 17, 2008 were approved as submitted.

APPROVAL OF BILLS
MOTION by Whipple, second by Preadmore,
to approve the payment of bills in the amount of $124,417.17 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Roger Bauer of 608 E. Maple Street stated concern regarding increased traffic on E. Maple Street due to current street improvements, which also occurred last year while Columbia Street was under construction. He asked Council to post a detour and direct traffic to E. Columbia Street or post speed limit signs on Maple Street. Staff will look into the matter and inform Mr. Bauer of their findings.

REGULAR BUSINESS
Annual Report – Capital Area District Library – Barbara Faiks, Head Librarian
Barbara Faiks, Head Librarian of the Mason Branch Capital Area District Library (CADL), presented the 2007 Annual Report. Also present were CADL Board Members, Deb Bloomquist, Alma Staton, and Sally Trout.

Resolution No. 2008-14 – Resolution Approving Ryan Carter, dba, Baja Grille Located at 402 S. Jefferson Street "Above All Others" for a Redevelopment Project Area and Development District Liquor License
Ryan Carter, owner of Baja Grille located at 402 S. Jefferson Street spoke briefly regarding interior modifications he would like to make and the request for a liquor license made available to establishments within designated development districts or areas through Act 501 of the Public Acts of 2006 known as the Redevelopment Project Area and Development District or Area Liquor Licenses. One of the requirements to initiate the licensing investigation process is formal action by the City Council approving the applicant "ABOVE ALL OTHERS". Resolution No. 2008-14 was introduced by Bruno and seconded by Waltz.

CITY OF MASON
RESOLUTION NO 2008-14
A RESOLUTION APPROVING RYAN CARTER, DBA, BAJA GRILLE LOCATED AT 402 S. JEFFERSON STREET "ABOVE ALL OTHERS" FOR A REDEVELOPMENT PROJECT AREA AND DEVELOPMENT DISTRICT LIQUOR LICENSE
April 7, 2008

WHEREAS, the Mason City Council of the City of Mason adopted Ordinance No. 115 – "Downtown Development Authority Ordinance", October 15, 1984, established under 1975 PA 197.

NOW THEREFORE, BE IT RESOLVED, that the Mason City Council of the City of Mason does hereby establish the Downtown Development District also as a redevelopment project area.

NOW THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason does hereby approve Ryan Carter, dba, Baja Grille, located at 402 S. Jefferson Street, "ABOVE ALL OTHERS" for a "Redevelopment Project Area and Development District Liquor License", as authorized by MCL 436.1521a.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-15 – A Resolution Approving an Increase to the City of Mason Utility Rates

Larry Howe, Utility Rate Study Commission Chair, informed Council regarding the Commission's recommendation to implement the recommendation submitted by ACI Finance, Inc. as a reasonable user rate to support the capital improvements to the infrastructure of the water and sewer systems. Resolution No. 2008-15 was introduced by Waltz and seconded by Bruno. A brief discussion was held regarding the manner of change to the capital improvement distribution and the overall rate increase.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-15
A RESOLUTION APPROVING AN INCREASE TO THE CITY OF MASON UTILITY RATES
April 7, 2008

WHEREAS, the City of Mason is anticipating significant capital improvements to the infrastructure of the water system and the sewer system as outlined in the Master Plan, Capital Improvement Plan, Street Improvement Plan, and City of Mason Budget; and

WHEREAS, the most significant capital improvement is a result of an unfunded federal mandate requiring the City to construct a water treatment plant; and

WHEREAS, the Mason City Council is charged with assigning a just and reasonable rate for supplying the users of the water system and the sewer system with utility services as the City may provide; and

WHEREAS, the Water and Sewer Fund is a Proprietary Fund which, by definition, is financed primarily by user charges; and

WHEREAS, the Mason City Council contracted with ACI Finance, Inc. to conduct an analysis of the Water and Sewer Fund along with a Water Rate Study and a Sewer Rate Study; and

WHEREAS, the Utility Rate Study Commission has met and reviewed the recommendations and reports submitted by ACI Finance, Inc.;

NOW, THEREFORE, BE IT RESOLVED, the Utility Rate Study Commission is recommending to the Mason City Council that the following changes be implemented as recommended by ACI Finance, Inc.:

- Water Charge will be $2.85 per 1,000 gallons after the first 2,000 gallons.
- Water Capital Improvement Charge will be $2.00 per 1,000 gallons of water sold.
- Sewer Capital Improvement Charge will be $.50 per 1,000 gallons of water sold.

BE IT FURTHER RESOLVED, that all rate increases are effective July 1, 2008.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Directory of Charges
A brief discussion ensued regarding various changes to the Directory of Charges.

MOTION by Preadmore, second by Bruno,
to approve the Directory of Charges dated April 7, 2008.
MOTION APPROVED UNANIMOUSLY

Motion – Mason Lions Club – Use of Public Right-of-Way for White Cane Drive

MOTION by Waltz, second by Preadmore,
to approve the Mason Lions Club's request to use the public right-of-2ay for their annual White Cane Drive on the sidewalks of Mason Friday, April 26th and Saturday, April 26th.
MOTION APPROVED UNANIMOUSLY

Motion – Charitable Donations – Gorsline Runciman Funeral Homes – Request tp Use the Public Right-of-Way to Host a Public Awareness Campaign as a Participating City with Oprah Winfrey's Big Give for the Greater Lansing Food Bank
Gorsline Runciman Funeral Homes General Manager, Deborah Sydlowski, and Location Manager Glen Smith informed Council regarding their request to utilize the City sidewalks, April 17, 2008 during the hours of 11:00 a.m. – 1:00 p.m. to host a public awareness campaign that will directly benefit the Greater Lansing Food Bank. In association with the popular reality television program, Oprah's Big Give, the metropolitan Lansing area has been selected as one of 80 cities throughout the country to receive $10,000.00 in seed money from the Big Give to be used toward the Greater Lansing Food Bank to provide much needed milk to the food bank. Gorsline Runciman Funeral Homes, ABC-3, CW-5, and Michigan Governor Jennifer Granholm have teamed up with the Big Give to increase the donations for this vital service to Lansing area residents. The campaign will include a horse drawn milk wagon that will travel around the Court House Square while Gorsline Runciman staff walk along on the sidewalk requesting the business community to contribute cash donations and/or shelf stable food products.

MOTION by Waltz, second by Bruno,
to approve the Gorsline Runciman Funeral Homes request to use the public right-of–way to host a public awareness campaign as a participating city with Oprah Winfrey's Big Give for the Greater Lansing Food Bank April 17, 2008.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
It was discussed that the Police Department data link installation is completed and operating properly.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:21 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 17, 2008

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Absent: Councilmember: Bruno
Also present: Martin Colburn, City Administrator/Clerk
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk
David Haywood, Planning & Zoning Director
Jessica Besaw, Planning Intern
Rolly Olney, Public Works Director

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: March 3, 2008
The Minutes of March 3, 2008, were approved as submitted.

APPROVAL OF BILLS
MOTION by Preadmore, second by Whipple,
to approve the payment of bills in the amount of $611,323.96 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Five-Year Update to the Community Recreation Plan
Clark opened the public hearing at 7:40 p.m. Haywood informed Council regarding the five-year update to the Community Recreation Plan. It was prepared by the Zoning and Development Department, along with Planning Intern Jessica Besaw. Community meetings were held to gather input.

Barbara Tornholm, Planning Commission Member, stated that she has had the opportunity to review and comment on the Recreation Plan. She commended staff for an exceptional job. She expressed support of acquiring a YMCA. Clark closed the public hearing at 7:45 p.m.

Resolution No. 2008-10 – A Resolution Adopting the Mason Five-Year Recreation Plan 2008-2013
Resolution No. 2008-10 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-10
A RESOLUTION ADOPTING THE MASON FIVE-YEAR RECREATION PLAN 2008-2013
March 17, 2008

WHEREAS, the City of Mason has prepared a Five-Year Recreation Plan which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the planning period between 2008 and 2013, and

WHEREAS, two community workshops were held on January 17 and 22, 2008, in the Community Room at the Mason City Hall to provide an opportunity for citizens to provide input regarding recreation opportunities within the community, and

WHEREAS, citizens were afforded thirty days to review and provide comments on a draft of the Five-Year Recreation Plan prior to the Mason City Council taking formal action to adopt the plan, and

WHEREAS, a public hearing was held on March 17, 2008, in the Council Chamber at the Mason City Hall to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Five-Year Recreation Plan, and

WHEREAS, the City of Mason has developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreation needs of the community, and

NOW THEREFORE BE IT RESOLVED, that the City Council adopts the Mason Five-Year Recreation Plan 2008-2013 as a guideline for improving recreation for the residents of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Michigan Department of Natural Resources Trust Fund Grant Application

Clark opened the public hearing at 7:48 p.m. Haywood informed Council regarding the application to the Michigan Department of Natural Resources Trust Fund for a grant to connect a non-motorized trail that would extend the existing trail through the city cemetery, through Bond Park, to Laylin Park, through Ingham County Rayner Park, to Mason High School to accomplish linking the recreational resources together, ultimately linking them to the regional trail system. The Grant Application narrative was developed primarily by Planning Commission Member Barbara Tornholm and the application was developed with assistance from Planning Intern Jessica Besaw. The grant requires City Council to commit local matching funds. The project is estimated to cost $496,500.00; calculated at 33%, matching funds are estimated to be $163,800.00. Cark closed the public hearing at 7:55 p.m.

Resolution No. 2008-11 – A Resolution to Approve Matching Funds for the Mason Linear Trail Grant Application

Resolution No. 2008-11 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-11
A RESOLUTION TO APPROVE MATCHING FUNDS
FOR THE MASON LINEAR TRAIL GRANT APPLICATION
March 17, 2008

WHEREAS, the City of Mason has prepared a grant application to the Michigan Natural Resources Trust Fund for the construction of a linear trail that would connect the Hayhoe Riverwalk Trail with Maple Grove Park, Bond Park, Laylin Park, Rayner Park and the Mason High School, and

WHEREAS, the proposed project described in the grant application is an action item listed in Section VIII of the Mason Five-Year Recreation Plan 2008 - 2013, and

WHEREAS, the estimated project cost, including matching obligations, is as follows:

General Funds (City of Mason match)	$100,000
State Funds (MDOT Transportation Enhancement)	$ 63,800
Grant Amount Requested	$332,700
Total Project Cost	$496,500

WHEREAS, a public hearing was held on March 17, 2008, in the Mason City Hall Council Chambers to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the grant application, and

NOW THEREFORE BE IT RESOLVED, the City Council commits to expending $100,000, in the fiscal year 2009 – 2010, as local matching funds to the Michigan Natural Resources Trust Fund grant for the construction of the Mason Linear Trail.
RESOLUTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Preadmore,
to amend the agenda by moving Regular Business Item No. 7(H) to Item No. 7(A), adjusting the remaining regular business items accordingly.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Motion – Bid – Standby Generator Project – Fire Department – Station No. 1

An extensive discussion ensued regarding the location site for a generator servicing the fire station and the possibility of a common generator with the fire station and future city hall facility, as well as the budget appropriation.

MOTION by Whipple, second by Preadmore,
to defer agenda item 7(H) – Bid – Standby Generator Project – Fire Department – Station #1, until such time that staff can report back after having studied installation of the generator in conjunction of the new city hall.
Yes (3) Mulvany, Preadmore, Whipple
No (3) Clark. Naeyaert, Waltz
Absent (1) Bruno
MOTION FAILED

MOTION by Naeyaert, second by Waltz,
to accept the bid from Lutz Electric of Holt, Michigan in the amount of $34,500.00 and to purchase the five-year optional maintenance agreement for an additional $1,600.00 for the purchase and installation of a backup generator, for the total amount of $36,100.00.
Yes (4) Clark, Mulvany, Naeyaert, Waltz
No (2) Preadmore, Whipple
Absent (1) Bruno
MOTION APPROVED

MOTION by Preadmore, second by Waltz,
to approve a $6,100.00 budget amendment in the Capital Out Lay line item.
Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz
No (1) Whipple
Absent (1) Bruno
MOTION APPROVED

Ordinance No. 164 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 4.65 Acres Located on the North Side of Ash Street (M-36) East of Temple Street from C-2 General Commercial to RM Multiple Family Residential

Dennis Anderson, trustee of the Arthur and Alice Jewett Trust, stated that he requested rezoning 4.65 acres located on the north side of Ash Street (M-36) east of Temple Street from C-2 General Commercial to RM Multiple Family Residential. He plans to sell a portion of the 4.65 acres for the construction of an assisted living development.

Discussion ensued whether the ordinance required being read into the record. It was the opinion of City Attorney McGinty that a motion to adopt was required.

MOTION by Preadmore, second by Naeyaert,
to approve Ordinance No. 164.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 164

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 4.65 ACRES LOCATED ON THE NORTH SIDE OF ASH STREET (M-36) EAST OF TEMPLE STREET FROM C-2 GENERAL COMMERCIAL TO RM MULTIPLE FAMILY RESIDENTIAL.

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

Parcel B: Beg. at a point in the East line of Section 9, S00°21'35"W 1662.79 feet (Deed S00°19'16"W 1664.51 feet) from the NE Corner of Section 9, T2N, R1W, Vevay Township, City of Mason, Ingham County, Michigan, thence N76°28'12"W 667.73 feet; thence S13°30'00"W 328.13 feet to the North line of Ash Street (M-36); thence S76°36'24"E 574.56 feet along the North line of Ash Street; thence N00°21'35"E 198.00 feet; thence S89°38'23"E 132.00 feet; thence S00°21'35"W 228.57 feet to the North line of Ash Street (M-36); thence S76°36'24"E 33.87 feet along the North line of Ash Street to the East line of said Section 9; thence N00°21'35"E 335.18 feet along the East line of said Section 9 to the point of beginning and containing 4.65 acres of land and subject to all easements of record.

be rezoned from C-2 General Commercial to RM Multiple Family Residential; and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 164, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management component, Residential Development Goals and the Residential Areas Land Use Strategy of the Master Plan, and is compatible with the overall encouraged development pattern for this area of the City; and

THE CITY OF MASON FURTHER ORDAINS: That the necessary public facilities, including public water, sanitary sewer and storm sewer are within a reasonable distance from the site, and if extended, would adequately serve the site; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Mulvany, with a vote thereon being: YES (6) NO (0) ABSENT (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of March, 2008.
ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2008-12 – Change Order – 2008 Street Project

Resolution No. 2008-12 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008- 12
Resolution to Approve Change Order for 2008 Street Program
March 17, 2008

WHEREAS, a revised five year street reconstruction program was prepared and approved on December 3, 2007 by Resolution No. 2007-52; and

WHEREAS, the city of Mason let a bid for the 2006 local street improvement program, which were publicly opened on March 7, 2006; and

WHEREAS, staff negotiated a rate and prepared a change order to the 2006 Local Street Improvement Program contract with Aggregate Industries-Mason Division in the amount of $269,162.45; and

WHEREAS, the City of Mason also has included for replacement of a storm water culvert at the DPW property located on Jefferson Street in the current budget which is included in this change order (Section G.),

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the change order for the 2008 Local Street Improvement program and does hereby direct the City Administrator to execute the Change Order as presented.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-13 – Liquor License – Transfer Ownership of Class C Licensed Business Located at 117 S. Cedar Street from Darb's Tavern & Eatery

Resolution No. 2008-13 was introduced by Naeyaert and seconded by Mulvany.

CITY COUNCILRESOLUTION NO. 2008-13
LIQUOR LICENSE – TRANSFER OF OWNERSHIP OF CLASS C LICENSED BUSINESS LOCATED AT 117 S. CEDAR STREET FROM DARB'S TAVERN & EATERY TO HEARIT, INC.
March 17, 2008

At a Regular meeting of the Mason City Council
(Regular ~~or Special~~) (~~Township Board~~, City ~~or Village~~ Council)

called to order by Mayor Clark on March 17, 2008 at 7:30 P.M.

The following resolution was offered:

Moved by Robin Case Naeyaert and supported by James Mulvany

That the request to TRANSFER OWNERSHIP OF 2007 CLASS C LICENSED BUSINESS, LOCATED AT 117 S. CEDAR, MASON, MI 48854, INGHAM COUNTY, FROM DARB'S TAVERN & EATERY, INC. TO HEARIT, INC.; AND CONTINUE OFFICAL PERMIT (FOOD).

be considered for Approval
(Approval ~~or Disapproval~~)

APPROVAL	**DISAPPROVAL**
Yeas: (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple	Yeas:
Nays: (0)	Nays:

Absent:: (1) Bruno _____ Absent:: _____

It is the consensus of this legislative body that the application be:

_____Recommended_____ for issuance
(Recommended ~~or Not Recommended~~)

State of Michigan)
County of Ingham)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____Mason City Council_____at a _____Regular_____
(~~Township Board~~, City ~~or Village~~ Council) (Regular ~~or Special~~)

meeting held on ___March 17. 2008
(Date)

(Signed)_____
(~~Township~~, City ~~or Village~~ Clerk)

201 W. Ash Street, Mason, MI 48854
(Mailing address of ~~Township,~~ City ~~or Village~~)

RESOLUTION APPROVED UNANIMOUSLY

Motion – Special Alternative Incarceration (SAI) Public Works Agreement

Colburn informed Council that the agreement submitted by the SAI has doubled the rate of pay per worker; however, the budgeted line item will not be increased.

MOTION by Whipple, second by Naeyaert,
to authorize the City Administrator to enter into the 2008 Public Works Agreement with the Michigan Department of Corrections.
MOTION APPROVED UNANIMOUSLY

Motion – Bid – Maple Grove Cemetery Expansion

Colburn informed Council that the Maple Grove Cemetery expansion budget amount was based on a former lower quote. Therefore, the submitted bid reflects an accurate estimate of costs for the project.

MOTION by Whipple, second by Naeyaert,
to accept the bid from Land Design Collaborative & Wolverine Engineers & Surveyors, Inc., for the development of an expansion plan for Maple Grove Cemetery in the amount of $12,600.00 and approve a $6,600.00 budget amendment.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Whipple raised a point of order regarding Ordinance No. 164. He cited that the Mason City Council Rules of Order require that any ordinance be read into the record and that it must be done before it is introduced or considered, either by reading it or by a motion to consider it read. He questioned if there were a need to reconcile the error. City Attorney McGinty stated that the City Charter does not require that the ordinance be read. It requires that it be moved for adoption. As a practical matter, the Planning Commission previously introduced the ordinance and it has been published in the newspaper. It is before Council as a standing order of business on the agenda so it can be moved to vote on it, following Robert's Rules of Order and the City Charter. A brief discussion ensued.

NEW BUSINESS

MOTION by Waltz, second by Whipple,
to excuse Councilmember Robin Naeyaert from the April 5, 2008, regular meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business. Naeyaert informed Council regarding current Planning Commission business. Clark informed Council regarding current Downtown Development Business.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:35 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 3, 2008

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

Present:	Councilmembers: Clark, Mulvany, Naeyaert, Waltz, Whipple
Absent:	Councilmembers: Bruno, Preadmore
Also present:	Martin Colburn, City Administrator/Clerk
	Kathy Revels, Finance Director/Treasurer
	Dennis McGinty, City Attorney
	Deborah Cwiertniewicz, Deputy City Clerk
	John Stressman, Chief of Police
	Ed Hude, Police Sergeant
	David Haywood, Planning & Zoning Director

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: February 18, 2008
The Minutes of February 18, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $167,508.22 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Application for Industrial Facilities Exemption Certificate and Industrial Facilities Exemption Agreement with Nitrex
Clark opened the public hearing at 7:35 p.m. David Buck, representative for applicant, Nitrex, Inc., spoke regarding the $1,649,800.00 investment Nitrex is expending to install a new furnace which will result in the creation of three additional jobs. Clark closed the public hearing at 7:40 p.m.

REGULAR BUSINESS
Resolution No. 2008–09 – Approval of Application for Industrial Facilities Exemption Certificate and Industrial Facilities Exemption Agreement with Nitrex
Resolution No. 2008-07 was introduced by Whipple and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-09
APPROVAL OF APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND INDUSTRIAL FACILITIES EXEMPTION AGREEMENT WITH NITREX
March 3, 2008

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, Nitrex, Inc. has submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of land and building improvements of $95,800.00 and machinery, equipment, furniture and fixtures of approximately $1,554,000.00, with said improvements totaling $1,649,800.00 as set forth in the applicant's application to the City Clerk dated January 11, 2008; and

WHEREAS, the City Council has adopted Council Resolution No. 97-44, after a public hearing on November 17, 1997, duly noticed by publication, to establish Industrial Development District pursuant to Act 198 to encompass the land and territory within which the Applicant proposes to acquire and maintain the building, land improvements, machinery and equipment to be acquired by the Applicant; and

WHEREAS, the description of said property is:

Parcel 33-19-10-05-126-014

COM NW COR SEC 5, 1616.75 FT S 89-55-18 E ALG N SEC LN, S 00-34-55 E 384.43 FT TO POB, S 89-55-18 E 237.92 FT, S 19-31-11 E PLL WITH & 300 FT MEAS AT R/A TO PCRR R/W LN 281.28 FT, N 89-55-18 W 329.22 FT TO E LN OF KIM DR, N 00-34-55 W 265 FT TO POB SUBJ TO 66 FT WIDE ESMT OF INGRESS & EGRESS ON NW 1/4 OF SEC 5 T2N R1W. 1.725 AC CITY OF MASON

WHEREAS, Nitrex, Inc. wishes to install new building improvements and purchase new equipment, machinery, furniture and fixtures on the property legally described above; and

WHEREAS, Nitrex, Inc. has committed to the creation of three (3) additional jobs at their facility as a direct result of the installation of the new building improvements, equipment and machinery; and

WHEREAS, Nitrex, Inc. seeks an Industrial Facilities Exemption Certificate on the real and personal property for a term of twelve (12) years, as described in its Application, accepted January 11, 2008; and

WHEREAS, the City Council met in public hearing on March 3, 2008, as heretofore resolved and noticed, for the purpose of considering approval of said application; and

WHEREAS, the City Council has afforded the applicant, the public, the Assessor, and all of the affected taxing units notice of an opportunity for all persons desiring to be heard, either orally or in writing, with respect to the approval of an Industrial Facilities Exemption Certificate for the applicant; and

WHEREAS, the granting of an Industrial Facilities Exemption Certificate to Nitrex, Inc. will not substantially impede the operations or financial soundness of the City of Mason; and

WHEREAS, the City Council has received and considered a proposed written agreement as required by Section 22 of Act 198 to be entered into between the City and Nitrex, Inc. containing the requirements for approval and the terms and conditions under which the Industrial Exemption Facilities Agreement shall be issued and retained;

BE IT HEREBY RESOLVED, that the application from Nitrex, Inc., dated January 11, 2008, for an Industrial Facilities Exemption Certificate for real and personal property improvements is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and Nitrex, Inc. shall enter into the written Agreement containing the requirement for approval and issuance of the Industrial Facilities Exemption Certificate and allowing for the revocation of the Certificate if conditions imposed by the City of Mason are not met.

RESOLUTION APPROVED UNANIMOUSLY

Motion - Request to Reassign Funds from the Report Management System to the Installation of a Wireless Data Link Connection between Mason Police Department and Ingham County Management Information System

Stressman stated that the existing Report Management System (RMS) data link connection between the Mason Police Department and their technology support source, Ingham County Management Information System (MIS) is failing. He is requesting to reallocate $13,643.33 from the capital outlay fund to install a wireless data link connection. At the time the RMS was installed, he considered the need to replace the obsolete connection, but decided to address it when the new Police/City Hall facility was built. Brian Tort, owner and CEO of Central Solutions, Inc. explained the process and timeline to install a wireless data link connection. Discussion ensued to install a 4.9 frequency intended for public safety rather than the original 5.3 frequency proposed. Steve Waters of Ingham County Management Information System did not have anything to recommend or add to the decision.

MOTION by Naeyaert, second by Waltz,
to authorize the use of existing allocated funds of the Mason Police Department from the Report Management System project to purchase a wireless data link connection and enter into a maintenance agreement with Central Solutions of Mason in the amount of $13,643.33.
MOTION APPROVED UNANIMOUSLY

2007 Annual Report – Zoning and Development – David Haywood, Zoning & Development Director
Haywood briefly summarized the 2007 Annual Report for the Zoning and Development Department. Discussion ensued regarding building permit requirements, fees and enforcement.

MOTION by Naeyaert, second by Whipple,
to accept the 2007 Annual Report for the Zoning & Development Department and place it on file.
MOTION APPROVED UNANIMOUSLY

Presentation – Five-Year Recreation Plan Update – David Haywood, Zoning & Development Director
Haywood gave a brief review of the draft Five-Year Recreation Plan Update and informed Council regarding a grant that the city could apply for at the same time the Five-Year Recreation Plan is submitted. The Five-Year Recreation Plan allows eligibility for Department of Natural Resources grants.

UNFINISHED BUSINESS
Discussion was held regarding placement of the generator that was bid by the Fire Department.

NEW BUSINESS
Waltz informed Council regarding the recent Good Morning Mason and the Michigan Municipal League training seminar he attended. Clark informed Council regarding Governor Granholm's visit to Bestseller's Book Store.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:24 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 18, 2008

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator/Clerk
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk
Kerry Minshall, Fire Chief
Mark Howe, Asst. Fire Chief

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: February 4, 2008

The Minutes of February 4, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Preadmore,
to approve the payment of bills in the amount of $387,790.89 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2008-07 – Resolution to Accept Easements to Establish a Raw Water Main for the Water Treatment Plant

Resolution No. 2008-07 was introduced by Mulvany and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-07
Resolution to Purchase Easements Agreements
To Establish a Raw Water Main for the Water Treatment Plant
February 18, 2008

WHEREAS, the City of Mason is building a Water Treatment Plant to remove radium 226/228 and iron; and

WHEREAS, It is necessary to build a raw water main as a component of the water transmission system to move water from the city well system to the new water treatment plant; and

WHEREAS, placement of the raw water main crosses properties which require an easement agreement; and

WHEREAS, the cost of the easement agreements total $15,399.80; and

WHEREAS, it is desirable and necessary to obtain permanent 20 foot utility easements from the following properties: 33-19-10-08-378-002, 33-19-10-08-378-001, 33-19-10-08-351-011, 33-19-10-08-452-008, 33-19-10-08-476-034, 33-19-10-08-430-002, 33-19-10-08-432-010, 33-19-10-08-428-008, 33-19-10-08-285-003, 33-19-10-08-282-005, 33-19-10-08-277-006, 33-19-10-09-303-038, 33-19-10-09-301-005, 33-19-10-09-351-010, 33-19-10-08-428-001, 33-19-10-09-302-002, 33-19-10-08-178-023; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and the City Administrator to execute the easement agreements for each property and have it recorded at the Ingham County Register of Deeds.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-08 – Appointment to the Board of Review by the City Council

Resolution No. 2008-08 was introduced by Preadmore and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-08

APPOINTMENT TO THE BOARD OF REVIEW
BY THE CITY COUNCIL

February 18, 2008

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby appoint Ms. Kris Johnson to the Mason Board of Review, with the term commencing February 18, 2008 and expiring on December 31, 2009.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Mason Area Chamber of Commerce Annual Events (MACC)

Doug Kllein, MACC Executive Director, gave a brief overview of the submitted requests for annual events sponsored by the Mason Area Chamber of Commerce (MACC).

MOTION by Naeyaert, second by Bruno,
to approve the request as outlined in the letter from Doug Klein. MACC Executive Director, dated February 11, 2008, for street closures, use of equipment, electrical power, and waiver of permit and fees for the annual community events.
MOTION APPROVED UNANIMOUSLY

Request – Excuse Absence – Councilmember Leslie W. Bruno, Jr.

MOTION by Naeyaert, second by Preadmore,
to excuse the absence of Councilmember Bruno from the March 3 and March 17 regular meeting.
MOTION APPROVED UNANIMOUSLY

Report – 2007 Annual Report – Fire Department – Chief Kerry Minshall

Minshall gave a brief presentation of the Fire Department 2007 Annual Report.

MOTION by Preadmore, second by Naeyaert,
to accept the Mason Fire Department 2007 Annual Report and place it on file..
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE
Distributed.

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

ADMINISTRATOR'S REPORT
Colburn informed Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:25 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 4, 2008

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator/Clerk
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk
Rolly Olney, Public Works Director
Sam Bibler, POTW Supervisor
Phil Birdsall, DDA Executive Director

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING January 21, 2008
The Minutes of January 21, 2008, were approved as submitted.

APPROVAL OF BILLS
MOTION by Whipple, second by Preadmore,
to approve the payment of bills in the amount of $178,998.96 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2008-06 – A Resolution to Approve the Memorandum of Agreement Forming the Greater Lansing Regional Committee (GLRC) of Phase II Nonpoint Source Pollution Prevention and the E penditure for the City of Mason's Portion of the proposed Budget for the Year 2008 and the Appointment of the Representative to the Committee
Resolution No. 2008-06 was introduced by Mulvany and seconded by Bruno. Olney spoke briefly regarding the formation of the GLRC of Phase II Nonpoint Source Pollution Prevention and the participation of the City.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-06

A RESOLUTION TO APPROVE THE MEMORANDUM OF AGREEMENT FORMING THE GREATER LANSING REGIONAL COMMITTEE OF PHASE II NONPOINT SOURCE POLLUTION PREVENTION AND THE EXPENDITURE FOR THE CITY OF MASON'S PORTION OF THE PROPOSED BUDGET FOR THE YEAR 2008 AND THE APPOINTMENT OF THE REPRESENTATIVE TO THE COMMITTEE.

February 4, 2008

WHEREAS, The United States Environmental Protection Agency (EPA) has required communities in the greater Lansing area to apply for a National Pollutant Discharge Elimination System Phase II (NPDESII) permit by March 2003: and subsequently each community and agency has received their certificate of coverage in November 2003; and

WHEREAS, the communities consisting of the City of Lansing, City of East Lansing, City of DeWitt, City of Grand Ledge, City of Mason, the Village of Dimondale, Meridian Charter Township, Lansing Charter Township, Delta Charter Township, Delhi Charter Township, Bath Charter Township, DeWitt Charter Township, Oneida Charter Township, Windsor Charter Township, Watertown Charter Township and Williamstown Township have previously informally established the Greater Lansing Regional NPDES Phase II Storm Water Regulations Committee; and

WHEREAS, the Committee has prepared, reviewed, and proposed a Memorandum Of Agreement for adoption by all of the communities and agencies to formalize and establish the Greater Lansing Regional Committee; and

WHEREAS, the Committee has prepared, reviewed, and proposed a budget for 2008 and 2009 for adoption by all of the communities and agencies; and

WHEREAS, the Memorandum of Agreement establishing the Committee requires that each community's governing body approve the Agreement and Budget and to name a person to represent the community on the committee,

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the Memorandum of Agreement and Budget and authorizes an expenditure not to exceed $4,000.00 for their portion of the 2008 budget of the Greater Lansing Regional Committee.

BE IT FURTHER RESOLVED, that the Mason City Council does hereby appoint Director of Public Works Rolland Olney as the City of Mason representative to the Greater Lansing Regional Committee (GLRC).

RESOLUTION APPROVED UNANIMOUSLY

Motion – Bid – DPW Digester Repairs

Olney and Bibler were present to address Council. Olney spoke briefly regarding the necessary repair for the coping on the digesters, the concrete on the building between the digesters and the roof repair. Olney stated that it would be more cost efficient to repair both roofs at one time rather than repair one now and the other in the next fiscal budget year. The proposed quotes exceed the budgeted $45,100.00 for the digester repairs. There are few companies qualified to perform digester work. Prospective contractors were asked to evaluate the repairs and provide cost quotes. Qualified contractors provided the following quotes: Harper Industrial Construction, Inc. - $46,725.00, L.D. Docsa Associates, Inc. - $105,000.00, and BRI, Bornor Restoration, Inc., - $55,532.00. Staff suggested waiving the formal bid process and awarding the contract to Harper Construction.

MOTION by Preadmore, second by Waltz,
to waive the formal bid process and approve the $46,725.00 bid from Harper Construction for repairs of the coping, the building between the digesters, and the roofs.
MOTION APPROVED UNANIMOUSLY

A brief discussion ensued regarding the necessity to amend the budget line item.

MOTION by Preadmore, second by Whipple,
to amend the budget line item for the digester repairs from $45,100.00 to $46,725.00.
MOTION APPROVED UNANIMOUSLY

Motion – Re uest to Utili e the Right-of-Way for the Installation of Audio E uipment on the Light Poles around the Courthouse S uare

The Downtown Development Authority (DDA) formed a subcommittee to develop a proposal for an audio system proposal that would be installed around the Courthouse square consisting of DDA Board Member Ryan Carter, City Council Member Mike Waltz, and Mayor Leon Clark.

Birdsall spoke regarding the proposal. He stated that the DDA was requesting to utilize the right-of-way around the courthouse square to install audio equipment on the light poles. The DDA Board approved the proposal submitted by local vendor GCC Technologies. Waltz inquired whether liability insurance would be insurable by the City per Item (G) of the Audio System Proposal. Birdsall stated that he would verify indemnity.

> MOTION by Naeyaert, second by Waltz,
> to approve the use of the right-of-way around the courthouse square to allow installation of audio equipment on the light poles by the DDA.
> MOTION APPROVED UNANIMOUSLY

Report – 2007 Annual Report – Police Department – Chief John Stressman
Stressman gave a brief presentation of the Police Department 2007 Annual Report.

> MOTION by Preadmore, second by Naeyaert,
> to accept the Mason Police Department 2007 Annual Report and place it on file..
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
Due to attendance of IMC Conference and training sessions, Colburn did not submit a written report. He informed Council regarding current city business as follows: NIMS training for Department Heads, IMA Conference, federal funds for the WTP, FEMA grant awarded to the Mason Fire Department for SBA, drilling of the well at the WTP by Peerless, and the blood shortage publicized by the Red Cross.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:39 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 21, 2008

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, *Whipple
Also present: Martin Colburn, City Administrator/Clerk
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

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

MOTION by Bruno, second by Naeyaert,
to reconsider Resolution No. 2008-01
MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Preadmore,
to amend Resolution No. 2008-01 by striking the word "second" after the November date from the list of City Council meeting dates.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-01 was Introduced by Bruno, and seconded by Mulvany at the January 7, 2008 City Council meeting.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2008
January 7, 2008

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2008, and that said meetings are to be held on the first and third Mondays of each month, with one holiday exception scheduled as a *Tuesday meeting, and the November 3, stricken due to the meeting date occurring on the Monday before the General Presidential Election Day; and

January 7 and 21	July 7 and 21
February 4 and 18	August 4 and 18
March 3 and 17	September *2 and 15
April 7 and 21	October 6 and 20
May 5 and 19	November 17 and *(meeting date to be announced)
June 2 and 16	December 1 and 15 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2008, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months, with one exception scheduled as a *Wednesday meeting due to the Presidential Primary, January 15, and one holiday exception scheduled as a *Wednesday meeting:

January *16	May 13	September 9
February 12	June 10	October 14
March 11	July 15	November *12
April 15	August 12	December 9 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chambers, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

RESOLUTION APPROVED UNANIMOUSLY

The Minutes of January 7, 2008, were approved as corrected. *Council Member Whipple arrived at 7:35 p.m.

APPROVAL OF BILLS

MOTION by Whipple, second by Preadmore,
to approve the payment of bills in the amount of $707,697.54 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Mayor Clark welcomed Boy Scout Troop #763, presently earning their Citizen Merit Badge.

PUBLIC HEARING

Application to the Michigan State Housing Community Assistance Team's Community Development Block Grant (CDBG) Program to Acquire a Downtown Planning Grant

Clark opened the public hearing at 7:40 p.m. Mr. Phil Birdsall, DDA Executive Director, spoke briefly regarding the need to revise the Downtown Development Plan and the process to apply to the Michigan State Housing Community Assistance Team's Community Development Block Grant to assist with the cost of conducting a formal marketing study of the downtown to determine the needs and opportunities in the area. In accordance with the CDBG process, a Notice of Intent was submitted and accepted. The next step of the process is to hold a public hearing and submit a formal application for a fifty percent grant up to $20,000.00.

Elaine Ferris of 417 W. Sycamore Street stated support to revise the DDA Plan and apply for the CDGB grant.

Clark closed the public hearing at 7:44 p.m.

REGULAR BUSINESS

Resolution No. 2008-04 – A Resolution Providing Notice of Intent that the City of Mason in Cooperation with the Mason DDA and the Michigan State Housing Development Authority are Applying for a Community Development Block Grant to Acquire a Downtown Planning Grant

Resolution No. 2008-04 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
RESOLUTION NO 2008-04
A RESOLUTION PROVIDING NOTICE OF INTENT THAT THE CITY OF MASON IN COOPERATION WITH THE MASON DDA AND MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY ARE APPLYING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO ACQUIRE A DOWNTOWN PLANNING GRANT
January 21, 2008

WHEREAS, the City of Mason in conjunction with the Mason Downtown Development Authority (MDDA) desires to conduct a downtown planning study; and

WHEREAS, the downtown planning study will be a significant tool in amending and updating the DDA Plan; and

WHEREAS, a Community Development Block Grant (CDBG) of $20,000 may be available from the Michigan State Housing Development Authority (MSHDA); and

WHEREAS, the component of job creation allows this project to meet the eligibility criteria for CDBG funding; and

WHEREAS, the proposed project is consistent with the local community development plan; and

WHEREAS, the planning activity will lead to an implementation project where at least 51% of the beneficiaries would be low and moderate income persons; and

WHEREAS, local funds and any other funds to be invested in the project have not yet been expended and will not be expended prior to formal grant award, completion of any environmental review procedures and formal, written authorization to incur costs is received from the MSHDA Community Assistance Team; and

WHEREAS, Martin A. Colburn, City Administrator, is the duly authorized person to sign the grant application on behalf of the City of Mason; and

WHEREAS, Phillip Birdsall, Executive Director of the MDDA, is the duly authorized person to administer the project and sign related correspondence as required from MSHDA and the Michigan CDBG program.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby authorize Martin A. Colburn, Administrator, to submit the application for Michigan CDBG funds for the subject downtown planning project.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-05 – A Resolution to Accept a Grant of Sidewalk Easement for Lot 74 of Riverwalk Meadows Subdivision

Resolution No. 2008-05 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-05
A Resolution to Accept a Grant of Sidewalk Easement
for Lot 74 of Riverwalk Meadows Subdivision
January 21, 2008

WHEREAS, a public sidewalk was constructed to the design and specifications approved by the City of Mason to serve area residents with a safe pedestrian walkway; and

WHEREAS, upon installation, excavation for the sidewalk was obstructed by a combination of an underground natural gas utility and an extensive tree root system; and

WHEREAS, it was necessary to reroute the sidewalk to the west onto lot 74 of the Riverwalk Meadows Subdivision to circumvent the obstructions; and

WHEREAS, it is in the best interest of the City of Mason to acquire a permanent public sidewalk easement on the east side of Lot 74 of the Riverwalk Meadows Subdivision; and

WHEREAS, the City Attorney has reviewed the grant of sidewalk easement for form and the City Engineer has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding current Planning Commission business. A brief discussion ensued regarding Michigan Department of Transportation's new policy for reducing access driveways along State highways.

Clark informed Council regarding current Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. A brief discussion ensued regarding issues including the MDOT Cedar Street enhancement project, the notification received by the State Police that most of the federal funding has been discontinued for narcotics enforcement, and finalizing the Budget meeting dates for April 8 and 9, 2008 at 5:30 p.m.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:10 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 7, 2008

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator/Clerk
Kathy Revels, Finance Director/Treasurer
Roland Olney, DPW Director
Ken Baker, Street & Water Superintendent
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING December 17, 2008

MOTION by Whipple, second by Preadmore,
to amend the Minutes by revising the second paragraph, page 2, to read as follows: "Discussion was initiated by Council Member Whipple regarding comments in the Administrator's self evaluation form relating to the relationship between Council and Mr. Colburn. Colburn clarified the written comment referring to the "elephant in the room" stating that he was inferring that the incident in December of 2006, involving the arrest of Council Member Whipple, caused tension between Council and himself. Whipple questioned whether the comment was too vague and should be rewritten with more specific language. It was the opinion of the City Attorney that the City Administrator's comments should not be adjusted by the Council. Whipple clarified that his request was to the Administrator only and not for action by the Council. Administrator Colburn determined that the comment would remain as written."
Yes (2) Preadmore, Whipple
No (5) Bruno, Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

The Minutes of December 17, 2008, were approved as submitted.

APPROVAL OF BILLS

MOTION by Preadmore, second by Bruno,
to approve the payment of bills in the amount of $403,266.69 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

MOTION by Preadmore, second by Bruno,
To amend the agenda by moving Item No. 7(H) Discussion – Downtown Business District Snow Removal Along M-36 to Item No. 7(A), adjusting the ensuing agenda items in sequence.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Discussion – Downtown Business District Snow Removal Along M-36

Jane Surato, business owner of Golden Shear Hair Studio located at 120 E. Ash Street, stated business owners along M-36 have concerns regarding snow removal. When the state trunk line is cleared, snow is pushed back onto the previously cleared sidewalk. Discussion ensued regarding snow piled up at the curb and safe means of access from parking spots to the sidewalk for pedestrians.

Jeanean Blood, business owner of Yards of Fabric located at 116 E. Ash Street, echoed the same concerns, specifically for elderly customers. Once the snow is plowed back to the curb, it often becomes icy and hardens, making it difficult to remove with a snow shovel. She stated gutters are blocked and the melting snow doesn't drain properly.

Ms. Burton of 360 Pretty Lane gave a brief explanation of a recent incident where she had to walk in the street for three quarters of a block to the corner of Jefferson and Maple Streets. As an older lady, a small patch of ice is dangerous for her and she is not comfortable climbing over piles of snow.

Discussion ensued regarding snow removal on M-36 along the downtown businesses. Olney and Baker were asked to speak to the issue. Baker stated that a priority protocol for City street snow removal is in place. Although the parking and street along M-36 are maintained by the State of Michigan, if the area has not been cleared when they get to the downtown, the City plows the business area of M-36.

Resolution No. 2008-01 – Resolution Establishing City Council Planning Commission Meeting Dates for the Year 2008

Colburn informed Council the first City Council meeting in November has been omitted from the schedule to allow for the extensive preparation needed to administer the November 4, 2008, Presidential Election. Further options were discussed. Resolution No. 2008-01 was introduced by Bruno and seconded by Mulvany.

> MOTION by Naeyaert, second by Preadmore,
> to amend Resolution No. 2008-01 by inserting the following language, * (second meeting date to be announced), after November 17, in the list of City Council meeting dates.
> MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2008
January 7, 2008

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2008, and that said meetings are to be held on the first and third Mondays of each month, with one holiday exception scheduled as a *Tuesday meeting, and the November 3, stricken due to the meeting date occurring on the Monday before the General Presidential Election Day; and

January 7 and 21	July 7 and 21
February 4 and 18	August 4 and 18
March 3 and 17	September *2 and 15
April 7 and 21	October 6 and 20
May 5 and 19	November 17 and *(second meeting date to be announced)*
June 2 and 16	December 1 and 15 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2008, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months, with one exception scheduled as a *Wednesday meeting due to the Presidential Primary, January 15, and one holiday exception scheduled as a *Wednesday meeting:

January *16	May 13	September 9
February 12	June 10	October 14
March 11	July 15	November *12
April 15	August 12	December 9 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-02 – A Resolution to Participate in the Capital Area District Library (CADL) Capital Improvement Plan (CIP)

Colburn introduced Sally Trout, CADL Board Member and Mason's CADL representative, Sue Hill, CADL Director, Deborah Debora Bloomquist, CADL Board Member, and Barbara Faiks, CADL Mason Branch Library Head. He commented briefly regarding CADL's CIP study dated September 19, 2007 and its compatibility with the City's objectives. Clark stated that Ms. Ferris had asked to comment on this item of business.

Elaine Ferris, Friends of the Library President, stated the Friends of the Library recommend support of Resolution No. 2008-02.

Resolution No. 2008-02 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-02
A RESOLUTION TO PARTICIPATE IN CAPITAL AREA
DISTRICT LIBRARY'S CAPITAL IMPROVEMENT PLAN
January 7, 2008

WHEREAS, the Capital Area District Library (CADL) is a public library operating pursuant to the District Library Establishment Act and serving the citizens of the City of Mason and the Greater Ingham County area; and

WHEREAS, CADL has embarked on a Capital Improvement Plan (CIP) dated September 19, 2007, seeking to expand its services and facilities by constructing new libraries and renovating and expanding existing libraries throughout the library district; and

WHEREAS, in the CADL CIP, a new library facility would be constructed within the City of Mason to provide additional library facilities and resources to further enrich the City of Mason citizens, adding cultural and educational value to the community, making it the best place to live, work, learn and play; and

WHEREAS, the CIP calls for a millage question on an upcoming election ballot to raise approximately $83.13 million dollars; and

WHEREAS, upon successful passage by the voters of CADL's CIP millage, CADL intends to allocate $5,971,049 for the construction of a library in the City of Mason; and

WHEREAS, upon the successful passage of the millage by the voters, the City of Mason supports CADL's CIP; and

WHEREAS, as a necessary prerequisite to CADL's CIP, the City of Mason will provide and convey real property within the City of Mason to CADL for the construction of a new library facility consistent with the CIP concept; and

WHEREAS, as a necessary prerequisite to the City of Mason, the City will be provided equal status of "Participating Membership" by the CADL Board with all rights and privileges of such status; and

WHEREAS, CADL will have exclusive control of all library operations pursuant to the District Library Establishment Act, and would also be responsible for all construction and operational costs for the facility.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby agree to participate in CADL's CIP and hereby commits to donating real property within the City of Mason that is construction ready and acceptable to CADL for a new CADL library facility for as long as the property is used as a public library. The City of Mason's commitment is contingent upon voter approval of CADL's millage request for the CIP, the City acquiring "Participating Membership" status from CADL's Board, and an appropriation in compliance of Section 8.5 of the City Charter. The specific real property and agreement terms would be identified following successful passage of CADL's CIP and supporting millage.
Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No (1) Waltz
RESOLUTION APPROVED

Resolution No. 2008-03 – Establishment of a Receiving Board for 2008 Elections

Resolution No. 2008-03 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-03
ESTABLISHMENT OF A RECEIVING BOARD
FOR 2008 ELECTIONS
January 7, 2008

WHEREAS, Michigan Election Law states that the legislative body of a city may, by resolution, provide that one or more additional boards of election inspectors be appointed to serve as a Receiving Board at an election at which the ballots are counted and certified at the precinct; and

WHEREAS, not less than two election inspectors in a precinct, representing each of the major political parties, shall deliver to the Receiving Board for that precinct materials for canvassing in sealed containers, as required by Michigan Election Law; and

WHEREAS, the Receiving Board shall open the sealed containers and review the statement of votes to determine that the number of individuals voting recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of votes; and

WHEREAS, the Election Commission shall appoint two election inspectors from differing major political parties as the Receiving Board; and

WHEREAS, the City Clerk as Chair of the City of Mason Election Commission recommends that Receiving Boards be established for each election held in 2008.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mason City Council authorizes a Receiving Board for each election held in the year 2008.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Bid – Tree Trimming and Removal

The City enters into an annual contract for tree maintenance services. Ayles Tree Service has typically been the low bidder and has performed their job to the satisfaction of the City for over 30 years. Staff requested the formal bid process be waived and recommended acceptance of the proposal from Ayles Tree Service.

MOTION by Bruno, second by Preadmore,
to waive the formal bid process and award the tree trimming contract to Ayles Tree Service for the amount of $27, 505.00.
MOTION APPROVED UNANIMOUSLY

Motion – Bid – DPW Fence Pro ect
A bid was let for the furnishing and installation of fence around the DPW storage yard on N. Jefferson Street.

MOTION by Whipple, second by Bruno,
to award the bid for the DPW Fence Project to Clery Fence Co. for the amount of $11,990.00.
MOTION APPROVED UNANIMOUSLY

Motion – Bid – Purchase of a 2008 Half-Ton Pick-Up Truck
Quotes were requested under the Oakland County bid, State of Michigan bid, and from two local dealers for a F-150 Ford 2008 half-ton pick-up truck. Staff recommended the apparent low quote, Central Ford Truck.

MOTION by Whipple, second by Waltz,
to waive the formal bid sealed bid process and approve the purchase of a F-150 Ford, 2008, half-ton pick-up truck from Central Ford Truck in the amount of $15,309.50.
MOTION APPROVED UNANIMOUSLY

Motion – Amend the 2007-2008 Fiscal Year Budget
Revels outlined seven amendments to the 2007-2008 Fiscal Year Budget for the quarter ending in December 2007, for approval.

MOTION by Whipple, second by Waltz,
to amend the 2007-2008 Fiscal Year Budget, Item Nos. 6-12, as presented.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Naeyaert stated she wanted to respectfully remind residents to clear their sidewalks. Whipple informed staff the catch basin on the northwest corner of Lawton and Ash Streets has been blocked for several weeks.

CORRESPONDENCE
Distributed.

LIAISON REPORTS

Naeyaert informed Council there are two public meetings scheduled for public review and comment of the Five-Year Update to the Community Recreation Plan on January 17 and 22, at 6:30 p.m. – 8:30 p.m. in the City Hall Community Room located downstairs.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. He informed Council that budget work session meetings have been tentatively scheduled for April 9 and 10, 2008.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:41 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 17, 2007

Clark called the meeting to order at 7:33 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/Treasurer
Don Heck, City Engineer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING December 3, 2007
The Minutes of December 3, 2007, were approved as submitted.

APPROVAL OF BILLS
Discussion was held regarding the retainage calculation used for the water treatment plant contractor. Heck gave a brief explanation of the formula used to determine the retainage.

MOTION by Bruno, second by Naeyaert,
to approve the payment of bills in the amount of $482,586.58 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2007-57 – City Administrator Performance Evaluation for 2007 Calendar Year

MOTION by Whipple, second by Preadmore,
to consider Resolution No. 2007-57 read with the following changes: Item No. (I) - strike the line and insert "Continue cooperation with the Ingham County Housing Commission and Ingham County Land Bank on efforts to improve substandard property in the city"; Item No. (J) – Strike, "Drill test wells for", and insert "Continue"; Strike Item Nos. (D) and (F).
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007- 57 was introduced by Bruno and seconded by Mulvany.

MOTION by Whipple, second by Bruno,
to amend Resolution No. 2007-57 by inserting language under "Reporting" at the end of the sentence to read, "Dramatic improvement in the quality of written communication should be a top priority for the upcoming year".
Yes (2) Preadmore, Whipple
No (5) Bruno, Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

MOTION by Whipple, second by Preadmore,
to amend Resolution No. 2007-57 by inserting language under "Reporting" at the end of the sentence to read, "Improvement in the quality of written communication should be a priority for the upcoming year".
Yes (6) Bruno, Clark, Preadmore, Naeyaert, Waltz, Whipple
No (1) Mulvany
MOTION APPROVED

Discussion was held regarding the comments in the Administrator's self evaluation form relating to the relationship between Council and Mr. Colburn and the incident in December of 2006 involving Council Member Whipple. Colburn clarified the written comment under discussion. It was questioned whether the comment was too vague and should be rewritten with more specific language. It was the opinion of the City Attorney and consensus of Council that the City Administrator's written comments to Council remain as written.

MOTION by Whipple, second by Preadmore,
to amend Resolution No. 2007-57 by striking "2009 fiscal" and insert "calendar".
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-57

CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2007 CALENDAR YEAR

December 17. 2007

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 3, 2007, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; and

BE IT FURTHER RESOLVED, that the following is a summary of the performance of Administrator Colburn arranged according to the major categories listed on the composite "City Administrator Performance Evaluation Form":

Professionalism
Administrator Colburn generally met Council expectations in regard to this category. Mr. Colburn consistently demonstrates a comprehensive knowledge and professionalism in all environments, and typically puts forth effort above and beyond the call of duty.

Relationship with Council
Administrator Colburn absolutely met Council expectations with regard to his relationship with Council. Mr. Colburn is always available to provide additional or supplemental information and assistance, and is generally easy to work with.

Policy Execution
Administrator Colburn absolutely met Council expectations in regard to this category. Mr. Colburn has a good understanding of City Policies and Ordinances and offers workable alternatives for changes in the law when an ordinance or policy proves impractical in actual administration.

Reporting
Administrator Colburn generally met Council expectations in regard to reporting. Mr. Colburn ensures that Council is aware of pertinent issues utilizing a combination of letters, e-mails, and phone calls.

Public Relations
Administrator Colburn absolutely met Council expectations in regard to this category. Mr. Colburn initiates conversation and discussion of issues well with government including County Controller, Commissioners, and State Representatives. He has done well to expose the Council to other communities relative to improving City Hall.

Staffing
Administrator Colburn generally met Council expectations in regard to staffing. Mr. Colburn has consistently done an excellent job recruiting competent personnel, especially in department leadership positions, and is encouraged to do whatever it takes to retain these key personnel.

Fiscal Management
Administrator Colburn generally met Council expectations in regard to this category. The sound financial situation of the City speaks for itself, and the efforts of Mr. Colburn and his staff.

BE IT FURTHER RESOLVED, that the City Council does hereby establish the following specific Council objectives for Administrator Colburn for the 2008 calendar year:

A. Assist MDOT on the M-36 project and our components of the project.
B. Continue with concept and design of a contract for the new city hall/police station.
C. Complete the building of the water treatment plant.
D. Complete Five-Year Recreation Plan.
E. Complete ISO fire rating for community.
F. Consider implementation of Soil Erosion Ordinance.
G. Continue cooperation with the Ingham County Housing Commission and Ingham County Land Bank on efforts to improve substandard property in the city.
H. Continue development of water sources.

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; and

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.
YES (7) Bruno, Clark, Preadmore, Naeyaert, Mulvany, Waltz, Whipple
NO (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-58 – City Administrator Employment Contract Amendment 6
Resolution No. 2007- 58 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-58
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT 6
December 17, 2007

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert do hereby submit the following proposed revisions to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason;

Section 2. Salary. Increase salary paid by 2.0% to $82,326.07 per year.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute an amendment to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein January 1, 2008.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-59 – City Appointment of City Officer – City Engineer

Colburn stated that Bill Potter is retiring from Wolverine Engineers & Surveyors, Inc. He introduced Mr. Don Heck. Resolution No. 2007- 59 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-59
RESOLUTION OF CITY OFFICER APPOINTMENT
December 17, 2007

WHEREAS, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

WHEREAS, as listed in section 4.6, the Administrative Officers of the City are listed; and

WHEREAS, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

WHEREAS, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy of City Engineer by appointing Don Heck.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Don Heck as City Engineer, an ”Administrative Officer’ within the city, and is hereby charged with performing the duties and responsibilities of the office.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-60 – Mayoral Appointments to City Boards and Commissions

Resolution No. 2007- 60 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-60
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 17, 2007

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, 2008 and expire on December 31 of the year noted.

Board of Ethics	Kathleen Dean	2010
	William H. Noud, Jr.	2010
Building Code Board of Appeals	Gordon Wilson (filling an unexpired term)	2009
	Ken Brown (Signs)	2010
	Eric Harter (Signs)	2009
Dangerous Buildings Hearing Officer	John Heckaman	2010
Downtown Development Authority	William Philip	2011
	Teresa Wren	2011
Historic District Commission	Loren Shattuck	2010
Local Officers Compensation Commission	Douglas Crips	2012
	Pete Curtis	2012
Planning Commission	Jon Droscha	2010
	Jeff Taylor	2010
Traffic Commission	Roger Bauer	2010
Tree Commission	Michael Canteberry	2010
	Melvin Brown	2010
	Laura Duane	2010

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-61 – City Council Appointments to City Boards and Commissions

Resolution No. 2007- 61 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-61
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 17, 2007

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, 2008 and expire on December 31 of the year noted:

Board of Review	Larry Briggs	2010
Cemetery Board	Scott Shattuck	2010
Election Commission	Robin Naeyaert	2008
Local Development Finance Authority	Bob Harter	2011
	Sue Ann Parsons	2011
Utility Rate Study Committee	Larry Howe	2010
	Shirley Richards	2010
Zoning Board of Appeals	Pete Curtis	2010
	Doug Crips	2010
	Bob McCormick	2010
	Joe Dean (Alternate)	2008

RESOLUTION APPROVED UNANIMOUSLY

Motion – Local Officers Compensation Commission Determination

Commissioners Larry Briggs, Bill Philip, and Doug Crips of the Local Officers Compensation Commission (LOCC) were present; Pete Curtis was called to an unexpected matter. Commissioner Briggs informed Council regarding their determination to increase the compensation of the Mayor from $60.00 to $75.00 and Council Members from $50.00 to $60.00 per meeting. Council Members discussed that they serve their community for many reasons and compensation was not the motivation for their service.

> MOTION by Waltz, second by Bruno,
> to respectfully decline the LOCC recommendation to increase the elected officials' compensation.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council that he, Council Member Bruno, Mayor Pro Tem Naeyaert, and Administrator Colburn met with U.S. Senator Debbie Stabbenow via a conference call regarding federal financial assistance with the cost of the new water treatment plant.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Mulvany informed Council regarding Historic District Commission business. 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

None.

ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 3, 2007

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 A. Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Rolland Olney, Public Works Director
Ken Baker, Public Works Superintendent
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING November 19, 2007

The Minutes of November 19, 2007, were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $246,229.24 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

MOTION by Preadmore, second by Naeyaert,
to amend the agenda by moving Item No. 7(H) to Item No. 7(A) and adjust the remaining items under regular business in sequence

REGULAR BUSINESS

Resolution No. 2007-56 – A Resolution to Accept a Ten Foot Public Utility Easement for Temple Street

Resolution No. 2007- 56 was introduced by Naeyaert and seconded by Bruno. A brief discussion ensued.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 56
A Resolution to Accept a Ten Foot Public Utility Easement for Temple Street
December 3, 2007

WHEREAS, Temple Street was constructed in 2005 for the future benefit of the City of Mason and approved as a public street on September 18, 2006 by Resolution No. 2006-36; and

WHEREAS, a sanitary sewer system was constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental Quality to serve the properties adjacent to the street and for future development; and

WHEREAS, the sanitary sewer system was constructed along the east side of Temple Street with stubs extending to the west side of the street; and

WHEREAS, the City of Mason anticipates that private development will extend public utilities along and parallel to the west side of Temple Street; and

WHEREAS, it is in the best interest of the City of Mason to acquire a ten foot permanent easement for maintenance of public utilities along the west side of Temple Street; and

WHEREAS, the City Attorney has reviewed the easement agreement for form and the City Engineer has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

RESOLUTION APPROVED UNANIMOUSLY

Ordinance No. 163 – An Ordinance to Amend Chapter 42 – Offenses of the Code of the City of Mason by Adding Sections 42-94 and 42-95 to Allow a Deferral of Proceedings and Probation for Offenses Charged Under Sections 42-89 and 42-93 in Cases of No Previous Conviction. – Second Reading and Adoption

Ordinance No. 163 was Introduced by Whipple and seconded by Preadmore.

CITY OF MASON
ORDINANCE NO. 163

AN ORDINANCE TO AMEND CHAPTER 42 - OFFENSES OF THE CODE OF THE CITY OF MASON BY ADDING SECTION 42-94 AND 42-95 TO ALLOW A DEFERRAL OF PROCEEDINGS AND PROBATION FOR OFFENSES CHARGED UNDER SECTION 42-89 AND SECTION 42-93 IN CASES OF NO PREVIOUS CONVICTION.

THE CITY OF MASON ORDAINS:

Section 94 of Chapter 42 - Offenses of the Code of the City of Mason is hereby added to read as follows:

Sec. 42-94. Deferral of proceedings and probation in cases of no previous conviction under section 42-89.

When any person who has not previously been convicted of any offense under section 42-89 pleads guilty to or is found guilty of a violation of section 42-89 charged as a misdemeanor, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him/her on probation upon terms and conditions which terms shall include substance abuse screening at the cost of the accused. Upon violation of a term or condition, the court may enter an adjudication of guilty and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceeding against him/her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a city ordinance violation, including the additional penalties imposed for second or subsequent convictions under section 42-89. There may be only one discharge and dismissal under this section with respect to any person. The court shall maintain a non-public record of an arrest and discharge or dismissal for the purpose of showing that a Defendant has once availed himself/herself of the provisions of this section.

Section 95 of Chapter 42 - Offenses of the Code of the City of Mason is hereby added to read as follows:

Sec. 42-95. Deferral of proceedings and probation in cases of no previous conviction under section 42-93.

When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of section 42-93 pleads guilty to a violation of section 42-93 or offers a plea of admission in a juvenile delinquency proceeding for a violation of section 42-93, the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further

proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in section 42-93, payment of the costs including minimum state cost as provided for in section 18 m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this ordinance or an ordinance or statute substantially corresponding to this ordinance in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under section 42-93. There may be only one discharge and dismissal under this section as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this section. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this section. These records shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this section.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

Effective Date. This Ordinance shall take effect 20 days after its passage, approval, and publication.

The foregoing Ordinance was moved for adoption by Council Member Bruno and supported by Council Member Mulvany, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 3rd day of December, 2007.

Mason Codes declared adopted this 3rd day of December, 2007.
ORDINANCE ADOPTED UNANIMOUSLY

Resolution No. 2007-50 – Resolution to Accept Conveyance of Ownership for the Temple Street Detention Basin

Resolution No. 2007-50 was Introduced by Mulvany and seconded by Bruno.

MOTION by Whipple, second by Preadmore,
to amend Resolution No. 2007-50 in the second *whereas* by striking "this property" and inserting "the Temple Street detention basin," and in the third line strike the word "success" and insert "successor" and at the end of that sentence insert the work "is" after the words *as amended*.
MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Naeyaert,
to amend Resolution No. 2007-50 in the third *whereas* by striking "these" and inserting "the", strike "properties" and insert "property in the Temple Street drainage district", and strike the word "gain" and insert the word "derive", and strike the word "to" after the word benefit and insert the words "from the Temple Street detention basin through", and strike the word "connect" and insert "connection", strike the work "their" and insert the word "of", and strike the word "pond" and insert the word "basin".
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-50
A RESOLUTION TO ACCEPT CONVEYANCE OF
OWNERSHIP FOR THE TEMPLE STREET DENTENTION BASIN
December 3, 2007

WHEREAS, the Temple Street drainage district consists of 44 acres of property together with the City of Mason's Temple Street right-of-way, all draining to the Temple Street detention basin; and

WHEREAS, the Temple Street detention basin, owned by Dennis K. Anderson, successor Co-Trustee of the Arthur W. Jewett Trust u/a/d December 18, 1971, as amended, and Dennis K. Anderson, successor Co-Trustee of the Alice L. Jewett Trust u/a/d December 18, 1971, as amended, is described as follows:

> Commencing at the East ¼ corner of Section 9, T2N, R1W, thence N89°41'01"W 491.01 feet along the East – West ¼ line to the West line of Temple Street; thence S00°03'13"E 270.52 feet along the West line of Temple Street; thence N82°23'37"W 122.47 feet; thence N51°56'43"W 63.09 feet to the point of beginning; thence S00°13'19"E 74.00 feet; thence S89°56'42"W 389.72 feet; thence N00°03'18"W 337.42 feet; thence N89°56'42"E 45.37 feet; thence S72°56'06"E 94.22 feet; thence S43°56'27"E 85.62 feet; thence S11°00'33"E 176.27 feet; thence S89°43'47"E 161.46 feet to the point of beginning, containing 1.80 acres of land, more or less, subject to all easements, restrictions and rights of way of record. ("Temple Street Detention Basin").
>
> Tax Parcel No. 33-19-10-09-400-004 (partial).

WHEREAS, the property in the Temple Street drainage district will be sold and developed, and will derive benefit from the Temple Street detention basin through connection of private storm drain facilities to the public storm drains on Temple Street which will flow to the detention basin; and

WHEREAS, under sections 4(h) and 4(e) of the Home Rule Cities Act the city has the right to acquire, maintain and operate public facilities including storm water detention basins; and

WHEREAS, under section 4(d) of the Home Rule Cities Act and Chapter 11 of the City Charter, the city may assess the future costs of maintenance and improvements to the detention basis upon need; and

WHEREAS, the owner Dennis Anderson has requested that the city accept the Temple Street detention basin and that the two special assessments currently attached to this property remain fully allocated to the remaining parent parcel and not be prorated to the 1.80 acre parcel representing the detention basin which is being split off and deeded to the City.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mason does hereby accept the Temple Street detention basin with the listed conditions.
RESOLUTION APPOVED UNANIMOUSLY

Resolution No. 2007-51 – Acceptance of Test Well Bid

Olney and Baker informed the Council regarding bids submitted for test wells and a production well. It was their recommendation to eliminate the apparent low bidder as the bid was not written as required in the specifications. Resolution No. 2007-51 was introduced by Bruno and seconded by Mulvany. A brief discussion was held.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007 - 51

Resolution to Award Production Well 8 and Test Wells 1 - 4
December 3, 2007

WHEREAS, it is in the best interests of the City of Mason to award bid to the lowest qualified bidder.

WHEREAS, the test wells and production well are in the 2007/2008 budget for well #8 and test wells on the airport property.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the production well #8 and test wells #1 - 4 to Peerless-Midwest for $147,360.00

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-52 – Resolution to Approve 2008-2009 Street Pro ects

Resolution No. 2007-52 was introduced by Mulvany and seconded by Bruno. A brief discussion ensued.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 52
Resolution to Approve 2008-2009 Street Pro ects
December 3, 2007

WHEREAS, a revised five year street reconstruction program was prepared and approved on August 6, 2007 by Resolution No. 2007-41; and

WHEREAS, it is in the best interests of the City of Mason to proceed with the proposed projects; and

WHEREAS, due to the M-36 reconstruction project, Buhl Street reconstruction is being delayed to the 2009-2010 budget year; and

WHEREAS, the 2008-2009 Street Project consist of the following streets and alleys:

Streets:	Mechanic Street from W. Columbia-North
	Holt Street from E. Oak – E. Elm
	Cedar Street (Street Scape)
	E. Ash Street, reconstruction City share
	Street Light fixtures for Ash & Jefferson
	E. Elm Street, slurry seal
	Wildemere Street, curb repair
Alleys:	E. Oak; Rogers & Holt
	E. Oak; Holt & Steel
	E. Oak; Barns & Rogers

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the proposed street projects for 2008-2009.

RESOLUTION APPOVED UNANIMOUSLY

Resolution No. 2007-53 – Buy Sell Agreement for 822 Mason Street

Resolution No. 2007-53 was introduced by Bruno and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-53
RESOLUTION TO APPROVE THE BUY SELL AGREEMENT
FOR 822 NORTH MASON STREET
December 3, 2007

Whereas, the City of Mason is seeking to purchase the residential property located at 822 North Mason Street; and

Whereas, a condition of the purchase of this property by the city is the acceptance of the *Phase I Environmental Site Assessment* Review and a *Pre-Demolition Asbestos Assessment* of this property; and

Whereas, the City of Mason and the property owner's Herbert and Sharon Wright have come to a mutual agreement on the sale price of Fourteen Thousand Five Hundred Sixty-Five Dollars ($14,565) and 2007 annual taxes of Eight Hundred Forty-Seven Dollars and Eight-Nine Cents ($847.89) totaling Fifteen Thousand Four Hundred Twelve Dollars and Eighty-Nine Cents ($15,412.89); and

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Mason, Michigan does hereby authorize staff to enter into said Buy/Sell Agreement to purchase the residential property located at 822 North Mason Street, Mason, MI 48554 for the purchase price of Fifteen-Thousand-Four-Hundred-Twelve Dollars and Eighty-Nine Cents ($15,412.89).

YES (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
NO (1) Bruno
RESOLUTION APPROVED

Resolution No. 2007-54 – Street Lighting Contract for Temple Street

Resolution No. 2007-54 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-54
AUTHORIZATION FOR CHANGE IN THE STANDARD STREETLIGHTING CONTRACT
BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY
December 3, 2007

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 06769350 for the installation of eight (8) streetlights on Temple Street, heretofore submitted to and considered by the Council.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mason City Clerk to execute such authorization for change on behalf of the City of Mason.
RESOLUTION APPOVED UNANIMOUSLY

Resolution No. 2007-55 – Approval to Waive Formal Bid Process and Award the Rehabilitation of Ash Street Well to Layne-Northern

Olney requested Council to waive the bid process for the rehabilitation of Ash Street Well to allow acceptance of proposals from qualified vendors. Resolution No. 2007-55 was introduced by Bruno and seconded by Naeyaert.

MOTION by Whipple, second by Preadmore,
to amend Resolution No. 2007-55 in the last paragraph by inserting the words "waive the formal bid process and" after the word "hereby".
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007 - 55
RESOLTUION TO AWARD THE REHABILATION OF
ASH STREET WELL TO LAYNE-NORTHERN
December 3, 2007

WHEREAS, it is in the best interests of the City of Mason to schedule preventative maintenance on our wells; and

WHEREAS, the scheduled maintenance of Ash Street well is planned for in the approved Fiscal Year 2007-2008 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby waive the formal bid process and approve the awarding of the Ash Street Well rehabilitation project to Layne-Northern for $16,801.10.

RESOLUTION APPOVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Bruno informed Council that there will be a Pearl Harbor Memorial Service hosted by the American Legion, Friday, December 7, 2007, at 11:55 a.m. at the Veteran's Memorial.

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.

EXECUTIVE SESSION

MOTION by Preadmore, second by Bruno,
to adjourn to Executive Session to consider the City Administrator's Evaluation.
ROLL CALL VOTE:
Yes (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple

The meeting adjourned to Executive Session at 8:35 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 19, 2007

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: John Stressman, Chief of Police
Kathy Revels, Finance Director
Rolland Olney, Public Works Director
Ken Baker, Public Works Superintendent
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING November 5, 2007
The Minutes of November 5, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $64,497.01 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS

Presentation - Well Head Protection Certificate and Flag from the Department of Environmental Quality (DEQ) and Michigan Rural Water Association (MRWA) - Rolland Olney

Olney informed Council that the City of Mason was recently presented with an award of recognition and a flag commemorating the accomplishment of the recently completed DEQ approved Well Head Protection Program. The awards ceremony was held at the Kellogg Center at MSU on Monday, November 5, 2007. Olney stated that he invited Ms. Christine Spitzley, Environmental Programs Planner for Tri-County Regional Planning Commission, and Mr. Joe Dean, retired Public Works Director, along with DPW Superintendent Ken Baker to attend the ceremony. He introduced them to Council for recognition, as Ms. Spitzley and Mr. Dean were instrumental in this program being implemented and approved by the State of Michigan. Council commended Ms. Spitzley, Mr. Dean, and Mr. Baker for this accomplishment.

Ordinance No. 163 - An Ordinance to Amend Chapter 42 - Offenses of the Code of the City of Mason by Adding Section 42-94 and 42-95 to Allow a Deferral of Proceedings and Probation for Offenses Charged Under Section 42-89 and Section 42-93 in Cases of No Previous Conviction. - First Reading

MOTION by Whipple, second by Preadmore,
to consider Ordinance No. 163 read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007-49 - City of Mason Investment Policy

Resolution No. 2007- 49 was introduced by Whipple and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-49
CITY OF MASON INVESTMENT POLICY
November 19, 2007

WHEREAS, Public Act 20 of 1943 as amended in 1997, INVESTMENT OF PUBLIC FUNDS OF POLITICAL SUBDIVISIONS, provides that the legislative or governing body of a county, City, village, township, or special assessment district, by resolution, may authorize its treasurer or other chief fiscal officer to invest the City's surplus funds, and;

WHEREAS, these surplus funds can only be invested in investments that are in compliance with Public Act 20 of 1943 as amended in 1997, and;

WHEREAS, the Mason City Council has reviewed the proposed revised investment policy which expands the scope of authorized and suitable investments, emphasizes the protection of principal, and encourages diversity. The policy gives direction to the City Treasurer regarding investment and reporting procedures;

THEREFORE, BE IT **RESOLVED,** that the Mason City Council hereby adopts the investment policy dated November 19, 2007 for the City of Mason.

BE IT **FURTHER RESOLVED,** the investment policy dated November 19, 2007 replaces and nullifies all preceding investment policies.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Naeyaert informed Council of the "We the People" civics competition that she was invited to judge in Howell. The competition was between Mason and Howell and directed by Ms. Linda Pierce, a Mason Public School teacher.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed Council regarding current Downtown Development Authority business.

ADMINISTRATOR S REPORT

Stressman informed the Council regarding current city business. Discussion ensued regarding the sidewalk assessment for 704 E. Columbia. During construction, Bailey Excavating, Inc. replaced sidewalk sections listed on the assessment roll. Coincidentally, the water service replacement for the street project was under the sidewalk sections marked for replacement on Special Assessment Roll 2007-1. Mr. Maranka expressed to Council at the last meeting that he had paid the assessment in full upon receipt of the bill. He felt that he should not be responsible for the assessment because work for the street project necessitated removal of sidewalk within the area of the sidewalk slated for replacement on the assessment roll. Discussion followed that this action will establish precedence.

MOTION by Whipple, second by Bruno,
to direct staff to determine the procedure required to refund Mr. and Mrs. Maranka $74.05 they paid in full for the assessment relative to the sidewalk replacement.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:10 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 5, 2007

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, Preadmore, Waltz, Whipple
Absent: Councilmembers: Mulvany, Naeyaert
Also present: Martin A. Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning & Development Director
Rolland Olney, Public Works Director
Kerry Minshall, Fire Department Chief
Dennis Howe, Fire Department Lieutenant
Don Heck, City Engineer, Wolverine Engineers & Surveyors, Inc.
Deborah Cwiertniewicz, Deputy Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING October 15, 2007
The Minutes of October 15, 2007 were approved as corrected.

APPROVAL OF BILLS

MOTION by Bruno, second by Preadmore,
to approve the payment of bills in the amount of $235,340,10 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Gerold Maranka of 704 E. Columbia stated dissatisfaction regarding specific issues and inconveniences resulting from the current E. Columbia Street project. Discussion ensued

REGULAR BUSINESS
Motion – 20005-2007 Financial Statements
Jean Young and Shawn Krick of Plante & Moran, PLLC presented the 2006-2007 Financial Statements. The auditors issued an unqualified opinion, the highest opinion issued. They also commended Finance Director Revels and Assistant Finance Director Smith for the opinion and implementing the financial reporting for retroactive reporting of infrastructure, as required by the provisions of GASB Statement No. 34.

MOTION by Bruno, second by Preadmore,
to accept the 2006-2007 Financial Statements by Plante & Moran, PLLC and place it on file.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007- 48 – Purchase of Easement for Hayhoe Riverwalk – Phase II
Mr. Chris Shafer, President of the Riverwalk Meadows Homeowners Association (RMHA) briefly spoke regarding the process and negotiations that began in March 2006. He commented Mr. Colburn and Mr. George Hayhoe, and recognized the RMHA negotiation team members, Don Florsbloom, Royce Swan, and himself. He provided signed easements to be recorded, at which time Mr. Colburn paid the $1 fee to the RMHA Treasurer, Michael Waltz. Resolution No. 2007-48 was introduced by Whipple and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-48
Purchase of Easement for Hayhoe Riverwalk - Phase II
November 5, 2007

WHEREAS, the City of Mason is planning the final phase of a linear park known as the "Hayhoe Riverwalk"; and

WHEREAS, the City proposes to continue the trail constructing Phase II north of the Maple Grove Cemetery to Howell Road; and

WHEREAS, the Riverwalk Meadows Homeowners Association (RMHA) have approved entering into an easement agreement with the City of Mason for the sum of One Dollar ($1).

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and City Administrator to execute the Easement Agreement with the Riverwalk Meadows Homeowners Association (RMHA*)* on behalf of the City of Mason.

Yes (5) Bruno, Clark, Preadmore, Waltz, Whipple
No (0)
Absent (2) Mulvany, Naeyaert
RESOLUTION APPROVED UNANIMOUSLY

Motion – Traffic Study Warrant Analysis – Intersections of Jefferson Maple Jefferson Ash (M-36)

Colburn spoke regarding the Traffic Study Warrant Analysis compiled by Traffic Engineering Associates, Inc. (TEA) and communications received from Michigan Department of Transportation (MDOT). MDOT recently informed the City their intent to upgrade the Jefferson and Ash Streets traffic signals by replacing the current lights and poles with an obtrusive arrangement, a box span signal, and have also suggested managing traffic at this intersection with stop signs.

TEA reviewed the warrants established by MDOT and reported that both intersections meet at least one traffic signal warrant and that the traffic signal at the intersection of Ash and Jefferson Streets is warranted and necessary. The traffic signal at the intersection of Maple and Jefferson Streets is borderline.

Staff recommended continuing managing traffic with traffic signals at the two intersections by installing a double cantilever system. It was discussed that MDOT would be responsible for installation and regular inspections of the box span poles. If the City chooses a different style installation and inspections would be billed to the City.

MOTION by Preadmore, second by Whipple,
to accept the Traffic Study Warrant Analysis for the intersections of Jefferson Street & Maple Street, and Jefferson Street & Ash Street (M-36) dated October 2007 and place it on file, and direct staff to forward a communication informing Michigan Department of Transportation that the intersection of Jefferson Street and Ash Street (M-36) continues to meet MDOT warrants IAW the study and the city desires to work with MDOT on an appropriate enhanced traffic signal light at that intersection. ..
MOTION APPROVED UNANIMOUSLY

Presentation – Recreation Plan Update – David Haywood, Zoning Development Director

Haywood informed Council regarding the update to the expired recreation plan that was adopted in 2000. Intern Jessica Bewaw has done extensive background work for the update.

UNFINISHED BUSINESS
None.

NEW BUSINESS

MOTION by Preadmore, second by Bruno,
to excuse the absence of Mayor Pro Tem Naeyaert and Councilmember Mulvany.
MOTION APPROVED UNANIMOUSLY

Waltz informed Council that he attended the Michigan Municipal League Elected Official Academy Core Weekender. Clark informed Council that he spoke with Debbie Stabenow and she assured him that a meeting will be scheduled.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed Council regarding current city business, specifically the tornado that touched down in Williamston and other areas in Michigan.

PEOPLE FROM THE FLOOR
None.

EXECUTIVE SESSION

MOTION by Preadmore, second by Bruno,
to adjourn to executive session to discuss a matter involving property acquisition.
Yes (5) Preadmore, Waltz, Whipple, Bruno, Clark
No (0)
Absent (2) Mulvany, Naeyaert
MOTION APPROVED UNANIMOUSLY

MOTION by Preadmore, second by Bruno,
to adjourn to executive session to discuss a matter involving the Collective Bargaining Agreement.
Yes (5) Preadmore, Waltz, Whipple, Bruno, Clark No (0)
No (0)
Absent (2) Mulvany, Naeyaert
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 9:57 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 15, 2007

Clark called the meeting to order at 7:31 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, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin A. Colburn, City Administrator
Kathy Revels, Finance Director
Rolland Olney, Public Works Director
Kerry Minshall, Fire Department Chief
Dennis Howe, Fire Department Lieutenant
Don Heck, City Engineer, Wolverine Engineers & Surveyors, Inc.
Deborah Cwiertniewicz, Deputy Clerk
Lynsey Little-Clayton, Administrative Assistant

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING October 1, 2007
The Minutes of October 1, 2007 were approved as corrected.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $174,968.32 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Roger Bauer of 608 E. Maple Street stated that he has informed administration about the flood light that has been out for about three months at Laylin Park and asked that it be resolved. He also referenced the last Council meeting. Councilmember Whipple was interrupted and prevented from completing his comments because Council formally determined that the topic was inappropriate for *Unfinished Business*. Mr. Bauer stated that he thought it was appropriate for *Unfinished Business* because it had been discussed at previous council meetings. He stated that the appearance of Council taking action to prevent Councilmember Whipple from finishing his statement, only to complete his comments at *People from the Floor*, *w*as an illogical situation.

Administrator Colburn introduced his new administrative assistant, Lynsey Clayton. Ms. Clayton stated that she is pleased to be working for the City of Mason and looking forward to working with Council and Mason residents.

REGULAR BUSINESS
Presentation – Water Fund Analysis and Rate Study – Tom Traciak, ACI Finance, Inc.
Tom Traciak of ACI Finance, Inc. briefly spoke regarding the study provided to Council, specifically addressing the Executive Summary.

MOTION by Preadmore, second by Naeyaert,
to accept the Water Fund Analysis and Rate Study of October 2007 by ACI Finance, Inc. and place it on file.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007- 46 – Change Order Authori ation for the Water Treatment Plant

City Engineer Don Heck informed Council regarding negotiations with LaSalle to minimize construction costs, which resulted in deducting the change order in the amount of $580,000.00. Discussion ensued regarding the items, specifically the use of aluminum electrical feeders versus copper feeders. Resolution No. 2007-46 was introduced by Waltz and seconded by Naeyaert.

MOTION by Bruno, second by Waltz,
to amend *Change Order No. 1* for the water treatment plant by deleting *Item No. 5*, maintaining copper electrical feeders.
Yes (5) Bruno, Clark, Preadmore, Waltz, Whipple
No (2) Mulvany, Naeyaert
MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-46
CHANGE ORDER NO. 1 FOR THE WATER TREATMENT PLANT
October 15, 2007

WHEREAS, LaSalle Group, Inc. was awarded the bid to construct water treatment plant for the city of Mason in the amount of $6,385,000.00; and

WHEREAS, there have been various changes in scope, *Change Order No. 1* has been submitted in the amount of $572,000.00, decreasing the contract amount to $5,813,000.00.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Administrator to execute *Change Order No. 1* with The LaSalle Group, Inc., and Wolverine Engineers and Surveyors, Inc. on behalf of the City of Mason.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-47 – Conservation Easement Dedicated to the Michigan Department of Environmental Quality (MDEQ)

Resolution No. 2007-47 was introduced by Naeyaert and seconded by Waltz.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-47
CONSERVATION EASEMENT DEDICATED TO THE MICHIGAN DEPARTMENT OF EVIRONMENTAL QUALITY (MDEQ)
October 15, 2007

WHEREAS, the City of Mason is planning the final phase of a linear park known as the "Hayhoe Riverwalk"; and

WHEREAS, the City proposes to continue the trail constructing Phase II north through the Maple Grove Cemetery to Howell Road; and

WHEREAS, the City applied for a wetland permit from the MDEQ; and

WHEREAS, one of the requirements for wetland mitigation is establishment of a new 0.94-acre forested wetland area; and

WHEREAS, the MDEQ has approved a wetland mitigation area located within the Maple Grove Cemetery.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby permanently dedicate the wetland mitigation area to the MDEQ in the form of a conservation easement and does hereby authorize the Mayor to execute the Agreement for Conservation Easement with the Michigan Department of Environmental Quality on behalf of the City of Mason.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Waive the Formal Bid Process - Fire Department Uniforms

Fire Chief Minshall and Lieutenant Howe were present requesting that the formal bid process be waived to allow acceptance of a quote to purchase Class-A Fire Department uniforms. Howe stated that a notice to bidders was published to accept bids August 28, 2007; however, no bids were received. When vendors were contacted, they explained that the hat badge in the specifications is not made anymore. The specifications were changed and resubmitted to the vendors for bids. Still no bids were submitted. At this point, quotes were solicited and received from Lansing Uniforms in the amount of $17,354.05 and Welch Uniform in the amount of $20,545.05. Both quotes exceed the budget line item of $15,000.00. The Mason Fire Fighter's Association voted unanimously to pay up to $3,000.00 to cover costs that exceed the $15,000.00 line item. The Fire Fighter's Uniform Committee recommended accepting the Lansing Uniform quote.

> MOTION by Naeyaert, second by Waltz,
> to waive the formal bid process to allow the Fire Department to accept the quote from Lansing Uniform to purchase Class-A Fire Department uniforms.
> MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark informed Council regarding the tours of Hastings City Hall and Library, Wyoming City Hall, Granger Construction, and the Hayworth Company.

NEW BUSINESS

Clark informed Council that LED lights are being purchased for the tree on the courthouse lawn that is decorated for the annual Holiday Celebration. The City will pay half the expense, the Mason Area Chamber of Commerce and the Downtown Development Authority will each pay a quarter of the cost.

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 Council regarding the International City Manager's Association conference that he attended.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:56 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 1, 2007

Clark called the meeting to order at 7:36 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, Naeyaert, Preadmore, Waltz, Whipple
Also present: Kathy Revels, Finance Director
Deborah Cwiertniewicz, Deputy Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING September 17, 2007
The Minutes of September 17, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Whipple, second by Preadmore,
to approve the payment of bills in the amount of $226,732.14 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Judge Tom Boyd of the 55th District Court spoke regarding Domestic Violence Awareness Month and provided a handout depicting the key differences between domestic assault and assault and battery.

REGULAR BUSINESS
Motion – Appoint Delegate Representative to Attend MERS Premier Health Annual Meeting

MOTION by Naeyaert, second by Whipple,
to appoint Kathy Revels as the City of Mason's delegate representative to the MERS Premier Health 2nd Annual Board Meeting to be held October 23, and Eric Smith as the alternate.
MOTION APPROVED UNANIMOUSLY

Motion – Amend the 2007-2008 Fiscal Year Budget

MOTION by Whipple, second by Naeyaert,
to amend the 2007-2008 Fiscal Year Budget as presented.
MOTION APPROVED UNANIMOUSLY

the issue

UNFINISHED BUSINESS
Naeyaert stated she was informed by residents of the E. Elm Street and E. Oak Street neighborhood that Police Officers have rectified illegal parking by patrolling the area. Whipple stated he had a prepared statement he wanted to read to the Council regarding reissue of arrest for himself and Dennis Whipple by the county prosecutor's office in connection with events that occurred on the evening of December 8, 2006 at the Mason Jar, Pub & Grub. Mayor Clark interrupted Whipple while he was reading the statement and stated that the comments regarding the Mason Police Department's investigation was not related to Council business and there was no representation of the Police Department present to respond to his statements. A general

statement would be appropriate, but this meeting was not the proper forum. A brief discussion ensued regarding the Rules of Order. Whipple stated that it became Council business when others asked him to resign his seat; he is explaining his position. Clark maintained that this is not Council business and Whipple was out of order.

MOTION by Whipple, second by Preadmore,
to challenge the decision of the Chair in accordance with the Rules of Order.

It was stated that an affirmative vote supports the Mayor's decision.

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

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT
In the absence of Administrator Colburn, Revels informed Council regarding current city business.

PEOPLE FROM THE FLOOR
Russ Whipple of 322 Lawton Street finished reading his prepared statement at this time.

ADJOURNMENT
The meeting adjourned at 8:04 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 17, 2007

Clark called the meeting to order at 7:36 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
David Haywood, Zoning and Planning Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING September 4, 2007
The Minutes of September 4, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of $138,199.47 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Ordinance No. 159 – Signs – Second Reading and Adoption

MOTION by Bruno, second by Preadmore,
To consider Ordinance No. 159 read for the second time and adopted.

A brief discussion was held regarding amendments to the draft ordinance.

MOTION by Whipple, second by Bruno,
to amend Ordinance No. 159 as presented in the council packet with the following four changes:

1) Page 11 - do not include changes to Section 127 (b)(4)(c).
2) Page 6 – strike the changes in Division 3 except for the changes on page 7 to Section 58-87.
3) Page 4 – Section 37(b), second line, insert the word “sign” before the word “board.”
4) Page 1 – Section 1-2 Definitions, at “[insert date]” insert “October 15, 2007.”

MOTION APPROVED UNANIMOUSLY

A brief discussion ensued whether the appellate body for signs would function better through the Building Board Code of Appeals and the addition of two business persons, or through the Zoning Board of Appeals. Haywood was asked to provide a recommendation regarding the matter. He stated that he would recommend the Zoning Board of Appeals because the procedure is already in place and it deals with dimensional variances routinely.

MOTION by Whipple, second by Preadmore,
to amend Ordinance No. 159, Division 3, to establish the Zoning Board of Appeals as the Sign Board of Appeals.
Yes (2) Preadmore, Whipple
No (5) Bruno, Clark, Mulvany, Naeyaert, Waltz
MOTION FAILED

A brief discussion ensued regarding the dimensions of projected signs.

MOTION by Whipple, second by Naeyaert,
to amend Ordinance No. 159, Section 58-127(b)(4)(c) to allow projection signs up to twelve square feet with no more than four foot projection.
Yes (1) Whipple
No (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz
MOTION FAILED

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007-45 – Resolution to Provide Signature Authority for MDOT Contract to M-36 Cedar and Ash Streets

Resolution No. 2007- 45 was introduced by Preadmore and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-45
RESOLUTION TO PROVIDE SIGNATURE AUTHORITY FOR
MDOT CONTRACT TO M-36 CEDAR AND ASH STREETS
September 17, 2007

WHEREAS, the City of Mason has requested to participate with a Michigan Department of Transportation (MDOT) project on the M-36, known as Federal Project EBSL 0733(55); Contract 07-5398; and

WHEREAS, the project consists of remilling M-36 along Cedar Street from Legion Drive to Ash Street and Ash Street from Cedar Street to Dexter Trail, the majority being within the corporate city limits of Mason; and

WHEREAS, the City of Mason is participating with sanitary sewer repairs and watermain upgrading and replacement; all together with necessary related work within the corporate city limits; and

WHEREAS, the City of Mason is participating with an MDOT Enhancement Grant which includes federal, state and local participation including tree planting, decorative lighting between Kerns Road and Curtis Street; together with necessary related work within the corporate city limits; and

WHEREAS, the Michigan Department of Transportation will administer city components of the project including watermain and sanitary improvements as well as the MDOT Enhancement Grant at an estimated cost of $650,600 to the city.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Mason that Martin A. Colburn, City Administrator is the authorized signatory on behalf of the City of Mason, the Requesting Party, for the infrastructure project costs and federal funding grant contracts with the Michigan Department of Transportation.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Mulvany commented on the success of the Farmer's Market, although there were fewer vendors involved this year. He stated that the fee should be eliminated in the future budget. He praised the Thursday Night Live event and suggested that Council send a letter of commendation to the Mason High School Band and Director for their performance. Naeyaert received correspondence from the neighborhoods of E. Oak and E. Elm Streets regarding parking issues since the beginning of the new school year. After a brief discussion, it was determined that this issue should be referred to the Police Department. Whipple asked about the sewer backup that occurred on Columbia last week. Colburn stated that last Tuesday a manhole was installed with a faulty pipe. When it was tamped down the pipe was crushed and caused a blockage, resulting in a sewage backup for two residents on Columbia. A brief discussion ensued regarding notice of work sessions prior to the packet delivery. Waltz stated that he presented Eagle Scout Logan C. Pecinovsky with a mayoral proclamation. Clark commended Administrator Colburn's physical involvement in all areas of city issues. He also commended the Police Department, specifically, Corporal Detective Lynne Mark's involvement in solving the recent string of breaking and entering cases and Police Officer Reckling who apprehended the kidnapper who attempted to lure a child.

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

None.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 4, 2007

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING AUGUST 20, 2007

The Minutes of August 20, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Naeyaert,
to approve the payment of bills in the amount of $342,125.21 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Ordinance No. 159 – Signs – First Reading

MOTION by Whipple, second by Naeyaert,
to introduce and consider Ordinance No. 159 as read for the first time.
MOTION APPROVED UNANIMOUS

Discussion ensued regarding suggested edits, which will be forwarded to Planning & Development Director Haywood and Attorney McGinty to review.

Ordinance No. 161 – An Ordinance To Amend The Mason City Code To Permit Monopole Towers On Publicly-Owned Property – Second Reading and Adoption

MOTION by Whipple. Second by Preadmore,
to consider Ordinance No. 161 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 161

AN ORDINANCE TO AMEND SECTION 94-141 - C-1 CENTRAL BUSINESS DISTRICT – AND SECTION 94-173(d) – WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS OF CHAPTER 94 OF THE CODE OF THE CITY OF MASON TO PERMIT MONOPOLE TOWERS ON PUBLICLY-OWNED PROPERTY; AND TO AMEND TABLE 100-3 OF CHAPTER 100 – TABLES AND FIGURES – OF THE MASON CITY CODE TO ESTABLISH DISTANCE SEPARATION STANDARDS FOR MONOPOLE TOWERS ON PUBLICLY-OWNED PROPERTY.

THE CITY OF MASON ORDAINS

Section 94-141 of Chapter 94 of the Mason City Code is hereby amended at subsection (d) thereof to permit monopole wireless telecommunication towers in the C-1 Central Business Zoning District on publicly-owned property, which amended section shall read as follows:

Sec. 94-141. C-1

Central business district.

(a) *Intent and purpose*. It is the primary purpose of this district to provide opportunities for business establishments in the area generally referred to as the Downtown Center in the city master plan that address the local day-to-day office, retail, and service needs of residents of, and visitors to, the city. It is the intent of this district to prohibit uses that draw from a regional population causing excessive traffic levels or that may otherwise undermine the intended function and character of the historic business area of the city.

(b) *Uses permitted by right.*

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.

(2) Photographic studios.

(3) Professional services establishments providing human health care on an outpatient basis.

(4) Medical, optical and dental offices and laboratories.

(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.

(6) Music, dance, or performing arts studios.

(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.

(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.

(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.

(10) Bed and breakfast (refer to section 94-192(7)).

(11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.

(12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.

(c) *Permitted accessory uses.* Accessory uses and structures as defined in this chapter.

(d) *Uses authorized by special use permit.*

(1) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).

(2) Public or private educational structures or uses (refer to section 94-192(8)).

(3) Vehicular drive-in service when associated with a principal use.

(4) Off-street public or private parking facilities (refer to section 94-192(8)).

(5) Boarding and rooming houses.

(6) Pub, tavern, or restaurant with outdoor entertainment including music and/or outdoor food and/or drink service.

(7) Any use permitted in this district involving one or more structures that occupy, either

individually or collectively, more than 15,000 square feet of gross floor area.

(8) Monopole telecommunication towers and antennae in accordance with the requirements of section 94-173(d)(13)(a)(5).

THE CITY OF MASON FURTHER ORDAINS

Section 94-173(d) – Wireless telecommunications towers and antennas – of Chapter 94 of the Mason City Code is hereby amended at subsection (13)(a)(5) thereof to permit monopole towers in the C-1 central business zoning district on publicly owned property, which amended section shall read as follows:

(d) *Wireless telecommunications towers and antennas*. The purpose of this section is to establish the procedures and guidelines for the siting of wireless communications towers and antennas. In furtherance of this purpose, the city shall give due consideration to the master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas, subject to the following definitions, review requirements, and criteria. The objectives of this section are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Direct the location of towers to appropriate nonresidential areas;

(3) Minimize the total number of towers throughout the community;

(4) Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, positioning, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers;

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(10) Applicability. All towers or antennas in the city shall be subject to these regulations, except as provided in the following.

a. *Amateur radio station operators/receive-only antennas*. Other than the provisions of subsections 94-173(d)(11)e. and f., this chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned by or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

b. *AM array*. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(11) *General requirements*.

a. *Principal or accessory use*. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. *Lot size*. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including setback requirements, lot-coverage requirements, and other such requirements, the

dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. *Aesthetics*. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. *Lighting*. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

e. *State or federal requirements*. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

f. *Building codes and safety standards*. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the state construction codes and the applicable standards for towers that are published by the Electronic Industries Association. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna as a public nuisance at the owner's expense.

g. *Not essential services*. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

h. *Signs*. No signs shall be allowed on an antenna or tower.

i. *Buildings and support equipment*. Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 94-173(d)(13)b.

(12) *Uses permitted by administrative review*. The zoning official may administratively approve a permit for any wireless communication facility for which all support equipment is screened from view and which complies with one of the following criteria:

a. A roof mounted antenna not exceeding ten feet in height and located on a nonresidential structure.

b. Antennas and supporting equipment cabinets and structures which are architecturally integrated with a principal building or structure so as not to be recognized as antennas.

c. Up to three whip antennas with a maximum height of 20 feet.

d. Collocation of a wireless communication antenna on an existing monopole support structure, on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility company in any district of the city, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;

2. The antenna complies with all applicable FCC and FAA regulations; and

3. The antenna complies with all applicable building codes.

(13) *Uses permitted by special use permit*. No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to the general standards applicable to a special use permit as set forth at subsection 94- 191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.

1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.

2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.

3. Mounted wireless communication facilities are permitted in all districts except single-family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.

4. Monopoles and similar support structures are permitted as a principle or accessory use only in the M-2 general manufacturing district, and those portions of the M-1 light manufacturing district, and those commercial districts lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended.

5. Monopoles not to exceed 150 feet in height are also permitted in the C-1 central business district by special use permit, provided the structure is located on publicly-owned property and is constructed and maintained for joint use by three or more users, at least one of which shall be a local or state governmental agency operating communication facilities for public safety services as defined under the Homeland Security Act.

6. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.

7. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

b. *Development and design standards*.

1. Setbacks.

i. Wireless communications facilities including all anchors or pads shall be sited so that the anchors and pads for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.

ii. Separation requirements for towers shall comply with the minimum standards shown in table 100-3 in chapter 100.

iii. Mounted wireless communication facilities shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.

2. Spacing requirements. Monopole tower structures shall be separated from all other towers by a minimum of 750 feet. For purposes of this subsection, the separation distance between towers shall be measured by drawing or

following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan, of the proposed tower. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries.

3. Height of the support structure must be the minimum necessary to support the required coverage; however, in no case shall the antenna or its support structure exceed:

   i. For a single user, 90 feet.

   ii. For two users, 120 feet.

   iii. For three or more users, 150 feet.

4. Support structures shall be painted in unobtrusive colors, unless in accordance with any other statutory or regulatory requirements.

5. Where an equipment building accompanying the support structure is erected, it shall be designed to be compatible with the adjacent architecture.

6. Landscaping and visual impact requirements.

   i. Landscaping shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped. This information shall be presented on a landscape plan.

   ii. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication tower.

   iii. Whether a freestanding or mounted wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners.

   iv. Lighting at the facility and accessory structures shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards.

c. *Safety and security requirements.*

1. All new wireless communication facilities shall be designed within the applicable ANSI/EIA standards (RSA-22, Revision E), and so as not to be in conflict with existing airport locations and flight patterns.

2. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communication facility is in compliance with all Federal Communications Commission (FCC) regulations and all building code requirements.

3. All wireless communication facilities shall maintain comprehensive general liability insurance issued by a company authorized to do business in Michigan with combined limits of not less than $1,000,000, and the applicant shall supply the city with proof of same prior to construction.

4. Security fencing shall be installed completely around freestanding facilities, any accessory utility structures and guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.

5. All towers or similar facilities, antenna structures, accessory utility structures and guy anchors and pads shall be equipped with anti-climbing devices.

d. *Collocation*.

1. In order to maximize the efficiency of the provision of wireless communication services, while also minimizing the impact of such facilities on the community, collocation shall be encouraged. All applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at proposed or existing sites. Furthermore, all applicants shall be required to provide a notarized letter of intent to lease excess space on the proposed facility and commit itself to the following:

i. Respond to any requests for information from another potential shared use applicant;

ii. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically feasible; and

iii. Make no more than a reasonable charge for a shared use lease.

2. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the building(s) on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style and exterior appearance. Review and approval of accessory mechanical building(s) at a collocation-site shall be made by the planning commission.

e. *Abandonment*.

1. Wireless communication facilities which have been abandoned or are unused or disconnected from the network for a period of 12 months shall be immediately removed from the site at the cost of the facility applicant or successor.

2. Upon removal of a tower from a site, the foundation shall also be removed to a depth of at least six feet. Additionally, the fencing and accessory structure(s) shall be demolished and removed from the site at the cost of the facility applicant or successor.

f. *Application requirements*. Applications for a special use permit as set forth in this section shall contain the following in addition to the requirements or article VI of this chapter:

1. An explanation of the need of the applicant's clientele for this communications capacity.

2. Site and landscape plans drawn to scale.

3. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.

4. A report including a description of the tower with technical support for the tower design.

5. Documentation establishing the structural integrity of the tower for the proposed uses.

6. The general capacity of the tower, and information necessary to assure that ANSI standards are met.

7. A statement of intent on whether excess space will be leased.

8. Proof of ownership or authorization to utilize the proposed site.

9. Copies of any easements necessary.

10. An analysis of the area containing existing topographical contours.

11. A presentation size map which shows an inventory of existing and proposed tower installations within the city and within one mile of the border thereof, including specific information about the location, height and design of each tower. The zoning official may share such information with other applicants applying for administrative approvals or seeking special use permits under this chapter or other organizations seeking to locate antennas within the city, provided, however, that the zoning official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

12. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the city or other persons located within a one-mile radius of the proposed tower site.

13. A written statement from a registered professional engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within a one-mile radius of the proposed tower site.

THE CITY OF MASON FURTHER ORDAINS

Table 100-3. Separation Requirements for Towers. Table 100-3 of Chapter 100 of the Mason Code is hereby amended to establish a separation distance for monopole wireless telecommunication towers located on publicly owned property, which amended Table shall read as follows:

Use on Adjacent Property	*Separation Distance*
Single or two-family residential buildings (includes modular homes and mobile homes used for living purposes)	greater of 200 feet or 300% of the tower height (measured from the base of the tower to closest building setback line)
Vacant single or two-family residential zoned land which is either platted or has preliminary subdivision plan approval which has not expired	greater of 200 feet or 300% of the tower height (measured from the base of the tower to closest building setback line)
Existing multiple family residential units greater than duplex units	greater of 100 feet or 100% of the tower height (measured from the base of the tower to closest building setback line)
All residential zoning and uses when adjacent to a tower proposed on publicly owned property	greater of 100 feet or 100% of the tower height (measured from the base of the tower to closest building setback line)
Non-residential zoned properties or uses	none, only setbacks apply

The foregoing Ordinance was moved for adoption by Council Member Waltz and supported by Council Member Whipple, with a vote thereon being: YES (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act. Ordinance No. 161 declared adopted this 4th day of September, 2007.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2007-43 – A Resolution Re uesting MDOT to Recogni e The Need To Place An Appropriate Traffic Signal In Mason's Historical District and Direct The City Administrator To Proceed With A Traffic Study

Resolution No. 2007-43 was introduced by Whipple and seconded by Mulvany. A brief discussion ensued deliberating whether a traffic study is necessary at this time. MDOT responded to the city's request to consider providing conceptual drawings for dual-cantilever mast pole traffic signals and has indicated that they can be installed at the M-36/Jefferson Street intersection rather than their plan for four-pole configuration as well as the rational for intersection work along M-36. Colburn recommended moving forward with the traffic study. It was discussed that a traffic study would provide supporting data

regarding the necessity of a traffic signal, as well as for information for the city.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 43
A RESOLUTION REQUESTING MDOT TO RECOGNIZE THE NEED TO PLACE AN APPROPRIATE TRAFFIC SIGNAL IN MASON'S HISTORICAL DISTRICT AND DIRECT THE CITY ADMINISTRATOR TO PROCEED WITH A TRAFFIC STUDY
September 4, 2007

WHEREAS, the Michigan Department of Transportation (MDOT) is recommending that a traffic signal enhancement be made to the intersection of M-36 (Ash Street) and Jefferson Street; and

WHEREAS, MDOT was scheduled to place a "Box Span" traffic signal in 2009 at the above referenced intersection and is now attempting to accelerate it as part of the MDOT M-36 improvements scheduled for 2008; and

WHEREAS, MDOT's plan places twice as many mast poles at that intersection and three times the overhead wires; and

WHEREAS, this concept disrupts the historical downtown environment as well as disturbs significant MDOT Enhancement Grant improvements placed into that intersection right-of-way in 2001 at the expense of the State of Michigan and the City of Mason; and

WHEREAS, the City of Mason has respectfully requested that MDOT consider a "Double Cantilevered" traffic signal which would limit the traffic signal to two poles with no overhead wires; and

WHEREAS, MDOT has also recommended providing a thirty day traffic study, creating a four way stop, which would register data to include in a warrant study to define the removal of the traffic signal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason hereby requests that MDOT work with the city to obtain an appropriate traffic signaling device for Mason's Historic Downtown.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council directs the City Administrator to proceed with a traffic study of the intersections of Jefferson/Ash Streets and Jefferson/Maple Streets to analyze traffic and pedestrian volumes to determine if the traffic signals are warranted, at a cost not to exceed $2,500
Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (2) Bruno, Waltz
RESOLUTION APPROVED

Resolution No. 2007-44 – To Purchase Easement and License Agreements To Establish A Raw Water Main For The Water Treatment Plant.
Resolution No. 2007-44 was introduced by Waltz and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-44
RESOLUTION TO PURCHASE EASEMENT AND LICENSE AGREEMENTS TO ESTABLISH A RAW WATER MAIN FOR THE WATER TREATMENT PLANT
September 4, 2007

WHEREAS, the City of Mason is building a Water Treatment Plant to remove radium 226/228 and iron; and

WHEREAS, It is necessary to build a raw water main as a component of the water transmission system to move water from the city well system to the new water treatment plant; and

WHEREAS, placement of the raw water main crosses properties which require either an easement or license agreement; and

WHEREAS, the cost of the easements and two license agreements total $43,535; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and the City Administrator to execute the easement and two license agreements with Norfolk Southern Railway Company on behalf of the City of Mason.

Yes (7) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Report – Capitol Area District Library (CADL) – Capital Improvement Pro ect
Sue Hill, CADL Director, CADL Board Member Sally Trout, and Mason Branch Head Librarian Barbara Faiks were present. Ms. Hill gave a brief report regarding the capital Improvement project that was born from a committee of community residents that worked on CADL's strategic plan. Their objective was to have modern library buildings that support excellent patron service. Ms. Hill stated that CADL would like the city of Mason to participate with the library by donating land where a building could be located. Whipple asked that CADL reconsider their decision to make the city of Mason a participating member. A brief discussion ensued.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Preadmore suggested amending the agenda to move guests that are making Council presentations to the top of the agenda. Bruno provided an article from the Free Press regarding Livingston County's dissatisfaction with the Courts and Law Enforcement Management Information System (CLEMIS). Clark informed Council that Fire Truck 809 was being driven back to the station after receiving repairs when one of the front tires blew. J & B Tire replaced the tire and upon inspection, discovered that the other front tire needed replacement. The owners of J & B Tire donated both tires and labor costs, estimated at $1,000, to the City in conjunction with *Mason Cares* coming up September 11.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Clark asked Mr. Colburn to pass along the Council's condolences to Building Inspector John Dodson, whose father passed away this week.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:15 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 20, 2007

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led in 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
John Stressman, Chief of Police
Ed Hude, Police Sergeant
David Haywood, Zoning & Development Director
Kerry Minshall, Fire Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING AUGUST 6, 2007
The Minutes of August 6, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $110,135.06 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Ordinance No. 161 – An Ordinance To Amend The Mason City Code To Permit Monopole Towers On Publicly-Owned Property – First Reading
Stressman discussed his recommendation to adopt Ordinance No. 161. Specifically for the proposal submitted by Nextel to replace the existing structure, including one gratis antenna for the city, and three additional antenna positions, one for Nextel and two for future cellular carriers that would provide transmission signals for the general public. Haywood spoke regarding the zoning amendment necessary to allow monopole towers on publicly-owned property only in the downtown district. McGinty stated that this ordinance meets all the objectives of the national policy set forth in the Federal Communications Act.

MOTION by Preadmore, second by Naeyaert,
To consider Ordinance No. 161 read for the first time.

MOTION by Whipple, second by Preadmore,
to amend Section 141 (d)(8), in the first line, by striking everything after antennae, and inserting the phrase, *in accordance with the requirements of Section 94-173 (d)(13)(a)(5)*.

Bruno stated that he thinks the city attorney is knowledgeable in writing ordinances and he doesn't see the need to make a change. Waltz stated that the proposed amendment is consistent with the recent ordinance rewrite that was approved by resolution to reduce the amount of redundancies.

VOTE ON THE AMENDMENT:
Yes (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (1) Bruno
AMENDMENT APPROVED

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Ordinance No. 162 – An Ordinance Authori ing the Issuance of Water Supply and Sanitary Sewage Disposal System Improved Revenue Bonds for the Construction of Necessary Improvements to the System

City engineers, Bill Potter and Don Heck informed Council that the negotiations with the contractor to reduce costs resulted in not eliminating major items that were discussed at the last meeting with Council because it would not have been a good trade. Bonding attorney, Mike Gresens explained the terms of bonding for the project. Tom Traciak of ACI Finance, Inc. advised Council regarding financing of revenue bonds for the water supply and sanitary sewage disposal system project.

CITY OF MASON
COUNTY OF INGHAM
STATE OF MICHIGAN
ORDINANCE NO. 162

AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEM IMPROVEMENT REVENUE BONDS BY THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, FOR THE PURPOSE OF DEFRAYING A PORTION OF THE COST OF CONSTRUCTING CERTAIN IMPROVEMENTS TO THE CITY'S WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEM, LOCATED IN THE CITY OF MASON, TOGETHER WITH ANY NECESSARY RIGHTS IN LAND AND APPURTENANCES THERETO; PRESCRIBING THE FORM OF THE BONDS; PROVIDING FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COST OF THE OPERATION AND MAINTENANCE OF THE SYSTEM; PROVIDING FOR THE PAYMENT OF THE BONDS; PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES FROM THE SYSTEM; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND ENFORCEMENT THEREOF; AND PROVIDING FOR OTHER MATTERS RELATED TO THE BONDS AND THE SYSTEM.

WHEREAS, it has been determined by the City Council of the City of Mason, Ingham County, Michigan (the "City" or the "Issuer"), that it is necessary for the public health and welfare of the City to make certain improvements to the City's water supply and sanitary sewage disposal system (the "System"), including, but not limited to, the acquisition and construction of a water treatment plant for the removal of radium, as well as all other necessary and related improvements, and engineering and financing costs (the "Project"); and

WHEREAS, the total cost of the Project, including incidental expenses, and legal, financing, engineering and other related issuance costs, has been estimated by the City's engineers to be approximately Eight Million, Nine Hundred Thousand Dollars ($8,900,000); and

WHEREAS, the City Council has determined that it is in the best interests of the City to finance a portion of the cost of the Project through the issuance of bonds; and

WHEREAS, in order to maintain reasonable rates and charges and continue to provide sufficient funds for the operation and maintenance of the System, and to provide for the acquisition and construction of the Project, the City is authorized and does determine it to be in the best interests of the City to issue revenue bonds, secured primarily by a statutory lien against the System's revenues as provided by the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended (MCL 141.1, *et seq.*) (the "Act"), and to be further secured by the pledge of the City's full faith and credit; and

WHEREAS, the City Council determines that a portion of the cost of the Project is to be defrayed by the issuance of not to exceed Eight Million Dollars ($8,000,000) 2007 Water Supply and Sanitary Sewage Disposal System Improvement Revenue Bonds (the "Bonds"), to be issued in one or more series; and

WHEREAS, the City Council determines that it is in the best interests of the City to finance a portion of the cost of the Project through the issuance of the Bonds pursuant to the Drinking Water Revolving Fund Program (the "DWRF Program") administered by the Michigan Department of Environmental Quality (the "MDEQ"); and

WHEREAS, the City has been approved by the Michigan Department of Treasury as a qualified issuer of municipal securities, and all things necessary for the authorization and issuance of revenue bonds under the Constitution and laws of the State of Michigan, ordinances and resolutions of the City, and particularly the Act, have been done, and the City is now empowered and desires to authorize the issuance of the Bonds; and

WHEREAS, the City Council desires to negotiate the sale of the Bonds to the Michigan Municipal Bond Authority (the "MMBA" or the "Authority") as it is in the best interests of the City to issue the Bonds through a negotiated sale to the MMBA based upon the favorable terms and reduced costs of issuance that are available through the MMBA pursuant to the MDEQ's DWRF Program, and to authorize the execution and delivery of any and all documents necessary to effectuate the sale and delivery of the Bonds to the Authority.

NOW, THEREFORE, THE CITY OF MASON ORDAINS

1. Necessity; Cost Estimate; Useful Life. It is hereby determined and declared to be necessary for the public health and welfare of the residents of the City to improve the System by constructing and acquiring the Project, and the City Council determines that the estimated cost of the Project, including incidental expenses, is approximately Eight Million, Nine Hundred Thousand Dollars ($8,9000,000), and the period of usefulness of said improvements to be not less than twenty (20) years.

2. Payment of Costs. To pay a portion of the cost of acquiring and constructing the Project, including the payment of any bond discount and other costs of issuance, it is hereby determined that there be borrowed upon the credit of the income and revenues of the System the sum of not to exceed Eight Million Dollars ($8,000,000), and that revenue bonds be issued therefor under the provisions of the Act. The remaining Project costs will be paid for from available City funds on hand.

3. The Michigan Municipal Bond Authority. The City Council, based upon consultations with and recommendations from its financial consultant and bond counsel, hereby determines that it is in the best interests of the City to issue the Bonds through a negotiated sale to the MMBA, rather than sell the Bonds at a public sale, based upon the favorable terms [including the interest rate(s)] and reduced costs of issuance that are available through the MMBA pursuant to the MDEQ's DWRF Program. In the event that the Bonds are sold to the MMBA, the following subprovisions shall apply:

(a) Bond Purchase Contract. The Bonds are hereby authorized to be sold to the MMBA pursuant to the Act, Act 227 of 1985, Act 34 of 2001, and other applicable statutory provisions, and to bear an original issue date, and bear interest at the rates as shall be determined by the City Administrator, Clerk or Finance Director/Treasurer (each an "Authorized Officer"). In the event that the Bonds are sold to the MMBA, the Issuer hereby approves, and an Authorized Officer is hereby authorized and directed to execute and deliver, the Bond Purchase Contract, the Supplemental Agreement, the Revenue Sharing Pledge Agreement, if necessary, and the Issuer's Certificate as provided by the MMBA for the sale to the MMBA of the Bonds, if, in the judgment of the Authorized Officer, the interest rate or rates on the Bonds and other terms and conditions of the Bond Purchase Contract and other agreements and certificates are in the best interests of the City to accept.

(b) Discount. The City hereby authorizes the sale of the Bonds to the MMBA at a discount of not to exceed five percent (5%), and an Authorized Officer is hereby authorized and directed to approve the specific discount offered by the MMBA and the interest rates for the principal amount of the Bonds, if, in the Authorized Officer's judgment, the discount, interest rates and principal amount of the Bonds are in the best interests of the City to accept.

(c) MMBA's Depository. Notwithstanding any other provision of this Ordinance, so long as the MMBA is the owner of the Bonds, (a) the Bonds are payable as to principal, premium, if any, and interest at the designated corporate trust office of the MMBA's Depository, or at such other place as shall be designated in writing to the Issuer by the MMBA; (b) the Issuer agrees that it will deposit with the MMBA's Depository payments of the principal of, premium, if any, and interest on the Bonds in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of the Bonds shall be given by the Issuer and received by the MMBA's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest thereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is one percent above the MMBA's cost of providing funds (as determined by the MMBA) to make payment on the bonds of the MMBA issued to provide funds to purchase the Bonds, but in no event in excess of the maximum rate of interest permitted by

law. The additional interest shall continue to accrue until the MMBA has been fully reimbursed for all costs incurred by the MMBA (as determined by the MMBA) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the MMBA. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the MMBA) the investment of amounts in the reserve account established by the MMBA for the bonds of the MMBA issued to provide funds to purchase the Bonds fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the MMBA issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro-rata share (as determined by the MMBA) of such deficiency as additional interest on the Bonds.

(d) Prior Redemption. The Bonds may be subject to redemption prior to maturity by the City only with the prior written consent of the MMBA and on such terms as may be required by the MMBA.

Notice of redemption of any bond shall be given at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner(s) at the registered address shown on the registration books kept by the Bond Registrar. Bonds shall be called for redemption in multiples of $5,000, and bonds of denominations of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in an aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered owner thereof. No further interest payment on the bonds or portions of the bonds called for redemption shall accrue after the date fixed for redemption, provided funds are on hand with the Bond Registrar to redeem same.

(e) The Issuer hereby agrees to and approves the inclusion of the following terms and conditions in the Bonds and other related closing documents and certificates in substantially the form as provided below:

(1) The Issuer promises to pay to the Authority the principal amount of the Bond or so much thereof as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the MDEQ.

(2) Interest is first payable April 1, 2008 and semiannually thereafter and principal is payable on the first day of April commencing April 1, 2009 (as identified in the Purchase Contract) and annually thereafter, or as otherwise approved by the City Administrator or the Finance Director/Treasurer, or a designee thereof.

(3) Bonds may be subject to redemption prior to maturity by the Issuer only with the prior written consent of the Authority and on such terms as may be required by the Authority.

(4) Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at the Authority's Depository or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

(5) In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payments on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been full reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve

account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

(6) During the time funds are being drawn down by the Issuer under this Bond, MMBA will periodically provide the Issuer a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of MMBA to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Issuer of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

(7) Such other standard terms and provisions as may be reasonably required by the MMBA for Bonds issued pursuant to the DWRF Program.

4. The Bonds. The Bonds of the Issuer aggregating the principal sum of not to exceed Eight Million Dollars ($8,000,000) shall be issued for the purpose of paying the cost of the Project. The Bonds may be issued in one or more series, with the aggregate principal amount(s) not to exceed Eight Million Dollars ($8,000,000). The Bonds shall be designated "2007 Water Supply and Sanitary Sewage Disposal System Improvement Revenue Bonds"; shall be dated the date of delivery; shall be fully registered Bonds as to principal and interest; shall be issued in denominations of $5,000 or integral multiples thereof, shall bear interest at a rate or rates to be hereafter determined not exceeding 2.125% per annum, payable on April 1, 2008, and semiannually thereafter on the first day of October and April in each year; and shall mature semiannually on April 1 in each year as follows:

Year	Amount	Year	Amount
2009	$325,000	2019	$400,000
2010	330,000	2020	410,000
2011	340,000	2021	420,000
2012	345,000	2022	430,000
2013	355,000	2023	435,000
2014	360,000	2024	445,000
2015	370,000	2025	455,000
2016	375,000	2026	465,000
2017	385,000	2027	475,000
2018	395,000	2028	485,000

The City Administrator, the Finance Director/Treasurer, and/or a designee thereof, is hereby authorized to adjust the maturity schedule, the interest payment dates, determine (after consultation with the City's bond counsel and financial consultant) the priority of the statutory lien on the Net Revenues of the System associated with the Bonds, and/or reduce the principal amount of the borrowing as deemed necessary and reasonable to the Project.

5.Bond Execution. The Mayor and Clerk are hereby authorized to manually sign, or cause their facsimile signatures to be affixed to, the Bonds in conformity with the above specifications and the Finance Director/Treasurer is hereby authorized and directed to deliver the Bonds and to the purchaser thereof upon receipt of the purchase price and accrued interest, if any.

6.Lost, Destroyed, Mutilated Bonds. If any Bond shall become mutilated, the Issuer, at the expense of the bondholder, shall execute, and the paying agent, if any, shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond upon surrender to the paying agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft and indemnity may be submitted to the paying agent and, if this evidence is satisfactory to both the paying agent and the Issuer, an indemnity satisfactory to the paying agent and the Issuer shall be given and the Issuer, at the expense of the owner, shall execute, and the paying agent shall thereupon authenticate and deliver a new Bond of like tenor and bearing the statement required by Act 354, Public Acts of Michigan, 1972, as amended, being §§ 129.131 to 129.134, inclusive, of the Michigan Compiled Laws, or any applicable law hereafter enacted in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond, the paying agent may pay the same without surrender thereof.

7.Bond Form. The Bonds shall be in substantially the form as attached hereto as **E hibit A**. The Mayor and Clerk are authorized to execute the Bonds manually or by facsimile signature if authorized by law.

8.City Administrator's Authority. The City Administrator, or a designee thereof, if permitted by

law, is hereby authorized to:

(a)file with the Department within fifteen (15) business days after issuance of the Bonds, any and all documentation required subsequent to the issuance of the Bonds, together with any statutorily required fee.

(b)execute and file any necessary applications for approvals or waivers from the Department, the MMBA, and/or the MDEQ.

9.Application for Approval to Issue Bonds. If necessary, the Supervisor or a designee thereof is hereby authorized to cause an application to be filed with the Local Audit and Finance Division of the Department for approval to issue and sell the Bonds, and the Finance Director/Treasurer is authorized to provide the necessary sum to accompany said application, and to take such other steps as are necessary to sell said Bonds.

10.Delegation of Authority. The Authorized Officers, and all other officers, agents and representatives of the Issuer and each of them shall appoint a paying agent/bond registrar, and execute, issue and deliver any certificates, statements, warranties, representations, or documents necessary to effect the purposes of this Ordinance or the Bonds. The officers, agents and employees of the Issuer are authorized to take all other actions necessary and convenient to facilitate the sale and delivery of the Bonds.

11.Bond Counsel. Thrun Law Firm, P.C., is hereby appointed as bond counsel for the City and the Authority with reference to the issuance of the Bonds. Further, Thrun Law Firm, P.C., represents no other party with respect to the issuance of the Bonds.

12.Advance Payment of Project Costs. The advance payment for the Project is hereby approved, and the monies are authorized to be advanced from monies on hand in the Issuer's general or water and sanitary sewer fund, which monies will be repaid to the general or water and sanitary sewer fund with a like amount, plus interest from the date of withdrawal, from the proceeds of the Bonds when received. The Issuer shall reimburse the general or water and sanitary sewer fund not earlier than the date on which the costs and expenses are paid and not later than the later of:

(a) the date that is eighteen (18) months after the costs and expenses are paid; or

(b) the date the Project placed in service or abandoned, but in no event more than three (3) years after the costs and expenses are paid.

13. Security for Bonds. The Bonds hereby authorized, together with interest thereon, are payable primarily from the net income and revenues to be derived from the operation of the System. To pay such principal and interest as and when same shall become due, there is hereby created a statutory lien upon the whole of the net revenues of the System, the priority of which lien shall be determined by the City Administrator or the Finance Director/Treasurer, or a designee thereof, to continue until the payment in full of the principal and interest on said Bonds and said revenues shall be set aside for that purpose and identified as the "Water Supply and Sanitary Sewage Disposal System Revenue Bond and Interest Redemption Fund Account" as hereinafter specified. If required by the MMBA, the full faith and credit of the City, pursuant to the applicable provisions of the Act, shall be pledged as additional security for the payment of the Bonds when due, subject to existing constitutional, statutory and charter tax rate limitations. In the event the revenues received from the operation of the System are insufficient to pay principal and interest on the Bonds when due, the City will advance funds therefor from general funds of the City and will, if necessary, levy taxes within applicable tax rate limitations for the prompt payment of principal and interest on the Bonds. Should the City advance funds at any time for payment of the Bonds, it is entitled to be reimbursed from the first funds thereafter available for such purpose.

14. Custodian of Funds. The Finance Director/Treasurer shall be custodian of all funds belonging to and/or associated with the System and such funds shall be deposited at a bank to be determined by the Finance Director/Treasurer, which bank shall be insured by the Federal Deposit Insurance Corporation. The Finance Director/Treasurer is hereby directed to create the following funds and accounts into which the bond proceeds and the revenues and income from the System shall be deposited, which accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid:

(a) Construction Account. The proceeds of the Bonds hereby authorized shall be deposited in the Construction Account in a bank to be determined by the Finance Director/Treasurer, which bank shall be insured by the Federal Deposit Insurance Corporation. Said moneys shall be used solely for the purposes for which the Bonds were issued.

Any unexpended balance of the proceeds of sale remaining after completion of the Project herein authorized may, in the discretion of the City Council, to the extent of fifteen percent (15%) of the amount of the Bonds authorized by this Ordinance, be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure or such use be approved by the Local Audit and Finance Division of the Department or successor agency. Any remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Account and shall be used for such purposes as allowed by law.

After completion of the Project and disposition of remaining bond proceeds, if any, pursuant to the provisions of this section, the Construction Account shall be closed.

(b) System Receiving Fund Account. The gross income and revenues of the System shall be set aside into a separate account to be designated the Receiving Fund Account, and monies so deposited therein shall be expended and used only in the manner and order as follows:

(1) Operation and Maintenance Account. Prior to the beginning of each fiscal year, the City will prepare an annual budget of the System for the ensuing fiscal year, itemized on the basis of monthly requirements. There shall be set aside and deposited each quarter pursuant to the budget a sufficient portion of the income and revenue in the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administering, operating and maintaining the System for the ensuing quarter.

(2) Bond and Interest Redemption Account. After the transfer required in (1) above, there shall be transferred each quarter from the System's Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the System's Bond and Interest Redemption Fund Account (hereinafter called "Bond and Interest Redemption Account"), for payment of principal and interest on the Bonds a sum equal to at least one-half (½) of the amount equal to the interest due on the next ensuing interest due date and not less than one-fourth (1/4) of the principal maturing on April 1 of each year thereafter. If for any reason there is a failure to make such quarterly deposit, then an amount equal to the deficiency shall be set aside and deposited in the Bond and Interest Redemption Fund Account of the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

No further payments need be made into the Bond and Interest Redemption Account after enough of the Bonds have been retired so that the amount then held in said Account is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the Bonds then remaining outstanding.

(3) General Purpose Account. The balance of income and revenue after the transfers required in (1) and (2) above have been made, shall be deposited to a General Purpose Account, which Account shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the System, which may be caused by an unforeseen catastrophe, for making extensions or improvements to the System, and when necessary, for the purpose of making payments of principal and interest on the Bonds hereby authorized if the amount in the Redemption Fund Account is not sufficient to meet such payments, then these funds shall be transferred to the Redemption Account. The funds in the General Purpose Account may be invested in obligations of the United States or such other obligations as are permitted by law. Any such investment will be a part of the General Purpose Account.

(4) Surplus Monies. Whenever there shall accumulate in the Redemption Fund Account amounts in excess of the requirements during the next eighteen (18) months for paying the principal of Bonds falling due and interest on outstanding Bonds and in the excess of the requirements of the Operation and Maintenance Account hereinbefore established, such excess may be used by the City for redemption of Bonds in the manner set out below or for any lawful purpose of the Issuer provided that the General Purpose Account is also fully funded and the City Council determines that such funds will not be required for extraordinary maintenance expenses.

All monies remaining in the System's Receiving Account at the end of any operating year after satisfying the above requirements may be transferred to the Bond and Interest Redemption Account and used to call Bonds for

redemption, or at the option of the City, transferred to the General Purpose Account and used for the purposes for which said Account was established: Provided, however, that if there should be a deficit in the Operation and Maintenance Account, Bond and Interest Redemption Account or the General Purpose Account, on account of defaults in setting aside therein the amount hereinbefore required, then transfers shall be made from such funds remaining in the System's Receiving Account to such funds in the priority and order named, to the extent of such deficits.

15. Rates and Charges. Prior to the issuance of the Bonds, rates and charges for the services of said System will be fixed in an amount sufficient to pay the costs of operating and maintaining the System, and to provide sufficient revenue for principal and interest, debt service, replacement and improvement requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of said System and the cost of maintaining, repairing and operating the same and the amounts necessary for the retirement of all Bonds and accruing interest on the Bonds and such amounts as may be necessary to meet the requirements of the preceding section.

16. Investment of Funds. Moneys in the funds and accounts established herein and moneys derived from the proceeds of sale of the Bonds, may be invested by the Issuer in United States of America obligations or in obligations the principal of and interest on which is fully guaranteed by the United States of America, and moneys derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of moneys in the Redemption Account being accumulated for payment of the next maturing principal or interest payment on the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the funds in the Receiving Account, Operation and Maintenance Account and Improvement Account shall be deposited in or credited to the Receiving Account at the end of each fiscal year. Interest earned on the Bond and Interest Redemption Account shall be used to pay debt service on the Bonds and the next required transfer from the Receiving Account shall be reduced accordingly.

17. No Free Service. No free service shall be furnished by the System to any individual, firm or corporation, public or private, or to any public agency or instrumentality.

18. Covenants. The Issuer covenants and agrees that so long as any of the Bonds hereby authorized remain unpaid as follows:

(a) It will comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b) It will cause to be maintained and kept proper books of record and account, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. Not later than sixty (60) days after the close of each operating year, the City Council will cause to be prepared, on forms furnished by the Local Audit and Finance Division, if such forms are available, a statement in reasonable detail, sworn to by its Finance Director/Treasurer, showing the cash income and disbursements of the System during each operating year, the assets and liabilities of the System at the beginning and close of the fiscal year, and such other information as is necessary to enable any taxpayer of the Issuer, user of the service furnished, or any holder or owner of the Bonds, or anyone acting in their interest, to be fully informed as to all matters pertaining to the financial operation of the System during such year. Such statement and books of record and account shall at all reasonable times be open to inspection by any taxpayer of the City, user of the service, or holder or holders of any Bonds, or anyone acting in their interest. The City Council of the Issuer will also cause an annual audit of such books and records and account for the preceding operating year to be made by a recognized independent certified public accountant, and will mail such audit to the supervisor/manager of the account or syndicate purchasing the Bonds. Such audit shall be completed and so made available not later than six (6) months after the close of each operating year.

(c) The Issuer will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System of the kind and in the amounts normally carried by municipalities engaged in the operation of municipal water supply and sanitary sewage

disposal systems. All monies received from losses under such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purposes of calling Bonds.

(d) The Issuer will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in lands, by sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of at least 51% of the Bond holders of the then outstanding Bonds.

(e) Any extensions to or improvements of the System shall be made according to sound engineering principles and plans.

(f) The Issuer will periodically review the System's rates and charges for services to ensure that same are adequate to pay the costs of operating and maintaining the System and to provide sufficient revenue for the payment of principal and interest on the Bonds, debt service, replacement and improvement requirements, and any other necessary and reasonable expenses and charges. If the System's rates and charges are found to be insufficient to pay the aforementioned expenses and costs, the Issuer shall adjust the System's rates and charges as necessary to comply with this provision. Said review of the System's rates and charges shall be conducted at least annually.

19. Rates, Billing and Enforcement. The rates charged for the services of the System, and the billing, enforcement, and collection of charges for such services, as well as the general management of the System, shall be as currently provided by the ordinances and resolutions of the City.

20. Additional Bonds. The Issuer may issue additional bonds of equal standing for the following purposes and on the following conditions:

(a) To complete construction of the Project according to the plans set forth in Section 1, bonds in the amount necessary may be issued.

(b) For the purposes of making reasonable repair, replacement, improvements or extensions to the System, additional bonds of equal standing may be issued if the Net Revenues of the System for the fiscal year preceding the year in which such additional bonds are to be issued were one hundred twenty percent (120%) of the average annual debt service requirements on all Bonds then outstanding and together with projected net revenues equal or exceed one hundred twenty percent (120%) of proposed new debt service on all bonds including the bonds to be issued.

The accounts and funds herein established shall be applied to all additional bonds issued pursuant to this section as if said bonds were part of the original bond issue and all revenue from any such extension or replacement constructed by the proceeds of an additional bond issue shall be paid to the System's Receiving Fund Account mentioned in this Ordinance.

Except as otherwise specifically provided, so long as any of the Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the System shall be incurred or issued by the City unless the same shall be junior and subordinate in all respects to the Bonds herein authorized.

21. Ordinance Shall Constitute Contract. The provisions of this Ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of such Bonds, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders, nor shall the Issuer adopt any law, ordinance or resolution in anyway adversely affecting the rights of the holders so long as said Bonds or interest thereon remains unpaid.

22. Default of the Issuer. If there shall be default in the Redemption Account, provisions of this Ordinance or in the payment of principal or interest of any of the Bonds, upon the filing of a suit by twenty percent (20%) of the holders of the Bonds, any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation expenses and to apply income and revenues in accordance with this Ordinance and the laws of Michigan.

The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the City obligations, all contracts and other rights of the Issuer conditionally, for such time only as such receiver or operator shall operate by authority of the court.

The holders of twenty percent (20%) of the Bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

23. Fiscal Year of System. The fiscal year for the operation the System is from July 1 to June 30 of each year.

24. Application to Department of Treasury and Other Governmental Agencies. The Mayor, City Administrator, Clerk, Finance Director/Treasurer, members, staff, counsel and Bond Counsel for the Issuer, or any of them, are authorized on behalf of the Issuer to apply for such rulings, order and approvals and file or submit such elections or other documents to any governmental agency and execute all necessary documents on behalf of the City in order that the Bonds may be validly issued and the interest thereon be exempt from federal income taxation and are further hereby authorized to execute, date and deliver such other certificates, documents, instruments, and opinions and other papers as my be required by the Purchase Contract or as may be necessary or convenient to effectuate the sale and delivery of the Bonds in accordance with the terms of the Purchase Contract.

25. Financial Consultant. The financial consulting firm of ACI Finance, Inc., Mason, Michigan, is hereby appointed as financial consultants to the City with reference to the issuance of the Bonds herein authorized.

26. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void, shall not be deemed to affect the validity of any other section or subdivision of this Ordinance.

27. Section Headings. The section headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

28. Publication and Recordation. This Ordinance shall be published once in full in a newspaper of general circulation within the corporate limits of the City, qualified under Michigan law to publish the legal notice, promptly after its adoption.

29. Effective Date. This Ordinance is hereby determined to be immediately necessary for the preservation of the public health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.

APPROVED AND ENACTED by the City Council of the City of Mason, County of Ingham, State of Michigan, on August 20, 2007.

_____
Leon Clerk, Mayor

(Seal)

Attest:

_____
Martin A. Colburn, Clerk
City of Mason

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly enacted by the City Council of the City of Mason, County of Ingham, State of Michigan, at a regular meeting held on Monday, the 20th day of August, 2007, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the

minutes of the meeting were kept and will be or have been made available as required by the Act.

I further certify that the following Council Members were present at the meeting: (7) Leslie Bruno, Jr., Leon Clark, James Mulvany, Robin C. Naeyaert, Scott Preadmore, Michael Waltz, and Russell W. Whipple.

and that the following Council Members were absent: None.

I further certify that Council Member Whipple moved enactment of the Ordinance, and that the motion was supported by Council Member Naeyaert.

I further certify that the following Council Members voted for enactment of the Ordinance: (6) Leon Clark, James Mulvany, Robin C. Naeyaert, Scott Preadmore, Michael Waltz, and Russell W. Whipple.

and that the following Council Members voted against enactment of the Ordinance: (1) Leslie Bruno, Jr.

I further certify that the Ordinance has been recorded in the Ordinance Book and that the recording has been authenticated by the signatures of the Mayor and the Clerk.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

EXHIBIT A

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF INGHAM
CITY OF MASON
2007 WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEM IMPROVEMENT REVENUE BOND
(GENERAL OBLIGATION - LIMITED TAX)

Rate	Principal Amount	Maturity Date	Date of Original Issue
___%	$____	_____	September __, 2007

REGISTERED OWNER:

CITY OF MASON, COUNTY OF INGHAM, STATE OF MICHIGAN (the “Issuer”), promises to pay to the Michigan Municipal Bond Authority (the "Authority" or "MMBA"), primarily from the net revenues of the Issuer’s water supply and sanitary sewage disposal system, including all appurtenances, additions, extensions and improvements thereto (the “System”), the Principal Amount of this Bond specified above, in lawful money of the United States of America on the Maturity Date specified above, with interest thereon from the Date of Original Issue specified above, or subsequent dates of the installment deliveries as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the Department of Environmental Quality, until paid at the Rate specified above (the "Bond" or "Bonds"), provided that the principal repayments required herein to be paid to the Authority shall not exceed the total of the principal installments received.

Interest is first payable April 1, 2008, and semiannually thereafter, and principal is payable on the first day of April commencing April 1, 2009 (as identified in the Purchase Contract) and annually thereafter.

This Bond is a single instrument, numbered 1, evidencing multiple annual maturities delivered in installments aggregating the principal amount of $8,000,000, is payable in installments as set forth in Schedule A , and is issued pursuant to Ordinance No.162, enacted by the City Council of the Issuer on August 20, 2007 (the "Ordinance"), and under and in full compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, and Act 34, Public Acts of Michigan, 2001, as amended, for the purpose of defraying a portion of the cost of acquiring and constructing certain

improvements to the System.

This Bond is payable, both as to principal and interest, primarily from the revenues of the System, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance thereof (the “Net Revenues”), and the Net Revenues are hereby irrevocably pledged and a statutory ____ lien thereon is hereby recognized and created. The principal of and interest on this Bond are secured by that statutory ____ lien. The Issuer, in addition to the foregoing, has pledged its full faith and credit subject to applicable constitutional, statutory and charter tax rate limitations, for the repayment of the Bonds. In case of an insufficiency of the Net Revenues of the System, this Bond is payable from the general funds of the Issuer. For a complete statement of the revenues from which, and the conditions under which, this Bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Ordinance.

The Issuer has covenanted and agreed and does hereby covenant and agree to (a) fix and maintain at all times while any bonds, including any principal installments of this Bond, payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of this Bond and any additional bonds of equal standing payable from the Net Revenues of the System as and when the same become due and payable, (b) create a bond and interest redemption account therefor, (c) provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and (d) provide for such other expenditures and funds for the System as are required by the Ordinance.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Trust Company, N.A. or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

During the time funds are being drawn down by the Issuer under this Bond, MMBA will periodically provide the Issuer a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of MMBA to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Issuer of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

This Bond may be subject to redemption prior to maturity by the Issuer only with the prior written consent of the Authority and on such terms as may be required by the Authority.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this Bond have been done, have happened and have

been performed in regular and due time and form as required by law. Further, the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, City of Mason, County of Ingham, State of Michigan, by its City Council, has caused this Bond to be signed in its name by the manual signature of its Mayor and to be countersigned by the manual signature of its Clerk, and its corporate seal or a facsimile thereof to be hereunto affixed, all as of September __, 2007.

CITY OF MASON
COUNTY OF INGHAM
STATE OF MICHIGAN

By:_____
Leon Clark, Mayor

Countersigned:

_____
Martin A. Colburn, Clerk

ORDINANCE APPROVED

Resolution No. 2007–42 - Resolution of City Officer Appointment – Public Works Director

Colburn introduced Mr. Rolland Olney for appointment as the Public Works Director. Mr. Olney spoke briefly regarding his work experience and desire to serve the city of Mason. Resolution No. 2007-42 was introduced by Naeyaert and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-42
RESOLUTION OF CITY OFFICER APPOINTMENT – PUBLIC WORKS DIRECTOR
August 20, 2007

WHEREAS, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

WHEREAS, as listed in section 4.6, the Administrative Officers of the City are listed; and

WHEREAS, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

WHEREAS, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing Rolland D. Olney as Public Works Director.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Rolland D. Olney as an Administrative Officer to the office of Public Works Director and is hereby charged with performing the duties and responsibilities of the office.

RESOLUTION APPROVED UNANIMOUSLY

Motion – MML Annual Meeting – Designation of Voting Delegate

Mulvany stated that he would attend the meeting if his calendar is clear.

MOTION by Mulvany, second by Preadmore,
to appoint Councilmember Mulvany as the voting delegate at the MML annual meeting.
MOTION APPROVED UNANIMOUSLY

Report - Feasibility Study – Fire Station 2 – Fire Chief Minshall

Minshall briefly commented on the feasibility study conducted to consider expansion to Fire Station #2. In summation, he reported that the Board of Officers is not recommending an addition at this time. Rather, it is determined that Station #2 should remain open for placement of vehicles, an addition of a loft at Station #1 should be pursued, a tanker should be housed at Station #1, and the Ingham County Haz-mat truck and trailer should be moved to Station #2.

MOTION by Whipple, second by Preadmore,
to accept the Feasibility Study for Fire Station #2 and place it on file.
MOTION APPROVED UNANIMOUSLY

Discussion – Ordinance No 159 – Signs

Haywood spoke regarding the latest draft of Ordinance No. 159 resulting from meetings held with Cedar Street business owners. The most significant, would be to institute an appeals board, which would consist of the Building Board Code of Appeals members and two additional members who would be from the business community. A brief discussion ensued.

Discussion – Michigan Department Of Transportation (MDOT) Street Light Pro ect

The City has been advised by MDOT that an upgrade to the traffic light at Jefferson Street and Ash Street (M-36) is planned for its 2008 construction schedule. The two-pole configuration will be changed to a four-pole configuration. MDOT officials agreed to research the possibility of two cantilevered mast poles. As another option, officials proposed setting up the intersection as a four-way stop for a thirty day test period, and if agreeable by the city and MDOT, reconfigure the intersection as a four-way stop. Colburn recommended hiring a traffic engineer to conduct a traffic study for this intersection, as well as the intersection of Maple and Jefferson Streets, and requested Council to take formal action directing staff to move forward. Discussion ensued and it was the consensus of Council to present a resolution on the next regular meeting agenda for this matter.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Bruno informed Council that the Vietnam Moving Memorial Wall was at the Eaton Rapids V.F.W. Home in August. Representatives of the Mason area American Legion Post and V.F.W. were chosen to serve as honor guards for that ceremony. Clark informed Council regarding the presentation by Dave Ivan of the MSU Extension entitled, ‘Can Small Towns Be Cool?”

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding Planning Commission business.

ADMINISTRATOR’S REPORT

Colburn informed the Council regarding current city business. Stressman was asked to inform Council regarding the notice received by the Mason Police Department, and various other jurisdictions, stating

that effective October 1, the Ingham County Sheriff's Department will no longer manage warrants, LIEN entries, stolen property, missing persons, etc. The service desk where the LEIN computer was located has been closed and moved into lock-up due to budget restraints. Stressman expressed the necessity of access to this information, means of obtaining the services, and current related legislation. He recommended that the services be obtained through the State of Michigan Police at this time.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Preadmore,
To adjourn to executive session to discuss an attorney/client privileged communication.
ROLL CALL VOTE:
Yes (7) Mulvany, Naeyaert, Preadmore, Waltz, Whipple, Bruno, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 8:16 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 6, 2007

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
Also present: Martin Colburn, City Administrator
Ken Baker, DPW Superintendent
David Haywood, Zoning & Planning Director
John Dodson, Building/Code Official
Dave Scutt, Fire Chief
Kerry Minshall, Fire Chief
Bill Potter, City Engineer
Don Heck, City Engineer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk
Mason Fire Department Officers and Members

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING JULY 16, 2007
The Minutes of July 16, 2007 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $422,890.66 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
John Pavlik of 448 W. Columbia Street returned to address the Council on the same code violations of the rental house across the street from his residence. He expressed disappointment that no one from the city had contacted any of his neighbors. Clark and Bruno both stated that they walked the property to survey the condition. Clark asked him if he had contacted city staff regarding the rental house issues. Mr. Pavlik responded that he thought it was sufficient to voice his complaints at a City Council meeting. Clark informed Mr. Pavlik of the correct process and invited him to stay and listen to the code enforcement report that is on the agenda later in the evening. Council and Attorney McGinty reinforced the code enforcement process as well as charter and city code that is used and enforced in the city of Mason.

Doreen Pavlik of 448 W. Columbia Street expressed similar and other concerns, adding that most of these conditions have existed for 33 years.

Dorothy Ferris of 502 W. Columbia Street echoed the concerns of the Pavliks regarding the rental house.

REGULAR BUSINESS
Resolution No. 2007- 40 – Resolution of City Officer Appointment – Fire Chief
Resolution No. 2007- 40 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-40
RESOLUTION OF CITY OFFICER APPOINTMENT – FIRE CHIEF
August 6, 2007

WHEREAS, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

WHEREAS, as listed in section 4.6, the Administrative Officers of the City are listed; and

WHEREAS, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and
WHEREAS, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing Kerry Minshall as the Fire Chief.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Kerry Minshall as an Administrative Officer to the office of Fire Chief and is hereby charged with performing the duties and responsibilities of the office.
RESOLUTION APPROVED UNANIMOUSLY

Colburn administered the oath of office to Mr. Kerry Minshall as the new Mason Fire Chief. Chief Minshall expressed his love of the community, fire department, and his commitment to serve. In honor of the Mason Firefighter tradition, Whipple passed on the ceremonial flower arrangement.

Resolution No. 2007- 41 – 2008 Five Year Street Program
Resolution No. 2007- 41 was introduced by Bruno and seconded by Naeyaert. Baker spoke to recent work that has been done and future plans for Mason Street.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 41
2008 FIVE YEAR STREET PROGRAM
August 6, 2007

WHEREAS, a revised five year street reconstruction program was prepared and presented; and
WHEREAS, it was based on a street prioritization study conducted by the Public Works Superintendent and reviewed by the City Engineer; and
WHEREAS, preliminary costs and revenue estimates for the projects have been made; and
WHEREAS, the City Council will review the project list annually to make appropriate allowances or changes to priorities and estimates;
NOW THEREFORE BE IT RESOLVED, that a Five Year Street Construction Program has been accepted by the Mason City Council for project planning and budgetary considerations.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Waiver of Administrative Fee for the Collection of 2007 Real Ad Valorem Ta es Re uested by Kiwanis Village
Motion – Street Closure Re uest for Mason High School Homecoming Parade
Motion – Street Closure Re uested for Mark Street Neighborhood Block Party
Motion – Street Closure Re uested for Charrington Court Neighborhood Social
Motion – Street Closure Re uested for E. Elm Street Neighborhood Block Party
MOTION by Preadmore, second by Bruno,
to approve the following requests: waiver of administrative fee for the collection of 2007 real ad valorem taxes requested by Kiwanis Village, street closure for Mason High School homecoming parade, street closures requested for neighborhood block parties for Mark Street, Charrington Court, and E. Elm Street.
MOTION APPROVED UNANIMOUSLY

Report – Code Enforcement – David Haywood, Zoning Development Director
Haywood summarized the written report he submitted to Council. There has been a substantial increase in the number of cases from last year. Dodson reported the violation citations he has issued, including the W. Columbia Street rental home. Staff was asked to explain the process to file a property maintenance complaint.

Bid - Water Treatment Plant and Water Main
Council reviewed bid lists and award recommendations for the water treatment plant and water main construction as presented by City Engineer Bill Potter, Wolverine Engineers and Surveyors. Potter stated

the bids were much higher than expected; staff negotiated with the apparent low bidder for the construction of the water treatment plant to reduce the cost as much as possible. Concessions were made to eliminate square footage from the foot print intended for future expansion, roofing materials, and the storage tank materials. A brief discussion ensued regarding whether to keep the steel roof in the bid. Bruno thinks the total cost of the project is too high. The following resolution was made to award the bids for the water treatment plant and water main construction.

MOTION by Whipple, second by Naeyaert,
To award the bid to The LaSalle Group, Inc. for the water treatment plant construction in the amount of $5,599,000.00 and to Scarlett Construction Co., Inc. for the water main construction in the amount of $1,829,885.00.

MOTION by Whipple, second by Naeyaert,
to amend the main motion by including the steel roof.
Yes (4) Mulvany, Preadmore, Waltz, Whipple
No (3) Bruno, Clark, Naeyaert
AMENDMENT APPROVED

VOTE ON THE MAIN MOTION:
Yes (6) Clark, Mulvany, Naeyaert, Preadmore, Waltz, Whipple
No (1) Bruno
MOTION APPROVED

It was discussed that a change order will be submitted to reflect the inclusion of the steel roof.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Councilmembers commended Park Superintendent Dennis O'Brien regarding the installation of new playground equipment at Palmer Playground.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Mulvany informed Council regarding Historic District Commission business. Whipple stated that a quorum was not present for the Cable Commission meeting. Clark informed Council regarding Local Development Finance Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. He presented a framed payment of four Michigan quarters from Onondaga Fire Department for the purchase of truck 811.

PEOPLE FROM THE FLOOR
Karen Winchester of 513 W. Columbia Street stated that she has lived next to the above referenced rental house for 23 years. She reported code violations with this house two years ago and to date they have not been corrected. She feels the rental house has a negative impact on the attempts to sell her house.

ADJOURNMENT
The meeting adjourned at 9:31 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 16, 2007

Clark called the meeting to order at 7:33p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

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

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: July 2, 2007
The Minutes of July 2, 2007 were approved as submitted.

APPROVAL OF BILLS
MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of $264,256.59 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
John Pavlik of Lansing stated that he was cited last Friday while repairing the roof of his house located at 448 W. Columbia Street. He informed Council that he was very upset that he was cited while maintaining his rental property, while the rental property across the street, 509 W. Columbia, has been a blight and code issue for years; he stated concern that enforcement is not equitable throughout the city. Council asked Mr. Pavlik if he had spoken with the building department; he replied that he had not.

Karen Winchester of 513 W. Columbia Street stated that Mr. Pavlik was referencing the house next door to her. She expressed concern because she thinks the rental property has serious health and welfare concerns. She has spoken with Building Inspector John Dodson.

REGULAR BUSINESS
Motion – Budget Amendment for Historic District Commission (HDC)
Planning & Development Director Haywood and HDC Chairperson Mark Cummings addressed Council regarding the HDC request to amend its budget line by a $1,000.00 increase. The City received Certified Local Government (CLG) status from the Michigan State Historic Preservation Office (SHPO) and the United States Department of the Interior. CLG status affords municipalities an opportunity to compete for matching funds available through the CLG program. As a condition, the City is required to keep an accurate inventory of the resources within the District.

The HDC conducted the first and only inventory in 1984. Since then, the state and federal data requirements have expanded. Therefore, it is the HDC's intent to update the inventory to meet the federal and state requirements. Having an accurate up-to-date inventory will ensure that the City of Mason will be competitive in future grant funding initiatives.

The total project cost is estimated at $5,000.00, where the City and Centennial Fund have pledged matching funds of $1,000.00 each, and the State would cover the remaining $3,000.00. On May 3, 2007, we were informed that our project was not selected to receive SHPO funding.

Therefore, the HDC is asking that the budget be amended to include the same funding commitment for the 2007/2008 fiscal year.

The HDC understands that without state funding, our potential budget is reduced to $2,000.00. Currently, the HDC is in the process of evaluating the project to accomplish the same goal at a reduced cost.

MOTION by Naeayert, second by Preadmore,
to amend the 2007-2008 Budget by increasing the Historic District Commission line item to $1,000.00.

Discussion ensued.

MOTION by Whipple, second by Bruno,
to amend the main motion by striking $1,000.00 and inserting $4,000.00.
AMENDMENT APPROVED UNANIMOUSLY

VOTE on the main motion:
MOTION APPROVED UNANIMOUSLY

Motion – Designation of Delegates – Michigan Employees Retirement System (MERS) 61st Annual Meeting

As required by MERS, Council approval is required to designate the attending Officer Delegate and Alternate. The Officer Delegate attending the MERS Annual Meeting will be Kathy Revels and the Officer Alternate is Martin Colburn. The city employees will meet to elect a MERS Delegate and Alternate to attend as well.

Motion by Whipple, second by Naeyaert,
To designate Kathy Revels as the Officer Delegate and Martin Colburn as alternate to the 2007 MERS Annual Meeting.

Discussion – Ordinance No. 159 – Signs

Discussion ensued regarding draft Ordinance No. 159, revised July 12, 2007, as well as establishing a board of appeals for sign violations. It was the consensus of the Council to consider the proposed ordinance for first reading at the regular meeting of September 4, 2007.

UNFINISHED BUSINESS

Naeyaert thanked the police department for arranging a neighborhood watch meeting for E. Elm and E. Oak Streets neighborhoods.

NEW BUSINESS

Naeyaert informed Colburn that Angel House has standing water on site. Clark stated that a meeting was held with the regional director for U.S. Senator Stabenow's office regarding the MDEQ's mandate for the City to implement water treatment to remove radium from drinking water.

CORRESPONDENCE

Correspondence was distributed. Discussion was held to establish a fee to reserve the skate park.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business. Clark informed Council regarding DDA business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Following a brief discussion it was the consensus of Council to have Mr. Haywood submit a code enforcement report at the next regular meeting. Also, Officer Carrie Nettles was commended for her actions during a recent police call where she performed CPR and saved the life of a Mason area resident.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:00 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 2, 2007

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led in 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING June 18, 2007
The Minutes of June 18, 2007 were approved as submitted.

APPROVAL OF BILLS
MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $356,603.23 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Application to Michigan State Housing Development Authority Downtown Fa ade Program
Phil Birdsall, DDA Executive Director, spoke regarding the proposed application to Michigan State Housing Development Authority (MSHDA) for a façade grant for the Dancer buildings located at 108 W. Maple Street. One requirement of the grant procedure is a public hearing held by the city, as the city is technically the grant recipient. He stated that local residents intend to purchase the buildings to create a movie theater that will employ four full time equivalent employees. Eligibility for this type of grant is based on job creation, with $20,000 for each job to be created, which sets the grant request at no more than $80,000, with a 50% match. Both agencies require some local government infusion of money, which would come in the form of an additional façade grant from the DDA.

Clark opened the public hearing at 7:40 p.m. Mr. Birdsall submitted two letters he received in support of the project from Teresa Wren and Anita and Bill Cornish.

Jane Miles of 448 High Point Drive stated support for the proposed theater and suggested showing art films.

Franklin Campbell of 227 E. Cherry stated support for the proposed theater. He asked if the grant could be used for the interior as well as the façade.

Barbara Van Dyke of 706 Randolph Street stated support of the proposed movie theater, as well as the suggested art films.

Clark closed the public hearing at 7:50 p.m.

REGULAR BUSINESS

Resolution No. 2007-36 – Resolution Concurring With The Provisions Of Amendments To A Brownfield Plan That Relates To Property Located Within The City Of Mason To Be Approved By The Ingham County Board Of Commissioners For The Ingham County Land Bank Authority

Sue Pigg, Ingham County Economic Development Corporation Director, informed Council regarding the Land Bank Authority.

Resolution No. 2007-36 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-36
July 2, 2007

At a regular meeting of the City Council of the City of Mason held on Monday, July 2, 2007, at 7:30 p.m. in the City of Mason, City Hall, 201 West Ash Street, Mason, Michigan, the following resolution was introduced:

WHEREAS, the Ingham County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has established the Ingham County Brownfield Redevelopment Authority ("ICBRA") to facilitate the cleanup and redevelopment of Brownfields within Ingham County's Communities; and

WHEREAS, certain vacant properties located as follows:
West Columbia Street, Tax Parcel Identification Number 33-19-10-05-342-007, West Ash Street, Tax Parcel Identification Number 33-19-10-08-106-001, and West Sycamore Street, Tax Parcel Identification Number 33-19-10-08-228-003 (the "Property") are within the County of Ingham and the City of Mason and are Eligible Property as that term is defined under Michigan's Brownfield Redevelopment Financing Act because they are owned or under the control of the Ingham County Land Bank Authority; and

WHEREAS, a Brownfield redevelopment plan for the Ingham County Land Bank Authority Redevelopment Project (the "Plan") was approved by the Ingham County Brownfield Redevelopment Authority on June 8, 2007; and

WHEREAS, the ICBRA, pursuant to and in accordance with Section 13 of the Act, recommend that the Ingham County Board of commissioners approve the proposed Plan to be carried out within Ingham County relating to the redevelopment of the Property; and

WHEREAS, the Ingham County board of Commissioners will take up the Plan at their June 26, 2007 board meeting and set a public hearing for their July 24, 2007 board meeting and take action to approve said plan thereupon; and

WHEREAS, following appropriate notice to the public, the City Council of the City of Mason considered the matter during a regular meeting on Monday, July 2, 2007, at 7:30 p.m. in the Council Chambers.

NOW, THEREFORE, BE IT RESOLVED, with respect to the Property located within the City of Mason, the City Council has reviewed the plan and hereby concurs with the provisions of the Plan.

BE IT FURTHER RESOLVED that the City Council consents to the approval of the Plan by the Ingham County Board of commissioners and the implementation of the Plan by the Ingham County Brownfield Redevelopment Authority.

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-37 – Approval of Purchase of Police Cruisers to Replace Cars No. 84 and 85

Resolution No. 2007-37 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-37
APPROVAL OF PURCHASE OF POLICE CRUISER NUMBERS 84 and 85
July 2, 2007

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Police Cruiser Numbers 84 and 85 was planned for in the approved Fiscal Year 2007 - 2008 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of two (2) Chevrolet 2008 Impala police cars for $34,967.80 from Shaheen Chevrolet.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-38 – Mayoral Appointment to Planning Commission

Resolution No. 2007-38 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-38
MAYORAL APPOINTMENT TO THE PLANNING COMMISSION
July 2, 2007

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint **Jon Droscha** to the Planning Commission to fill the unexpired term of Michael Waltz, which term does expire December 31, 2007.
RESOLUTION APPROVED UNANIMOUSLY

Motion – Acceptance of Warranty Deeds

MOTION by Mulvany, second by Preadmore,
to accept the warranty deeds with the five year revision clause listed in the legal description.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Preadmore informed the Council that he attended the groundbreaking ceremony for the Mason First Church of the Nazarene Community Student Center held on June 24. Pastor Mark Rigg told the crowd that the Center is a gift to the community as it will be open to all and serve the Mason area. Preadmore stated that he thinks it is a very worthy project and feels compelled to make a donation to their building fund and challenged others to do the same. He encouraged fellow council members to contribute to the project as well.

Clark informed the Council that he, Mulvany, and Waltz attended the CP Federal Credit Union groundbreaking ceremony June 28. The staff is very excited about being in the Mason community and this is the first branch outside of Jackson that they have built. It was expressed that they chose Mason because of its family centered character.

NEW BUSINESS

Naeyaert inquired as to the procedure for filling the position of Planning Commission Chairperson. Colburn stated that there will be an election and the current Vice Chair would open the meeting.

Mulvany expressed concern regarding plans to revise the Master Plan in the near future due to the work load of staff with the current water treatment plant and city hall/police department projects. He suggested postponing it for a few years.

CORRESPONDENCE
Distributed.

Discussion was held regarding disbandment of the Cable Commission; it will be included with the goals and objectives for next year.

LIAISON REPORTS
Mulvany informed Council regarding Historic District Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business including the annual July 4th fireworks, the postponement of the fire truck delivery due to waiting for a light bar, the Palmer Playground order for equipment and benches and the sanitary interceptor project. Colburn was asked to provide an update regarding code enforcement, particularly the 229 E. Maple Street property and recouping court costs. He informed them of the progress with the property owner and deadlines as well as other issues.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 8:16 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 18, 2007

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led in 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
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING June 4, 2007
The Minutes of June 4, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $143,896.97 as submitted.
MOTION APPROVED UNANIMOUSLY

Mulvany informed the Council that he would dismiss himself following the last business item to continue his vacation with his family.

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Resolution No. 2007-27 – Appointment to Fill Council Vacancy

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Naeyaert, Bruno, Clark
No (3) Preadmore, Whipple, Mulvany
MOTION FAILED

MOTION by Whipple, second by Preadmore,
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.
Yes (3) Mulvany, Preadmore, Whipple
No (3) Bruno, Clark, Naeyaert
MOTION FAILED

Discussion was held to defer Resolution No. 2007-27 after the last business item. It was the consensus of the Council to continue efforts to fill the vacancy at this time. McGinty suggested that the Body should continue until the vacancy is filled, either at this meeting or another meeting until a majority vote is reached on a candidate. Although there are no sanctions if a majority vote cannot be obtained, the City Charter is mandatory that an appointment is made within thirty days of a vacancy and the sense of the Charter is that the Body focuses on a majority vote until the vacancy is filled. An individual other than those who submitted letters of interest and resumes may be nominated.

Discussion ensued. Whipple asked City Attorney McGinty if a motion offered for the second time was a motion to reconsider. McGinty responded that it is appropriate to renew the motion until a consensus is met or someone moves to set this matter aside and come back to it later. Robert's Rules of Order does not fit regarding reconsideration in this situation.

Discussion ensued regarding reappointing Mr. Johnson to the Council. He was appointed in 2003, and when that term expired in 2006 he ran for office and was defeated. It was debated that a second appointment would allow a person to serve throughout two terms without being elected by the people. Yet, had the vacancy occurred a few months earlier, he would have been the appointee by Charter with the next highest number of votes cast for Council candidate. It was noted that for that reason, Mr. Johnson was the people's next choice. Other reasons noted was that he was the only candidate that had gone through the petition process in May and running for office in November, he has experience serving on the Council and is in familiar serving on Council as well with the current issues. It was also stated that it would be important for the newly appointed Councilmember to "hit the ground running" with the significant issues the Council is facing and the abbreviated term.

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple
MOTION FAILED

Discussion continued regarding the qualifications and experience of Mr. Johnson and Mr. Waltz.

MOTION by Whipple, second by Mulvany,
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.
Yes (3) Mulvany, Preadmore, Whipple
No (3) Bruno, Clark, Naeyaert
MOTION FAILED

Bruno suggested deferring Resolution No.2007-27 to the end of business if there is not a consensus with the next vote A brief discussion ensued.

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple
MOTION FAILED

Whipple stated that he would offer his next choice of Jon Droscha, being that the Council was unable to meet a consensus. Discussion ensued regarding Mr. Droscha's qualifications.

MOTION by Whipple, second by Preadmore,
to consider Resolution No. 2007-27 as read with the appointment of Jon Droscha.
Yes (2) Mulvany, Whipple
No (4) Bruno, Clark, Naeyaert, Preadmore,
MOTION FAILED

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple

MOTION FAILED

MOTION by Bruno, second by Naeyaert,
to defer Resolution No. 2007-27 after Agenda Item No. 7(I).
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007-28 – Designate Authori ing Signatories

Resolution No. 2007-28 was introduced by Preadmore and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-28
DESIGNATE AUTHORIZING SIGNATORIES
June 18, 2007

RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Kathy L. Revels, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-29 – Amend the 2006-2007 Fiscal Year Budget

Resolution No. 2007-29 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-29
AMEND THE 2006-2007 FISCAL YEAR BUDGET
June 18, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2006-2007 fiscal year Budget is hereby amended as per the attached "Exhibit A."

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-30 – Return Delin uent Water and Sewer Bills to the July 2007 Ta Roll

Resolution No. 2007-30 was introduced by Preadmore and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-30
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2007 TAX ROLL
June 18, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2007 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-31 – Levy 1% Ta Administration Fee

Resolution No. 2007-30 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-31
LEVY 1% TAX ADMINISTRATION FEE
June 18, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all county, school, Intermediate school, State education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2007 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2007 and 3% penalty from the December tax roll after February 14, 2008.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-32 – Return Miscellaneous Bills to the July 2007 Ta Roll

Resolution No. 2007-32 was introduced by Preadmore and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-32
RETURN MISCELLANEOUS BILLS TO THE JULY 2007 TAX ROLL
June 18, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2007 Tax Roll.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-33 – Resolution Ob ecting to the Transfer of Parcel No. 33-19-10-05-352-007 and Re uest to Obtain Parcel No. 33-19-10-04-351-031 From the County Treasurer

Resolution No. 2007-33 was introduced by Bruno, and seconded by Preadmore. Bruno stated that he is not in favor of obtaining Parcel No. 33-19-10-04-351-031 due to the maintenance and expense. He stated that an easement would need to be obtained for the water main that runs through Parcel No. 33-19-10-04-351-031.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 33
RESOLUTION OBJECTING TO THE TRANSFER OF PARCEL 33-19-10-05-352-007 AND REQUEST TO OBTAIN PARCEL 33-19-10-04-351-031 FROM THE INGHAM COUNTY TREASURER
June 18, 2007

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases; and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the list of properties for the current year are as follows:

33-19-10-04-351-031
33-19-10-05-352-007

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City of Mason does wish to obtain from the Treasurer one property, parcel 33-19-10-04-351-031, and does not wish to obtain from the Treasurer one property parcel 33-19-10-05-352-007 upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

NOW THEREFORE BE IT RESOLVED, that the City of Mason wishes to exercise its option under the Act to object to the transfer of one property known as 33-19-10-05-352-007 to be foreclosed upon by the Treasurer but not sold; and

BE IT FURTHER RESOLVED, that the City of Mason wishes this objection to be effective for parcel 33-19-10-05-352-007, upon which the Treasurer will foreclose this year, and does desire to obtain parcel 33-19-10-04-351-031, to be used for public purpose, at a cost of delinquent taxes in the amount of $1,233.06; and

FINALLY RESOLVED, that the Mason City Council authorizes the Mayor and City Administrator signatory authority to take ownership of parcel 33-19-10-04-351-031 on behalf of the City of Mason.

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (1) Bruno
RESOLUTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Whipple,
to amend the Agenda by moving Item No. 14 Executive Session – AFSCME Contract Negotiations to Item No. 7(H), inserting Item No. 7(K), moving Item No. 13 People From The Floor to Item No. 7(K), and defer Resolution No. 2007-27 to Agenda Item No. 7(L), and appropriately adjusting the remaining agenda items.

MOTION by Preadmore, second by Whipple,

to amend the main motion by adding Item No. 13 People From the Floor.
AMENDED MOTION APPROVED UNANIMOUSLY

Vote on the Main Motion:
MOTION APPROVED UNANIMOUSLY

E ecutive Session – Attorney Client Privileged Communication

Motion by Bruno, second by Preadmore,
to adjourn to executive session to discuss the AFSCME contract negotiations.
Yes (6) Mulvany, Naeyaert, Preadmore, Whipple, Bruno, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:57 p.m. and reconvened at 9:23 p.m.

Resolution No. 2007-34 –AFSCME Agreement

Resolution No. 2007-34 was introduced by Preadmore and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-34
AFSCME AGREEMENT
June 18, 2007

BE IT HEREBY RESOLVED by the Mason City Council that it does hereby ratify an Agreement between the City of Mason and Mason City Employees, Chapter of Local #1390, Council 25, American Federation of State, County and Municipal Employees, dated July 1, 2007 – June 30, 2010; and

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

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-35 – A Resolution Regarding Uniform Video Franchise

McGinty gave a brief overview of the uniform video franchise agreement. Discussion was held regarding the fee. Colburn explained that increasing the current 3% fee to 3.5% would provide the needed funds for equipment when the new city hall is constructed. Resolution No. 2007-35 was introduced by Bruno and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-35
A RESOLUTION REGARDING UNIFORM VIDEO FRANCHISE
June 18. 2007

WHEREAS, the City of Mason is the local franchise authority under an existing cable television franchise agreement between the City of Mason and Millennium Digital Media Systems, LLC ("Millennium"), originally executed November 21, 1994; and

WHEREAS, Millennium was a video service provider in the city under an existing franchise agreement in effect on the effective date of Act 480; and

WHEREAS, the Uniform Video Services Local Franchise Act, 2006 PA 480, adopted by the Michigan legislature effective January 1, 2007, required the Michigan Public Service Commission to issue an order establishing a standardized form for the uniform video services local franchise agreement to use by all franchising entities in Michigan; and

WHEREAS, on May 31, 2007, Millennium submitted a Uniform Video Service Local Franchise Agreement to the City Clerk in the form published by the MPSC; and

WHEREAS, the submitted franchise leaves the amount of the local franchise fee to be paid pursuant to paragraph VI - Fees, subparagraph A(1) to be an amount as established by the City as franchise entity; and

WHEREAS, the City Council has determined that the amount of the franchise fee to be paid to the City by a video service provider under Act 480 shall be 3.5% of gross revenues as defined in the Act; and

WHEREAS, subsection 3(3) of Act 480 provides that if the franchising entity does not notify the provider regarding the completeness of the franchise agreement or approve the agreement within the time periods required under subsection (3), the agreement shall be considered complete and the franchise agreement approved; and

WHEREAS, subsection 6(8) of Act 480 allows the franchising entity to establish a fee to be paid for PEG services in the community in an amount not to exceed the fees currently paid by the incumbent provider, not to exceed 2% of gross revenues;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Uniform Video Service Local Franchise Agreement filed with the Clerk on May 31, 2007, is hereby received and placed on file.

2. Paragraph VI - Fees - on page 4 of the submitted franchise agreement shall be completed by inserting "0%" which number shall be the percentage of gross revenues to be paid by the provider during the term of the franchise agreement and that page 4 attached hereto shall be substituted for page 4 of the submitted agreement.

3. The City Administrator shall transmit to Millennium a copy of this resolution and the completed pages 4 and 6 of the franchise agreement under cover of the draft letter attached hereto, finding the submitted franchise agreement complete strictly subject to the terms of the draft letter.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Neal Johnson, City Councilmember applicant, stated that he would like to serve on Council to see the current projects come to fruition. He added that he nominated Mr. Waltz as Chair of the Planning Commission and believes he has grown in the position in the six months that he has served. He indicated concern that he would abandon the position so soon.

Mike Waltz, City Councilmember applicant, stated that his term on the Planning Commission expires in six months. He assured Council that he would work as hard in this appointment as he did with his Planning Commission appointment.

Resolution No. 2007-27 – Appointment to Fill Council Vacancy

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple
MOTION FAILED

MOTION by Whipple, second by Preadmore,
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.
Yes (3) Mulvany, Preadmore, Whipple
No (3) Bruno, Clark, Naeyaert
MOTION FAILED

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple
MOTION FAILED

City Attorney McGinty was asked for his opinion regarding the deadlock. McGinty suggested a few options. The Council could recess to have members to confer among themselves. At midnight, they could adjourn, or suspend the rules and continue offering candidates until they came to a consensus. A special meeting could be set, and the item could be postponed to that special meeting agenda as a special order of business. It could be on the next agenda, and following agendas, as a standing order of business until a decision is made.

MOTION by Naeyaert, second by Whipple,
to recess for ten minutes for the purpose of informal discussion outside of a quorum.
MOTION APPROVED UNANIMOUSLY

The meeting recessed at 10:05 p.m. and reconvened at 10:25 p.m.

Clark stated that Mr. Keith Rouse, City Councilmember applicant, had just arrived. Clark informed the Council that he spoke with Mr. Rouse the afternoon of the last meeting in the city administrator's office regarding his interest in the appointment to Council. Mr. Rouse was unable to attend that meeting due to his work schedule. Mr. Rouse assured that he would be able to adjust his schedule to attend meetings. This evening he arrived home from work, saw that the meeting was still in session, and immediately came to the meeting. The Council recognized Keith Rouse and asked him if he would like to address the Council. Mr. Rouse urged the Council to consider other applicants in the spirit of compromise; there were seven other candidates who were interested in serving on Council. In addition to his qualifications, Mr. Rouse stated that he is well versed in how municipal government operates.

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple
MOTION FAILED

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.
Yes (3) Bruno, Clark, Naeyaert
No (3) Mulvany, Preadmore, Whipple
MOTION FAILED

MOTION by Whipple, second by Mulvany,
to consider Resolution No. 2007-27 as read with the appointment of Keith Rouse

Discussion ensued. Clark stated that he would like a brief recess to consider the motion on the floor.

MOTION by Bruno, second by Whipple,
to recess for five minutes to consider the motion on the floor.
MOTION APPROVED UNANIMOUSLY

The meeting recessed at 10:40 p.m. and reconvened at 10:53 p.m.

VOTE ON THE MOTION:
Yes (2) Mulvany, Whipple
No (4) Bruno, Clark, Naeyaert, Preadmore
MOTION FAILED

The Council recognized Neal Johnson. Mr. Johnson respectfully withdrew his name as an applicant; he asked Council to re-nominate Mike Waltz to join them as a member.

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.
MOTION APPROVED UNANIMOUSLY

Oath of Office
Colburn administered the Oath of Office to Mr. Michael F. Waltz. *Councilmember Waltz took his seat at the Council table.

UNFINISHED BUSINESS
None.

NEW BUSINESS
The Council welcomed newly appointed Councilmember Waltz.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Naeyaert informed Council regarding Planning Commission business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. A brief discussion ensued.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 11:20 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 4, 2007

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
David Scutt, Fire Chief
Kerry Minshall, Assistant Fire Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING May 21, 2007
The Minutes of May 21, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $47,937.30 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Doug Williams of 1111 E. Columbia Street read a prepared statement regarding a complaint he submitted to the Mason Board of Ethics. The Board of Ethics, at its May 2 meeting, determined that its jurisdiction is restricted to actions occurring in the performance of a councilmember's official duty. The city attorney concurred with this decision. Mr. Williams requested that the ordinance be amended to allow the Board authority over an elected official's private behavior as well.

Rhonda Davis, Senior Facilities Project Manager for Independent Bank, inquired about the sign ordinance. Council suggested that she speak with staff being that her questions had been addressed at previous meetings and work sessions.

Motion by Preadmore, second by Bruno,
to amend the agenda by adding Item No. 7(F) Executive Session – Attorney/Client Privileged Communication under regular business.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Resolution No. 2007-24 – Approval of Installment Purchase Agreement with Dart Bank for Purchase of Fire Apparatus
Colburn stated that Fifth Third Bank was the low bidder by $60.47. However, he is recommending acceptance of Dart Bank's bid due to past performance and they are across the street. Resolution No. 2007-24 was introduced by Bruno and seconded by Mulvany. Discussion was held regarding the obligation to the low bidder and if not, how it could affect the potential of future bids. Minshall spoke regarding the status of the delivery of new fire truck.

CITY OF MASON
CITY COUNCIL RESOLUTION 2007-24
APPROVAL OF INSTALLMENT PURCHASE AGREEMENT WITH DART BANK FOR FINANCING A FIRE APPARATUS

WHEREAS, the Mason City Council approved a bid to purchase a Tanker/Pumper fire apparatus on August 7, 2006, and

WHEREAS, HME of Grand Rapids was awarded the bid at an expense of $284,000 for the Tanker/Pumper as well as accessory equipment, and

WHEREAS, Dart Bank has provided a competitive bid of $263,167.11, with an interest rate established at 4.50% to be paid over a five year period.

NOW, THEREFORE, BE IT RESOLVED that the Mason City Council accepts the bid from Dart Bank of $263,167.11 on a five year installment plan and authorizes the City Administrator to sign the installment plan agreement.

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Whipple
No (1) Bruno
RESOLUTION APPROVED

Resolution No. 2007-25 – Authori ing Publication of Notice of Intent to Issue 2007 Water Supply and Sanitary Sewer Disposal System Improvement Revenue Bonds (General Obligation Limit Ta)

Resolution No. 2007-25 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-25
RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE 2007 WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEM IMPROVEMENT REVENUE BONDS (GENERAL OBLIGATION - LIMITED TAX)
JUNE 4, 2007

WHEREAS, the City Council has determined that it will be necessary to issue bonds of the City pursuant to the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying a portion of the cost of the water supply and sanitary sewage disposal system improvement project described in the Notice included in this resolution, as well as all other necessary and related improvements (the “Project”); and

WHEREAS, Section 33 of the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended (the “Act”), requires the publication of a notice of intent to issue the bonds necessary to produce the monies required to finance a portion of the cost of the Project; and

WHEREAS, the City Council has reviewed the estimate of costs for the Project in the approximate amount of Seven Million One Hundred Thousand Dollars ($7,100,000); and

WHEREAS, not to exceed Five Million Five Hundred Thousand Dollars ($5,500,000) of the aggregate Project costs, including the costs of issuance for the bonds, is proposed to be financed by the issuance of bonds of the City (the "Bonds") to pay the Project costs; and

WHEREAS, the City Council now desires to authorize and approve the Notice of Intent to Issue Bonds required by the Act for the Bonds; and

WHEREAS, the City has obtained qualified status from the Michigan Department of Treasury, and does not need further approval from the Department of Treasury to proceed with the issuance of the Bonds; and

WHEREAS, the City may wish to reimburse certain expenditures to be made from the general fund or other fund(s) of the City for the Project in advance of the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The City Clerk, or a designee thereof, shall cause the following notice to be published in its substantial form in the *Ingham County Community News*, a newspaper of general circulation within the City of Mason, as a display ad of at least 1/4 page in size:

NOTICE OF INTENT TO ISSUE REVENUE BONDS
TO THE ELECTORS AND TAXPAYERS
OF THE CITY OF MASON
AND CUSTOMERS AND USERS OF THE CITY S
WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEM
AND NOTICE OF RIGHT OF REFERENDUM

TAKE NOTICE THAT the City Council of the City of Mason, Ingham County, Michigan (the "City"), intends to authorize the issuance of **NOT TO EXCEED** Five Million Five Hundred Thousand Dollars ($5,500,000) City of Mason 2007 Water Supply and Sanitary Sewage Disposal System Improvement Revenue Bonds (General Obligation - Limited Tax) (the "Bonds") pursuant to the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying a portion of the cost of certain improvements to the City's water supply and sanitary sewage disposal system, including, but not limited to, the acquisition and construction of a water treatment plant for the removal of radium, as well as all other necessary and related improvements, and engineering and financing costs. The Bonds may be issued by the City in one or more series, the aggregate principal amount of which will not exceed $5,500,000.

The Bonds will be payable primarily from revenues derived from rates and charges received from users and customers of the City's water supply and sanitary sewage disposal system, and will be payable in not more than twenty-five (25) annual installments at a rate of interest to be determined upon sale of the Bonds not to exceed six percent (6.0%) per annum, payable on the unpaid principal balance from time to time remaining outstanding on the Bonds.

The total cost of the water supply and sanitary sewage disposal system improvement project is estimated to be $7,100,000, a portion of which cost is to be paid from the proceeds of the Bonds. The City anticipates using available funds on hand to pay the remaining portion of the project cost.

SOURCE OF FUNDING

The State of Michigan, through its Department of Environmental Quality, makes funds available for municipal water system improvement projects at an effective interest rate of approximately 2.125% per annum through a State Drinking Water Revolving Loan Fund administered through the Michigan Municipal Bond Authority. The City will seek to finance a portion of the project cost through bonds issued through said State Drinking Water Revolving Loan Fund.

SOURCES OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON THE BONDS shall be payable primarily from the net revenues derived from the operation of the City's water supply and sanitary sewage disposal system remaining after payment of operation and maintenance expenses. Said revenues consist of rates and charges for services, including connection fees, which rates and charges are required to be maintained and increased from time to time in order to provide sufficient revenues to meet expenses for operating and maintaining the water supply and sanitary sewage disposal system, anticipated principal of and interest on bonds, and to provide reserves for payment thereof. A schedule of the rates and charges is on file in the office of the City Clerk, City Hall, 201 West Ash Street.

ADDITIONAL SECURITY – FULL FAITH AND CREDIT PLEDGE

In the event the Bonds are sold to the Michigan Municipal Bond Authority, and/or in the event certain state or federal financing is received for the project costs, the City is authorized pursuant to the Revenue Bond Act to pledge its full faith and credit for the repayment of the Bonds. In this event, the City would be authorized within its charter tax rate limitations to levy such taxes or advance such funds from the general funds of the City as might be necessary to prevent or cure any default in the repayment of the Bonds resulting from an insufficiency of revenue derived from the operation of the City's water supply and sanitary sewage disposal system. Although it is not anticipated that the City will ever be required to advance such funds, the City would, in the event of an advance, be entitled to be repaid from the next water and sewage system revenues available after correction of any deficiency or default.

NOTICE OF RIGHT OF REFERENDUM

THIS NOTICE is given pursuant to the requirements of Section 33 of the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended. If within forty-five (45) days from the publication of this NOTICE OF INTENT to issue Bonds a PETITION signed by not less than TEN PERCENT (10%) OF THE REGISTERED ELECTORS residing within the limits of the City of Mason shall have been filed with the City Clerk requesting a REFERENDUM on the question of the issuance of the Bonds, then the same shall not be issued until approved by the vote of the majority of the electors of the City qualified to vote and voting thereon at a general or special election. The current number of registered electors in the City is 5,601.

Further information regarding the water supply and sanitary sewage disposal system improvement project and the Bonds described herein is available from the office of the City Clerk, City Hall, 201 West Ash Street.

Dated: June 4, 2007

_____
Martin A. Colburn, City Clerk
City of Mason

2. Pursuant to Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended, and the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, the foregoing notice and method of publication thereof are hereby determined to be adequate to notify the residents and electors of the City of their referendum rights and of the nature of the debt obligations proposed to be issued.

3. To the extent advances to pay Project costs are required to be made from the City's General Fund or other funds, the City shall reimburse the General Fund or such other funds not earlier than the date on which the expenses are paid and not later than the latter of:

(a) the date that is eighteen (18) months after the expenses are paid;

or

(b) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the expenses are paid.

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

Resolution No. 2007-26 – Signature Authori ation for MDOT Contract to Pave East Columbia Street

Resolution No. 2007-26 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-26
RESOLUTION TO PROVIDE SIGNATURE AUTHORITY FOR
MDOT CONTRACT TO PAVE EAST COLUMBIA STREET
June 4, 2007

WHEREAS, the City of Mason has requested to participate with a Department of Transportation Federal Highway Administration project known as STP 0733(029); and

WHEREAS, the project consists of paving East Columbia Street from Mathews Street to Temple Street; including storm sewer, concrete curb and gutter, and sidewalk work; and

WHEREAS, Michigan Department of Transportation, administering Federal Surface Transportation Funds, will participate at a ratio equal to 81.85 percent of eligible costs up to an amount not to exceed $509,760 with the city paying the balance.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Mason that Martin A. Colburn, City Administrator is the authorized signatory on behalf of the City of Mason, the Requesting Party, for the federal funding grant contracts with the Michigan Department of Transportation.

RESOLUTION APPROVED UNANIMOUSLY

Motion – 2007 Development Agreement

Colburn stated that the Anderson's have requested that the property revert back to them at some point if it is not used within five years. McGinty offered language to insert into the agreement.

Motion by Whipple and seconded by Preadmore,
to approve the 2007 Development Agreement with the Alice and Art Jewett Trusts and Dennis and Jeff Anderson with the addition of a section regarding the term of

agreement.
MOTION APPROVED UNANIMOUSLY

Discussion – Letters of Interest – Vacant Council Seat

Letters of interest and resumes were received from nine candidates. The applicants were invited to speak to Council at this time. Those present addressed Council regarding their decision to seek the vacant Council Seat. Those present were Jon Drosha, Steve Fox, Neal Johnson, James Mahan, Michael Waltz. Keith Rouse was unable to attend this meeting. Clark stated that he had spoken with Mr. Rouse this afternoon and informed Council regarding his decision to seek the vacant Council Seat. Bruno and Naeyaert stated that they would be supporting Neal Johnson due to his past experience on Council and that he had the next highest vote of the people in the last election. It was the consensus of the Council to review the six applicant packets received this evening and make a decision at the June 18, 2007 regular meeting.

E ecutive Session – Attorney Client Privileged Communication

Motion by Whipple, second by Naeyaert,
to adjourn to executive session to discuss an attorney/client privileged communication.
Yes (6) Mulvany, Naeyaert, Preadmore, Whipple, Bruno, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:23 p.m. and reconvened at 9:05 p.m.

Motion by Whipple, second by Preadmore,
to amend the agenda by adding Item No. 7(G) Motion - Rayner Creek Drain License Agreement under regular business.
MOTION APPROVED UNANIMOUSLY

Motion - Rayner Creek Drain License Agreement

Motion by Whipple, second by Naeyaert,
to approve and authorize the Mayor to execute the Rayner Creek Drain License Agreement.
Yes (5) Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (1) Bruno
MOTION APPROVED

UNFINISHED BUSINESS

- Whipple briefly commented regarding the remarks made by Doug Williams. He regrets that Mr. Williams did not remain at the meeting so he could respond to him directly.
- Bruno inquired if the benches for the playground have been ordered for Palmer Playground. Colburn stated that playground equipment and benches would be ordered in the 2007-2008 fiscal budget year.

NEW BUSINESS

- Naeyaert informed Council regarding correspondence she received from residents of the E. Oak and E. Elm Streets neighborhood group that will be pursuing a “Neighborhood Watch” due to a rental property that has raised concern.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Mulvany informed Council regarding Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Martin A. Colburn, City Clerk	Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 7, 2007

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, Coady, Mulvany, Naeyaert, Whipple
Absent:	Councilmember: Preadmore
Also present:	Martin Colburn, City Administrator
	Kathy Revels, Finance Director/Treasurer
	Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING May 21, 2007

The Minutes of May 21, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $150,825.97 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

2006 CADL Annual Report – Barbara Faiks –Mason Library Branch

Barbara Failks, CADL Library Head of the Mason Branch presented the CADL 2006 Annual Report. Also present representing the library were Board Member Debora Bloomquist and Finance Director Pat Taylor.

Second Reading and Adoption - Ordinance No. 160 – An Ordinance to Amend Section 46-34 – Hours of Operation – of Chapter 46 – Parks and Recreation – of the Mason City Code

Discussion ensued to consider restricting the use of Hayes or Bond Parks for athletic events. The amendment does not set an expiration date or limit the use, leaving it to the city administrator's discretion. Also, the issue which drove the amendment, is no longer an issue with the softball association because a team withdrew from one of the leagues; however, the exceptional use of the parks may likely be an issue in the future.

Motion by Whipple, second by Preadmore,
to consider Ordinance No. 160 as read for the second time and adopted.
Yes (5 Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (1) Bruno
Absent (1) Preadmore
MOTION APPROVED

CITY OF MASON
ORDINANCE NO. 160

AN ORDINANCE TO AMEND SECTION 46-34 - HOURS OF OPERATION - OF CHAPTER 46 - PARKS AND RECREATION - OF THE MASON CITY CODE.

THE CITY OF MASON ORDAINS:

Section 46-34, Hours of operation, of Chapter 46 of the Mason City Code is hereby amended to read as follows:

Sec. 46-34. Hours of operation.

(a) During the months of May through October, the city parks shall be open to the public during the hours of 8:00 a.m. to 10:00 p.m. of every day. In addition, Hayes Park and Bond Park may remain open until 11:00 p.m. during organized athletic events sponsored by an area school or other nonprofit sponsoring organization, provided the organization obtains the written approval of the city administrator and designates a responsible individual who should be present during the event. No organization shall be granted approval to occupy Hayes Park or Bond Park after 10:00 p.m. for more than two events per week, except that approval may be granted for more than two events per week if determined necessary by the city administrator.

(b) During the months of November through April, the parks shall be opened daily to the public during the hours of 8:00 a.m. to one-half hour after sunset; however, the director of parks and cemeteries may keep open until 10:00 p.m. those parks he may designate for public ice skating or other organized winter activities sponsored by the city.

(c) Any section or part of a park may be declared closed to the public by the director of parks and cemeteries at any time and for any interval of time, either temporarily or at regular or stated intervals.

(d) It shall be unlawful for any person (other than city personnel conducting city business) to occupy or be present in any park during any hours in which the park is not open to the public.

Effective Date. This Ordinance is hereby declared immediately necessary for the preservation of the public peace, health, or safety and shall take effect immediately upon the posting of copies of this ordinance in conspicuous locations in ten public places pursuant to § 7.4 of the City Charter.

The foregoing Ordinance was moved for adoption by Council Member Bruno and supported by Council Member Naeyaert, and adopted with the vote thereon being: YES (6) NO (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 21st day of May, 2007.

Yes (5) Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (1) Bruno
Absent (1) Preadmore
ORDINANCE APPROVED

Resolution No. 2007-20 – Ingham County Drain Commission Assessment for Maintenance of Rayner Creek Drain

Pat Lindeman, Ingham County Drain Commissioner, spoke regarding the maintenance of Rayner Creek drain, which would necessitate placing an assessment upon property owners that contribute to the Rayner Creek Drain. A very lengthy discussion ensued regarding various aspects of the project and its time line. Commissioner Lindeman stated that the project could span over the next two years, and possibly four years. Council expressed their wish to have it completed in one year, at which he stated that he is looking at that. Resolution No. 2007-20 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-20
INGHAM COUNTY DRAIN COMMISSION ASSESSMENT
FOR MAINTENANCE OF RAYNER CREEK DRAIN
May 21, 2007

WHEREAS, the Ingham County Drain Commissioner is in the process of working with the City of Mason to perform maintenance on the Rayner Creek Drain in coordination with road and sanitary sewer improvements to be performed by the City of Mason; and

WHEREAS, pursuant to Section 196 of the Michigan Drain Code (MCL 280.196; MSA 11.1196), and inspection has been made of the Rayner Creek drain and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the Drain that will exceed the annual spending limitation of $2,500/mile; and

WHEREAS, the Drain Code provides for the expenditure of funds in excess of the annual $2,500/mile limitation upon approval by Resolution of the governing body of each township, city, and village affected by more than twenty (20%) percent of the cost; and

WHEREAS, the Ingham County Drain Commissioner estimates that the cost for the remainder of the maintenance of the Rayner Creek Drain will be approximately $70,000 which constitutes $67,500 in excess of the authorized $2,500 based on the total drain length; and

WHEREAS, the City of Mason is the only municipality affected by more than twenty (20%) percent of the cost of the maintenance of the Rayner Creek Drain; and

WHEREAS, Ingham County agrees to pay for their component within the Rayner Creek Drain for the work conducted with Ingham County Rayner Park and Fairgrounds; and

WHEREAS, the dredging of the two ponds located in Ingham County Rayner Park will not be a part of this spending resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Mason, that pursuant to Section 196 of the Drain Code, the Ingham County Drain Commissioner is authorized to expend money for the maintenance and repair of the Rayner Creek Drain in excess of Two Thousand Five Hundred and no/100 ($2,500) Dollars per mile annually in the years 2007 through 2010 and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, then the Ingham County Drain Commissioner is authorized to levy a special assessment, as allowed by law, not to exceed a total of $70,000.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Preadmore
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-22 – Fireworks Display Agreement

Resolution No. 2007-22 was introduced by Bruno and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-22
FIREWORKS DISPLAY AGREEMENT
May 21, 2007

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department to hold a fireworks display on the evening of July 4, 2007 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Preadmore
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-23 – City Park Banner Sales License Agreement

Colburn recommended deferring Resolution No. 2007-23 due to conflict regarding interpretation from the city attorney.

Motion by Whipple, second by Bruno,
to defer Resolution No. 2007-23 until the city administrator presents it brings it back to us.
MOTION APPROVED UNANIMOUSLY

Motion – Sale of Tanker 811 Fire Truck

Motion by Bruno, second by Naeyaert,
to authorize the city administrator to sell the old Tanker 811 (tractor and trailer) to the Onondaga Fire Department for $1.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS 2 of 2

Discussion – Ordinance No. 159 – Signs (Draft – May 11, 2007)

It was the consensus of the Council to discuss the draft sign ordinance for the next 45 minutes. Issues discussed

included the following:

- Downtown sandwich board signs
- Section 58-127 (C2/C3)
- Code Board of Appeals membership
- Reconsideration of the formula for sign ratio
- Cedar Street
  - The Master Plan intentions for the ascetics of Cedar Street
  - Redirection for the Master Plan ascetics of Cedar Street

NEW BUSINESS

Councilmember Christine Coady - Letter

Coady informed Council that she was submitting her letter of resignation from the City Council. Current Ordinances and the City Charter do not allow councilmembers to serve if they are not registered voters in the city. She will be married in June and is moving from the community. However, she will be spending time in Mason. She has family in Mason, will continue to volunteer in Mason, and will remain active in the Mason Rotary Club. Council commended her service, thanked her, and wished her well.

Discussion followed to publish notice of the vacancy requesting interested parties to submit a letter of interest and resume by Monday, June 4, 2007 at 4:00 p.m. The matter will be discussed at the June 4th meeting. Applicants are encouraged to attend and speak at the People from the Floor. The Council would make an appointment to fill the vacancy at the June 18th meeting by a majority vote of the Council for the unexpired term.

- Clark spoke briefly regarding the value of the bi-annual Joint Recognition Ceremony between the City and the School District.
- Bruno informed Council that he attended the American Legion annual ceremony recognizing members for their years of service. Mayor Clark presented a proclamation to Doug Williams for his 22 years of service; he is resigning as post commander to pursue working with veterans on a national level. Bruno stated that he presented a tribute to Mr. Williams from Senator Garcia, Representative Byrum, and Governor Granholm.
- Naeyaert added that Mr. Williams has become the State Legislative Director for veterans. Naeyaert informed Council regarding Mason Middle School History teacher Scott Shattuck's, "An Historical Ghost Tour." His students portray notable members of the Mason historic community.

Naeyaert informed Council that the DPW fe nce is in need of attention.
Preadmore stated that he will be attending an out-of-state conference and will be unable to attend the May 21, 2007 regular meeting; he requested to be excused.

Motion by Whipple, seconded by Preadmore,
to excuse Councilmember Preadmore from the May 21, 2007 regular meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Distributed.

LIAISON REPORTS

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

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Elaine Ferris of thanked Christine Coady for her service to the city, especially on the Library Board and encouraged her to continue in that role in the future.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 7, 2007

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, Coady, Mulvany, Naeyaert, Preadmore, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
John Stressman, Police Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING April 16, 2007
The Minutes of April 16, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of $61,522.12 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

MOTION by Whipple, second by Preadmore,
to amend the agenda by inserting under regular business, "Item No. 8(C) First Reading - Ordinance No. 160 - An Ordinance to Amend Section 46-34 – Hours of Operation – of Chapter 46 – Parks and Recreation – of the Mason City Code," and adjust the following agenda items accordingly.
MOTION APPROVED UNANIMOUSLY

PUBLIC HEARING
FY 2007-2208 Budget
Clark opened and closed the public hearing at 7:32 p.m. as there were no comments.

Resolution No. 2007-18 – Adoption of the FY 2007-2008 Budget
Colburn spoke to the budget proposed for FY 2007-2008. Resolution No. 2007-18 was Introduced by Bruno and seconded by Naeyaert. Discussion was held regarding the addition of a generator for the James Pelton Fire Station to the Budget; and if so, the value of an automatic transfer switch versus a manual switch.

MOTION by Whipple, second by Naeyaert,
to amend the FY 2007-2008 Budget by adding a $30,000.00 line item for a generator with an automatic transfer switch for the Fire Station.
Yes (6) Bruno, Coady, Naeyaert, Preadmore, Whipple, Clark
No (1) Mulvany
MOTION APPROVED

Colburn stated that the Fire Chief requested $15,000.00 to purchase dress uniforms for the Fire Fighters. The Administrator cut the budget line item to $7,500.00. Following budget discussions, Colburn compromised at $10,000.00. It was suggested to include $5,000.00 in the next fiscal budget year rather than amend the budget. Also, it was stated that the Council should adhere to the Administrator's recommendation. It was further discussed that the Fire Department obtains old police shirts from various departments. When they attend ceremonies and funeral services, they do not look like a cohesive department because their uniforms do not match.

MOTION by Whipple, second by Naeyaert,
to increase the amount budgeted for dress uniforms for the Fire Department to $15,000.00.
ROLL CALL VOTE:
Yes (5) Coady, Naeyaert, Preadmore, Whipple, Clark
No (2) Bruno, Mulvany
MOTION APPROVED

Discussion was held whether to budget money to set aside for the new City Hall/Police Department project.

MOTION by Coady, second by Mulvany,
to amend the FY 2007-2008 Budget by designating $500,000.00 of the projected surplus into a line item to fund the new City Hall and Police Department complex.
MOTION APPROVED UNANIMOULSY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-18
ADOPTION OF THE FY 2007-2008 BUDGET
May 7, 2007

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2007-2008 fiscal year budget on Monday, May 7, 2007 as prescribed by law; and

NOW THEREFORE BE IT RESOLVED, that the proposed 2007-2008 Operating Budget herewith filed with the City Clerk, providing for the sums of $11,812,295.00 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2007-2008 fiscal year, and the said amount of $2,891,675 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason; and

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2007-2008 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is $3,523,111, the sum of $39,695 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2007-2008 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is $27,269,897; the sum of $150,580 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that the 2007-2008 Governmental Fund Budgets shall be automatically amended on July 1, 2007 to re-appropriate encumbrances outstanding and reserved on June 30, 2007; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2007-2008 proposed fiscal year budget which is currently on file in the office of the City Clerk.

Yes (7) Bruno, Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (0)
RESOLUTION APPROVED UNANIMOULSY

REGULAR BUSINESS

Second Reading and Adoption - Ordinance No. 153 – Designation of Certain Misdemeanors as Civil Infractions

Motion by Preadmore, second by Whipple,
to consider Ordinance No. 153 as read for the second time and adopted.
Yes (7) Bruno, Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

Second Reading and Adoption - Ordinance No. 154 – Establishes a Municipal Ordinance Violations Bureau

Stressman stated that the rates remain the same for the "Use or Possession of Tobacco by Minor" in the Schedule

of Civil Fines. However, the rate schedule progressively increases for the offense of selling tobacco to minors. The fine is intended to convey a message to minors.

Motion by Preadmore, second by Whipple,
to consider Ordinance No. 154 as read for the second time and adopted.
Yes (7) Bruno, Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

First Reading - Ordinance No. 160 – Ordinance to Amend Section 46-34 – Hours of Operation – of Chapter 46 – Parks and Recreation – of the Mason City Code

Motion by Bruno, second by Naeyaert,
to consider Ordinance No. 160 as read for the first time.

Whipple informed the Council that the ordinance limits organized athletic events to not more than two events a week. Temporarily extending the hours of operation for city parks during sewer construction at Bond Park would allow softball teams that normally use Bond Park to utilize Hayes Park. The ordinance would take effect immediately upon the posting of this ordinance in ten public places.

Motion by Naeyaert, second by Coady,
to amend the proposed amendment, Ordinance No. 160, by striking the last nine words following "administrator."
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION
Yes (6) Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (1) Bruno
MOTION APPROVED

Discussion was held to consider the ordinance read for the second time and adopted at this time to publicly post at an earlier date for the benefit of community notice. McGinty explained that second reading and adoption could be accomplished by five affirmative votes, allowing it to be posted May 8, 2007.

MOTION by Whipple, second Naeyaert,
To consider Ordinance No. 160 read for the second time and adopted.

Further discussion included the following rationales: adopting the ordinance at this meeting would provide more than one day public notice, softball games begin May 23 and the league schedules will be published this week, and following normal procedures afford residents time to voice opposition or concerns.

VOTE ON THE MOTION:
Yes (4) Naeyaert, Preadmore, Whipple, Clark
No (3) Coady, Mulvany, Bruno
MOTION FAILED *(five affirmative votes required for approval)*

Resolution No. 2007-19 – Mayoral Appointment to the Building Code Board of Appeals

Resolution No. 2007-19 was introduced by Naeyaert and seconded by Bruno. Clark addressed Mr. Kerr's qualifications for appointment to the Building Code Board of Appeals.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-19
MAYORAL APPOINTMENT TO THE BUILDING CODE BOARD OF APPEALS
May 7, 2007

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Ivan Kerr to the Building Code Board of Appeals to fill a vacancy expiring December 31, 2007.

YES (7) Bruno, Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
NO (0)
RESOLUTION APPROVED UNANIMOUSLY

Motion – Bid – Uniform Rental and Cleaning Service for the DPW

Motion by Bruno, second by Preadmore,
to approve the two-year contract Arrow Uniform Service for DPW uniforms supply and cleaning in the amount of $13,940.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Mulvany informed the Council that he is not prepared to support the proposed sign ordinance and feels that another workshop is warranted. Discussion ensued. It was the consensus of the Council to include an agenda item under "Unfinished Business" for the next regular meeting to discuss the ordinance for a set time limit.

NEW BUSINESS

Naeyaert informed Council that the DPW fence is in need of attention.
Preadmore stated that he will be attending an out-of-state conference and will be unable to attend the May 21, 2007 regular meeting; he requested to be excused.

Motion by Whipple, seconded by Preadmore,
to excuse Councilmember Preadmore from the May 21, 2007 regular meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Mulvany informed Council regarding Historic District Commission business.
- Bruno informed Council regarding Tree Commission business.
- Clark informed Council regarding the annual Michigan Association of Mayors' luncheon he attended.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 10:18 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 16, 2007

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
Also present: Martin Colburn, City Administrator
John Stressman, Police Chief
Don Heck, City Engineer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING April 2, 2007

The Minutes of April 2, 2007 were approved.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $326,355.84 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Doug Williams of 1111 E. Columbia Street stated that he believed that the facts regarding the recent arrest of a councilmember should be made public and should be addressed by the City Ethics Board. He stated that the Mason Police Department has been the target of undeserving comments and apologies need to be made.

Gail Rouhier of 1019 S. Lansing Street provided a written statement addressing a recent variance denial by the Zoning Board of Appeals for her home occupational sign, as well as a copy of a petition of support signed by neighboring residents. She received a violation letter from the Zoning and Development Director as a result of a complaint by one of her neighbors. When asked by Council if she had applied for a permit prior to hanging the sign, Ms. Rouhier stated that she had not. She stated that a conflict exists between the regulations for home occupations signs in Chapter 58 and Chapter 94; she asked Council to take action that would allow her to keep her sign, given that the proposed sign ordinance would be consistent with her sign if it is adopted. Colburn stated that a 30-day notice will be issued in accordance with Section 94-98(d), rescinding the 5-day notice she originally received.

REGULAR BUSINESS

First Reading - Ordinance No. 153 – Designation of Certain Misdemeanors as Civil Infractions and First Reading - Ordinance No. 154 – Establishes a Municipal Ordinance Violations Bureau

Stressman spoke briefly regarding the intent and enforcement of proposed Ordinance No. 153 and No. 154. Discussion was held regarding language of Ordinance No. 154 which designates the location and supervision of the Violations Bureau under the City Treasurer.

Motion by Whipple, second by Bruno,
to consider Ordinance No. 153 and No. 154 as read for the first time.
Yes (6) Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No (1) Bruno
MOTION APPROVED

Resolution No. 2007-15 – A Resolution Approving the Purchase of New Playground E uipment for Palmer Playground at Hayes Park

Resolution No. 2007-15 was introduced by Whipple and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-15
A RESOLUTION APPROVING THE PURCHASE OF NEW
PLAYGROUND EQUIPMENT FOR PALMER PLAYGROUND AT HAYES PARK
APRIL 16, 2007

WHEREAS, the existing playground equipment at Hayes Park is in a state of deterioration, is outdated, and does not meet current 1997 Consumer Product Safety Commission ASTM Standards; and

WHEREAS, funding will be allocated in the City of Mason Fiscal Year Budget 2007-2008; and

WHEREAS, The Superintendent of Cemetery and Parks has obtained design concepts, drawings, and bids from All About Play, Inc. for the equipment and installation.

NOW THEREFORE BE IT RESOLVED, that Mason City Council does hereby award the bid for the purchase and installation of playground equipment for Hayes Park, which is to be hereby named, Palmer Playground, to All About Play, Inc. for a cost, not to exceed $108,996.52.

Yes (7) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-16 – A Resolution to Approve the City of Mason Credit Card Policy

Resolution No. 2007-16 was introduced by Whipple and seconded by Bruno.

Motion by Naeyeart, second by Whipple,
to amend Resolution No. 2007-16 by striking the word “certain” and inserting “authorized” in the second paragraph.
MOTION APPROVED UNANIMOUSLY

It was the consensus of Council to amend the policy as well, to reflect “authorized” rather than “certain.”

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-16
A RESOLUTION TO APPROVE THE CITY OF MASON CREDIT CARD POLICY
April 16, 2007

WHEREAS, Public Act 266 of 1995 requires that all Municipalities using a credit card for purchase of goods and services must have a written policy; and

WHEREAS, the City of Mason believes that it is in the best interests of the City that authorized employees of the City of Mason have the ability to purchase goods or services by the use of credit card;

NOW THEREFORE BE IT RESOLVED, that the Finance Director/Treasurer is designated to be responsible for the issuance, accounting, monitoring, and retrieval of all credit cards. The Finance Director is also designated to be responsible for the general oversight of compliance with the attached City of Mason Credit Card Policy.

BE IT FURTHER RESOLVED, that the City of Mason hereby adopts the attached Credit Card Policy.

Yes (7) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-17 – Award of Bid for E. Columbia Street Interceptor Sewer Improvements

Heck spoke briefly regarding the bid that was let for the E. Columbia Street interceptor sewer improvements. Resolution No. 2007-17 was introduced by Whipple and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-17
AWARD OF BID FOR EAST COLUMBIA STREET
INTERCEPTOR SEWER IMPROVEMENTS
APRIL 16, 2007

WHEREAS, the City of Mason directed the design and bid for the construction of the East Columbia Street Interceptor Sewer improvements; and

WHEREAS, bids were received by the City Clerks Office and publicly opened and read aloud on April 12, 2007; and

WHEREAS, the city engineer has reviewed the bids submitted, made the necessary inquiries and reference contacts, and has made a recommendation for Notice of Award.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the East Columbia Street Interceptor Sewer Improvements to Jule Swartz & Sons Excavators, Inc. in the amount of Three hundred eight thousand, eight hundred fifty six dollars and forty-seven cents, ($308,856.47).

BE IT FURTHER RESOLVED, that the Mason City Council does hereby direct the City Administrator to execute the Notice of Award for said project.

Yes (7) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure – Annual Mason Farmer's Market Association, Inc.

Elaine Ferris, Market Master for the Mason Farmer's Market Association, Inc., informed Council regarding the Market's business for this year and requested the closure of E. Maple Street during the market hours.

Motion by Coady, second by Whipple,
to approve the closure of E. Maple Street from Barnes Street toward Jefferson Street, in front of Ingham County Hilliard Building, waiving any and all permits and fees for the Mason Farmers Market each Saturday, July 14 through September 29; appropriate liability coverage naming the City of Mason as "Additionally Insured" is to be provided by the incorporation.
MOTION APPROVED UNANIMOUSLY

Motion – Street Closure – Annual Memorial Day Parade

The American Legion Post 148 annually holds a Memorial Day parade. They are requesting street closures for the 100 block of W. Oak Street beginning at 8:30 a.m. to stage the parade, and for the route proceeding to the Maple Grove Cemetery.

Motion by Naeyaert, second by Whipple,
to approve the street closures for the annual Memorial Day parade as requested.
MOTION APPROVED UNANIMOUSLY

Motion – Mason Lions Club – Annual White Cane Drive

The Mason Lions Club is requesting permission to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason Friday, April 27th and Saturday, April 28th.

Motion by Whipple, second by Naeyaert,
to approve the Mason Lions Club's request to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason Friday, April 27th and Saturday, April 28th as per the submitted letter.
MOTION APPROVED UNANIMOUSLY

Proclamation – Arbor Day
Each year the Mayor issues a proclamation designating the fourth Friday in April as "Arbor Day" in the city of Mason. Officially recognizing Arbor Day meets one of the criterions which qualify the city to be named a Tree City USA by The National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service. It is the sixteenth year Mason has received this national recognition.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
- Bruno informed Council regarding Tree Commission business.
- Naeyaert informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. It was the consensus of Council to schedule a sign ordinance work session April 30th at 6:30 p.m.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
The meeting adjourned at 9:18 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 2, 2007

Clark called the meeting to order at 7:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
Excused: Councilmember: Coady
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Dennis O'Brien, Parks/Cemetery Supervisor
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING March 19, 2007
The Minutes of March 19, 2007 were approved as corrected.

APPROVAL OF BILLS

MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $98,942.04 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Ordinance No. 159 - Signs
Clark opened the public hearing at 7:40 p.m.

Gail Rouhier of 1018 S. Lansing Street stated that she submitted a document for Council to review, which members acknowledged receiving. She is going before the Zoning Board of Appeals this month to request a sign variance for her home business. She stated that she has issues with the proposed sign ordinance because the two-square foot sign regulation for home occupations is too restrictive. Ms. Rouhier asked Council to verify the "for sale" yard signs that are regulated by real estate companies and varies from company to company.

Phil Birdsall, DDA Executive Director, commented regarding the proposed sign ordinance relating to Section 58-127(b)(6), which would change the sign limitation, Section 58-132, abatement of non-conforming signs, and Section 58-63, which requires an individual to have liability insurance to be allowed to apply for a permit. Mr. Birdsall questioned the need for an insurance provision. Lastly, Section 58-126(11) relating to prohibited signs.

Jim Leasure, entrepreneur, 815 Ives Road, stated that he has too many questions regarding the proposed sign ordinance to voice at a public hearing. He submitted a list of his concerns to the Zoning and Development Director and spoke with him about them. He urged the Council to defer the first reading of the proposed ordinance to allow forming another ad hoc committee to further discuss the many issues still in question by local business owners.

Eric Harter representing Andrews Chevrolet located at 711 N. Cedar Street stated there are many issues and questions to be addressed. He supported the suggestion of Mr. Leasure to form another ad hoc committee. He had specific questions regarding grandfathering of signage and how that will be dealt with relating to change of ownership, etc. He referred to Section 58-126 stating that franchises have specific signage standards. Mr. Harter offered his time and help.

Ken Brown representing Mason Elevator located at 104 S. Lansing Street voiced concern regarding his many buildings that display signage, some of which are informative for the Mason Fire Department. He questioned whether that type of signage would be considered with the square foot area.

Dick Seehase representing Car Quest located at 203 N. Cedar, stated that he is participating in the review of the draft sign ordinance with Mr. Leasure and Mr. Harter. He thinks that it is restrictive in comparison of other communities where he has businesses. He also asked Council to defer the first reading of the ordinance to allow further review.

Marty Greathouse, representing Felpaush located at 132 S. Cedar, stated concern regarding the sign ordinance due to the recent sale of Felpaush to Spartan and their need to change the existing signs. He has many questions that he would like addressed.

Ivan Kerr representing Kerr Hardware located at 222 S. Cedar stated that he thinks the draft ordinance language is vague and arbitrary and questioned if it were restrictive and discouraging to businesses.

Falguni Patel, representing Bulldogs Party Store located at 306 S. Cedar Street, illustrated her feelings about business signage, by asking the Mayor how anyone would know that he is the Mayor if someone took his name plate from the Council table.

Harold Darbor, representing Darbs Tavern & Eatery located at 117 S. Cedar Street, stated concern because his building meets the right-of-way, restricting signage options.

Rick Fernberg representing Paradise Tanning, Hair and Nails located at 549 Ash Street, stated that he echoes the statements made by the business owners that spoke before him and agrees that another meeting is necessary.

Clark closed the public hearing at 8:10 p.m.

Ordinance No. 159 – Signs – First Reading

Motion by Whipple, second by Bruno,
to defer Ordinance No. 159 to the May 7, 2007 meeting.

A brief discussion was held regarding how to manage public and Council input.

Motion by Bruno, second by Naeyaert,
to amend the previous motion by deferring Ordinance No. 159 to the June 4, 2007 meeting.
MOTION APPROVED UNANIMOUSLY

Discussion followed to have a work session scheduled with Council.

VOTE ON THE AMENDED MOTION:
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2007-13 – Establishment of a Receiving Board for 2007 Elections

Resolution no. 2007-13 was introduced by Whipple and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-13
ESTABLISHMENT OF A RECEIVING BOARD

FOR 2007 ELECTIONS
April 2, 2007

WHEREAS, Michigan Election Law provides that the legislative body of a city, township, or village may, by resolution, provide that one or more additional boards of election inspectors be appointed to serve as a Receiving Board of election inspectors at an election at which the ballots are counted and certified at the precinct; and

WHEREAS, not less than two election inspectors in a precinct, representing each of the major political parties, shall deliver to the Receiving Board for that precinct in a sealed transfer case, the poll book and statement of returns; and

WHEREAS, the Receiving Board shall open the sealed transfer case and review the statement of returns to determine that the number of individuals voting recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of returns; and

WHEREAS, the Election Commission shall appoint two election inspectors from differing major political parties as the Receiving Board; and

WHEREAS, the City Clerk as Chair of the City of Mason Election Commission recommends that Receiving Boards be established for each election held in 2007;

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mason City Council authorizes a Receiving Board for each election held in the year 2007.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-14 - Budget Amendments

Resolution No. 2007-14 was introduced by Whipple and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-14
AMEND THE 2006-2007 FISCAL YEAR BUDGET
April 2, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2006-2007 fiscal year Budget is hereby amended as per the attached "Budget Amendments."
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-15 – Approval for the Purchase of New Playground E uipment for Palmer Playground at Hayes Park

O'Brien gave a brief presentation of three options for playground equipment and design for the new Palmer Playground at Hayes Park. Resolution No. 2007-15 was introduced by Whipple and seconded by Mulvany. Discussion was held to plan the project over two years to allow completing sidewalks at Laylin Park as well as other issues that need attention. Further discussion took place regarding the inclusion of benches in the design as well as changing the location of the existing soccer field as recommended by Mr. O'Brien.

Motion by Bruno, second by Whipple,
to defer Resolution no. 2007-15 to the April 16, 2007 regular meeting to allow for a determination regarding whether All About Play, Inc. will permit phasing the project over a two year period; also, Council will have held a budget session and may consider funding for all park projects.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

- Mulvany informed the Council that he will be out of town the week of Budget Session.
- Whipple informed the Council that the charges brought against him and his dad had been dismissed. He commented briefly to clarify that there was no plea deal made and to explain details of his own experience and the effect that this ordeal has had on him and his family. He thanked Council for their professionalism by not allowing the situation to become a distraction. He also thanked friends and those in the community who offered support and understanding for him and his family during this time.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Mulvany informed Council regarding Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 9:24 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 19, 2007

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: Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
Excused: Bruno
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning and Planning Director
Sam Bibler, POWT Supervisor
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING March 5, 2007

The Minutes of March 5, 2007 were approved as corrected.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
To approve the payment of bills in the amount of $78,595.05 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Colburn introduced recently hired POTW Supervisor, Sam Bibler. Mr. Bibler gave a brief history of his experience in wastewater treatment and stated that he is happy to be working for the city of Mason.

PUBLIC HEARING

Hearing of Apportionment – Special Assessment Pro ect 2007-1

Clark opened and closed the public hearing at 7:43 p.m. as there were no comments from the public.

Ordinance No. 159 - Signs

Clark opened the public hearing at 7:49 p.m. Haywood gave a PowerPoint presentation outlining the proposed amendments to the Sign Ordinance. McGinty provided a memorandum regarding regulations relating to political signage.

Jim Leasure of 815 Ives Road stated that he did not feel there was good representation on the Sign Ordinance Review Committee for the Cedar Street area. He spoke about the impact that signage has for businesses and their customers.

Eric Harter of 711 N. Cedar Street asked Council to consider that businesses are promoted through signage and should not be bound by the ordinance to advertise.

Council requested that specific information regarding the speaker's concerns. It was suggested that interested parties would put their concerns in writing and forward them to staff. It was also suggested to arrange a meeting with staff for clarification. Clark closed the public hearing at 8:45 p.m.

REGULAR BUSINESS

Special Assessment Resolution No. 5, Pro ect 2007-1 – Approval of the Special Assessment Roll

A brief discussion ensued regarding the interest rate and the administrative fee charged. Special Assessment Resolution No. 5 was introduced by Preadmore and seconded by Coady.

CITY OF MASON
2007 STREET AND SIDEWALK
SPECIAL ASSESSMENT RESOLUTION NO. 5
PROJECT 2007-1
March 19, 2007

WHEREAS, pursuant to due notice to all interested parties, this City Council did meet on Monday, March 19, 2007, in the City Hall, 201 West Ash Street, Mason, Michigan, for the purpose of reviewing the special assessment roll and hearing any objections thereto for Street and Sidewalk Special Assessment District - 2007-1; and

WHEREAS, at the time and place designated for said meeting, the meeting was duly called to order and the opening of the hearing for objections to the special assessment roll, prepared by the City Assessor and on file with the City Clerk, was announced, said roll assessing the cost of certain street and sidewalk improvements against the benefiting properties; and

WHEREAS, objections were heard or filed in writing with the City Clerk and the following adjustment or corrections, if any, were made:

; and

WHEREAS, the City Council now desires to confirm the special assessment roll attached hereto as **E hibit A**.

NOW, THEREFORE, BE IT RESOLVED THAT

The City Council hereby designates the special assessment district as the "Street and Sidewalk Special Assessment District - 2007-1."

The special assessment roll as prepared and reported to the City Council by the City Assessor shall be designated as the "Special Assessment Roll, Street and Sidewalk Special Assessment District 2007-1" in the final amount of **5,140.61**, and is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.

The special assessment roll shall be divided into three (3) equal annual installments. The first installment shall be due on July 1, 2007, and the two (2) subsequent installments shall be due on July 1 of the succeeding years thereafter. Special assessments may be paid in full on or before August 31, 2007, without interest. Thereafter, installments of the special assessment roll shall bear interest at the rate of six percent (6.00%) per annum, commencing on September 1, 2007, payable annually on the due date of each installment after the first installment. If any installment is not paid when due then the same shall be deemed to be delinquent and there shall be collected thereon in addition to the interest above provided, a penalty at the rate of one percent (1%) for each month or fraction thereof that the same remains unpaid before being reported for reassessment upon the City tax roll. In the event the City Council determines that it is in the best interest of the district and the City at large to issue bonds pledging the receipts of said special assessment roll and the full faith and credit of the City; then and in that event, the interest on the unpaid installments shall be adjusted to not more than one percent (1%) greater than the average interest rate at which the bonds were sold. Said interest shall be payable annually on each installment due date.

Any of the unpaid balance due on the special assessment roll may be paid in full on any installment date, together with interest due to said payment date.

The assessments made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

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

Yes: (6) Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
Absent: (1) Bruno

RESOLUTION APPROVED UNANIMOUSLY

Ordinance No. 159 – Signs – First Reading

A brief discussion was held and it was the consensus of the Council to schedule a work session, April 2, 2007 at 6:30 p.m.

Motion by Whipple, second by Preadmore,
to defer first reading of Ordinance No. 159 to the April 2, 2007 regular meeting.
Yes (4) Clark Mulvany, Preadmore, Whipple
No (2) Coady, Naeyaert
MOTION APPROVED

Resolution No. 2007-09 – Resolution to Accept the Storm Sewer Easement for the Temple Street Detention Pond Inlet

Resolution No. 2007-09 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 09
Resolution to Accept the Storm Sewer Easement for the
Temple Street Detention Pond Inlet
March 19, 2007

WHEREAS, Temple Street was constructed in 2005 for the future benefit of the City of Mason and approved as a public street on September 18, 2006 by Resolution No. 2006-36; and

WHEREAS, a storm water system including a detention pond was constructed to serve Temple Street north of the Rayner Drain, described as the Temple Street Drain Drainage District, and the properties adjacent to the street; and

WHEREAS, the City of Mason has signed a Storm Water System Maintenance Agreement with the Ingham County Drain Commissioner for the annual maintenance of the storm water components in Temple Street and the inlet to the detention pond; and

WHEREAS, it is in the best interests of the City of Mason to acquire a permanent easement for routine maintenance and inspection of the inlet from Temple Street to the detention pond from the Arthur W. Jewett Trust and the Alice L. Jewett Trust; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and the City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.
Yes (6) Clark, Coady, Naeyaert, Mulvany, Preadmore, Whipple
No (0)
Absent (1) Bruno
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-10 – Revert 15.63 Acres to Dennis K. Anderson,. Successor Co-Trustee of the Arthur W. Jewett Trust and the Alice L. Jewett Trust

Motion by Whipple, second by Preadmore,
to amend Resolution No. 2007-09 as follows:

- Second paragraph to read as follows: “Whereas, in accordance with the development agreement the Jewett Trust did donate 15.63 acres to the City of Mason for the creation of a sports complex park; and
- Third paragraph, after “whereas” insert “in accordance with the development agreement”
- In the sixth paragraph, fourth sentence, strike “City” and in the fifth sentence after “Warranty Deed” insert “and record the Warranty Deed”

MOTION APPROVED UNANIMOUSLY

Resolution No. 2007-10 was introduced by Coady and seconded by Preadmore.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-10
RESOLUTION TO REVERT 15.63 ACRES TO DENNIS K. ANDERSON, SUCCESSOR CO-TRUSTEE OF THE ARTHUR W. JEWETT TRUST AND THE ALICE L. JEWETT TRUST
March 19, 2007

WHEREAS, on November 15, 2004 the city entered into a Development Agreement with the Arthur W. Jewett Trust and Alice L. Jewett Trust, developing a joint venture of approximately 78.9 acres located between E. Ash Street and Kipp Road in the southeast corner of the city; and

WHEREAS, in accordance with the development agreement the Jewett Trust did donate 15.63 acres to the City of Mason for the creation of a sports complex park; and

WHEREAS, in accordance of the development agreement, if the city did not utilize this property within two years as a sports complex, it would revert back to the Jewett Trust; and

WHEREAS, a ballot question in May of 2005 failed to garner the funding support necessary to proceed with a sports complex; and

WHEREAS, two years have passed and the city declares that it does not intend to pursue the sports complex at this time and location.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby provide a Warranty Deed for 15.63 acres of land with all right, title and interest to Grantees, Dennis K. Anderson, Successor Co-Trustee of the Arthur W. Jewett Trust and Alice L. Jewett Trust, and authorizes the City Mayor and the City Administrator to execute the Warranty Deed and record the Warranty Deed with the Ingham County Register of Deeds on behalf of the City of Mason.

Yes (6) Clark, Coady, Naeyaert, Mulvany, Preadmore, Whipple
No (0)
Absent (1) Bruno
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-11 – A Resolution Providing Notice of Intent that the City of Mason is Working with the Mason DDA and Michigan State Housing Development Authority (MSHDA)Community Development Block Grant (CDBG) Program to Ac uire a Fa ade Grant

Phil Birdsall, DDA Executive Director, spoke regarding the CDBG grant application process. A potential buyer for 108 W. Maple would like to enhance the façade of the building. Resolution No. 2007-11 was introduced by Coady and seconded by Preadmore.

CITY OF MASON
RESOLUTION NO. 2007-11
A RESOLUTION PROVIDING NOTICE OF INTENT THAT THE CITY OF MASON IS WORKING WITH THE MASON DDA AND MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY COMMUNITY DEVELOPMENT BLOCK GRANT TO ACQUIRE A FACADE GRANT
March 19, 2007

WHEREAS, the City of Mason in conjunction with the Mason Downtown Development Authority (MDDA) desires to make repairs to certain building facades within the DDA District along the 100 block of West Maple Street; and

WHEREAS, the DDA Plan has been updated in 2001and is inclusive of providing grants and loans for the façade improvements for businesses within the MDDA; and

WHEREAS, a Community Development Block Grant (CDBG) of $40,000 may be available from the Michigan State Housing Development Authority (MSHDA); and

WHEREAS, the MDDA has initiated and administered thirty façade grants over the past five years totaling over $300,000; and

WHEREAS, the component of job creation allows this project to meet the eligibility criteria for CDBG funding; and

WHEREAS, no CDBG or non-CDBG costs may be incurred before formal grant award, environmental

review, and written authorization to incur costs is received from MSHDA; and

WHEREAS, Martin A. Colburn, City Administrator, is the duly authorized person to sign the grant application on behalf of the City of Mason; and

WHEREAS, Phillip Birdsall, Executive Director of the MDDA, is the duly authorized person to administer the project and sign related correspondence as required from MSHDA and the Michigan CDBG program.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby authorize Martin A. Colburn, Administrator to submit the application for Michigan CDBG funds for the West Maple Street Façade project.
Yes: (6) Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No: (0)
Absent: (1) Bruno
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-12 – Amending the 2005 South Temple Street E tension Special Assessment Resolution No. 6 and South Temple Street E tension Special Assessment District 2005-3 Special Assessment Roll

Resolution No. 2007-12 was introduced by Preadmore and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-12
RESOLUTION AMENDING THE 2005 SOUTH TEMPLE STREET EXTENSION SPECIAL ASSESSMENT RESOLUTION NO. 6 AND SOUTH TEMPLE STREET EXTENSION SPECIAL ASSESSMENT DISTRICT 2005-3 SPECIAL ASSESSMENT ROLL
PROJECT NO. 2005-3

At a regular meeting of the City Council of the City of Mason, Ingham County, Michigan (the "City"), held in the City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 19th day of March, 2005, at 7:30 o'clock, p.m.

Present: Council Members - Clark, Coady, Naeyaert, Mulvany, Preadmore, Whipple
Absent: Council Members - Bruno

WHEREAS, on May 2, 2005, this City Council adopted Special Assessment Resolution No. 6 for Project No. 2005-3, the 2005 South Temple Street Extension Project ("Project No. 2005-3"), which resolution confirmed and approved the South Temple Street Extension Special Assessment District 2005-3 Special Assessment Roll (the "South Temple Street Extension Project Special Assessment Roll") in the final amount of $903,487.37; and

WHEREAS, Special Assessment Resolution No. 6 for Project No. 2005-3 was adopted by the City Council after notice and a hearing were provided to interested property owners and other parties as required by law; and

WHEREAS, Special Assessment Resolution No. 6 for Project No. 2005-3, and thus the South Temple Street Extension Project Special Assessment Roll, was subsequently amended by Resolution No. 2005-42, adopted by the City Council on July 18. 2005; and

WHEREAS, it is now necessary to amend the South Temple Street Extension Project Special Assessment Roll due to the provisions of the Development Agreement between the City and the Alice L. Jewett Trust and the Arthur W. Jewett Trust, which Development Agreement is dated November 15, 2004. Specifically, the Development Agreement provides that the cost of Project No. 2005-3 shall be reallocated between the benefiting properties within the South Temple Street Extension Special Assessment District and the City if the park property referenced in the Development Agreement is not developed and the property reverts back to its original owner within a specified period of time. The park property has not been developed as contemplated by the Development Agreement, and the property has reverted back to the original owner pursuant to the terms of the Development Agreement; and

WHEREAS, pursuant to the provisions of the City's Charter and special assessment ordinance (Chapter 66, "Special Assessments", of the City's Code of Ordinances), it is not necessary for the City to provide additional notice and a hearing to interested property owners and other parties before considering the confirmation and approval of a revised South Temple Street Extension Project Special Assessment Roll; and

WHEREAS, a revised South Temple Street Extension Project Special Assessment Roll has been prepared by City Finance Director/Treasurer, which roll is attached hereto as **E hibit A**. That roll assesses the actual cost of Project No. 2005-3 to the benefiting property owners within the South Temple Street Extension Special Assessment District in a manner consistent with the provisions of the Development Agreement; and

WHEREAS, the City Council now desires to confirm the revised South Temple Street Extension Project Special Assessment Roll attached hereto as **E hibit A**.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The revised South Temple Street Extension Project Special Assessment Roll, attached as **E hibit A**, as prepared and reported to the City Council by City Finance Director/Treasurer, and in the final amount of **969,903.06**, is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.

2. The assessments made in the revised South Temple Street Extension Project Special Assessment Roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded. Resolution No. 6 for Project No. 2005-3, the 2005 South Temple Street Extension Project, adopted on May 2, 2005, and Resolution No. 2005-42, adopted on July 18. 2005, are hereby specifically amended pursuant to the provisions of the resolution.

Yes (6) Clark, Coady, Naeyaert, Mulvany, Preadmore, Whipple
No (0)
Absent (1) Bruno
RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure for Child Family services 5K Run Walk

Child & Family Services requested temporary street closures Saturday, June 16, 2007 for the annual Angel House 5K Run/Walk, sponsored by Friends of the Hayhoe River Trail.

Motion by Naeyaert, second by Preadmore,
to approve the request for the temporary street closures as highlighted on the submitted map for the annual Child & Family Services/Angel House 5K Run/Walk, June 16, 2007, 8:30 a.m. to 10:00 a.m.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Clark informed the Council regarding the Capital Area District Library meeting

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Mulvany informed Council regarding Historic District Commission business.
- Naeyaert informed Council regarding Planning Commission business.

- Clark informed Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
Elaine Ferris, Friends of the Library Chairperson, informed Council that the Third Annual Art Gallery will be held at the Mason Library this weekend.

ADJOURNMENT
The meeting adjourned at 9:40 p.m.

Martin A. Colburn, City Clerk	Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 5, 2007

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: Clark, Coady, Naeyaert, Preadmore, Whipple
Excused: Bruno, Mulvany
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning and Planning Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING February 19, 2007

Motion by Coady, second by Preadmore,
to approve the Minutes of February 19, 2007 with the following amendments: page two, under Presentation Budget, last sentence, strike *informed* and insert *confirmed*, and strike *is* and insert *had been*.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
To approve the payment of bills in the amount of $94,294.22 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Don Gailey, Mason Fire Department Member, stated that during a recent trip he stopped to visit the Stone County, Mississippi Fire Department. Following Hurricane Katrina, Mr. Gailey spearheaded acquiring a used truck, and with donations of area Fire Departments, he painted and outfitted the truck, donating it and other equipment to the devastated Fire Department. They are using it every day and extended their thanks to the Mason City Council.

REGULAR BUSINESS

Resolution No. 2007-08 – Resolution to Accept the Sanitary Sewer Easement for Temple Street

Resolution No. 2007-08 was introduced by Preadmore and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 08
Resolution to Accept the Sanitary Sewer Easement for Temple Street
March 5, 2007

WHEREAS, Temple Street was constructed in 2005 for the future benefit of the City of Mason and approved as a public street on September 18, 2006 by Resolution No. 2006-36; and

WHEREAS, a sanitary sewer system was constructed to the design and specifications approved by the City of Mason and the Michigan Department of Environmental Quality to serve the properties adjacent to the street and for future development; and

WHEREAS, it is in the best interests of the City of Mason to acquire a permanent easement for the maintenance of the sanitary sewer system from the Arthur W. Jewett Trust and the Alice L. Jewett Trust; and

WHEREAS, the City Attorney has reviewed the easement agreement for form and the City Engineer has approved the easement description.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the City Mayor and the City Administrator to execute and record the easement with the Ingham County Register of Deeds on behalf of the City of Mason.

Yes (5) Clark, Coady, Naeyaert, Preadmore, Whipple
No (0)
Absent (2) Bruno, Mulvany
RESOLUTION APPROVED UNANIMOUSLY

Annual Report – Zoning and Development Director, David Haywood

Haywood gave a brief presentation regarding building permits and enforcement activity for the past year.

Motion by Coady, second by Whipple,
to accept the 2006 Zoning & Development Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Motion – Mason Area Chamber of Commerce Annual Events

Doug Klein, MACC Executive Director, spoke briefly about this year's annual community events and the letter of request he submitted, outlining street closures, use of equipment, electrical power, and the waiver of permits and fees.

Motion by Naeyaert, second by Whipple,
to approve the request as outlined in the letter from Doug Klein, MACC Executive Director, dated February 12, 2007, for street closures use of equipment, electrical power, and waiver of permits and fees for the annual community events.
MOTION APPROVED UNANIMOUSLY

Motion – Directory of Charges

Staff is recommending amendments to the Directory of Charges for cemetery rates, Laylin Park pavilion rental, and the non-resident fee for recreational league fees.

Motion by Whipple, second by Naeyaert,
To consider the recreational league fees separately, and to allow Councilmember Whipple to abstain from voting on this issue due to a financial interest.
MOTION APPROVED UNANIMOUSLY

Whipple requested to approach the public podium and address Council. He stated that he is the new Mason Softball Association League Director. Recently taking the position, he has learned that the five dollar non-resident fee is problematic for the leagues to manage. He informed Council that the elimination of the fee would not affect the coffers of the Association, because it is entirely passed on to the City. The organization is suffering due to lack of interest, and elimination of the fee may make a difference to help increase participation and the existence of the organization.

Motion by Preadmore, second by Coady,
To remove the $5.00 non-resident fee for the recreational league fees effective March 5, 2007.
Yes (4) Clark, Coady, Naeyaert, Preadmore
No (0)
Abstain (1) Whipple
Absent (2) Bruno, Mulvany
MOTION APPROVED UNANIMOUSLY

Motion by Preadmore, second by, Naeyaert,
To approve the increase for cemetery rates as recommended by the Mason Cemetery Trustee Board at its January 31, 2007 meeting, effective July 1, 2007, and establish the pavilion rental fee of $15.00, effective March 5, 2007.
MOTION APPROVED UNANIMOUSLY

Presentation – MML – Revenue Sharing
Council viewed an informational video presentation from the Michigan Municipal League (MML).

Motion by Whipple, second by Naeyaert,
to instruct the City Administrator to inquire about obtaining a copy of the MML presentation regarding revenue sharing to run on the City's governmental cable channel.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
No reports were given at this time.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. He announced that in honor of Joe Dean's retirement, a party is planned for Friday, March 7, 2007. He commended Joe's 34 years of dedicated service to the City and its residents.

PEOPLE FROM THE FLOOR
Regina Bell, External Affairs for AT&T, informed Council regarding AT&T's competitive grant program, "The Accelerator Program," that allows organizations to apply and receive funding to help meet their technological needs. She presented a $15,000.00 check to Mary Reed, Director of Fund Development for Child & Family Services and Mayor Pro Tem Naeyaert, Development for Child & Family Services Board Member. Ms. Reed stated that the grant money would be used to revamp and update their website.

Toby Mohlman of 725 S. Barnes Street shared recycling information he has acquired with Council and requested that they consider current legislation offering grants that will help communities generate revenues and economic development.

ADJOURNMENT
The meeting adjourned at 8:53 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 19, 2007

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

Present: Councilmembers: Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
John Stressman, Police Chief
Dave Scutt, Fire Chief
Bill Potter, City Engineer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING February 5, 2007
The Minutes of February 5, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Coady second by Whipple,
To approve the payment of bills in the amount of $186,571.86 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Presentation – MML Elected Officials Academy
Richard Clanton, Kentwood City Commissioner, and Kelly Stanford, Michigan Municipal League (MML) Manager of Member Services, presented Councilmember Christine Coady with a plaque and pin recognizing her completion of the Level One training through the MML Elected Officials Academy.

Presentation – Updates of Water Treatment Plant Design – Bill Potter
Bill Potter gave a brief presentation of the building design plans for the Water Treatment Plant. A meeting is scheduled for Wednesday, February 21, 2007 with the Michigan Department of Environmental Quality (MDEQ): the plans will be submitted at that meeting for review. A brief discussion ensued.

Motion – Water Treatment Plant Location

Motion by Naeyaert, second by Whipple,
to approve the development concept and placement of the Mason Water Treatment Plant, on the nine acres donated by Dennis and Jeff Anderson, and direct staff to proceed with a development agreement.
MOTION APPROVED UNANIMOUSLY

Re uest – E cused Absence – Councilmember Bruno

Motion by Naeyaert, second by Coady,
To excuse Councilmember Les Bruno's absence from the March 5th and 19th City Council meetings.
MOTION APPROVED UNANIMOUSLY

Annual Report – Police Department, Chief John Stressman
Stressman spoke briefly regarding the annual report he submitted for 2006.

> Motion by Coady, second by Naeyaert,
> to accept the Mason Police Department 2006 Annual Report and place it on file.
> MOTION APPROVED UNANIMOUSLY

Annual Report – Fire Department, Chief David Scutt
Scutt spoke briefly regarding the annual report he submitted for 2006.

> Motion by Naeyaert, second by Preadmore,
> to accept the Mason Fire Department 2006 Annual Report and place it on file.
> MOTION APPROVED UNANIMOUSLY

Presentation - Budget
Revels went over a PowerPoint presentation outlining the budget process; she also provided the presentation in hard copy to the Council. Colburn highlighted several issues with the 2007-2008 budget and ~~informed~~ *[insert] confirmed* that the budget hearing with Council ~~is~~ *[insert] had been* set for April 11th and 12th.

UNFINISHED BUSINESS
None.

NEW BUSINESS
- Bruno informed the Council regarding the recovery of DPW employee Mike Sampson following two surgeries.
- Colburn added that Sgt. Ed Hude and DPW Supervisor Ken Baker have been off ill as well.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
- Bruno stated that each year he is out of the state for the month of March. He requested to have the March Tree Commission meeting date rescheduled to a date in early April. The Tree Commission meets in March to designate a deserving individual as the Arbor Day Honoree. Staff will check the city ordinance for Tree Commission mandates.
- Naeyaert informed the Council regarding Planning Commission business.
- Clark informed the Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being there was no further business the meeting adjourned at 9:20 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 5, 2007

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

Present: Councilmembers: Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Joe Dean, Director of Pubic Works
John Stressman, Police Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING January 15, 2007
The Minutes of January 15, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno second by Preadmore,
To approve the payment of bills in the amount of $108,135.49 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Phil Birdsall, Mason Area United Way Events Chairman, stated that the organization is having its annual awards and recognition breakfast this Thursday at the First United Methodist Church at 7:30 a.m. The keynote speaker will be Deb Birdsall.

REGULAR BUSINESS
Discussion – Downtown Development Authority
A quorum of the Downtown Development Authority (DDA) was present. A lengthy discussion was held regarding the powers and authorities of the Mason DDA and its relationship to the Mason City Council, specific to City Attorney McGinty's opinion cited in the memorandum of February 2, 2007.

Ordinance No. 158 – To Amend Chapter 83 Regulating Illicit Discharges for Storm Water – Second Reading and Adoption
A brief discussion was held.

Motion by Whipple, second by Bruno,
To consider Ordinance No. 158 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 158

AN ORDINANCE TO AMEND CHAPTER 82 – UTILITIES – OF THE CODE OF THE CITY OF MASON BY AMENDING SECTION 82-1 – DEFINITIONS; BY ADDING NEW ARTICLE V – SEPARATE STORM SEWER SYSTEM; AND BY AMENDING AND RENUMBERING ARTICLE V TO BECOME ARTICLE VI – ENFORCEMENT, IN ORDER TO PROVIDE FOR A MUNICIPAL SEPARATE STORM SEWER SYSTEM, REGULATE DISCHARGES THERETO AND PROHIBIT ILLICIT CONNECTIONS AND DISCHARGES; AND ALSO TO AMEND

SECTION 1-2 OF CHAPTER 1 BY AMENDING THE DEFINITION OF PREMISES.

The City of Mason ordains:

Sec. 82-1. *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 context clearly indicates a different meaning:

Acquire and *acquiring* mean acquisition by purchase, construction or any other method.

Act or *the Act* means the federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval Authority means the director of the state department of environmental quality, or, if the state does not have an approved state pretreatment program, the administrator of EPA region 5.

Authority shall mean the director of public works or designee.

Authorized Enforcement Agency means the Director of Public Works or his designees.

Authorized representative of industrial user means:

(1) The principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) The general partner or proprietor if the industrial user is a partnership or proprietorship; or

(3) A duly authorized representative of the individual designated in subsection (1) or (2) of this definition if such representative is responsible for the overall operation of the facilities from which the discharge originates.

Available municipal water supply means a municipal water main carrying potable water located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts the property and located no more than 300 feet from the nearest point of any structure used or designed for human occupancy.

Available public sanitary sewer means a public sanitary sewer system located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts the property and located no more than 300 feet from the nearest point of the structure from which sanitary sewage originates.

Backflow shall mean water of questionable quality, wastes or other contaminants flowing into a public water supply due to a reversal of flow.

Best Management Practices (BMPs) means those schedules of activities, prohibitions or practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or separate storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20 degrees Celsius expressed in terms of weight and concentration (mg/l).

Building drain or house drain means that part of the lowest horizontal piping of a drainage system which receives the discharge of wastewater from within a structure and conveys it to the building sewer.

Building sewer means a sewer conveying wastewater from the premises of a user to the POTW.

Categorical standards means National Categorical Pretreatment Standards or pretreatment standard.

Combined sewer means a sewer receiving sanitary and storm sewage.

Compatible pollutant means a substance amenable to treatment in the city POTW such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit of the city POTW designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Examples of additional pollutants may include chemical oxygen

demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable nature.

Construction Activity means activities subject to NPDES Construction Permits. Generally these include construction projects resulting in land disturbance of 1 acre or more. Such activities include clearing and grubbing, grading, excavating, and demolition.

Control Authority means the Approval Authority or the Authority if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Cross connection shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur.

Cross connection control inspector shall mean the legally designated person whose duty it is to perform periodic inspections of premises within the city for detection of cross connections.

Curb box shall mean a fixture located between the structure served and the water main that provides protection and access to the water service shut off valve.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the agency.

Garbage means solid waste from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce. Properly shredded garbage is garbage that has been cut to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Health department means the official department of health of the county.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Illicit Connection means a physical connection to the municipal separate storm sewer system that conveys illicit discharges into the system and/or is not authorized or permitted by the city; or any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illegal Discharge means any discharge to the city storm water system that is not composed entirely of storm water except discharges pursuant to a NPDES permit or as otherwise exempted by Sec. 82-274 of this article.

Imminent hazards shall mean, in the judgment of the Authority, there is a violation or a condition which may cause a violation of this code at a public water supply connection requiring immediate action to prevent endangering the health of the people.

Incompatible pollutant means any pollutant which is not a compatible pollutant.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

Industrial discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or Section 307(c) of the Act into the POTW (including holding tank waste discharged into the system).

Indirect user means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act.

Industrial waste means liquid waste, solids or semisolids from industrial processes, trades or businesses as distinct from sanitary sewage.

Interference means the inhibition or disruption of the POTW treatment process or operations which contributes to a violation of any requirement of the city's NPDES permit or reduces the efficiency of the POTW. The term also includes interference in the use of sanitary sewage sludge or its disposal by the POTW under the criteria, guidelines or regulations contained in the city's approved sludge management plan.

MDEQ means the Michigan Department of Environmental Quality.

Municipal separate storm sewer system (MS4) means those facilities located within the city and owned by the city or the county drain commissioner or the county board of road commissioners by which storm water may be collected and conveyed to the waters of this state, including any streets or roads with drainage systems, inlets, curbs, gutters, storm pipes and retention, detention or infiltration basins, which are not part of the publicly-owned treatment works as defined by 40 CFR § 122.2.

National Categorical Pretreatment Standard or *pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and Section 307(c) of the Act which applies to a specific category of industrial users.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by MDEQ that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

National Prohibited Discharge Standard or *prohibited discharge standard* means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

Natural outlet means any watercourse, pond, ditch, lake or other body of water, either surface water or groundwater.

New source means:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located;

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes or the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility is integrated with the existing plant, the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new installation meeting the criteria of this section but otherwise alters, replaces, or adds to existing processes or production equipment.

(3) Construction of a new source has commenced if the owner or operator has:

a. Begun or caused to begin as part of a continuous on-site construction program:

1. Any placement, assembly or installation of facilities or equipment;

2. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

Non-Storm Water Discharge means any discharge to the separate storm sewer system that is not composed entirely of storm water.

Normal domestic strength wastewater means sanitary sewage or other wastewater which shall be a compatible pollutant and with BOD of 300 mg/l or less, suspended solids of 350 mg/l or less, and total phosphorus of 20 mg/l or less (as P).

NPDES permit means a permit issued pursuant to the National Pollution Discharge Eliminations System prescribed in Section 402 of the Act.

Nuisance shall mean the maintenance of a condition or activity upon private property or publicly owned property which endangers the public health or safety and includes all conditions and activities which violate state and local health statutes and ordinances.

Operation and maintenance means all work, materials, equipment, utilities and other efforts required to operate and maintain the wastewater transportation and treatment systems consistent with ensuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and including the cost of replacement.

Operations upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

pH means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions expressed in grams per liter of solution.

Pipings shall mean water conveying water pipes, appurtenances, and related or connected devices, equipment or facilities.

Plans and specifications shall mean drawings, data and true description or representation of an entire waterworks system or parts thereof as it exists or is to be constructed, and a statement on how a waterworks system is to be operated.

Pollutant means anything which causes or contributes to pollution. Pollutants may include: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and other pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Potable water shall mean water free from impurities present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical qualities shall conform to the requirements of the Michigan Safe Drinking Water Act, being Act No. 399 of the Public Acts of Michigan of 1976 (MCL 325.1001 et seq.), as amended.

Pretreatment or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, in plant process changes, or other means except as prohibited by 40 CFR 403.6(d).

Pretreatment requirements means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Private sewage disposal system means any septic tank, cesspool or other facilities intended or used for the disposal of sanitary sewage.

Public improvements means the public water supply and sanitary sewage disposal system improvements within and outside the city which are functional components of the respective system.

Public sanitary sewer means a sanitary sewer in which all owners of the abutting property have access and which is controlled by the Authority.

Publicly owned treatment works (POTW) means the treatment works as defined by section 212 of the Act which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this article, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Replacement means the replacement in whole or part of any equipment or facilities in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other applicable state and federal regulations.

Residential equivalent unit or *REU* shall mean the factor representing a ratio of the estimated sewage generated by a class of user to that generated by the normal single family user, usually measured in gallons per day, as established by resolution of the city council.

Residential users means all users that are domiciles or housing units, either single-family or multifamily.

Revenues and *net revenues* mean as defined in Section 3 of the Revenue Bond Act of 1933 (MCL 141.103).

Safe air gap shall mean the minimum distance of a water inlet or opening above the maximum highwater level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least two times the inside diameter of the water inlet pipe and which shall not be less than one inch and need not be more than 12 inches.

Sanitary sewage means the liquid or water-carried waste discharge from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions.

Sanitary sewer means a sewer used or intended for the collection and transportation of sanitary sewage and wastewater or either of them and to which storm waters, surface waters and groundwaters are not intentionally admitted.

Seal shall mean a device installed by the Authority so as to prevent the use of any piping, equipment facilities or appurtenances which would be a violation of this division.

Secondary water supply shall mean a water supply system maintained in addition to a public water supply system, including but not limited to water systems from ground or surface sources not meeting the requirements of the Michigan Safe Drinking Water Act, being Act No. 399 of the Public Acts of Michigan of 1976 (MCL 325.1001 et seq.), as amended, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

Sewage means any combination of sanitary sewage, storm water, industrial waste, and uncontaminated industrial waste, or any of them.

Sewer means any pipe, tile, tube or conduit for carrying sewage.

Significant industrial user means:

(1) Except as provided in subsection (2) of this definition:

a. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter (I), Subchapter (N); and

b. Any other industrial user that discharges an average of 25,000 gallons per day or more of processed wastewater to the POTW (excluding sanitary noncontact cooling and boiler blow down wastewater); contributes a

processed waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(2) Upon a finding that an industrial user meeting the criteria of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any time, on his own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Standard Industrial Classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Storm sewer or *storm drain* means an enclosed sewer or open ditch which carries storm water and/or uncontaminated industrial wastes.

Storm Sewer System or Storm Drainage System means those publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water means atmospheric precipitation, surface water runoff, and flows from footing drains that travel to the nearest stream, channel, or impoundment.

Storm Water Pollution Prevention Plan (SWPP) means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharge to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Submerged inlet shall mean a water pipe or extension thereto from a public water supply system terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant which is unprotected against backflow.

Suspended solids means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

The system or *system* means the complete public water supply and sanitary sewage disposal system of the city, all wells, water mains, laterals, pumping stations, storage tanks, main and lateral sewers, sanitary sewage disposal plant and all related works, instrumentalities and properties used or useful in connection with the combined water supply and sanitary sewage disposal system, together with all additions, extensions and improvements.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

Uncontaminated Industrial Wastes means water which has not come into contact with any substance used in or incidental to industrial processing operations.

Useful life means the estimated period during which the POTW will be operated.

User means any person who contributes, causes or permits the contribution of wastewater into the city's POTW and/or uses or consumes potable water supplied by the city.

User charge means a charge levied on users of the city's POTW for the cost of operation and maintenance of such works, and includes the cost of replacement.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any pollutants which may be present, whether treated or untreated, or any water or other liquid, other than uncontaminated storm water discharged from a facility, which is contributed into or permitted to enter the POTW..

Wastewater discharge permit means a permit as set forth in section 82-187.

Water utility shall mean a governmental unit, municipal or private corporation, association, partnership or individual engaged in furnishing potable water to the public.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion of the state, or are designated as such on the USGS topographic map.

The City of Mason further ordains that Article V – Municipal Separate Storm Sewer System is hereby added to Chapter 82, which added article shall read as follows:

ARTICLE V. MUNICIPAL SEPARATE STORM SEWER SYSTEM

Sec. 82-271. ***Purpose and policy.***

(a) The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the City of Mason through the regulation of non-storm water discharges to the separate storm sewer system to the maximum extent practicable as required by federal and state law.

(b) This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(c) The objectives of this article are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user.

(2) To prohibit illicit connections and illicit discharges to the municipal separate storm sewer system.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

(d) This article shall apply to all water entering the separate storm sewer system generated on any developed and/or undeveloped lands unless explicitly exempted by Section 82-274.

(e) The City of Mason shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the City may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City of Mason. Except as otherwise provided herein, the Director of Public Works shall, acting under the supervision of the city administrator, administer, implement and enforce the provisions of this article.

(f) The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 82-272. ***General Requirements and Prohibitions.***

(a) Any person engaged in activities which will or may result in pollutants entering a storm sewer system shall undertake reasonable measures to reduce such pollutants.

(b) No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain inlet, catch basin, conduit or other drainage structures, parking area, or upon any public or private plot of land so that the same might be or become a pollutant, except where such material is being temporarily stored in properly contained waste receptacles or is part of a well defined compost system.

(c) No person shall cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet,

catch basin, conduit or other drainage structures, business place, or upon any private plot of land in the city.

(d) The occupant or tenant, the owner, lessee, or proprietor of any real property in the city where there is located a paved sidewalk or parking area shall maintain said paved surface free of dirt or litter to the extent reasonable and practicable and provide an adequate means for the disposal of refuse, rubbish, garbage, or other articles so as to prevent such matter from entering a storm drain system. Sweeping from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or street, but shall be disposed of in receptacles maintained in said real property.

(e) No person shall throw or deposit any pollutant in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere in the city, except as otherwise permitted under local, state or federal law.

Sec. 82-273. ***Prohibition of Illicit Discharges.***

No person shall discharge or cause or continue to be discharged into the municipal separate storm sewer system or watercourses any illicit discharge, materials, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

Sec. 82-274. ***Exempt Discharges.***

The following discharges are authorized, or otherwise exempt from discharge prohibitions established by this article, provided that they do not result in a violation of State of Michigan water quality standards:

- Water line flushing
- Landscape irrigation runoff
- Diverted stream flows
- Rising groundwaters
- Uncontaminated groundwater infiltration (as defined by 40CFR 35.2005(20)
- Pumped groundwaters (except for groundwater cleanups not specifically authorized by NPDES permits)
- Discharges from potable water sources
- Air conditioning condensates
- Irrigation waters
- Springs
- Water from crawl space pumps
- Foundation drains, footing drains and sump pumps
- Roof drains
- Lawn watering runoff
- Waters from non-commercial car washing
- Flows from riparian habitats and wetlands
- Residential swimming pool waters and other permitted, dechlorinated swimming pool waters
- Residual street wash waters
- Fire fighting and fire training activities
- Any other water source not containing pollutants

(1) Discharges specified in writing by the city as being necessary to protect public health and safety.

(2) Dye testing is an allowable discharge, but requires written authorization from MDEQ for the dye used, plus a verbal notification to MDEQ prior to the time of the test.

(3) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water system.

(4) Whenever building footing/foundation drains are utilized, a direct connection between the footing/foundation drain through a sump pump-check valve system to a storm drain shall be utilized. A gravity system for conveyance of discharges from footing/foundation drains is prohibited.

Sec. 82-275. ***Prohibition of Illicit Connections.***

(a) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the separate storm sewer system, or allows such a connection to continue.

Sec. 82-276. ***Suspension of discharges to municipal separate storm sewer system.***

(a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the municipal separate storm sewer system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize the damage to the municipal separate storm sewer system or waters of the United States, or to minimize danger to persons.

(b) *Suspension due to detection of illicit discharge.* Any person discharging to the municipal separate storm sewer system in violation of this article may have their municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its access to the municipal separate storm sewer system. The violator may petition the Authority for reconsideration.

(c) *Appeal.* Any person who is aggrieved by a decision of the Authority to suspend or terminate access to the municipal separate storm sewer system may appeal such decision to the Mason Building Code Board of Appeals pursuant to the rules and procedures established by the Board, provided that a written application for appeal is filed within 20 days of the decision or order of the Authority. A timely appeal to the Board of Appeals shall stay any order of suspension other than a suspension under subsection (a) of this section until a final decision of the Board.

(d) A person who reinstates a municipal separate storm sewer system access to premises terminated pursuant to this Section without the prior approval of the city shall be guilty of a misdemeanor and punished as provided in Section 1-8(e) of this code.

Sec. 82-277. ***Industrial or construction activity discharges.*** Any person subject to an industrial or construction activity NPDES storm water discharge permit requirement shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of the discharges to the municipal separate storm sewer system. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Sec. 82-278. ***Access to facilities.*** Any person who owns or has control of any premises which directly or indirectly discharges storm water to the municipal separate storm sewer system shall permit all duly authorized employees of the control authority bearing proper credentials and identifications to enter upon all such premises for the purpose inspection, observation, measurement, sampling, and testing to determine compliance with the provisions of this article and to comply with the following inspection and monitoring requirements as applicable:

(a) The city shall be permitted to enter and inspect premises subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(b) The owner or any person in control of any premises subject to regulation under this article shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an

NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(c) The city shall have the right to set up on any premises such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.

(d) The city has the right to require any discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the owner.

(f) Unreasonable delays in allowing the city access to a permitted facility is a violation of a storm water discharge permit and of this article. A person who is an operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(g) If the city has been refused access to any part of the premises from which storm water is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 82-279. ***Requirements to prevent, control, and reduce storm water pollutants by the use of Best management Practices.***

(a) The city will adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the separate storm sewer system, or waters of the United States.

(b) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal separate storm sewer system or watercourses through the use of these structural and non-structural BMPs.

(c) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(d) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(e) These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with the requirements of the NPDES permit.

Sec. 82-280. ***Watercourse protection.*** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structure will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 82-281. ***Notification of spills.*** Any person who discharges or has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the separate storm sewer system or water of the United States, shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials said person shall immediately notify emergency response agencies of

the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the phone notice. If the discharge or prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 82-282. ***Notice of Violation.*** Whenever the City of Mason finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City of Mason may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;
(b) The elimination of illicit connections or discharges;
(c) That violating discharges, practices, or operations shall cease and desist;
(d) The abatement of remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
(e) Payment of a fine to cover administrative and remediation costs; and
(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency, or a contractor and the expense shall be charged to the violator.

Sec. 82-283. ***Appeal of Notice of Violation.*** Any person receiving a Notice of Violation may appeal the determination of the Authority. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before the Mason Building Code Board of Appeals shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the Board shall be final.

Sec. 82-284. ***Enforcement Measures After Appeal.*** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the Mason Building Code Board of Appeals upholding the decision of the Authority, then representatives of the Authority shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Authority to enter upon the premises for the purposes set forth above.

Sec. 82-285. ***Cost of Abatement of the Violation.*** Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest with the City Council objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the City Council or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Sec. 82-286. ***Compensatory Action.*** In lieu of enforcement proceedings, penalties, and remedies authorized by the Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 82-287. ***Remedies Not Exclusive.*** The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

The City of Mason further ordains that Article VI of Chapter 82 is hereby amended and renumbered to read as follows:

ARTICLE VI. ENFORCEMENT

Sec. 82-291. ***Municipal Civil Infractions.*** Any user who violates this chapter or any order, rule, regulation or permit issued under this chapter, which violation is not declared a misdemeanor, shall be responsible for a municipal civil infraction and shall be liable for a civil fine of not more than $2,500.00 for each offense, plus the costs of the action as provided by MCL 600.8727. Each day on which a violation shall occur or continue shall be

deemed a separate and distinct offense. In addition to the penalties provided in this section, the city may recover its actual costs, including inspection and testing fees, incurred for any work caused by a violation and reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.

Sec. 82-293. ***Misdemeanor citations.*** The Authority is authorized to issue and serve appearance tickets with respect to violations of this chapter which are designated a misdemeanor pursuant to section 9c(2) of 1968 PA 147, MCL 764.9.

Sec. 82-294. ***Violations deemed a public nuisance.*** In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this article are a threat to the public health, safety and welfare and are declared and deemed to be a public nuisance and a nuisance per se, and may be abated or restored at the violator's expense, and a civil action to abate, adjoin or otherwise compel the cessation of such nuisance may be taken in any court of competent jurisdiction or any order, rule, regulation or permit issued under this chapter, which violation is not declared a misdemeanor, shall be responsible for a municipal civil infraction and shall be liable for a civil fine of not more than $2,500.00 for each offense, plus the costs of the action as provided by MCL 600.8727. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this section, the city may recover its actual costs, including inspection and testing fees, incurred for any work caused by a violation and reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.

Sec. 82-292. ***Appearance tickets.*** The Authority is authorized to issue and serve a municipal civil infraction violation notice or citation for any violation of this chapter which is a municipal civil infraction.

The City of Mason further ordains that Section 1-2 of Chapter 1 of the Code of the City of Mason is hereby amended by amending the definition of premises, which amended definition shall read as follows:

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent public and private sidewalks and parking strips.

Effective Date. This Ordinance shall take effect 20 days after its passage, approval, and publication.

The foregoing Ordinance was moved for adoption by Council Member Whipple and supported by Council Member Bruno with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of February, 2007.

Ordinance No. 158 declared adopted this 5th day of February, 2007.
ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2007-07 – Resolution to Replace the Generator Set at the Publicly Owned Treatment Water (POTW) Plant

Resolution No. 2007-07 was introduced by Naeyaert and seconded by Bruno. Dean spoke regarding the replacement of the generator set at the POTW. A brief discussion was held.

Motion by Whipple, second by Bruno,
To amend Resolution No. 2007-07 by inserting the phrase, *and remove the repairs to the digester coping from the budget,* at the end of the sentence in the "Be It Further Resolved" paragraph.
Yes (1) Whipple
No (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore
MOTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 07

RESOLUTION APPROVING THE PURCHASE OF

A STATIONARY GENERATOR SET FOR THE MASON PUBLICLY OWNED TREATMENT WORKS PLANT

February 5, 2007

WHEREAS, testing and diagnostics on the present diesel powered generator set at the Mason Publicly Owned Treatment Works (POTW) Plant has revealed that it is significantly damaged and can not be relied upon to supply uninterruptible emergency electrical power to the plant and the Department of Public Works (DPW) Division, during electrical power outages; and

WHEREAS, federal and state regulations require there be an alternate supply of power at POTW Plants; and

WHEREAS, the DPW Director, staff and the city engineer have determined that it is in the best interest of the City of Mason to replace the existing generator set with a new diesel engine and generator, and have sought estimates from three reputable suppliers and contractors.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of a 300Kw diesel powered Cummins generator set from Cummins Bridgeway Power, and its installation and startup for the estimated total expense of Fifty-nine thousand, two-hundred thirty-four dollars and 00 cents ($59,234.00); and

BE IT FURTHER RESOLVED, that the Mason City Council does hereby call upon the Finance Director to amend the current fiscal year's budget to incorporate the emergency expense.

Yes (7) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Motion – Traffic Control Order No. 2007-01

A brief discussion ensued regarding the Traffic Control Order designated for Oak and Park Streets.

Motion by Naeyaert, second by Whipple,
To approve Traffic Control Order No. 2007-01.
MOTION APPROVED UNANIMOUSLY

Motion – Amendment to the 2007-2008 Local Streets Program

A brief discussion ensued regarding deterioration to Holt Street due to drainage.

Motion by Coady, second by Whipple,
to approve the amendment to the 2007-2008 Local Streets Program to waive the bid process and negotiate with Aggregate Industries for those portions of the street project specified in the DPW director's memorandum, dated January 26, 2007, and that the micro-sealing of S. Cedar Street be awarded to Pavement Restoration of Michigan, Inc.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Whipple commented briefly about the recent Ingham County Treasurer update regarding county efforts toward non-motorized pathways and the possible future connection that could be made between Rayner Park and Hayhoe Riverwalk.

CORRESPONDENCE
Distributed.

LIAISON REPORTS

- Mulvany informed the Council regarding Historic District Commission business.
- Preadmore stated that Traffic Commission business was covered by TCO #2007-01.
- Whipple informed Council that a quorum was not present for the January Cable Communications Commission.
- Naeyaert stated that she was out of the state on business, and Colburn informed the Council regarding Planning Commission business.
- Colburn informed the Council regarding Cemetery Board business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being there was no further business the meeting adjourned at 9:21 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 15, 2007

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
Excused: Councilmember: Coady
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Joe Dean, Director of Pubic Works
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: January 3, 2007
The Minutes of January 3, 2007 were approved as submitted.

APPROVAL OF BILLS
Dean spoke briefly regarding the billing for the new water treatment plant.

MOTION by Preadmore, second by Naeyaert,
To approve the payment of bills in the amount of $226,061.58 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Clark welcomed the Holt High School students present from Ms. Cappelletti government class.

REGULAR BUSINESS
Ordinance No. 158 – To Amend Chapter 8.2; Regulating Illicit Discharges for Storm Water – First Reading
Dean spoke briefly regarding proposed amendments to Chapter 8.2 of the Mason Code. A brief discussion was held; changes were approved by consensus of the Council.

Motion by Whipple and seconded by Bruno to consider Ordinance No. 158 as read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2007-05 – Amend the 2006-2007 Fiscal Year Budget
Resolution No. 2007-05 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-05
AMEND THE 2006-2007 FISCAL YEAR BUDGET
January 15, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2006-2007 fiscal year Budget is hereby amended as per the attached "Budget Amendments."
Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No (0)
Absent (1) Coady
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-06 – City Council Ex Officio Appointments to City Boards and Commissions
Resolution No. 2007-06 was introduced by Naeyaert and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-06
CITY COUNCIL EX OFFICIO APPOINTMENTS
January 15, 2007

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following City Council Ex Officio appointments for a term commencing January 15, 2007 and expiring December 31, 2010.

Leslie W. Bruno, Jr., Councilmember	Tree Commission
Scott Preadmore, Councilmember	Traffic Commission

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple
No (0)
Absent (1) Coady
RESOLUTION APPROVED UNANIMOUSLY

Discussion – CADL Board Member Sally Trout – Presentation of Library Planning Process
Sally Trout, CADL Board Member, spoke regarding CADL's consideration of owning and leasing library buildings versus communities providing library buildings; specifically, Mason and other communities that have insufficient buildings relating to space and/or structure. Ms. Trout provided a handout detailing the districts' current statistics. Sue Hill, CADL Director and Debora Bloomquist, CADL Board Member, were also present.

UNFINISHED BUSINESS
None.

NEW BUSINESS
Motion by Naeyaert, second by Whipple,
to excuse Councilmember Coady from the January 15, 2007 meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE
Distributed.

LIAISON REPORTS
- Colburn informed the Council regarding Planning Commission business.
- Clark informed the Council regarding DDA business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. He distributed a flyer regarding a facility management seminar regarding movable walls, which is being considered for the new city hall that will be built.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being there was no further business the meeting adjourned at 8:26 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 3, 2007

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert
Excused: Councilmember: Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
John Stressman, Police Chief
Joe Dean, Director of Pubic Works
Tom Yeadon, City Attorney
Ed Hude, Police Sergeant
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING December 18, 2006

The Minutes of December 18, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Johnson,
To approve the payment of bills in the amount of $356,352.30 as submitted.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Resolution No. 2006-50 – City Administrator Performance Evaluation for 2006 Calendar Year

Resolution No. 2006-50 was introduced by Coady and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-50
CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2006 CALENDAR YEAR
January 3. 2007

WHEREAS, City Council Resolution 2004-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2004-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 19, 2006 the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council remains generally satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to generally meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; and

BE IT FURTHER RESOLVED, that the following is a summary of the performance of Administrator Colburn arranged according to the major categories listed on the composite "City Administrator Performance Evaluation Form":

Organizational Management
Administrator Colburn absolutely met Council expectations in regard to this category. Mr. Colburn has implemented a process that aids in determining the most qualified and suitable candidates for City positions. His continued support of his staff, allows them every opportunity to succeed to a point where some have been recognized by professional organizations as being "top notch."

Fiscal Management
Administrator Colburn met Council expectations in the area of fiscal management. In these days of declining revenue sharing, and increasing costs, Council recognized the solid financial standing of the city and attributed this in large part to Mr. Colburn's oversight. Council did cite the need for more extensive research in the area of Park and Grounds maintenance, while recognizing the proper management of space utilization in City Hall.

Program/Project Development, Management, and Planning
Administrator Colburn met Council expectations with regard to this category. Mr. Colburn continues to press CADL to recognize the City of Mason as a participating member, while maintaining a good working relationship with that board. There did, however, appear to be some breakdown in the planning for the 2006 sidewalk program, resulting in a rougher than usual implementation.

Relationship with City Council
Administrator Colburn generally met Council expectations with regard to his relationship with Council. Mr. Colburn continues to keep Council informed through the use of e-mail, administrative reports, and when necessary, personal contact. He also makes himself available to Councilmembers to discuss any problems they may have. With the exception of a couple of instances, Council felt Mr. Colburn continues to strive to keep them well informed.

Public and Inter-Governmental Relations
Administrator Colburn generally met Council expectations with regard to this category. Mr. Colburn has established contacts, and relationships, with members of other communities, in an effort to maintain an awareness of developments and plans that may relate to, or affect, City plans or activities. He took an active lead in working effectively with SSAB during their process of expansion.

Professional Development
Administrator Colburn generally met Council expectations in the area of professional development. Mr. Colburn demonstrated his commitment to broadening his professional development by taking advantage of numerous seminars and expanded training opportunities this past year. He was cited by Council for his response to his staff during some adverse times. His caring and nurturing of the family of Chris Colligan also earned him commendations from the Council

BE IT FURTHER RESOLVED, that the City Council does hereby establish the following specific Council objectives for Administrator Colburn for the 2006-2007 fiscal year:

A. Complete the updates to the sign ordinance.
B. Evaluate solutions to resolve environmental issues, specifically regarding Phase II regulations.
C. Advance east side sewer interceptor project toward a 2007 completion.
D. Update the Five-Year Recreation Plan.
E. Develop and implement a plan for the replacement or expansion of City Hall and the Police Department, that may include the design and letting of a contract.
F. Advance the water treatment plant project to design phase, and then bidding.
G. Research the possible re-location of voting precincts.
H. Establish and approve a cemetery growth design.
I. Complete ISO fire rating for the community.

J. Update the City Personnel Policy Handbook.
K. Arrange to conduct a professional water pricing analysis.
L. Begin integration into a county wide crime reporting system through a consolidated 9-1-1 Center.
M. Develop a plan and a schedule for the replacement of fire apparatus.
N. Conduct a feasibility study on the enlargement of Fire Station No. 2.
O. Develop and implement a plan to make the City more approachable. This will include training for staff in greeting techniques, in person and on the phone, and updating the website for ease of use.

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2004-06, this resolution, along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" are hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Coady for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; and

BE IT FINALLY RESOLVED, that a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.

YES (6) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert
NO (0)
ABSENT (1) Whipple
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-51 – City Administrator Employment Contract Amendment No. 5

Resolution No. 2006-51 was introduced by Mulvany and seconded by Coady. A brief discussion was held regarding the salary increase amendment for the City Administrator's contract.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-51
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT 5
January 3, 2007

WHEREAS, City Council Resolution 2004-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Christine Coady do hereby submit the following proposed revisions to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason;

Section 2. Salary. Increase salary paid by 3.0% to $80,711.83 per year.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute an amendment to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein effective January 3, 2007.

YES (4) Clark, Coady, Mulvany, Naeyaert
NO (2) Bruno, Johnson
ABSENT (1) Whipple
RESOLUTION APPROVED

ADJOURN SINE DIE

Johnson spoke briefly regarding his tenure.

Motion by Johnson, second by Naeyaert,

to adjourn sine die.
MOTION APPROVED UNANIMOUSLY

The 2006 City Council adjourned sine die at 7:43 p.m. and Clark passed the gavel to Colburn.

ELECTION OF MAYOR AND MAYOR PRO TEM

Coady spoke regarding her tenure as Mayor pro tem and stated that she will not be seeking the Mayor pro tem seat due to her upcoming wedding this summer. Colburn administered the oath of office to Leslie W. Bruno, Jr., Robin C. Naeyaert, and Scott Preadmore. This is the first election held where the mayor and mayor pro tem serves a two-year term. Colburn opened the floor for nominations.

Bruno nominated Leon Clark for Mayor. He spoke to the leadership exhibited by Councilmember Clark.

ROLL CALL VOTE ON THE NOMINATION:
LEON CLARK ELECTED MAYOR UNANIMOUSLY

Bruno nominated Robin Naeyaert for Mayor Pro Tem.

ROLL CALL VOTE ON THE NOMINATION:
ROBIN NAEYAERT ELECTED MAYOR PRO TEM UNANIMOUSLY

Clark received the gavel and proceeded with the meeting.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

MOTION by Bruno, second by Mulvany,
to amend the agenda by moving Item No. 9(F) Request – Excused Absence – Councilmember Whipple, to Item No. 9(A), and adjust each agenda item accordingly.
MOTION APPRORVED UNANIMOUSLY

Re uest – E cused Absence – Councilmember Whipple

Clark stated that Councilmember Whipple contacted him regarding his request to be excused from tonight's meeting.

MOTION by Bruno, second by Preadmore,
to excuse Councilmember Whipple from the January 3, 2007 meeting.
MOTION APPORVED UNANIMOUSLY

Resolution No. 2007-01 - City Council Planning Commission Meeting Dates

Resolution No. 2007-01 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2007

January 3, 2007

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2007, and that said meetings are to be held on the first and third Mondays of each month, with one holiday exception scheduled as a *Tuesday meeting and one holiday exception scheduled as a *Wednesday meeting:

with two holiday exceptions scheduled as *Tuesday meetings:

January *3 and 15	July 2 and 16
February 5 and 19	August 6 and 20
March 5 and 19	September *4 and 17
April 2 and 16	October 1 and 15
May 7 and 21	November 5 and 19
June 4 and 18	December 3 and 17 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2007, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months:

January 9	May 15	September 11
February 13	June 12	October 9
March 13	July 10	November 13
April 10	August 14	December 11 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore
No (0)
Absent (1) Whipple
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-03 – City Council Appointment to City of Mason Building Authority

Resolution No. 2007-03 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-03
CITY COUNCIL APPOINTMENT TO THE BUILDING AUTHORITY
January 3, 2007

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby appoint Mark Howe to the Building Authority commencing January 3, 2007 and expire on December 31, 2009.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore
No (0)
Absent (1) Whipple
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-04 – Resolution To Accept Sanitary Sewer Easements For The E. Columbia Street East Side Interceptor

Resolution No. 2007-04 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007- 04
RESOLUTION TO ACCEPT SANITARY SEWER EASEMENTS
FOR THE E. COLUMBIA STREET EAST SIDE INTERCEPTOR

WHEREAS, the City of Mason had a study performed and a report prepared on the existing 10-inch sanitary sewer serving the east side of the city in January 2005; and

WHEREAS, the report concludes that the present sanitary sewer is inadequate to accommodate peak flows and future growth, and is a source of inflow and infiltration; and

WHEREAS, it is in the best interests of the City of Mason to replace the existing sanitary sewer with a 24-inch interceptor beside the Rayner Drain, from Okemos Street to the vicinity of Mathews Street and E. Columbia Street; and

WHEREAS, it is desirable and necessary to obtain permanent 30 foot utility easements from the following properties: 303 E. Columbia, 313 E. Columbia, 317 E. Columbia, 323 E. Columbia, 333 E. Columbia, 403 E. Columbia, 409 E. Columbia, 417 E. Columbia, and 123 N. Mathews.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and the City Administrator to sign the grant of easement for each property and have it recorded at the Ingham County Register of Deeds.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Preadmore
No (0)
Absent (1) Whipple
RESOLUTION APPROVED UNANIMOUSLY

Discussion – Ingham County Crime Reporting System

Stressman introduced Lt. Brice Alfred of the Ingham County Sheriff's Department, and George Vernon, Interim Director of the Management Information Systems (MIS) at Ingham County, and Sgt. Hude of the Mason Police Department. Stressman gave a brief synopsis of the county wide crime reporting and data sharing system that is being acquired through a COPS grant by the Ingham County Sheriff Department, Lansing Police Department, East Lansing Police Department, Michigan State University Department of Public Safety, and the Meridian Township Department of Public Safety. The Ingham County MIS amended the grant to include Mason Police Department, as well as all Ingham County law enforcement agencies, and resubmitted it. Approval of the amended grant has been received from the United States Department of Justice.

Motion by Coady, second by Naeyaert,
to direct the City Administrator to send a letter of commitment to the Ingham County Finance Department and have the staff pursue planning implementation of this project.
MOTION APPROVED UNANIMOUSLY

Discussion - Ordinance No. 158 - To Amend Chapter 82 Regulating Illicit Discharges for Storm Water

Dean spoke briefly regarding the proposed ordinance that would provide enforcement and regulate illicit discharges for storm water.

UNFINISHED BUSINESS

- Mulvany thanked Neal Johnson for his service to the City on City Council and Councilmember Coady for her work as Mayor pro tem, ex officio to the Planning Commission and as a member of the Sign Ordinance Review Committee. He also inquired about the status of a joint meeting with City Council and DDA. Clark stated that a suitable date is being considered.
- Clark expressed his sentiments of serving as Mayor and his regard of the Council for the

year 2006. He stated that he is honored to serve as Mayor for the next two years.

- Naeyaert echoed Mulvany's sentiments regarding the service and community commitment of Neal Johnson, Councilmember Coady, and Mayor Clark.

NEW BUSINESS

- Mulvany inquired whether the City Council and DDA workshop meeting has been set. Clark stated that it has not been determined if the date is suitable for the majority of members to attend.
- Clark thanked fellow Councilmember's for their support this last year and in his role as Mayor. He stated that he participated in a police officer ride-along and suggested that other members do the same.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

No reports were given at this time. It was stated that as Mayor Pro Tem Naeyaert would serve as liaison to the Planning Commission. Preadmore volunteered to serve as ex officio to the Traffic Commission.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being there was no further business the meeting adjourned at 8:45 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 18, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/City Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: December 4, 2006
The Minutes of December 4, 2006 were approved as submitted.

APPROVAL OF BILLS
MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $79,460.11 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Special Assessment Roll for the Sidewalk Improvements
Clark opened the public hearing at 7:34 p.m. to receive comments regarding the necessity of the proposed 2007 Sidewalk Improvements.

Gerold and Georgeen Maranka of 704 E. Columbia Street stated objection to the proposed special assessment because the damage to the sidewalk was caused by a water main break that caused the street to collapse years ago. Bruno recalled that the water main break occurred approximately in 1980; it washed out the sand below the street, however he didn't recall that it impacted the sidewalk. Staff will research the 1980 incident.

Tara Stage of 102 Stratford Drive stated objection to the proposed special assessment because she feels the sidewalk is not damaged; Ms. Stage provided photos of the sidewalk.

Clark closed the public hearing at 7:47 p.m.

REGULAR BUSINESS
Special Assessment Resolution No. 3, Project No. 2007-01
Special Assessment Resolution No. 3, Project No. 2007-01 was introduced by Johnson and seconded by Naeyaert.

CITY OF MASON
2007 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 3
PROJECT NO. 2007-1
December 18, 2006

WHEREAS, the City Council of the City of Mason, pursuant to the provisions of Section 66 of the City's Code of Ordinances and the relevant provisions of the City Charter, did on Monday, the 6th day of November, 2006, 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 18th day of December, 2006, 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: 521 E Columbia, 621 E Columbia, 108 Monroe, 611 E Columbia, 703 E Columbia, 101 Avon, 769 E Columbia, 737 E Columbia, 731 E Columbia, 743 E Columbia, 755 E Columbia, 883 E Columbia, 859 E Columbia, 851 E Columbia, 102 Stratford, 633 Center, 707 Peachtree, 604 E Columbia, 616 E Columbia, 704 E Columbia, 722 E Columbia, 106 Lawton, 105 Lawton, 732 E Columbia, 738 E Columbia, 105 Steven, 800 E Columbia, 1000 E Columbia.

2. The City Council hereby approves the plans and estimate of cost for the Project in the sum of $11,420.00, and approves the additional estimated sum of $1,715.00 to defray legal, financing and administrative costs. Of the estimated total cost of $13,135.00, the City Council determines to assess $5,708.54 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 Section 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 18, 2006, 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.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Special Assessment Resolution No. 4, Project No. 2007-01

Special Assessment Resolution No. 4, Project No. 2007-01 was introduced by Naeyaert and seconded by Johnson.

CITY OF MASON
2007 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 4
PROJECT NO. 2007-1
December 18, 2006

WHEREAS, by resolution adopted Monday, December 18, 2006, 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 19th day of March, 2007, 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 Section 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
2007 SIDEWALK IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT 2007-1

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the 2007 Sidewalk Improvements Special Assessment District 2007-1, 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 2007 Sidewalk Improvements Special Assessment

District 2006-1, 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: 521 E Columbia, 621 E Columbia, 108 Monroe, 611 E Columbia, 703 E Columbia, 101 Avon, 769 E Columbia, 737 E Columbia, 731 E Columbia, 743 E Columbia, 755 E Columbia, 883 E Columbia, 859 E Columbia, 851 E Columbia, 102 Stratford, 633 Center, 707 Peachtree, 604 E Columbia, 616 E Columbia, 704 E Columbia, 722 E Columbia, 106 Lawton, 105 Lawton, 732 E Columbia, 738 E Columbia, 105 Steven, 800 E Columbia, 1000 E Columbia.

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 $5,708.54.

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 19th day of March, 2007, 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 2007 Sidewalk Improvements special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: December 18, 2006

_____
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.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-48 – Mayoral Appointments to City boards and Commissions

Resolution No. 2006-48 was introduced by Naeyaert and seconded by Coady.

Motion by Bruno, second by Naeyaert,
to approve the request of Councilmember Johnson to abstain from voting

regarding Resolution No. 2006-48 as it designates his appointment to the Planning Commission.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-48
December 18, 2006
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

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, 2007 and expire on December 31of the year noted.

Board of Review	Gail Rouhier	2009
Building Code Board of Appeals	Christopher Schmidt	2009
Downtown Development Authority	Doug Dancer	2010
	Ryan Carter	2010
	Johnny Green	2010
Ethics Board	Mark Rigg	2009
Historic District Commission	Mark Cummings	2009
	Randy Gladstone (*filling an unexpired term*)	2007
	Dave Hyndman	2009
	Jeff Taylor	2009
Local Officers Compensation Commission	Larry Briggs	2011
	William Philip	2011
Planning Commission	Ed Reeser	2009
	Barbara Tornholm	2009

FURTHER RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following appointment to the Planning Commission commencing January 4, 2007, and expiring on December 31, 2009.

Planning Commission	Neal Johnson	2009

YES (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
NO (0)
ABSTAIN (1) Johnson
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-49 – City Council Appointments to City Boards and Commissions

Resolution No. 2006-49 was introduced by Naeyaert and seconded by Johnson.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-49
December 18, 2006
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

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, 2007 and expire on December 31 of the year noted:

Cemetery Board	Richard Ferris	2009
Local Development Finance Authority	Charles Dietrich	2010
	Ron Weesies (Vevay Township)	2010
	Kelly Corbett (Mason Public Schools)	2010
Utility Rate Study Committee	Larry Briggs	2009
	Jeff Shattuck	2009

Zoning Board of Appeals	Jon Jenkins	2009
	Shirley Richards	2009
	Scott Shattuck	2009

YES (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)
RESOLUTION APPROVED UNANIMOUSLY

Motion – Tree Trimming Contract

Motion by Bruno, second by Naeyaert,
To approve the contract with Ayles Tree Service for the year 2007 in the amount of $31,825.00.
MOTION APPROVED UNANIMOUSLY

Motion – Farm Lease

Motion by Whipple, second by Johnson,
to approve extending the current FARM LEASE with Mr. Steven R. Lott for the next three years (2007 thru 2009) for a total of $15,600.00.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- Whipple commented that the additional work at Laylin Park looks good and he felt that it was good to complete now because it will be ready for the spring.
- Mulvany asked what decision the Planning Commission had made regarding liquor sales restrictions for the site located at Temple and Ash Streets. Coady stated that the Commissioners determined not to exceed, but to meet the State of Michigan Liquor laws.

NEW BUSINESS

Naeyaert inquired why her attendance at the executive session held December 4, 2006 was not noted in the Minutes of the regular meeting. Colburn explained that the Executive Session Minutes indicate her attendance.

CORRESPONDENCE

All correspondence was distributed. Clark spoke briefly regarding a meeting he attended with Administrator Colburn and Fire Chief Scutt at MSU Extension considering a study for regional organization of emergency services. Colburn spoke briefly to the memorandum submitted by Police Chief Stressman regarding a crime reporting system that would network all law enforcement agencies within Ingham County.

LIAISON REPORTS

- Coady informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development (DDA) business. A brief discussion was held regarding the DDA's desire to hold a joint meeting with Council. It was the consensus of the Council to set a work session for January 15, 2007 at 6:30 p.m.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT TO EXECUTIVE SESSION – PERSONNEL – CITY ADMINISTRATOR'S EVALUATION

Motion by Coady, second by Naeyaert,
to adjourn to executive session to discuss the City Administrator's evaluation.
ROLL CALL VOTE:
Yes (7) Bruno, Coady, Johnson, Mulvany, Naeyaert, Whipple, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:32 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 4, 2006

Clark called the meeting to order at 7:40 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Johnson led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Whipple
Excused: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/City Treasurer
Deborah Cwiertniewicz, Deputy City Clerk

Motion by Coady, second by Johnson,
to amend the agenda by moving business item 7(C) to 7(A) and adjust the remaining business items accordingly.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: November 20, 2006
The Minutes of November 20, 2006 were approved as submitted.

APPROVAL OF BILLS
MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $81,600.65 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Barb Tornholm, Planning Commission Chairperson, read a written statement that she presented to Council. Ms. Tornholm stated concerns regarding the Cedar Street corridor, older residences, and dangerous dogs.

REGULAR BUSINESS
Motion Presentation of 2005-2006 Financial Statements
Coady commended city staff for their foresight that led the city to a healthy financial position.

Motion by Bruno, second by Whipple,
To accept the 2005-2006 Financial Statements and place them on file.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2006-46 – Resolution Supporting Michigan House Bill 6456
Discussion ensued supporting and opposing the Michigan House Bill 6456 known as the "Uniform Video Services Local Franchise Act." Resolution No. 2006-46 was introduced by Johnson and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-46
RESOLUTION SUPPORTING MICHIGAN HOUSE BILL NO. 6456
December 4, 2006

WHEREAS, the Michigan State House of Representatives has passed HB NO. 6456 known as the "Uniform Video Services Local Franchise Act," and

WHEREAS, local governments and the Michigan Municipal League have strived to insure that local governments are not harmed in their ability to have the public served, maintain control of rights-of-way, and have access to public education and government channels; and

WHEREAS, adding competition to a free market place, assists consumers by providing choice, competitive pricing and typically drives research and development which leads to better products; and

WHEREAS, technological advancements in the communications arena utilizing phone lines, wireless systems and electrical lines make available a wider range of broadband communications delivery systems; and

WHEREAS, opening up competition by removing regulations and adjusting public policy will enhance the market place to provide a greater option to consumers as well as encourage reducing the cost of services; and

WHEREAS, by opening up new technologies, it enhances access and ability of other technology, such as internet and other services to a greater amount of citizens.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby offer support to HB No. 6456 and directs staff to forward this Resolution to the Michigan State Legislature and video service providers.

Yes (3) Coady, Mulvany, Whipple
No (3) Bruno, Clark, Johnson
Absent (1) Naeyaert
RESOLUTION FAILED

Resolution No. 2006-47 – A Resolution Recommending that the City Council Authorize the Mason Historic District Commission to Apply for a Certified Local Government Grant to Resurvey the Historic Properties in the Historic District

Mark Cummings, Historic District Commission Chairperson, spoke briefly regarding the Historic District Commission's interest in applying for a Michigan State Historic Preservation grant. Resolution No. 2006-47 was introduced by Coady and seconded by Johnson.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-47

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE MASON HISTORIC DISTRICT COMMISSION TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT TO RESURVEY THE HISTORIC PROPERTIES IN THE MASON HISTORIC DISTRICT

December 4, 2006

WHEREAS, the City of Mason received Certified Local Government status in 2004; and

WHEREAS, the Michigan State Historic Preservation Office (SHPO) requires that Certified Local Governments maintain and update an inventory of resources within their historic districts; and

WHEREAS, SHPO has concluded that the City's inventory (Main Street Façade Study) compiled in 1984 is in need of updating to current SHPO inventory standards; and

WHEREAS, the HDC has prepared a grant application for submission to the State Historic Preservation Office for the required funding amount to complete an inventory update; and

WHEREAS, the HDC has received matching funds from the City of Mason ($1,000.00) and the Centennial Fund ($1,000.00) in an effort to leverage $3,000.00 from SHPO for a total project amount of $5,000.00.

WHEREAS, on November 30, 2006, SHPO staff, after reviewing the draft application, provided pre-application comments; and

WHEREAS, the HDC and City staff are preparing to include the new materials and responses to the pre-application comments in the final draft of the application.

NOW THEREFORE BE IT RESOLVED, that the City Council authorizes the Mason Historic District Commission to apply for a Certified Local Government grant to resurvey the historic resources in the Mason Historic District.

Yes (6) Bruno, Clark, Coady, Johnson, Mulvany, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Clark informed the Council regarding the success of the benefit held December 3, 2006 for the Colligan family. He expressed how proud he feels to be part of the Mason community. He thanked the committee members as well as all of those who supported this cause in various ways to help raise more than $18,000 for Joan and her daughters.

Bruno informed Council regarding the retirement party held in celebration of Jim King. Mr. King retired Thursday, November 30, 2006 ending 32 years of loyal and dependable service to the City of Mason and its residents.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
Mulvany informed Council regarding Historic District Commission business.

A brief discussion ensued regarding issues to address at the next Traffic Commission meeting.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Discussion was held regarding the possible sale of Ladder 818 to the City of Leslie.

Motion by Bruno, second by Johnson,
To offer the 1973 Joyce fire truck to the City of Leslie for $1.00
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT TO EXECUTIVE SESSION

Motion by Whipple, second by Coady,
to adjourn to executive session to discuss the City Administrator's evaluation.
ROLL CALL VOTE:
Yes (6) Bruno, Coady, Johnson, Mulvany, Whipple, Clark
No (0)
Absent (1) Naeyaert
MOTION APPROVED UNANIMOUSLY

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 20, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/City Treasurer
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: November 6, 2006

The Minutes of November 6, 2006 were approved as corrected.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $40,407.98 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Boy Scout Kyle McKee of 787 Coho Circle informed the Council that he and fellow scouts were present to work toward earning the Citizenship in the Nation Merit Badge.

Ben Gehl of 4748 Bunker Road stated that he was also present earning his Citizenship in the World Merit Badge.

REGULAR BUSINESS

Resolution No. 2006-45 – Resolution of City Officer Appointment

Colburn announced that he hired John Dodson to fill the vacant Building Inspector position. Mr. Dodson introduced his wife, Luanne, and spoke briefly regarding his experience. Resolution No. 2006-45 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-45

RESOLUTION OF CITY OFFICER APPOINTMENT
November 20, 2006

WHEREAS, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

WHEREAS, as listed in section 4.6, the Administrative Officers of the City are listed; and

WHEREAS, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

WHEREAS, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing John Dodson as the Building Inspector.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint John Dodson as Administrative Officer to the office of Building Inspector and is hereby charged with performing the duties and responsibilities of the office.

YES (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)
RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Mulvany informed Council regarding Historic District Commission business.
- Coady informed Council regarding Planning Commission business.
- Clark informed Council that the Downtown Development Authority was unable to meet due to the lack of a quorum.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being that there was no further business the meeting adjourned at 8:07 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 6, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: October 16, 2006

The Minutes of October 16, 2006 were approved as corrected.

APPROVAL OF BILLS

MOTION by Coady, second by Whipple,
to approve the payment of bills in the amount of $283,600.47 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Ordinance No. 157 – Second Reading and Adoption

MOTION by Whipple, second by Naeyaert
to consider Ordinance No. 157 read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

2007 Sidewalk Special Assessment Resolution No. 1, Project 2007-1

Special Assessment Resolution No. 1, Project No. 2007-1 was introduced by Coady and seconded by Mulvany.

CITY OF MASON
2007 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 1
PROJECT NO. 2007-1
November 6, 2006

WHEREAS, upon its own motion and without petition, the City Council of the City of Mason desires to be advised of the feasibility of certain sidewalk improvements within the City, generally described as follows:

The installation of sidewalks and related improvements, and/or the replacement of sidewalk in the public right-of-way of the following properties and along and adjacent to the following streets: 521 E Columbia, 621 E Columbia, 108 Monroe, 611 E Columbia, 703 E Columbia, 101 Avon, 769 E Columbia, 737 E Columbia, 731 E Columbia, 743 E Columbia, 755 E Columbia, 883 E Columbia, 859 E Columbia, 851 E Columbia, 102 Stratford, 633 Center, 707 Peachtree, 604 E Columbia, 616 E Columbia, 704 E Columbia, 722 E Columbia, 106 Lawton, 105 Lawton, 732 E Columbia, 738 E Columbia, 105 Steven, 800 E Columbia, 1000 E Columbia; and

WHEREAS, an estimate of the expenses of the Project and engineering drawings must be made, and the proposed special assessment district therefore must be determined.

NOW THEREFORE BE IT RESOLVED, that

1) The City Council does hereby tentatively declare its intention to proceed with the Project;

2) The City Administrator and/or Treasurer are hereby ordered to cause plans showing the Project, the location thereof, the proposed special assessment district, and estimates of the cost of the Project, to be prepared by Wolverine Engineers and Surveyors, Inc., Mason, Michigan;

3) The City Administrator, when the engineering plans and estimates for the Project are completed, is ordered to file same with the City Clerk, and said plans and estimates shall be made available for public inspection;

4) The City Administrator and/or Treasurer are hereby further authorized to proceed with all other necessary actions to initiate the Project;

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

Yeas (7) Council Members – Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Nays (0)
RESOLUTION APPROVED UNANIMOUSLY

2007 Sidewalk Special Assessment Resolution No. 2, Project 2007-1

Changes were made to Resolution No. 2 at the suggestion of McGinty. Special Assessment Resolution No. 2, Project No. 2007-1 was introduced by Mulvany and seconded by Coady.

CITY OF MASON
2007 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 2
PROJECT NO. 2007-1
November 6, 2006

WHEREAS, the City Council has ordered plans and estimates of costs of certain sidewalk improvements described more specifically below, to be made; and

WHEREAS, the City Council of the City of Mason, deems it advisable and necessary for the public health, safety and welfare of the City and its inhabitants to carry out the following generally described sidewalk improvement project:.

The installation of sidewalks and related improvements, and/or replacement of sidewalk in the public right-of-way of the following properties and along and adjacent to the following streets: 521 E Columbia, 621 E Columbia, 108 Monroe, 611 E Columbia, 703 E Columbia, 101 Avon, 769 E Columbia, 737 E Columbia, 731 E Columbia, 743 E Columbia, 755 E Columbia, 883 E Columbia, 859 E Columbia, 851 E Columbia, 102 Stratford, 633 Center, 707 Peachtree, 604 E Columbia, 616 E Columbia, 704 E Columbia, 722 E Columbia, 106 Lawton, 105 Lawton, 732 E Columbia, 738 E Columbia, 105 Steven, 800 E Columbia, 1000 E Columbia;

Further, the City Council deems it advisable to defray all or a portion of the cost of the Project through special assessments assessed against the properties specially benefited thereby; and

WHEREAS, the City Council desires to proceed further with the Project.

NOW THEREFORE BE IT RESOLVED, that:

1) Upon completion, the plans showing the Project and location thereof, and the estimate of the cost thereof, shall be filed with the City Clerk and shall be available for public examination at least 10 days prior to the public hearing;

2) The City Council tentatively declares its intention to proceed with the Project as generally described above, and to defray all or a portion of the cost thereof by special assessments against the properties specially benefited thereby in the proposed sidewalk improvement special assessment district;

3) There is hereby tentatively designated a special assessment district against which all or a portion of the costs of the Project are to be assessed, consisting of the lots and parcels of land described in **Exhibit A,** attached hereto and made a part hereof by reference;

4) The City Council shall meet at a regular meeting in the City Hall, 201 West Ash Street, Mason, Michigan 48854, on Monday, the 18th day of December, 2006 at 7:30 p.m., at which time and place the City Council will hear any objections to the Project and to the proposed special assessment district therefore;

5) The City Clerk is hereby ordered to cause notice of such hearing to be made to the owners of the lots and parcels of land described in **Exhibit A,** attached hereto and made a part hereof by reference, pursuant to Section 66-4 of the Mason Code and the provisions of the City Charter. Said notice 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
SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT PROJECT NO. 2007-1

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the proposed Sidewalk Special Assessment District 2007-1, and any other interested persons:

PLEASE TAKE NOTICE that the City Council of the City of Mason, acting on its own initiative, proposes to make the following generally-described sidewalk improvements with respect to the proposed Sidewalk Improvement Special Assessment District-Project 2007-1:

The installation of sidewalks and related improvements, and/or replacement of sidewalk in the public right-of-way of the following properties and along and adjacent to the following streets: 521 E Columbia, 621 E Columbia, 108 Monroe, 611 E Columbia, 703 E Columbia, 101 Avon, 769 E Columbia, 737 E Columbia, 731 E Columbia, 743 E Columbia, 755 E Columbia, 883 E Columbia, 859 E Columbia, 851 E Columbia, 102 Stratford, 633 Center, 707 Peachtree, 604 E Columbia, 616 E Columbia, 704 E Columbia, 722 E Columbia, 106 Lawton, 105 Lawton, 732 E Columbia, 738 E Columbia, 105 Steven, 800 E Columbia, 1000 E Columbia;

TAKE FURTHER NOTICE that the City Council will meet on Monday, the 18th day of December, 2006, at 7:30, p.m., in the City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of hearing any objections to the proposed sidewalk improvement project and the proposed special assessment district therefore.

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 proposed sidewalk improvement project, the special assessment district or the amount of the special 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 street and sidewalk improvement special assessment project is available at the City Clerk's offices, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: November 6, 2006

_____
Martin Colburn, City Clerk
City of Mason
Ingham County, Michigan

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

Yeas (7) Council Members – Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Nays (0)
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-44 – Resolution Objecting to the Transfer of Property
Resolution No. 2006-44 was introduced by Coady and seconded by Mulvany.

Motion by Whipple, second by Naeyaert,
To amend Resolution No. 2006-44 by striking*, or in subsequent years*, in the first *Be It Further Resolved* paragraph.
MOTION APPROVED UNANIMOUSLY

Motion by Naeyaert, second by Johnson,
To amend Resolution No. 2006-44 by striking the second *Be It Further Resolved paragraph*, also, strike the word *and* at the end of the previous paragraph.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-44
RESOLUTION OBJECTING TO THE TRANSFER OF PROPERTY
November 6, 2006

WHEREAS, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

WHEREAS, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

WHEREAS, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

WHEREAS, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

WHEREAS, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

WHEREAS, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

WHEREAS, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases, and

WHEREAS, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

WHEREAS, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city, village, township on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

WHEREAS, the list of properties for the current year are as follows:

33-19-10-08-106-001
33-19-10-08-228-003

WHEREAS, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

WHEREAS, the City Of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

WHEREAS, the City Of Mason does not wish to obtain from the Treasurer any property upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

NOW THEREFORE BE IT RESOLVED, that the City Of Mason wishes to exercise its option under the Act to object to the transfer of property foreclosed upon by the Treasurer but not sold; and

BE IT FURTHER RESOLVED, that the City Of Mason wishes this objection to be effective for any property upon which the Treasurer will foreclose this year.

This resolution shall be given immediate effect upon the passage of the motion for adoption.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
RESOLUTION APPROVED UNANIMOUSLY

Motion – Street Closure – Holiday Celebration Lighted Parade

Street closures are being requested for the annual Holiday Celebration Lighted Parade sponsored by the Mason Area Chamber of Commerce.

Motion by Naeyaert, second by Johnson,
To approve the closure of Mason, Columbia, State, Maple, Jefferson, Ash and Barnes Streets for the MACC Holiday Celebration Lighted Parade, November 24, 2006 between 6:30 p.m. and 7:30 p.m.
MOTION APPROVED UNANIMOUSLY

Motion – Waive the Formal Bid Process – Scheduled Rehabilitation for Park Street Well

Staff is requesting to waive the formal bid process and is recommending the quote of $12,375.00 by Peerless-Midwest . Quotes were submitted by two municipal well companies, Peerless-Midwest and Layne-Northern.

MOTION by Bruno, second by Johnson,
to waive the formal bid process and award the bid to Peerless-Midwest for the rehabilitation for the Park Street Well for $12,375.00.
MOTION APPROVED ANONOMOUSLY

Motion – Softball Tournament Cost

Council requested a cost analysis reflecting city costs relating to softball tournaments.

MOTION by Whipple, second by Naeyaert,
to direct the Finance Director/Treasurer to change the charge in the Directory of

Charges for Softball Tournament fees to $700.00 deposit less expenses and damages.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None.

NEW BUSINESS
Discussion was held regarding the Fire Department's replacement schedule for the Squad Truck listed in the Capital Improvement Plan. Bruno shared information he gathered from Irv Stahl regarding history about the Park Street Well

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Mulvany informed Council regarding Historic District Commission business. He stated that a quorum was not present for October 30th meeting.
- Whipple informed Council regarding the Michigan Municipal League Finance and Taxation Committee business

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being that there was no further business the meeting adjourned at 8:22 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 16, 2006

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, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: October 2, 2006
The Minutes of October 2, 2006 were approved as submitted.

APPROVAL OF BILLS
MOTION by Whipple, second by Coady,
to approve the payment of bills in the amount of $113,079.16 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Onnolee Burton, Friends of the Library Treasurer, and Elaine Ferris, Friends of the Library President, presented a check to Mayor Clark in the amount of $5,000.00.

PUBLIC HEARING
Clark opened the public hearing at 7:35 p.m. Colburn gave a brief introduction regarding the Industrial Facilities Tax Exemption (IFT) request by Sten Sjoberg, President of Gestamp U.S. HardTech, Inc.

Mr. Sten Sjoberg thanked Council for the cooperation to help his company to grow and strive in Mason. He spoke briefly about the company's product and the interest that has brought delegations of visitors who fly in to see the plant and talk with him. Clark closed the public hearing at 7:45 p.m.

REGULAR BUSINESS
Resolution No. 2006-41 – Approval of Application for Industrial Facilities Exemption Certificate and Industrial Facilities Exemption Agreement with Gestamp U.S. HardTech, Inc.
Resolution No. 2006-41 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-41
APPROVAL OF APPLICATION FOR
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND
INDUSTRIAL FACILITIES EXEMPTION AGREEMENT
WITH GESTAMP U.S. HARDTECH, INC.

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, Gestamp U.S. HardTech, Inc. (SSAB) has submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of land and building improvements of $12,000,000 and machinery, equipment, furniture and fixtures of approximately $47,100,000, with said improvements totaling $59,100,000 as set forth in the applicant's application to the City Administrator dated September 1, 2006; and

WHEREAS, the City Council has adopted Council Resolution No. 92-37, after a public hearing on July 6, 1992, duly noticed by publication, to establish Industrial Development District No. 3 pursuant to Act 198 to encompass the land and territory within which the Applicant proposes to acquire and maintain the building, land improvements, machinery and equipment to be acquired by the Applicant; and

WHEREAS, the description of said property is:

BEG AT NW COR OF SEC 16 - S 89-45-58 E 1033.64 FT ALNG N SEC LN - S 24-17-28 E 1459.66 FT ALNG WLY LN OF CONRAIL R/W - SELY ALNG CURVE TO RT 408.57 FT, RAD OF 2861.25 FT, CHD BRG S 20-12-01 E 408.22 FT - CONT SELY ALNG CURVE TO RT 281.39 FT, RAD OF 2861.25 FT, CHD BRG S 13-17-32 E 281.28 FT - ALNG CURVE TO LEFT 468.82 FT, RAD OF 429.28 FT, CHD BRG N 51-54-02 W 445.86 FT - N 89-43-34 W 534.2 FT - S 00-06-19 W 31.32 FT - N 89-43-34 W 197 FT - S 00-06 19 W 386 FT - N 89-53-41 W 754.03 FT ALNG N LN OF TRILLIUM CT - N 00-04-38 W 2128.84 FT ALNG W SEC LN TO POB ON NW 1/4 OF SEC 16 T2N R1W 63.481 AC M/L CITY OF MASON (1997)

WHEREAS, Gestamp U.S. HardTech, Inc., wishes to install a new building improvements and purchase new equipment, machinery, furniture and fixtures on the property legally described above; the value of said personal property to be approximately $59,100,000; and

WHEREAS, Gestamp U.S. HardTech, Inc., has committed to the establishment of a minimum of fifty additional jobs at their facility as a direct result of the installation of the new building, equipment and machinery; and

WHEREAS, Gestamp U.S. HardTech, Inc., seeks an Industrial Facilities Exemption Certificate on the real and personal property for a term of twelve (12) years, as described in its Application, dated September 1, 2006; and

WHEREAS, the City Council met in public hearing on October 16, 2006, as heretofore resolved and noticed, for the purpose of considering approval of said application; and

WHEREAS, the City Council has afforded the applicant, the public, the Assessor, and all of the affected taxing units notice of an opportunity for all persons desiring to be heard, either orally or in writing, with respect to the approval of an Industrial Facilities Exemption Certificate for the applicant; and

WHEREAS, the granting of an Industrial Facilities Exemption Certificate to Gestamp U.S. HardTech Inc., will not substantially impede the operations or financial soundness of the City of Mason; and

WHEREAS, the City Council has received and considered a proposed written agreement as required by Section 22 of Act 198 to be entered into between the City and Gestamp U.S. HardTech Inc., containing the requirements for approval and the terms and conditions under which the Industrial Exemption Facilities Agreement shall be issued and retained;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason finds and determines that the granting 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 a taxing unit which levies ad valorem

property taxes in the City of Mason; and

BE IT HEREBY RESOLVED, that the application of Gestamp U.S. HardTech, Inc. for an Industrial Facilities Exemption Certificate for personal property improvements is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and Gestamp U.S. HardTech, Inc. shall enter into the written Agreement containing the requirement for approval and issuance of the Industrial Facilities Exemption Certificate and allowing for the revocation of the Certificate if conditions imposed by the City of Mason are not met.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

Clerk's Certification: The undersigned, duly qualified Clerk of the City of Mason, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Council at a regular meeting held on Monday, October 16, 2006 the original of which is part of the City Council Minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the Michigan Open Meetings Act (1976 PA 267, as amended).

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Ordinance No. 157 – First Reading

MOTION by Whipple, second by Naeyaert,
to consider Ordinance No. 157 read for the first time.

McGinty suggested amendments to the proposed ordinance.

MOTION by Whipple, second by Johnson,
to amend proposed Ordinance No. 157 by striking *local unit of government* and inserting *city* in Section 1-2, fourth paragraph; by deleting the comma in Section 94-101 (2)(c) following the word decision and (d) following the word ~~amendment~~ [*insert*] *decision*.
MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Naeyaert,
to amend Ordinance No. 157 by striking the designation of *(a)* in Section 50-35
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Presentation – MDOT M-36 Enhancement Grant

Colburn gave a brief report regarding the progress of pursuing an enhancement grant through Michigan Department of Transportation (MDOT) to beautify highway commercial areas, including decorative street lights and trees to line North Cedar Street. Rod Leppala, MDOT Supervisor, and Scott Cook of Capital Consultants addressed Council regarding enhancements to M-36. Rod Leppala, MDOT Supervisor, stated that MDOT contracted Capital Consultants as the design consultants for the M-36 roadway project through the city of Mason that is scheduled for 2008. Scott Cook of Capital Consultants stated that the Lansing Transportation Service Center has been working

with Colburn and Dean toward a Transportation Enhancement Grant to provide improvements for the gateway entrance into the city off of US-127 and M-36. Mr. Lappala stated that MDOT is willing to look at putting in curb and gutter at Temple and Steele Streets, within their budget.

Resolution No. 2006-42 – A Resolution Authorizing the City Of Mason to Participate with the Michigan Department of Transportation on a Matching Transportation Enhancement Grant

Resolution No. 2006-42 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-42
October 16, 2006
A RESOULTION AUTHORIZING THE CITY OF MASON TO PARTICIPATE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION ON A MATCHING TRANSPORTATION ENHANCEMENT GRANT

WHEREAS, the Michigan Department of Transportation has included street improvements for M-36 through the city during the summer of 2008; and

WHEREAS, the City of Mason is eligible to participate with the Michigan Department of Transportation with a transportation enhancement grant; and

WHEREAS, the City of Mason Master Plan goals and objectives calls for; "Encourage a greater sense of community identity and character by streetscape improvements to commercial and other activity centers, and provide attractive entranceways into the City."; and

WHEREAS, after following the Michigan Department of Transportation process of project consideration and cost analysis, the City of Mason and the Department of Transportation have provided a project concept which includes improvements of street trees and shrubs, decorative street lighting and a city welcome sign along the northern portion of M-36 in Mason also known as Cedar Street; and

WHEREAS, the city will pursue the enhancement grant, with the understanding that it is a matching grant; and

WHEREAS, the city understands the requirement of providing future maintenance to the enhancements made through the enhancement grant program.

NOW, THEREFORE BE IT RESOLVED, that the Mason City Council endorses the city application for funding of a Michigan Department of Transportation Enhancement Grant to enhance the northern entry way of the city along Cedar Street, also know as M-36, and provide matching grant funding.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, October 16, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-43 –Five-Year Street Program

Dean spoke briefly regarding the five-year street program and a brief discussion ensued. Resolution No. 2006-43 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2006- 43
FIVE-YEAR STREET PROGRAM
October 16, 2006

WHEREAS, a revised five year street reconstruction program was prepared and presented; and

WHEREAS, it was based on a street prioritization study conducted by the Public Works Director and reviewed by the City Engineer; and

WHEREAS, preliminary costs and revenue estimates for the projects have been made; and

WHEREAS, the City Council will review the project list annually to make appropriate allowances or changes to priorities and estimates;

NOW THEREFORE BE IT RESOLVED, that a Five Year Street Construction Program has been accepted by the Mason City Council for project planning and budgetary considerations.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, October 16, 2006 the original of which is part of the City Council minutes.

_____
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Motion – Directory of Changes
Revels explained how staff worked with the Maximus to develop a cost analysis for services provided by the city.

MOTION by Whipple, second by Coady,
to approve the Directory of Charges

A brief discussion ensued.

MOTION by Whipple, second by Mulvany,
to amend the proposed Directory of Charges by striking *per team* on page (3).
Yes (7) Bruno, Clark, Coady, Johnson, Naeyaert, Mulvany, Whipple
No (0)
MOTION APPROVED UNANIMOUSLY

VOTE ON MAIN MOTION
MOTION APPROVED UNANIMOUSLY

It was the consensus of the Council to have staff review the tournament fee and provide a recommendation whether a fee should be charged for preparing and maintaining the softball fields.

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE

All correspondence was distributed and a brief discussion ensued. A card was received from Joan Colligan thanking City Council for their generous donation to her four daughters. City employee, Chris Colligan, Building Inspector/ Code Enforcement Officer, was hit by a drunk driver on the evening of September 23rd and killed instantly. A Memorial Golf Outing was held October 15th where more than 140 golfers attended. Clark stated that he is organizing a benefit for the Colligan family. A bowl-a-thon is planned with live music, etc. An invitation to the Community Mental Health Authority's luncheons was received.

LIAISON REPORTS

- Coady informed Council that the Planning Commission met October 10 and the Sign Committee met October 11; they will meet again October 13.
- Clark informed Council regarding the Downtown Development Authority (DDA) meeting held October 12. He expressed that he would like to schedule a work session with the DDA and City Council. It was discussed that a meeting could be scheduled, if there are issues that the DDA feels there is a need for discussion after reviewing the legal opinion.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. In response to auto thefts the police department captured two individuals. Subsequently, a search warrant was obtained; upon entering the building, a home-made bomb was identified immediately. They contacted the State Police Bomb Squad and evacuated several buildings in the area. The State Police deployed a robot and detonated and disposed of the bomb on the north side of town. Colburn commended Sgt. Ed Hude, Sgt. Don Hanson, Mason Police Department, the State Police, Mason Fire Department, Mason Public Works Department, and the Ingham County Sheriff's Office Emergency Operations.

Improvements have been made to the City Administrator's offices to accommodate staff. Although meeting space has been impacted, it is working well and meeting the need. He thanked Council for the support they have given to city staff and the community for the Golf Outing in memory of Chris Colligan.

PEOPLE FROM THE FLOOR

Elaine Ferris, Farmer's Market Director, informed Council that the market concluded for the year last Saturday with 150 customers. She commended volunteer Don Jacot for setting up and clearing barricades and signs every Saturday.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 9:20 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 2, 2006

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance. Reverend Robert Hundley offered the invocation and words of comfort following the sudden loss of city employee, Chris Colligan.

Present: Councilmembers: Bruno, Clark, Coady, *Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: September 18, 2006

The Minutes of September 18, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $380,177.95 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2006-40 – Designating Palmer Playground in Honor of Leslie and Eleanor Palmer

Colburn spoke regarding the request of Rebecca Palmer Cornish to establish an appropriate designation in memory of her parents, Leslie and Eleanor Palmer. Mrs. Cornish previously addressed Council regarding a historic and recognition inequity regarding property now owned by the city known as Hayes Park. An appropriate designation was discussed among Councilmembers, staff and Palmer family members. Resolution No. 2006-40 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-40
A RESOLUTION DESIGNATING PALMER PLAYGROUND IN HONOR OF LESLIE AND ELEANOR PALMER

WHEREAS, Leslie Palmer served as a B-17 pilot in the European Theatre during World War II; and

WHEREAS, he flew ten combat missions prior to being shot down and held as a Prisoner of War; and

WHEREAS, Leslie Palmer returned home to serve his community of Mason as a business owner of Palmer Grocery, Postmaster and civically; and

WHEREAS, he married Eleanor Favorite and lived at 835 West Columbia; and

WHEREAS, Eleanor served the Mason community through many years of service at the Mason Hospital, Meals on Wheels, Red Cross and the Historical Museum; and

WHEREAS, the State of Michigan, utilizing eminent domain, took the Palmer home and property to build US127 Highway; and

WHEREAS, the old Palmer farm was located where the "Keith Hayes Memorial Park" currently is located; and

WHEREAS, over several generations the Palmer family has made many contributions to the City of Mason.

NOW THEREFORE BE IT RESOLVED, the Mason City Council, in honor of the contributions made to the City of Mason by Leslie and Eleanor Palmer, as well as the Palmer family, do hereby designate the playground within Hayes Park as **Palmer Playground**.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Johnson

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, October 2, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Presentation – Mason Community Asset Builders (MCAB)

Alex Church of MCAB informed Council regarding the organization's membership and plans for the coming school year. Luis Reynaga spoke regarding specific activities that the group has discussed. Nellie Smydra stated that the group would like to disseminate information to the Mason student body regarding topics and issues that concern the youth for the community. MCAB asked for suggestions and direction from Council. As liaisons to MCAB, Councilmembers Johnson and Whipple will consult with the group.

*Johnson arrived at 8:02 p.m.

Discussion – Laylin Park Improvements

As requested, Colburn addressed estimates for improvements to Laylin Park. He recommended scheduling the improvements for the 2007-2008 Budget. A lengthy discussion ensued whether to pursue improvements or to wait for next year's budget.

MOTION by Whipple, second by Bruno,
to authorize the purchase and installation of three benches and three basic swings at Laylin Park, and to make the corresponding budget amendment from General Fund for $12,000.00.
Yes (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
No (1) Mulvany
MOTION APPROVED

M-36 Enhancement Grant

Colburn gave a brief report regarding the progress of pursuing an enhancement grant through Michigan Department of Transportation (MDOT) to beautify highway commercial including

decorative street lights and trees to line North Cedar Street.

UNFINISHED BUSINESS

- Naeyaert inquired about the outcome of the final asphalt wear course application for S. Lansing Street. Colburn stated that the city engineer and Mr. Brown have discussed an accommodating final wear course schedule.

NEW BUSINESS

- Whipple informed Council that he attended the Capitol Area District Library ceremony accepting the Morris collection.

CORRESPONDENCE

All correspondence was distributed. Clark read Council a letter he received commending David Haywood, Planning & Development Director. Clark asked that the Traffic Commission consider the angle and parallel parking on Oak Street between Park and Jefferson Streets.

LIAISON REPORTS

- Coady informed Council that the proposed legislative policies were approved at the MML Convention. Planning Commission will meet October 10th and the sign committee will meet October 11th.
- Clark informed Council regarding the September 14th Downtown Development Authority meeting.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. He spoke about the loss of Chris Colligan, Building Inspector/Building Official; Mr. Colligan touched the community professionally and personally. He is deeply missed by co-workers and friends at the City of Mason. A golf outing and family event is planned in his memory for his wife, Joan, and their four daughters, Alexis, Nikki, Natalie, and Elizabeth.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 8:37 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 18, 2006

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
John Stressman, Police Chief
Dennis McGinty, City Attorney
Bill Potter, City Engineer
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: September 5, 2006
The Minutes of September 5, 2006 were approved as corrected.

APPROVAL OF BILLS

MOTION by Coady, second by Naeyaert,
to approve the payment of bills in the amount of $82,721.42 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Roger Bauer of 608 E. Maple Street asked that the Laylin Park directional signs be repositioned to prevent drivers from entering the exit of the one-way drive.

Ken Brown, owner of the Mason Elevator located at 104 S. Lansing Street, asked when it is planned to apply the final asphalt wear course for Lansing Street. He expressed concern that closure of the street will coincide with the harvest season, which will eminently affect his business

MOTION by Mulvany, second by Bruno,
to amend the agenda by moving Item No. 7(I) Mason Antiques District Cobblestone Flea Market, as the first item of business to accommodate those in the audience present for consideration of the request.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Request – Mason Antiques District Cobblestone Flea Market
Clark stated that the Mason Antiques District Cobblestone Flea Market request was deferred to this meeting to allow adjacent property owners to be heard on the matter.

Jeanette Finetuch stated that she is the personal representative for David Finetuch/owner of the properties in question. Ms. Finetuch stated that she submitted a proposal which utilizes the right-of-way bordering 118 N. Lansing Street for the ongoing flea market held each Sunday. She feels that the use is less of an imposition than when it was a lumber yard.

Jeff Taylor, representative of the Mason Antiques District Cobblestone Flea Market, stated that the suggested street closure during the flea market would be disturbing to adjacent business owners and for the flea market as well. Discussion ensued.

Police Chief Stressman was asked to comment regarding his recommendation. Stressman stated that he recommended closing the street during the hours of the business venture in the interest of public safety, for pedestrians that walk in the street. He is open to blocking one lane, with proper traffic control devices in place.

Ken Brown of Mason Elevator stated that closing any portion of Lansing Street would severely affect his business.

Russ McCalla of Mason Elevator also stated concerns regarding the effect of closing Lansing Street.

Rick Falardeau, owner of The Trellis located at 352 W. Columbia Street, stated opposition to closing Lansing Street. He feels that the flea market has not negatively impacted the business in that area, but closing Lansing Street would.

Deb Birdsall of 352 A W. Columbia Street stated that she resides in the apartment above the Trellis and the old lumber yard, where the flea market is held. She and her husband have not heard any noise or activity on Sundays related to the flea market. They have not been aware of traffic problems relating to pedestrians or parking issues. They have visited the flea market and are pleased with the activity and vision that Jeanette and Jeff have for the event.

It was discussed that the requested special use permit is not an applicable request for this district; it has been presented to Council as a request to use the right-of-way.

MOTION by Mulvany, second by Bruno,
to allow the use of right-of-way adjacent to the Cobblestone Event Center on Lansing Street as requested to operate a Flea Market between the hours of 11:00 a.m. – 4:00 p.m. on Sundays through October 2006, to be reviewed and reconsidered in 2007, with proof of insurance submitted by the applicant.

MOTION by Naeyaert, second by Bruno,
to amend the main motion to change the hours of operation to 9:00 a.m.-4:00 p.m.
ROLL CALL VOTE:
Yes (4) Whipple, Coady, Johnson, Naeyaert
No (3) Bruno, Mulvany, Clark
<u>MOTION APPROVED</u>

Further discussion ensued. It was stated that Mr. Parsons of Parsons Service Station requested that the petitioner would block off his business entrances with traffic cones to prevent any liability issues that could occur from customers using his parking lot.

VOTE ON THE MAIN MOTION:
<u>MOTION APPROVED UNANIMOUSLY</u>

Resolution No. 2006-36 – Acceptance of Temple Street as a Public Street

Resolution No. 2006-36 was introduced by Mulvany seconded by Bruno. A brief discussion ensued.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-36
ACCEPTANCE OF TEMPLE STREET AS A PUBLIC STREET
September 18, 2006

WHEREAS, the City of Mason's Master Plan noted a north/south connecter street on the east side of the city; and

WHEREAS, the city entered into a Development Agreement to extend Temple Street from Ash Street to Kipp Road; and

WHEREAS, the land for the right-of-way and the construction of Temple Street was granted by means of a warranty deed from the Arthur W. Jewett Trust and the Alice L. Jewett Trust, and recorded by the Ingham County Register of Deeds, Libre-3145 and Page-529; and

WHEREAS, said right-of-way includes public improvements as water main, storm sewer, and street improvements; and

WHEREAS, the public infrastructure was constructed to City standards and approved by the City Engineer;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby accept Temple Street and the public utilities as public infrastructure.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, September 18, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-37 – A Resolution Requesting the Michigan Department of Transportation to Prioritize Maintenance of the M-36 State Highway Traversing Through the City of Mason to Safe Standards

Resolution No. 2006-37 was introduced by Mulvany and seconded by Bruno. A brief discussion ensued regarding making a request to the Michigan Department of Transportation to prioritize maintenance of M-36 between Curtis and Ash Streets. It was also discussed that construction of a water treatment plant planned for 2007 will require street reconstruction to extend water main in this area; it would be prudent to have the street maintenance done following the water treatment plant construction.

MOTION by Mulvany, second by Coady,
to amend Resolution No. 2006-37 in the last paragraph, second line after M-36, insert *between Curtis and Ash Streets, as this area is in poor shape*.
Yes (2) Mulvany, Whipple
No (5) Bruno, Clark, Coady, Johnson, Naeyaert
MOTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-37
A RESOLUTION REQUESTING THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO PRIORITIZE MAINTENANCE OF THE M-36 STATE HIGHWAY TRAVERSING THROUGH THE CITY OF MASON
September 18, 2006

WHEREAS, the City of Mason has placed street maintenance as a high priority; and

WHEREAS, the City of Mason has dedicated funding sources by the vote of the people to properly maintain city streets, thus demonstrating by practice and standard a healthy street maintenance program; and

WHEREAS, the Michigan Department of Transportation (MDOT) has the responsibility to maintain state highways to safe and appropriate standards; and

WHEREAS, the City of Mason has recurrently addressed to the state the need to initiate an aggressive maintenance program to state highway M-36 within the city limits of Mason; and

WHEREAS, the Governor's Office has publicly stated the need, means and desire to expedite highway maintenance in the state of Michigan.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby request and recommend to MDOT, on behalf of the City of Mason and the Governor's highway maintenance initiative, that the portion of M-36 within the city limits of Mason be moved up on the five year maintenance plan.

BE IT FURTHER RESOLVED, that MDOT, in preparation for the upcoming winter, take immediate action to make repairs on M-36, between Curtis Street and Ash Street, this area it is in poor shape and is a disservice to the community and the state highway system.

Yes (1) Mulvany
No (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
RESOLUTION FAILED

Resolution No. 2006-38 – Contract – Water Treatment Plant

Resolution No. 2006-38 was introduced by Bruno and seconded by Mulvany. Colburn spoke briefly regarding the engineering agreement for the design and inspection of the proposed water treatment plant.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 38
RESOLUTION TO APPROVE THE ENGINEERING AGREEMENT FOR THE DESIGN AND INSPECTION OF THE MASON WATER TREATMENT PLANT
September 18, 2006

WHEREAS, as a result of a federally mandated change in the radium rule for drinking water, it is in the best interests of the City of Mason to construct a centralized water treatment plant; and

WHEREAS, on July 5, 2006, the City Council directed staff to negotiate an engineering agreement for the design and inspection of the construction of the proposed water treatment plant, and that on July 26, 2006, Resolution No. 2006-27 was approved directing that the project plan for the water treatment plant prepared by the consultants of Wolverine Engineers & Surveyors, Jones & Henry Engineering and Layne-Christensen be submitted to the Michigan Department of Environmental Quality for consideration for a Drinking Water Revolving Fund loan; and

WHEREAS, the City Administrator and the Department of Public Works Director have negotiated a proposed engineering agreement with Wolverine Engineers & Surveyors and the agreement has been reviewed and approved to form by the City Attorney; and

WHEREAS, the city staff finds the terms of the engineering agreement and the negotiated remuneration to be fair and in keeping with the expectations of the scope of the project.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the engineering agreement with the Wolverine Engineers & Surveyors for the sum of Seven Hundred and Forty-eight Thousand Dollars and Zero Cents ($748,000) and authorized the City Administrator to sign the professional service agreement.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, September 18, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-39 – Amend the 2006-2007 Fiscal Year Budget

Resolution No. 2006-39 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-39
AMEND THE 2006-2007 FISCAL YEAR BUDGET
September 18, 2006

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2006-2007 fiscal year Budget is hereby amended as per the attached "Budget Amendments."

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, September 18, 2006, the original of which is part of the Council's minutes.

_____
Martin Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Traffic Control Order No. 05-2006

Motion by Whipple, second by Johnson
to approve Traffic Control Order No. 05-2006.
MOTION APPROVED UNANIMOUSLY

Traffic Control Order No. 06-2006

Motion by Whipple, second by Johnson,
To approve Traffic Control Order No. 06-2006.
MOTION APPROVED UNANIMOUSLY

Motion – Purchase of Speed/Radar Trailer
Colburn stated that although this item of request has not been budgeted for, he feels that the purchase of a speed/radar trailer will assist the Police Department. Stressman detailed the specifications of the equipment, as well as the useful and valuable features.

Bruno left the meeting at 9:18 p.m. and returned at 9:20 p.m.

> Motion by Whipple, second byNaeyaert,
> to waive the public bid process and approve the purchase of a Speed Check Trailer unit for $8,065, and to make the corresponding budget amendment.
> MOTION APPROVED UNANIMOUSLY

Motion – Project Amendment – Sidewalk Access to Laylin Park Playground
Bruno spoke regarding his suggestion to install a walkway in Laylin Park from the parking lot to the bridge, and from the bridge to the edge of the playground equipment. A brief discussion ensued

> Motion by Whipple, second by Naeyaert,
> to authorize the City Administrator to have approximately 176' linear feet of 5' wide sidewalk installed at Laylin Park from the parking lot to beyond the playground equipment, at a cost not to exceed $4,500.00, and to make the corresponding budget amendment
> MOTION APPROVED UNANIMOUSLY

Request – Street Closures – Mason Homecoming Parade

> Motion by Naeyaert, second by Johnson,
> to approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason High School Homecoming Parade, September 29, 2006 between 5:00 p.m. and 7:00 p.m.
> MOTION APPROVED UNANIMOUSLY

Discussion – MML Voting Delegate Requesting Council Position for the Election of Officers and Other Business for the Michigan Municipal League (MML) Annual Business Meeting
Coady provided the proposed legislative policies for the 2006-2007 Michigan Municipal League Annual Business Meeting. A brief discussion ensued regarding the Council's consensus of her representative vote as delegate concerning those issues.

UNFINISHED BUSINESS

- Whipple stated that his entire family is pleased with the new equipment at the Laylin Park playground. He proposed completing Laylin Park this year and suggested purchasing benches and swings, as well as the removal of two leaning city trees. Colburn stated that these items have been discussed for next year's budget. It was the consensus of the Council to add Laylin Park as an item on the October 2 agenda; staff was request to obtain estimates.

NEW BUSINESS

- Mulvany expressed frustration with traffic and parking incidences that occurred during Down Home Days.
- Whipple stated that the Mason Fire Department won the extrication competition at the Fire Fighter Memorial Event in Roscommon; the team comprised of Andrew Combs, Scott Preadmore, John Sabbadin, Justin Day, John Scutt, and Dan Kennedy.
- Coady commended city staff, particularly DPW, for helping a constituent that had a dangerous tree leaning over his property line.
- Naeyaert informed Council regarding State legislation issues.
- Clark requested that the Traffic Commission reconsider the parking at The Trellis located on Columbia and Lansing Streets.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Coady informed Council regarding the September 12th Planning Commission meeting.
- Clark informed Council regarding the September 14th Downtown Development Authority meeting.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Roger Bauer of 608 E. Maple Street commented that he and his wife feel that swings need to be added to the Laylin Park playground equipment.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 10:10 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 5, 2006

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, *Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: August 21, 2006

The Minutes of August 21, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Johnson,
to approve the payment of bills in the amount of $125,594.97 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Ordinance No. 156 – Second Reading and Adoption

MOTION by Coady, second by Naeyaert,
to consider Ordinance No. 156 as read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 156

AN ORDINANCE TO AMEND SECTIONS 129(b), C-1: CENTRAL BUSINESS DISTRICT, 141(b), C-2: GENERAL COMMERCIAL DISTRICT, AND 143(b), C-3: LOCAL COMMERCIAL DISTRICT, OF CHAPTER 94, ZONING, OF THE MASON CITY CODE TO ADD PUBLIC ASSEMBLY BUILDINGS, INDOOR THEATERS, AND AUDITORIUMS AS USES PERMITTED BY RIGHT; AND TO AMEND SECTIONS 143(d), C-3: LOCAL COMMERCIAL DISTRICT OF CHAPTER 94, ZONING, OF THE MASON CITY CODE, TO STRIKE THE ALLOWANCE FOR USES EXCEEDING 15,000 SQUARE FEET AND ADD COMMUNITY COMMERCIAL CENTERS AND OUTDOOR SALES AND SERVICE AS USES PERMITTED BY SPECIAL USE PERMIT; AND TO AMEND SECTION 192, LISTED SPECIAL USES, OF THE MASON CITY CODE, TO LIST THE SPECIAL CONDITIONS FOR OUTDOOR SALES AND SERVICE; AND TO AMEND SECTION 143(e), C-3: LOCAL COMMERCIAL DISTRICT OF CHAPTER 94, ZONING, OF THE MASON CITY CODE TO LIMIT THE GROSS FLOOR AREA OF ALL USES IN THE DISTRICT TO 20,000 SQUARE FEET; AND TO AMEND SECTION 1-2 , DEFINITIONS, OF CHAPTER 1 OF THE MASON CITY CODE, TO ADD A NEW DEFINITION FOR PUBIC ASSEMBLY BUILDINGS.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-141(b) Uses permitted by right, of Article IV of Chapter 94 of the Mason City Code is hereby amended to include public assembly buildings, indoor theaters, and auditoriums as uses allowed by right, which amended shall read as follows:

Section 94-141. C-1: Central commercial district.

(b) Uses permitted by right.

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
(2) Photographic studios.
(3) Professional services establishments providing human health care on an outpatient basis.
(4) Medical, optical and dental offices and laboratories
(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
(6) Music, dance, or performing arts studios.
(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
(10) Bed and breakfast (refer to section 94-192(7)).
(11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
(12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
(13) Public assembly buildings, indoor theaters, and auditoriums.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-142(b) Uses permitted by right, of Article IV of Chapter 94 of the Mason City Code is hereby amended to include public assembly buildings, indoor theaters, and auditoriums as uses allowed by right, which amended shall read as follows:

Section 94-142. C-2: General business district.

(b) Uses permitted by right.

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
(2) Photographic studios.
(3) Professional services establishments providing human health care on an outpatient basis.
(4) Medical, optical and dental offices and laboratories.
(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
(6) Music, dance, or performing arts studios.
(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and

similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
(10) Boarding and rooming houses.
(11) Bed and breakfast (refer to section 94-192(7)).
(12) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
(13) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
(14) Outdoor retail sales and service.
(15) Wholesale businesses.
(16) Plumbing, heating, retail sales and service and other similar uses.
(17) Farm machinery and implement sales.
(18) Nursery, shrubbery, and garden supply centers.
(19) Public assembly buildings, indoor theaters, and auditoriums.

THE CITY OF MASON ORDAINS:

Section 94-143(b), Uses permitted by right, of Article IV of Chapter 94 of the Mason City Code is hereby amended to add public assembly buildings, indoor theaters, and auditoriums, which amended shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(b). Use permitted by right.

(1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
(2) Photographic studios.
(3) Professional services establishments providing human health care on an outpatient basis.
(4) Medical, optical and dental offices and laboratories.
(5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
(6) Music, dance, or performing arts studios.
(7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
(8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
(9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
(10) Bed and breakfast (refer to section 94-192(7)).
(11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
(12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
(13) Enclosed public assembly buildings, indoor theaters, and auditoriums.

THE CITY OF MASON ORDAINS:

Section 94-143(d), Uses permitted by special use permit, of Article IV of Chapter 94 of the Mason City Code is hereby amended to strike the allowance for uses exceeding 15,000 square feet , to add community commercial centers, and to add outdoor retail sales and service, with certain conditions, which amended shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(d). Use permitted by special use permit.

(1) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).
(2) Public or private educational structures or uses (refer to section 94-192(8)).
(3) Vehicular drive-in service when associated with a principal use.
(4) Off-street public or private parking facilities (refer to section 94-192(8)).
(5) Boarding and rooming houses.
(6) Pub, tavern, or restaurant with outdoor entertainment including music and/or outdoor food and/or drink service.
(7) Community commercial centers (refer to section 94-192(5), except that the lot area and width shall comply with the standards listed in section 94-121(c)(1)(a)).
(8) Outdoor retail sales and service (refer to section 94-192(10)).

THE CITY OF MASON FURTHER ORDAINS:

Section 94-192, Listed special uses, of Article VI of Chapter 94 of the Mason City Code is hereby amended to add Outdoor retail sales and service, with certain conditions, which amended shall read as follows:

(10) *Outdoor retail sales and service.* Location and special needs for outdoor retail sales and service require careful planning to properly integrate this type of use into the pattern of the local commercial activities that is compatible with adjacent populations including size, site layout, screening, duration, hours of operation and compatibility of surrounding areas. The following minimum standards shall apply:

a. Sales and service shall be limited to 15% of the gross floor area of the individual business unit.
b. Outdoor retail sales and service hours shall not exceed 8 a.m. to 8 p.m. Monday through Saturday and 10 a.m. to 4 p.m. Sunday.
c. All merchandise shall be removed from the outdoor sales area and placed within a fully enclosed building during non-business hours.
d. Permanent outdoor display areas may be allowed provided they are fully screened from view on all sides at all times of year.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-143(e), Development standards, of Article IV of Chapter 94 of the Mason City Code is hereby amended to limit all uses in the district to 20,000 square feet, which amended shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(e). Development standards. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter; except that any use permitted in this district involving one or more structures, either individually or collectively, shall not exceed 20,000 square feet of gross floor area.

THE CITY OF MASON FURTHER ORDAINS:

Section 2-1, Definitions, of the General Provisions of Chapter 1 of the Mason City Code is hereby amended to add a definition for "public assembly buildings", which amended shall read as follows:

Public assembly buildings, means a structure, building or space, or a portion thereof used by the general public to view, hear or otherwise interact for the purposes of civic, social or religious functions, recreation, food or drink consumption or awaiting transportation.

The foregoing Ordinance was moved for adoption by Council Member Bruno and supported by Council Member Mulvany with a vote thereon being: YES (6) NO (0) ABSENT (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of September 2006.

Ordinance 156 declared adopted this 5th day of September, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

*Whipple arrived at 7:37 p.m.

Resolution No. 2006-34 – Change Authorization for the Standard Streetlighting Contract Between the City and Consumers Energy Company

Resolution No. 2006-34 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLTUION NO. 2006-34
CHANGE AUTHORIZATION FOR THE STANDARD STREETLIGHTING CONTRACT BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY
September 5, 2006

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the **XCity** Village Township of Mason, dated October 28`h, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of September 5 , 2006, heretofore submitted to and considered by this Commission **Council** Board; and

RESOLVED, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the **City** Village Township.

STATE OF MICHIGAN)
) SS
COUNTY OF Ingham)

I, Martin Colburn , Clerk of the **XCity** Village Township of Mason do hereby certify that the foregoing resolution was duly adopted by the Commission **XCouncil** Board of said municipality, at the meeting held therein on the 5 day of September, 2006

_____
XCity Village Township Clerk

Dated: September 5, 2006
Resolution Approved Unanimously

Resolution No. 2006-35 – Approval of 2007 One Ton Truck Purchase

Resolution No. 2006-35 was introduced by Bruno and seconded by Mulvany. Johnson expressed concern that only two bids were submitted; Bruno shared the same feelings.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006 - 35
APPROVAL OF 2007 ONE TON TRUCK PURCHASE
September 5, 2006

WHEREAS, it is in the best interests of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of the one ton truck # 19 was planned for in the approved Fiscal Year 2006 - 2007 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the

purchase of one (1) 2007 Ford F-450 one ton truck for $34,134.70 from Central Ford Truck.

Yes (5) Coady, Mulvany, Naeyaert, Whipple, Clark
No (2) Bruno, Johnson

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Tuesday, September 5, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

Resolution Approved

Resolution No. 2006-36 – Acceptance of Temple Street as a Public Street

Resolution No. 2006-36 was introduced by Mulvany and seconded by Bruno. Discussion was held that a letter from the City Engineer stating that the street was constructed properly was not included.

MOTION by Naeyaert, second by Whipple,
to defer Resolution No. 2006-36 to the September 18, 2006 meeting.
MOTION APPROVED UNANIMOUSLY

Request - Lion's of Michigan Candy Days in Michigan

Motion by Whipple, second by Coady,
to approve the Mason Lions Club's request to use the public right-of-way for their Lions of Michigan Candy Days on the sidewalks of Mason Friday, September 15th and Saturday, September 16th.
MOTION APPROVED UNANIMOUSLY

Request – Street Closures – 9/11 Parade

Motion by Naeyaert, second by Whipple,
to approve closure for the 9/11 Memorial Parade to be held from 6:30 – 7:30 p.m.
MOTION APPROVED UNANIMOUSLY

Request – Mason Antiques District Cobblestone Flea Market

Discussion was held to notice property owners in the immediate area of the Flea Market to allow them the opportunity to comment.

Motion by Whipple, second by Naeyaert,
To postpone consideration of the Cobblestone Flea Market request to the September 18, 2006 meeting to provide notice to Lansing Street residents and businesses of the opportunity to make public comment.
MOTION APPROVED UNANIMOUSLY

Request – Street Closure for Neighborhood Block Party Roosevelt Street between Lawton and Washington Streets

Motion by Bruno, second by Whipple,
to approve closure of Roosevelt Street between Lawton and Washington Streets,
2 p.m. – 4 p.m., September 30th to hold a neighborhood block party.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- Whipple stated that he feels the language used in the amendment to Ordinance No. 156, Section 94-143 (e) is unclear and requested that the city attorney would provide an interpretation.
- Mulvany informed Council that residential property in Ingham County makes up 65% of the total taxable property in the county. He feels that the media misrepresents the impact of milage and will continue to work on this issue.
- Clark informed Council that he and Mayor Pro Tem Coady met again with the DDA Executive Board. They are requesting definition regarding their standing, whether they are totally or partially autonomous. He called a Council Workshop for September 18, 2006 at 6:30 p.m.

NEW BUSINESS

- Coady asked that the MML issues would be added as an agenda item for the September 18th meeting. She is looking for direction from the Council regarding her votes for them as Delegate.
- Naeyaert provided a copy of an article from the *Sheriff's Star*, published by the Michigan Sheriff Association, regarding the new approach to abandoned vehicles that the State has implemented.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Johnson informed Council regarding the August 30th Traffic Commission meeting.
- Mulvany informed Council regarding the August 28th Historic District Commission meeting.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 8:27 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 21, 2006

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: August 7, 2006
The Minutes of August 7, 2006 were approved as corrected.

APPROVAL OF BILLS
MOTION by Coady, second by Johnson,
to approve the payment of bills in the amount of $61,508.97 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Tom Sawyer of 331 Oak Ridge stated that he objected to city appraisers measuring areas outside of his home while he is not there. Also, he disagrees with the methods they used for measuring. McGinty informed the Council regarding a recent court decision that says city officials can go on private property in the course of official duties on those areas of the property that are open to the public in plain view. Mr. Sawyer was informed that a door hanger would not be left in the mobile home park because they are only assessed for decks, sheds, etc. and that State guidelines are used for measuring.

REGULAR BUSINESS
Ordinance No. 155 An Ordinance to Amend the Use District Map as Adopted Pursuant to Section 92-162 of the Mason Code, to Rezone 8.08 Acres Located on the West Side of Temple Street South of Ash Street (M-36) North of Kipp Road from C-2: General Commercial to C-3: Local Commercial – Second Reading and Adoption
McGinty informed Council that Ordinance No. 155 was introduced last June. However, July 1, 2006 the new Zoning Enabling Act took effect which changed the dates upon which an ordinance would become effective. Changes were made in that regard. Ordinance No. 155 was introduced and considered read for the second time by Whipple and seconded by Coady.

CITY OF MASON
ORDINANCE NO. 155
AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 8.08 ACRES LOCATED ON THE WEST SIDE OF TEMPLE STREET SOUTH OF ASH STREET (M-36) NORTH OF KIPP ROAD FROM C-2 GENERAL COMMERCIAL TO C-3 LOCAL COMMERCIAL.

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

> A part of the East ½ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the East-West ¼ line of said Section 9 at a point N89°41'01"W 491.01 feet from the East ¼ Corner of said Section 9, said point also being on the West right-of-way line of Temple Street; thence along said right-of-way line S00°03'13"E 490.38 feet; thence N45°01"22"W 283.00 feet; thence N89°59'30"W 360.71 feet; thence N00°03'18"W 606.45 feet; thence S87°30'09"E 9.81 feet: thence Northeasterly 126.05 feet along the arc of a 118.00 foot radius curve to the left whose chord bears N61°53'43"E 120.14 feet; thence N31°17'34"E 55.64 feet to the Southerly and Westerly right-of-way line of Temple Street; thence along said right-of-way line the following three courses: S58°42'26"E 365.14 feet; thence Southeasterly 222.14 feet along the arc of a 217.00 foot radius curve to the right whose chord bears S29°22'50"E 212.57 feet; thence S00°03'13"E 44.99 feet to the point of beginning containing 8.08 acres of land, more or less, and subject to any easements or rights-of-way of record.

be rezoned from C-2 General Commercial to C-3 Local Commercial; and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 155, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan; and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is more "complimentary" to the residential uses in the surrounding neighborhood than those uses allowed in the C-2 General Commercial zoning district, consistent with the County Fairgrounds East Buffer Area component of the Mixed-Use Future Land Use Strategy of the Master Plan; and

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective seven days after publication of notice its adoption; and

THE CITY OF MASON FURTHER ORDAINS: That notice of adoption of this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Whipple and seconded by Council Member Coady with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 21 day of August, 2006.

Ordinance No. 155 declared adopted this 21 day of August, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

Ordinance No. 156 – An Ordinance To Amend Sections 129(B), C-1: Central Business District, 141(B), C-2: General Commercial District, And 143(B), C-3: Local Commercial District, Of Chapter 94, Zoning, Of The Mason City Code To Add Public Assembly Buildings, Indoor Theaters, And Auditoriums As Uses Permitted By Right; And To Amend Sections 143(D), C-3: Local Commercial District Of Chapter 94, Zoning, Of The Mason City Code, To Strike The Allowance For Uses Exceeding 15,000 Square Feet And Add Community Commercial Centers And Outdoor Sales And Service As Uses Permitted By Special Use Permit; And To Amend Section 192, Listed Special Uses, Of The Mason City Code, To List The Special Conditions For Outdoor Sales And Service; And To Amend Section 143(E), C-3: Local Commercial District Of Chapter 94, Zoning, Of The Mason City Code To Limit The Gross Floor Area Of All Uses In The District To 20,000 Square Feet; And To Amend Section 1-2 , Definitions, Of Chapter 1 Of The Mason City Code, To Add A New Definition For Pubic Assembly Buildings.

Motion by Whipple, second by Coady,
to introduce Ordinance No. 156 and consider it read for the first time.

Motion by Mulvany, second by Naeyaert,
to amend Ordinance No. 156, Section 94-143 (b)(12), C-3 Local Commercial District by striking the words "or off."

Discussion ensued regarding the alcohol sales in C-3 zoning and forwarding the ordinance to the Planning Commission for review.

VOTE ON THE AMENDMENT:
Yes (1) Mulvany
No (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
MOTION FAILED

VOTE ON THE MAIN MOTION:
Yes (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
No (1) Mulvany
MOTION FAILED

Motion by Whipple, second by Mulvany,
To refer off premise alcohol sales for review and recommendation for the possible removal in Section 94-143 (b)(12), C-3 Local Commercial District, Ordinance No. 156, to the Planning Commission.
ROLL CALL VOTE:
Yes (4) Mulvany Naeyaert, Whipple, Coady
No (3) Johnson, Bruno, Clark
MOTION APPROVED

Resolution No. 2006-32 – Purchase of Police Cruiser

Resolution No. 2006-32 was introduced by Whipple and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006 - 32
APPROVAL OF PURCHASE OF POLICE CRUISER NO. 86
August 21, 2006

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Police Cruiser No. 86 was planned for in the approved Fiscal Year 2006 - 2007 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) Chevrolet 2007 Impala police car for $17,483.90 from Shaheen Chevrolet.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 21, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

Resolution Approved Unanimously

Motion – Designation of Delegates – Michigan Employee Retirement System (MERS) Annual Meeting

Motion by Whipple, second by Johnson,
to appoint Martin Colburn as Officer Delegate and Kathy Revels as the alternate, to attend the MERS Annual Meeting September 19-21.
MOTION APPROVED UNANIMOUSLY

Motion by Coady, second by Whipple,
to amend the agenda by moving Item 14) Executive Session to Item 7(E), moving Item 7(E) to 7(F).
MOTION APPROVED UNANIMOUSLY

Bruno requested to abstain from executive session because he held a financial interest in the decision.

Motion by Whipple, second by Johnson,
To allow Councilmember Bruno to abstain from the matter of the AFSCME contract negotiation.
MOTION APPROVED UNANIMOUSLY

Motion by Whipple, second by Johnson,
to adjourn to executive session to discuss a matter regarding AFSCME contract negotiations to be voted on in a matter prescribed by State law.
ROLL CALL VOTE:
Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
Abstain (1) Bruno
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:36 p.m. and reconvened at 8:49 p.m.

Resolution No. 2006-33 – Authorization for the City Administrator to Amend AFSCME Contract by Adjusting Health Care Carriers and Benefits

Resolution No. 2006-33 was introduced by Whipple and second by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-33
AUTHORIZATION FOR THE CITY ADMINISTRATOR TO AMEND AFSCME CONTRACT BY ADJUSTING HEALTH CARE CARRIERS AND BENEFITS
August 21, 2006

WHEREAS, the AFSCME Local Chapter #1390 agreement terminating June 30, 2007 with the City of Mason, allows changes for health benefits that are mutually agreed upon between the Employer and the Union; and

WHEREAS, AFSCME representatives from the AFSCME Local Chapter #1390 and city management officials have identified and agreed upon health benefits that are mutually beneficial;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council authorizes the City Administrator to adjust the current AFSCME Council 25 Local Chapter #1390 contract within Article 30. INSURANCE by changing the carrier from Blue Cross/Blue Shield to MERS Premier Health and associated benefits agreed upon.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
Abstain (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 21, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- Bruno asked if a letter had been received from the State Senator and State Representative supporting the Water Revolving Fund request. Colburn responded that Representative Byrum has replied.
- Naeyaert informed the Council regarding various matters: Congressman Rogers is willing to look at a future appropriation that may be able to off-set the community's water expense, the Elm Street block party was enjoyed by the residents, a tree that fell during the last serious storm on Elm Street needs attention, and traffic concerns continue to be a concern by Elm Street residents. Colburn stated that a Police Officer conducted a radar speed study on Elm Street revealing that most drivers are driving the speed limit.
- Whipple stated that sidewalk repair was done on two squares at 222 E. Columbia; he questioned why a broken square at the same address was not repaired. Also, during recent cement repair in front of the Fire Station, an additional square was broken by heavy machinery and needs repair.
- Johnson asked if it was verified whether storm sewer connections are necessary on Columbia Street prior to beginning reconstruction. Colburn responded that he would get a confirmation.

NEW BUSINESS

- Coady informed Council that the Festival of Balloons was a success and she hopes the event will continue. A brief discussion was held concerning downtown balloon glows.
- Mulvany informed Council that Mason voters passed the Capital Area District Library with 538 yes votes and 409 no votes on the August Primary ballot.
- Bruno stated that the Festival of Balloons and Mason Aviation Day events were enjoyable.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. Discussion was held regarding the recent CADL Board decision denying the City of Mason request to become a participating municipality. Mulvany requested information regarding the taxable values of the taxing authorities in the county.

PEOPLE FROM THE FLOOR

Elaine Ferris of 417 W. Sycamore stated that a Family Fun Walk would be included in the Down Home Days activities, along with the Farmer's Market and Friends of the Library Book Sale.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 9:28 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 7, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Joseph Dean, Acting City Administrator
Kathy Revels, Finance Director/Treasurer
Dave Scutt, Fire Chief
Dennis O'Brien, Superintendent OF Parks & Cemetery
Kerry Minshall, Asst. Fire Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: July 17, 2006 and SPECIAL COUNCIL MEETING: July 26 , 2006

The Minutes of July 17, 2006 were approved as submitted. The Minutes of July 26, 2006 were approved as corrected.

APPROVAL OF BILLS

MOTION by Whipple, second by Coady,
to approve the payment of bills in the amount of $353,674.51 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2006-28 – Resolution to Amend Street and Sidewalk Special Assessment Roll 2006-1

Resolution No. 2006-28 was introduced by Whipple and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-28

A RESOLUTION TO AMEND STREET AND SIDEWALK SPECIAL ASSESSMENT ROLL 2006-1
AUGUST 7, 2006

WHEREAS, the City Council of the City of Mason did confirm the Street and Sidewalk Special Assessment Roll, Project 2006-1 (the assessment roll), on March 20, 2006; and

WHEREAS, the cost to the taxpayers per linear foot for 4x4 sidewalk was $8.91 and the cost per linear foot for curb and gutter was $13.88 on the assessment roll; and

WHEREAS, the taxpayers on the assessment roll were assessed over three years with payments to begin in 2006; and

WHEREAS, prior to May 5, 2005, Jessie Morton of 703 Randolph Street and George and Sue Hubbard of 621 Randolph Street each owned one half of the Adjacent vacated portion of Rayner Street, Griffen's Addition, City of Mason; and

WHEREAS, on May 5, 2005, Jessie Morton of 703 Randolph Quit-Claimed the East one half of the Adjacent Vacated Rayner Street, Griffen's Addition, City of Mason, to George and Sue Hubbard; and

WHEREAS, the total assessment roll was $14,299.97;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby amend the assessment roll to increase the Hubbard sidewalk assessment from 22.5 to 45 linear feet at $8.91 per foot for a total of $400.96, and to reduce the Morton sidewalk assessment to zero; and

FURTHER, that the City Council does hereby amend the assessment roll to increase the Hubbard curb and gutter assessment from 17.5 to 35 linear feet at $13.88 per foot for a total of $486.80, and to reduce the Morton curb and gutter assessment to zero; and

FURTHER, the Finance Director/Treasurer is hereby ordered to make the proper adjustments to the assessment roll or any refunds to taxpayers.

YES (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 7, 2006 the original of which is part of the Council's minutes.

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-29 – Approving the Purchase of New Playground Equipment for Laylin Park

Dennis O'Brien gave a brief over view of the four bids and drawings that he received regarding playground equipment for Laylin Park. Discussion was held regarding the necessity and rationale of having separate age group components.

Motion by Bruno, second by Naeyaert,
To insert "All About Play," and "not to exceed $52,077.00, with the separate age components," in Resolution No. 2006-29.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2006-29 was introduced by Whipple and second by Johnson. Discussion was held regarding whether separation of age group specific playground equipment would be necessary.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 29
A RESOLUTION APPROVING THE PURCHASE OF NEW PLAYGROUND EQUIPMENT FOR LAYLIN PARK
AUGUST 7, 2006

WHEREAS, the existing playground equipment at Laylin Park is in a state of deterioration, is outdated, and does not meet current 1997 Consumer Product Safety Commission and ASTM Standards; and

WHEREAS, funding was allocated and approved in the City of Mason Fiscal Year Budget 2006-2007; and

WHEREAS, the Superintendent of Cemetery and Parks has obtained design concepts, drawings, and bids from three (3) Michigan vendors for the equipment and installation.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby award the bid for the purchase and installation of playground equipment for Laylin Park to *All About Play* for a cost not to exceed Fifty-two thousand-seventy-seven dollars ($52,077.00).

Yes (6) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert,
No (1) Whipple

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 7, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-30 – Resolution To Accept the Bid to Purchase a Pumper/Tanker Apparatus and of the Intent to Purchase Accessory Equipment

Assistant Fire Chief Kerry Minshall introduced fellow committee members that reviewed and compiled a recommendation for replacing the current Fire Department tanker: Engineers Norm Austin and Don Gailey, Fire Fighters Larry Martin, and John Sabbadin, and Chief Dave Scutt was in attendance as well. Assist. Fire Chief Minsall gave a brief presentation regarding the process used by the committee to assess the need to replace Tanker 811, as well as their review and qualifying means toward a recommendation from the submitted bids. Also, it was their determination that it would be prudent to upgrade the truck with a pumper apparatus option. The committee recommended awarding the bid to HME, Incorporated, with the pumper/tanker upgrade option, for an additional $4,500.00. Chief Scutt stated that the mutual aid townships are participating with the cost of the apparatus.

Extensive discussion ensued regarding the specification responses and pumper/tanker certification requirements.

Resolution No. 2006-30 was introduced by Whipple and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-30
RESOLUTION TO ACCEPT THE BID TO PURCHASE A PUMPER/TANKER APPARATUS AND OF THE INTENT TO PURCHASE ACCESSORY EQUIPMENT
AUGUST 7, 2006

WHEREAS, on February 22, 2006 the City Administrator authorized the Fire Department to assemble a committee to write specifications for a Pumper/Tanker apparatus for the protection of the City and Townships; and

WHEREAS, on June 19, 2006 the Mason City Council through the approval of the 2006/2007 budget authorized the Pumper/Tanker Committee to proceed with going to bid for the Pumper/Tanker; and

WHEREAS, six companies, submitting seven bids, were received and reviewed by the Fire Department Pumper/Tanker Review Committee and the City Management Review Team; and

WHEREAS, on July 24, 2006 after review and discussion the Fire Department Pumper/Tanker Committee passed unanimously 5-0 their recommendation to City Council to expend $284,000 for the purchase of a 3,000 gallon HME Pumper/Tanker, as well as accessory equipment; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the City council of the city of Mason accepts the recommendation of the Mason Fire Department Pumper/Tanker Committee in expending up to $284,000 for a HME Pumper/Tanker as well as accessory equipment.

FURTHER RESOLVED that the City Council hereby accepts the bid of HME, Incorporated for the HME 3,000 gallon Pumper/Tanker for $284,000.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (1) Bruno

CLERK=S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 7, 2006, the original of which is part of the Council=s minutes

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-31 – Change Authorization for the Standard Streetlight Contract Between the City and Consumers Energy Company

Resolution No. 2006-31 was introduced by Whipple and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-31

CHANGE AUTHORIZATION FOR THE
STANDARD STREETLIGHTING CONTRACT
BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY

AUGUST 7, 2006

WHEREAS, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting 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 06546840 for the installation of thirteen (13) streetlights in Phase I of the Summerwood Subdivision on Price and Goodman Streets, heretofore submitted to and considered by the Council;

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

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 7, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Waiver of Fees for Kiwanis Village

Motion by Whipple, second by Coady,
to waive the one percent administrative fee for 2006 real estate taxes collected for Kiwanis Village, as requested in the July 17, 2006 letter,
MOTION APPROVED UNANIMOUSLY

Designation of Voting Delegate for Michigan Municipal League (MML) Annual Business Meeting

Motion by Whipple, second by Johnson,
to appoint Councilmember Coady as the designate for the annual MML business meeting.
MOTION APPROVED UNANIMOUSLY

Motion – Request Street Closure for Neighborhood Block Party on E. Elm Street between Rogers and Holt Streets

Motion by Johnson, second by Whipple,
to close E. Elm Street between Rogers and Holt Streets, August 12, 2006, from 4:00 p.m. to 10 p.m.
MOTION APPROVED UNANIMOUSLY

Motion – Request Street Closure for Mason Festival of Balloons

Joe Watkins of 427 E. Cherry Street informed Council that a new community service non-profit organization, Michigan Balloon Productions, Inc., has been formed and will hold the first annual Mason Festival of Balloons in the city of Mason August 18-20 at the Middle School. Friday, August 18, a "Balloon Glow" is proposed in the downtown square. Council discussed issues of safety and the inappropriateness of a balloon glow. Mr. Watkins stated that a glow could be held at the Middle School. Balloon launches and a "Balloon Walk" are planned for Saturday and Sunday.

Motion by Coady, second by Whipple,
to approve the request of Michigan Balloon Productions, Inc. to close Temple Street between Ash and Columbia Streets to through traffic from 4:00 p.m. to 10:00 p.m. to allow for the "Balloon Glow" at the Mason Middle School and from 4:00 p.m. to 8:00 p.m. Saturday and Sunday, August 19 and 20 for the Mason Festival of Balloons traffic only.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

- Naeyaert informed the Council that Child and Family Services needs school supplies.
- It was the consensus of Council to request staff and the city attorney to consider making changes to the ordinances relating to performance guarantees, etc., to allow charging administrative expenses.
- Mulvany would like the city to invite MDOT to move up their street improvement target date for Ash Street and Cedar Street.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Whipple informed Council regarding Cable Commission business.
- Clark informed Council regarding DDA business.

ADMINISTRATOR'S REPORT

Dean informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 9:24 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
SPECIAL CITY COUNCIL MEETING
MINUTES OF JULY 26, 2006

Clark called the meeting to order at 6:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Joe Dean, Public Works Director
Bill Potter, City Engineer
Deborah Cwiertniewicz, Deputy City Clerk

PEOPLE FROM THE FLOOR

None.

PUBLIC HEARING

Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative.

The public hearing was opened at 6:35 p.m.

Dean spoke regarding the issues that have required the city to implement improvements to the water system. Potter gave a brief presentation regarding the process to apply for a State loan to assist in the implementation of a system approved by the State. Jim Groose, Water Treatment Specialist of Lane-Northern-Christianson, spoke regarding the process to remove radium from water that is achieved by Hydrous Manganese Oxide (HMO) water treatment.

Mr. Demasi of 424 Raging River asked about the water cost increase. Dean responded by explaining the rate structure.

Paul Ramano of Jones and Henry Engineers spoke regarding the project plan submittal and timelines set by the Michigan Department of Environmental Quality to qualify for funds.

The public hearing was closed at 6:55 p.m.

REGULAR BUSINESS

Resolution No. 2006-27 – A Resolution Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative

Resolution No. 2006-27 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006–27

A RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR WATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

JULY 26, 2006

WHEREAS, the City of Mason is required to make improvements to its existing water treatment and distribution system to address the Federal mandate; and

WHEREAS, the City of Mason authorized the project consulting team of Wolverine Engineers & Surveyors, Inc., Jones and Henry Engineers, Ltd., and Layne-Christensen Co. to prepare a Project Plan, which recommends the construction of a centralized Hydrous Manganese Oxide (HMO) water treatment facility; and

WHEREAS, said Project Plan was presented at a Public Hearing held on July 26, 2006 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Mason formally adopts said Project Plan and agrees to implement the selected alternative of construction of a Hydrous Manganese Oxide (HMO) water treatment facility.

BE IT FURTHER RESOLVED, that the City Administrator, a position currently held by Martin A. Colburn, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its special meeting held Wednesday, July 26, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
None.

LIAISON REPORTS
None.

ADMINISTRATOR'S REPORT
None.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being that there was no further business the meeting adjourned at 7:02 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
~~REGULAR~~ SPECIAL CITY COUNCIL MEETING
MINUTES OF JULY 26, 2006

Clark called the meeting to order at 6:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Joe Dean, Public Works Director
Bill Potter, City Engineer
Deborah Cwiertniewicz, Deputy City Clerk

PEOPLE FROM THE FLOOR

None.

PUBLIC HEARING

Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative.

The public hearing was opened at 6:35 p.m.

Dean spoke regarding the issues that have required the city to implement improvements to the water system. Potter gave a brief presentation regarding the process to apply for a State loan to assist in the implementation of a system approved by the State. Jim Groose, Water Treatment Specialist of Lane-Northern-Christianson, spoke regarding the process to remove radium from water that is achieved by Hydrous Manganese Oxide (HMO) water treatment.

Mr. Demasi of 424 Raging River asked about the water cost increase. Dean responded by explaining the rate structure.

Paul Ramano of Jones and Henry Engineers spoke regarding the project plan submittal and timelines set by the Michigan Department of Environmental Quality to qualify for funds.

The public hearing was closed at 6:55 p.m.

REGULAR BUSINESS

Resolution No. 2006-27 – A Resolution Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative

Resolution No. 2006-27 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006–27

A RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR WATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

JULY 26, 2006

WHEREAS, the City of Mason is required to make improvements to its existing water treatment and distribution system to address the Federal mandate; and

WHEREAS, the City of Mason authorized the project consulting team of Wolverine Engineers & Surveyors, Inc., Jones and Henry Engineers, Ltd., and Layne-Christensen Co. to prepare a Project Plan, which recommends the construction of a centralized Hydrous Manganese Oxide (HMO) water treatment facility; and

WHEREAS, said Project Plan was presented at a Public Hearing held on July 26, 2006 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Mason formally adopts said Project Plan and agrees to implement the selected alternative of construction of a Hydrous Manganese Oxide (HMO) water treatment facility.

BE IT FURTHER RESOLVED, that the City Administrator, a position currently held by Martin A. Colburn, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its special meeting held Wednesday, July 26, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

UNFINISHED BUSINESS
None.

NEW BUSINESS
None.

CORRESPONDENCE
None.

LIAISON REPORTS
None.

ADMINISTRATOR'S REPORT
None.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being that there was no further business the meeting adjourned at 7:02 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 17, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Whipple
Absent: Councilmember: Naeyaert
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
John Stressman, Police Chief
Chris Colligan, Building Inspector/Code Enforcement
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: July 5, 2006

MOTION by Coady, second by Whipple,
to approve the Minutes of July 5, 2006 as corrected.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF BILLS

Discussion was held regarding the protocol and distribution of the bills to the Council.

MOTION by Whipple, second by Coady,
to approve the payment of bills in the amount of $210,415.83 as submitted.
Yes (5) Bruno, Clark, Coady, Mulvany, Whipple
No (1) Johnson
Absent (1) Naeyaert
MOTION APPROVED

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Presentation – Landmark Appraisers

Scott Cunningham stated that he is the City Assessor, employed by HRC. He stated that residential assessments are being performed this year for the 2007 Assessment Roll. Johnson stated that he had asked that an explanation of the protocol and activities for residential appraisals be presented. In response, Mark MacDermaid of Landmark Appraisers gave a brief explanation.

Resolution No. 2006-25 – Recommendation to Capital Area District Library and Public by Establishing the City of Mason's Position on the CADL Extended Millage and Additional Millage Ballot Question

Colburn commented briefly regarding a meeting that was held with the Mayor, Quenda Story-Library Board Chair, Sue Hill-Library Director, and himself on May 31, as well as a letter he received last Thursday, dated July 13, 2006 from Quenda Story. Colburn recommended that he and the Mayor attend the CADL Board Meeting to express what the public stance is. He also recommended utilizing the Lansing State Journal to make a statement regarding the public stance, either by a letter to the editor or with the "Point of View". Discussion ensued.

Resolution No. 2006-25 was introduced by Coady and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-25
RECOMMENDATION TO CAPITAL AREA DISTRICT LIBRARY AND PUBLIC BY ESTABLISHING THE CITY OF MASON'S POSITION ON THE CADL EXTENDED MILLAGE AND ADDITIONAL MILLAGE BALLOT QUESTION
July 17, 2006

WHEREAS, the Capital Area District Library came into existence in 1997 when Ingham County and the Lansing School District announced its decision to create an agreement for the formation of a District Library as the Capital Area District Library (CADL); and

WHEREAS, CADL has provided successful operations and services; and

WHEREAS, CADL is proposing a millage renewal for current staffing and operations as well as a millage increase of .1181 mills, totaling millage to 1.56; and

WHEREAS, this additional funding is for additional operational costs and staffing; and

WHEREAS, the City of Mason has made proposals for future strategic plans and changes in CADL policy to address the needs of Branch Libraries to include the Mason Branch Library; and

WHEREAS, there are inequities in the current policy of branch libraries building maintenance being paid for by local communities while the City of Lansing does not pay for the Main Library building costs less administrative offices; and

WHEREAS, local entities that do not provide facilities do not participate in costs of facilities used; and

WHEREAS, the City of Mason has expressed concerns of inequitable practices and policies of CADL, as well as made recommendations that CADL participate and partner financially with local governments for capital expenses at the strategic planning and community planning committee meetings; and

WHEREAS, CADL, as a government entity has an obligation by duty and sense to respond, address and correct inappropriate inequities and discriminatory practices by establishing itself with fair policies and practice.

NOW, THEREFORE BE IT RESOLVED, that the Mason City Council does not support the millage increase for additional operations and staffing.

BE IT FURTHER RESOLVED, that the current millage collected needs to reflect CADL responding to local governments by financially participating and partnering with significant capital funding for projects which house CADL's services and operations, thus rectifying the funding inequities that exist today.

YES (6) Bruno, Clark, Coady, Johnson, Mulvany, Whipple
NO (0)
ABSENT (1) Naeyaert

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, July 17, 2006, the original of which is part of the Council's minutes.

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-26 – A Resolution Recommending that the City Council Approve a Request Draw on a Cash Bond to Install Required Site Improvements at 558 N. Cedar Street (Mason Plaza)

Discussion was held regarding the failure of Vlahakis Companies, on behalf of NUCO to install site improvements according to the special use permit and site plans, approved by the City Council January 20, 2006. Resolution No. 2006-26 was introduced by Mulvany and seconded by Coady. Johnson requested to abstain from this item due to a financial conflict.

Motion by Mulvany, second by Coady,
to allow Councilmember Johnson to abstain from this issue due to financial reasons.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-26
A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A REQUEST DRAW ON A CASH BOND TO INSTALL REQUIRED SITE IMPROVEMENTS AT 558 N. CEDAR STREET (MASON PLAZA)
July 17, 2006

WHEREAS, NUCO, LLC, was issued a special use permit and site plan approval for a community commercial center (Mason Plaza) located at 558 N. Cedar Street, Mason, with the condition that the site improvements shown on the approved site plan dated January 20, 2006 are completed; and

WHEREAS, Vlahakis Companies, on behalf of NUCO, submitted a construction schedule indicating that the site improvements would be completed by April 15, 2006; and

WHEREAS, a site inspection was conducted on July 11, 2006. Upon inspection it was observed that the following site improvements shown on the approved site plan were not completed:

1. Pedestrian walkway striping from the building to the Cedar Street sidewalk.
2. Handicap signage at the appropriate barrier free parking spaces.
3. The parking space striping at the west end of the parking lot.
4. Two stop signs at the east end of the parking area to control truck traffic; and,

WHEREAS, after repeated site plan violation notices pursuant to Section 94-98(d) for failure to install the above-described improvements on May 11 and 31, 2006, corrective action was not taken by the property owner (NUCO, LLC) or property manager (Vlahakis Companies); and,

WHEREAS, the City of Mason did receive a cash bond in the amount of $10,000.00 for the installation of the above-described improvements on March 21, 2006; and,

WHEREAS, the City Council has the authority to authorize the use of said cash surety pursuant to Section 94-100(c) and 74-163(1)(d) where the proprietor of a development fails to complete required site improvements.

NOW THEREFORE BE IT RESOLVED, that the City Council approves the request to draw on the cash bond submitted by Vlahakis Companies to install the required site improvements described in this resolution at 558 N. Cedar Street (Mason Plaza), Mason.

Yes (5) Bruno, Clark, Coady, Mulvany, Whipple
No (0)
Abstain (1) Johnson
Absent (1) Naeyaert

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, July 17, 2006, the original of which is part of the City Council minutes.

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Traffic Control Order 02-2006 - Making Orchard Lane A Stop Street At W. Columbia Street

Motion by Whipple, second by Johnson,
to approve TCO 02-2006,
MOTION APPROVED UNANIMOUSLY

Traffic Control Order 03-2006 – Extending Speed Limit on Barnes Street

Motion by Whipple, second by Johnson,
to approve TCO 03-2006,
MOTION APPROVED UNANIMOUSLY

Traffic Control Order 04-2006 - Setting Speed Limits for City Owned Parks

Motion by Whipple, second by Johnson,
to approve TCO 04-2006,
MOTION APPROVED UNANIMOUSLY

Report – Code Enforcement Update – Chris Colligan, Code Enforcement Officer

Chris Colligan reported to the Council regarding general and specific code enforcement issues as well as the code enforcement protocol and procedures.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- Clark stated that the Flea Market parking on Lansing Street is burdening the neighborhood and asked that it be investigated.
- Clark stated that there is sidewalk missing on Peachtree Place where the property owner had informed the city that they were making improvements; however, if they didn't, they would install the sidewalk. Staff will investigate.
- Mulvany stated that he was informed that there is broken and caved in sidewalk on S. Barnes Street, south of South Street. Staff will investigate.
- Johnson stated that it was great to see the Farmer's Market open this weekend.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Coady informed Council regarding Planning Commission business. Specific discussion was held regarding the 8.08 acres rezoned on Temple Street.
- Clark informed Council regarding DDA business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. .

PEOPLE FROM THE FLOOR
Elaine Ferris, Friends of the Library President, informed the Council that the Friends of the Library are holding another fund raiser. She also provided statistical information regarding libraries and their users.

ADJOURNMENT
Being that there was no further business the meeting adjourned at 9:04 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 5, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: June 19, 2006

The Minutes of June 19, 2006 were approved as corrected.

APPROVAL OF BILLS

MOTION by Whipple, second by Coady,
to approve the payment of bills in the amount of $54,333.16 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2006-24 – Demolition of 510 S. Park Street

Resolution No. 2006-24 was introduced by Naeyaert and seconded by Johnson. Johnson stated that if a public bid had been conducted, a better quote could have been acquired; therefore, he would be voting no regarding this resolution. Clark stated that it was the consensus of the Council [insert] *at a previous meeting* to waive the bid process, and directed staff to obtain a quote from Sherrell's Excavating based on the bids that were solicited last year for the demolition of 502 S. Park Street.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-24
RESOLUTION TO PROCEED – REMOVAL OF STRUCTURE
LOCATED AT 510 S. PARK STREET
July 5, 2006

WHEREAS, the City of Mason purchased the property at 510 S. Park Street, February 17, 2006; and

WHEREAS, the City of Mason had an Environmental Site Assessment Review and found the need to remove asbestos, in this structure; and

WHEREAS, asbestos abatement in this structure is set for July 13, 2006; and

WHEREAS, the structure on the site is not usable in its current condition and it is in the best interest of the City to demolish it; and

WHEREAS, the city followed a previous quote process for the demolition of 502 S. Park Street and found Sherrell's Excavating the lowest bidder.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council waives the public bid process and accepts the quote for the demolition and removal of the structure and parking lot located at 510 S. Park Street from Sherrell's Excavating, Inc. for $17,800.

Yes (5) Clark, Coady, Mulvany, Naeyaert, Whipple
No (2) Bruno, Johnson

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Wednesday, July 5, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Discussion – Water Treatment Plant

Discussion was held regarding several aspects of water treatment to satisfy the radium level issue including the timeline, conducting a simulated test, and financial issues including, whether to negotiate the cost of the pilot project plan. Also, it was debated whether a Request for Proposals (RFP) should be conducted, rather than continuing with the current team of engineers.

MOTION by Coady, second by Whipple,
to authorize the City Administrator to negotiate with the current consultants, Wolverine Engineers & Surveyors, Inc., Jones & Henry Engineers, Ltd., and Layne Christensen Company, to proceed with the abbreviated Pilot Study to verify the information and meet the MDEQ expectations, not to exceed $14,000.00.

Discussion followed whether to negotiate the cost of the pilot project plan or to approve the expenditure.
.

MOTION by Whipple, second by Coady,
to amend the main motion by striking the word negotiate, and authorize the expenditure up to 14,000.00 for the abbreviated Pilot Study.
AMENDMENT APPROVED UNANIMOUSLY

VOTE ON THE AMENDED MOTION:
AMENDED MOTION APPROVED UNANIMOUSLY

Further discussion ensued regarding whether a RFP should be pursued.

MOTION by Whipple, second by Bruno,
to direct staff to prepare and process a RFP for the design and inspection phase of the centralized HMO water treatment.

Discussion followed regarding the cost involved with a RFP process. Coady stated that she is opposed to the RFP process in this situation because she is pleased with the consulting team, and the timeline set by federal regulations is very tight. Whipple stated that he concurred; in addition, Jones & Henry is well respected in water treatment and the city selected them for the waste water treatment project; consequently, he would vote against the motion he made. Bruno stated that he feels it is advantageous to follow the RFP process. Further discussion ensued.

VOTE ON THE MOTION:
Yes (3) Bruno, Clark, Johnson,
No (4) Coady, Mulvany, Naeyaert, Whipple
MOTION FAILED

MOTION by Whipple, second by Coady,
to authorize the City Administrator to negotiate a price for the design and inspection phase of the centralized HMO water treatment system.
Yes (5) Clark, Coady, Mulvany, Naeyaert, Whipple
No (2) Bruno, Johnson
MOTION APPROVED

Report – Assessing Practices
Councilmember Johnson had asked that a representative of the contracted assessing firm would explain how they conduct residential appraisals. Colburn affirmed the submitted report stating that Mark MacDermaid of LandMark Appraisal Company had prior plans for July 5. He will be available for the next regular meeting.

UNFINISHED BUSINESS
Naeyaert informed the Council that she will be attending a conference July 17th and will be absent from the regular meeting.

MOTION by Coady, second by Whipple,
to excuse Councilmember Naeyaert from the July 17th regular meeting.
MOTION APPROVED UNANIMOUSLY

NEW BUSINESS
- Naeyaert commended Mayor Clark and Councilmember Whipple, both firefighters, for their role in preparing for the annual fire works display, along with many other Mason Firefighters that annually stage and manage fire works for the 4th of July celebration. She recognized the High School Soccer Team for their participation in the World Cup Soccer Tournament.
- Clark stated that the fire works show is funded solely on contributions. He asked that the City Administrator thank Chief Stressman for his efforts and participation.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
- Johnson informed Council regarding Traffic Commission business. Clark requested that the Traffic Commission would be asked to consider parking along South Street between McRoberts and Cedar Streets.
- Coady informed Council regarding the first meeting of the Sign Ordinance ad hoc committee.
- Mulvany informed Council regarding Historic District Commission business.
- Clark informed Council regarding Local Development Finance Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. He recommended making a public statement opposing the Capital Area District Library (CADL) millage request on the Primary Election ballot due to their refusal to assist local libraries with capital projects. It was the consensus of the Council to direct staff to provide a resolution stating the Council's position for the next regular meeting agenda.

Council requested that staff provide a time line for the proposed city hall project.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Coady, second by Whipple,
To adjourn to executive session to discuss a matter involving the AFSCME Contract Negotiations.
ROLL CALL VOTE:
Yes (7) Coady, Johnson, Mulvany, Naeyaert, Whipple, Bruno, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 9:01 p.m. and reconvened at 9:25 p.m.

MOTION by Whipple, second by Coady,
to amend the agenda by adding, Item 14, Motion – Authorization to Renegotiate Health Care for the AFSME Contract.
Yes (5) Clark, Coady, Mulvany, Naeyaert, Whipple
No (2) Bruno, Johnson
MOTION APPROVED

MOTION by Whipple, second by Coady,
to authorize staff to renegotiate health care for the AFSME contract.
Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (1) Bruno
MOTION APPROVED

Being that there was no further business the meeting adjourned at 9:26 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 19, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
John Stressman, Police Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: June 5, 2006

The Minutes of June 5, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Whipple, second by Naeyaert,
to approve the payment of bills in the amount of $88,873.71 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2006-19 – Designate Authorizing Signatories

Resolution No. 2006-19 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-19
DESIGNATE AUTHORIZING SIGNATORIES
June 19, 2006

RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Kathy L. Revels, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 19, 2006, the original of which is part of the Council's minutes.

Martin Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-20 – Levy 1% Tax Administration Fee

Resolution No. 2006-20 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-20
LEVY 1% TAX ADMINISTRATION FEE
June 19, 2006

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all county, school, intermediate school, state education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2006 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2006 and 3% penalty from the December tax roll after February 14, 2007.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 19, 2006, the original of which is part of the Council's minutes.

Martin Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-21 – Return Miscellaneous Bills to the July 2006 Tax Roll

Resolution No. 2006-21 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-21
RETURN MISCELLANEOUS BILLS TO THE JULY 2006 TAX ROLL
June 19, 2006

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2006 Tax Roll.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 19, 2006, the original of which is part of the Council's minutes.

Martin Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-22 – Return Delinquent Water and Sewer Bills to the July 2006 Tax Roll

Resolution No. 2006-22 was introduced by Bruno and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-22
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2006 TAX ROLL
June 19, 2006

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2006 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 19, 2006, the original of which is part of the Council's minutes.

Martin Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Resolution No. 2006-23 – Amend the 2005-2006 Fiscal Year Budget

Resolution No. 2006-23 was introduced by Mulvany and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-23
AMEND THE 2005-2006 FISCAL YEAR BUDGET
June 19, 2006

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2005-2006 fiscal year Budget is hereby amended as per the attached "Exhibit A."

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 19, 2006, the original of which is part of the Council's minutes.

Martin Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Discussion – Mason Code, Section 10-32(c) – Peddler's Permits

Colburn explained that following a question regarding an ice cream truck soliciting in Mason, review of Sec. 10-32(c) of the Code was considered by staff and discussed with the city attorney. Staff interpreted that only those peddlers, solicitors, or transient merchants "occupying" a location require City Council approval where the nature of the use or activity remains in place for the duration of their sales, exhibit, or solicitation. All others would be granted a permit administratively, subject to the conditions of Chapter 10 in Article II. McGinty spoke to the ordinance as it was intended and approved in 1996 and how it is drafted differently now that it has been codified. He stated that it was his opinion that the word "occupy" indicated holding a

fixed location and/or parking.

It was the consensus of Council that staff would continue to issue peddler permits, other than those engaging to occupy a street corner, public right-of-way or public place.

Motion – Utility Water Rates Adjustment

Clark restated the motion postponed from the June 5, 2006 meeting to the June 19, 2006 meeting as follows:

> MOTION by Whipple, second by Naeyaert,
> to approve the increase to Capital Improvement Charge for Water and Sewer
> to $1.13 as recommended by the Utility Rate Study Committee.

A brief discussion was held regarding the addition of $500,000.00 for design of the water treatment plant as part of the capital improvement charge.

> MOTION by Whipple, second by Bruno,
> to amend the main motion to increase the capital charge to $1.87 .

Discussion ensued regarding the rationale for increasing the capital charge for water and sewer. Dean explained increases indicated on Exhibit (Table 1); the cost of business is causing the increases as well as GASBY 34 accounting procedures that require allocating costs from where they are used.

> VOTE ON THE AMENDMENT:
> Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
> No (1) Johnson
> AMENDMENT APPROVED

> MOTION by Whipple, second by Naeyaert,
> to approve the increase to the Capital Improvement Charge for Water and Sewer
> to $1.87.
> MOTION APPROVED UNANIMOUSLY

Report – Sump Pump Collection – Foxview Lane and Middlebury Lane

Inspections were conducted for the 23 houses located on Foxview Lane and Middlebury Lane to determine whether installing sump pump connections to storm drains would be necessary. Staff determined that sump pump discharge locations were acceptable and recommended not installing storm sewers in this neighborhood. A brief discussion ensued.

> MOTION by Whipple, second by Bruno,
> to remove the sump pump collectors from the Foxview Lane and Middlebury
> Lane street project.
> MOTION APPROVED UNANIMOUSLY

Discussion - Water Survey Results

Clark stated that a workshop was held prior to the regular meeting to review the water survey results. Whipple commented briefly regarding the high response to the survey. The survey

showed that 51% of the survey respondents chose HMO, 33% chose IE, and 16% had no preference (the numbers were rounded to whole numbers). It also showed that 87% rated keeping the cost of water and sewer services as low as possible.

MOTION by Whipple, second by Bruno,
to amend the agenda by adding an action item after Item 7(I), to be 7 (I-1)
Motion - Drinking Water Revolving Fund Plan.
MOTION APPROVED UNANIMOUSLY

Motion - Drinking Water Revolving Plan

MOTION by Whipple, second by Bruno,
to direct staff to take action to revise the *[strike] ~~Wolverine~~ Drinking Water Plan *[insert] *prepared by Wolverine* to identify Centralized HMO as the selected treatment technology for the radium issue and to make associated changes to the plan to reflect the added public input of the survey, and the subsequent public hearing that will be required. Also, to direct staff to consider abandonment of the Curtis Street Well and the inclusion of the Howell Road Well as a standby basis only in the new water system when the Centralized HMO is completed.
MOTION APPROVED UNANIMOUSLY

Discussion – Land Bank

Colburn briefly commented regarding the two properties that the county foreclosed on. The county has offered them to the city prior to including them with other foreclosed properties in the county that will be auctioned through the Land Bank. He recommended allowing the county to auction them or to use them for public use.

UNFINISHED BUSINESS

- Johnson asked about the process used by Landmark Appraisal for reappraisals in the city. It was requested to have a representative provide a report at the next regular meeting.

NEW BUSINESS

- Coady informed Council that Relay for Life had a successful event.
- Naeyaert informed Council that the Angel House Run/Walk was held in Mason this year and was a successful event.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Mulvany informed Council regarding Historic District Commission business.
- Coady informed Council regarding Planning Commission business.
- Clark informed Council regarding DDA business.

*[correction by Council

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. Discussion ensued regarding the planned road trip that staff and Council will take this Friday to visit particular communities that have recently built city/township halls, police departments, and libraries.

PEOPLE FROM THE FLOOR

Gary Schwartz of 41 Harrogate Drive asked about the process for unpaid water bills and stated that he felt that the best option for Mason's water issue would be to connect with Lansing Board of Water and Light.

ADJOURNMENT

Being there was no further business the meeting adjourned at 9:11 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF June 5, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
Absent: Councilmember: Mulvany
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 15, 2006

The Minutes of May 15, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Coady,
to approve the payment of bills in the amount of $79,409.98 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Billie Jo O'Berry of 1195 Clayton Court stated that she is running for the 55th District Court Judge Seat.

REGULAR BUSINESS

Presentation – Mason Community Asset Builders (MCAB)

MCAB members Nellie Smydra and Luis Raynaga informed Council regarding their submitted report concerning the success of "The Spring Thing" event that was held May 5, following the Mason State Bank 5K-Run, as well as future plans.

Resolution No. 2006-18 – Resolution to Expend Water and Sewer Reserve Funds

Resolution No. 2006-18 was introduced by Whipple and seconded by Coady. Bruno stated opposition to releasing funds for the future POTW Plant at this time because he felt that it was premature. Revels spoke to the rationale of the Utility Rate Study Committee's recommendation to release two million dollars restricted for a future project and restrict the funds for the current water treatment project. She stated that she feels uneasy about raising rates and not using the funds that are available, but restricted to a future project. Johnson stated that he shared Councilmember Bruno's concerns and is uncomfortable releasing two million dollars without an estimate to where it is going. Further discussion ensued regarding the purpose of changing the restriction from a future project to the water treatment project that is currently taking place.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-18

RESOLUTION TO EXPEND WATER AND SEWER RESERVE FUNDS

June 5, 2006

WHEREAS, pursuant to Resolution 97-28, adopted by the City Council on June 16, 1997, the City Council determined to transfer certain funds from the City's Water and Sewer Fund – Fund Balance Account to an account entitled "Reserve for Special Purposes – P.O.T.W. Expansion; and

WHEREAS, the Reserve Account was restricted by the City Council through Resolution 97-28 so that funds within the Reserve Account could only be used by the City "for the future expansion of the Publicly Owned Treatment Works of the City of Mason"; and

WHEREAS, the anticipated need for expansion of the City's Publicly Owned Treatment Works has not materialized to the extent that it would require the use of the Reserve Account; and

WHEREAS, the city intends to undertake improvements to its Water Supply by creating a Water Treatment Plant due to federally mandated compliance limits on radionuclides; and

WHEREAS, the City Council desires to designate $2,000,000 of the water and sewer fund to reduce initial capital expenditure liabilities for the initial capital costs of the water treatment plant, relieving the additional burden placed on the individual water accounts.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby removes the restriction of the water and sewer fund "for the future expansion of the Publicly Owned Treatment Works of the City of Mason", with exception of funding designated in legal agreements with Vevay Township.
2. The City Council hereby authorizes the City's Administrator and Finance Director/Treasurer to expend $2,000,000 from the Water and Sewer fund toward the purchase of a Water Treatment Plant.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

Yes (4) Clark, Coady, Naeyaert, Whipple
No (2) Bruno, Johnson
Absent (1) Mulvany

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council at its regular meeting on June 5, 2006, the original of which is part of the Council's minutes.

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED

Motion – Utility Rates Adjustment

Revels reported regarding the Utility Rate Study Committee's recommendation to raise the Capital Improvement charge from $1.00 to $1.13 per unit to cover the cost of capital improvements for FY 2006-2007.

MOTION by Whipple, second by Naeyaert,
to approve the increase to Capital Improvement Charge for Water and Sewer to $1.13 as recommended by the Utility Rate Study Committee.

Discussion ensued regarding the increase to cover costs for this year compared with the ensuing rate increase for water treatment, as well as the Committee's recommendation two years ago to increase rates and a capital improvement charge increase to cover expenses, which at that time, Council took action to lower the rates. Councilmember Bruno stated that he feels that the water and sewer rates should be raised to what is needed. Whipple stated that in previous years, data was submitted showing the breakdown, which was helpful by showing how the Committee came to their conclusion.

MOTION by Whipple, second by Johnson,
to defer action regarding the Utility Rate Committee's recommended utility rates adjustment to the next meeting, June 19, 2006, at which time further documentation will be presented.
MOTION APPROVED UNNANIMOUSLY

Request – Excused Absence – Councilmember Mulvany

MOTION by Bruno, second by Whipple,
to excuse the absence of Councilmember Mulvany from the June 5, 2006 meeting as he is out of town.
MOTION APPROVED UNNANIMOUSLY

Discussion – City Council Trip to the Cities of Sparta and Breckenridge to Review Water Treatment Facilities

Whipple stated that rather than Council touring facilities to gather information to affect a decision regarding water treatment, he felt staff would be better equipped and knowledgeable to confer with the facilitators and tour treatment facilities. Discussion ensued. At the next regular meeting, Councilmembers will be prepared to discuss a mutual date to visit communities with Ion Exchange Water Treatment Facilities. Also, communities that have recently built a City Hall, Police Department, and/or Library would be visited the same day.

Discussion – City Council Trip to the City of South Lyon to Review Playground Equipment

Bruno stated that he asked to have this item on the agenda and explained that he has been reading about playground equipment manufactured by a Michigan company targeting two age groups. He would like the Council and staff to visit the City of South Lyon that has the playground equipment in one of their parks. Discussion was held and it was the consensus of the Council that playground equipment is to be handled by city staff.

UNFINISHED BUSINESS

Johnson asked if there was any progress with the back pond in Laylin Park. Colburn explained that staff redirected storm water that goes to the creek and diverted it to the pond. A professor at MSU specializing in lakes and ponds will be looking at the pond and advise staff how to handle the pond. Also, the Drain Commissioner will be attending a Council meeting in July to give an overview of that portion of the drain. A brief discussion ensued.

NEW BUSINESS

Naeyaert asked that the grass at the city owned Park Street house be mowed.

CORRESPONDENCE

Distributed.

LIAISON REPORTS
None at this time.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Discussion ensued regarding the incorrect striping on Temple Street. It was the consensus of the Council to have the Traffic Commission consider the matter.

PEOPLE FROM THE FLOOR
Eric Schertzing, Ingham County Treasurer, addressed the Council regarding the tax foreclosure process and the Land Bank Authority process relating to the two properties within the city that were foreclosed upon this year. It was requested of staff to being forward additional information about the two properties at the next Council meeting.

ADJOURNMENT
Being there was no further business the meeting adjourned at 9:09 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 15, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 1, 2006
The Minutes of May 1, 2006 were approved as submitted.

APPROVAL OF BILLS
MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $67,557.45 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Elaine Ferris, Friends of the Library President, stated that they held a successful book sale and a plant sale is scheduled for this Saturday. The Friends are working hard to increase the Library Building/Renovation Fund and Ms. Ferris presented the City with a $5,000.00 check to add to the fund.

Lynn Lindsay of 305 W. Elm, Apartment 2, introduced herself to Council and informed them that she intends to run for Ingham County Board of Commissioner seat for the 16th District.

PUBLIC HEARING
Budget FY 2006-2007
Clark opened and closed the public hearing at 7:37 p.m. as there were no comments.

REGULAR BUSINESS
Resolution No. 2006-16 – Adoption of the FY 2006-2007 Budget
Resolution No. 2006-16 was introduced by Bruno and seconded by Johnson. A brief discussion was held.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-16
ADOPTION OF THE FY 2006-2007 BUDGET
May 15, 2006

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2006-2007 fiscal year budget on Monday, May 15, 2006 as prescribed by law: now therefore

BE IT RESOLVED, that the proposed 2006-2007 Operating Budget herewith filed with the City Clerk, providing for the sums of $12,298,005 for expenditures for municipal purposes for General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2006-2007 fiscal year, and that of the said amount the sum of $2,770,325 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason; and

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2006-2007 is forwarded to the City Council for its approval, and whereas the captured State Equalization Taxable Valuation for the DDA District is $2,814,202, the sum of $33,560 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2006-2007 is forwarded to the City Council for its approval, and whereas the captured State Equalization Taxable Valuation for the LDFA District is $27,698,502; the sum of $164,595 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that the 2006-2007 Governmental Fund Budgets shall be automatically amended on July 1, 2006 to re-appropriate encumbrances outstanding and reserved on June 30, 2006.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2006-2007 proposed fiscal year budget which is currently on file in the office of the City Clerk.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, May 15, 2006 the original of which is part of the Council's minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
County of Ingham

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-17 – Fire Works Display Agreement

Resolution No. 2006-17 was introduced by Johnson and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-17

FIREWORKS DISPLAY AGREEMENT

May 15, 2006

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department to hold a fireworks display on the evening of July 4, 2006 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor on behalf of the City of Mason for use of the facilities that day.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No: (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, May 15, 2006 the original of which is part of the Council's minutes.

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

Bid – Tank Replacement for Tanker 807

Colburn stated that the water tank of Tanker 807 has developed a leak and needs repair. It is difficult to hold a public bid because the apparatus has to be taken to the vendor for assessment. Chief Scutt is requesting that the public bid process be waived and of the several quotes that were submitted, is recommending to accept the quote form H&H Welding & Repair.

MOTION by Bruno, second by Johnson,
to waive the public bid process and approve the repair of the tank for Tanker 807 to H&H Welding & Repair for $15,570.00.
MOTION APPROVED UNANIMOUSLY

Discussion – Public Water Treatment Survey

Discussion was held to mail the proposed survey regarding public water treatment to each water customer in the City with a stamped return envelope to the City, followed by a reminder post card two weeks later. Data entry will be done twice and compared for accuracy. A brief discussion ensued and edits were made to the survey. Mulvany stated that he is opposed for several reasons, including that he feels there is not enough information to make a decision and costs are unknown.

MOTION by Johnson, second by Bruno,
to move forward with the survey as amended.
Yes (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
No (1) Mulvany
MOTION APPROVED

Discussion – Storm Water Stub Connection

Johnson stated that he became aware that it is planned to install sump pump collector drains along Foxview and Middlebury in conjunction with the current year's street plan. He questioned whether the installation of storm drain stubs were recommended as Phase II requirements, and if they were needed. He spoke with DEQ representative, Christi Alwin today, who administers the storm water program. He asked her if the City of Mason was in full compliance with Phase II regulations, and she responded that the City is in compliance and that there is no action plan in place. He feels that installing storm drains on Foxview and Middlebury in not necessary.

Joe Dean stated that he has talked with Christe Alwin of DEQ. He told her the city's intent to install sump pump collectors, meaning footing tile. She told him that connecting their sump pump was an illicit discharge under Phase II and he respectfully corrected her and explained that the EPA has exemptions in their guidelines. She consulted her supervisor and called Mr. Dean back and thanked him. Dean stated that connection to the sanitary system by sump pumps and

footing tiles had been identified as a significant contributor to inflow as far back as 1974. Other studies and review of literature support this conclusion. Last year he recommended that the city begin to provide places for sump pump connections. He did not intend to put a service to a property and make them connect at this time. He does not feel that every resident will need to. He also talked with Mr. Tim Benton, the DEQ District Supervisor for the Lansing area, regarding his conversation with Ms. Alwin, as he was concerned about misinformation.

A lengthy discussion ensued. It was discussed to verify if there is any residence that is not complying.

MOTION by Bruno, second by Whipple,
to defer action on the storm water work for Foxview and Middlebury until it is verified whether homes are in compliance or not with storm water discharge.

MOTION by Coady, second by Whipple,
to amend the main motion by setting June 15, 2006 as the completion date for the home inspections.
Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
AMENDMENT APPROVED UNANIMOUSLY

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
MOTION APPROVED UNANIMOUSLY

Further discussion was held regarding inspection of individual homes to assess.

Council recognized resident Marty Sekrenes. He thanked the Council for everything that they are doing for the Foxview and Middlebury residents.

UNFINISHED BUSINESS

Naeyaert asked if a letter and the funding proposal that was forwarded to DEQ was sent to the State Senator and State Representative. Colburn stated that one would be forwarded to them.

Mulvany asked if it is known if there are other communities dealing with the same drinking water issues. Naeyaert responded that she has researched this as part of her job; although Mason is not the only community affected, at this time the problem is being defined. Further discussion was held. Bruno stated that he spoke with Mr. Brown, of the DEQ drinking water division, who informed him that there are three other communities in the State of Michigan dealing with an exceeding level of radionuclide.

Clark stated that he, Councilmember Coady, and Administrator Colburn had an encouraging meeting with the Palmer family regarding the proposal to rename Hayes Park; they will contact Mr. Colburn once they have consulted with their family regarding options that were offered for renaming Hayes Park.

NEW BUSINESS
None.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Coady informed the Council regarding Planning Commission business.

Johnson informed Council that the event held at the Skate Park sponsored by the Mason Community Asset Builders (MCAB) went well.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
David Rocky of 10 Avimore Drive stated that he read Wolverine Engineer's Drinking Water Proposals and he appreciated what he heard tonight and efforts for the survey seem right on the mark. A brief discussion was held regarding the proposal.

Heather Durand of 351 E. Bailey stated that she is the President of the Bailey Park Condo Association and a member of the bar. Ms. Durand asked several questions regarding the drinking water mandates and a brief discussion ensued.

ADJOURNMENT
Being there was no further business the meeting adjourned at 9:55 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF May 1, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
John Stressman, Police Chief
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 17, 2006
The Minutes of April 17, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $36,436.69 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Second Reading and Adoption - Ordinance No. 152 – An Ordinance to Approve Amendments to Chapters 1, 74, 94 and 100 of the Mason Code as They Relate to Zoning
Ordinance No. 152 was introduced by Coady and seconded by Mulvany at the April 17, 2006 meeting.

MOTION by Johnson, second by Naeyaert,
to consider the proposed Ordinance No. 152 as read for the first time.
MOTION APPROVED UNANIMOUSLY

A brief discussion was held whether to adopt or defer Ordinance No. 152 due to amendments to the Zoning Enabling Acts that become effective July 1, 2006.

MOTION by Whipple, second by Coady,
to amend the proposed Ordinance No. 152, per the document entitled "Proposed Amendment #3."
MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Naeyaert,
to approve Ordinance No. 152 as amended.
MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Johnson,
to request the Planning Commission to study where public assembly buildings, theaters, and auditoriums should be included in the Zoning Ordinance, as well as the standard to apply.
MOTION APPROVED UNANIMOUSLY

First Reading: April 17, 2006
Second Reading: May 1, 2006
Adopted: May 1, 2006

CITY OF MASON
ORDINANCE NO. 152

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE MASON CITY CODE: SECTION 1-2 - DEFINITIONS - TO AMEND AND ADD DEFINITIONS RELATED TO ZONING CODE; SECTION 1-4 – CATCHLINES OF SECTION, HISTORY NOTES, AND REFERENCES – TO CLARIFY THAT REFERENCES TO THE CODE ARE AS AMENDED; SECTION 74-201 TO AMEND AND SIMPLIFY STANDARDS FOR APPROVAL OF LAND DIVISIONS; CHAPTER 94 – TO AMEND THE ZONING REGULATIONS TO INCLUDE UPDATES TO BE CONSISTENT WITH THE MASTER PLAN; AND BY AMENDING SECTION 100 – TABLES 100-1, 2, 4 AND 5 TO AS A RESULT OF THE CHANGES IN CHAPTER 94 AS WELL AS TO BE CONSISTENT WITH THE MASTER PLAN.

THE CITY OF MASON ORDAINS:
(A complete copy of Ordinance No. 152 will be inserted in the official Minutes)

The foregoing Ordinance was moved for adoption by Council Member Coady and supported by Council Member Mulvany with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 1st day of May, 2006.

Ordinance No.152 declared adopted this 1st day of May, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2006-15 – National Incident Management System as the Standard for Emergency Incident Management (NIMS)

Stressman addressed the Council and spoke regarding required compliance to qualify for funds, grants, contracts, and other Federal Preparedness Assistance Funds. Resolution No. 2006-15 was introduced by Johnson and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 15

NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE STANDARD FOR EMERGENCY INCIDENT MANAGEMENT

May 1, 2006

WHEREAS, the Chief of Police, as the Emergency Operations Coordinator, is requesting implementation of the National Incident Management System as the basis for all emergency incident management in the City of Mason; and

WHEREAS, the President of the United States, in Homeland Security Directive 5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System, which provides a consistent nationwide approach for all levels of government to work together to more effectively and efficiently prevent, prepare for, respond to and recover from domestic disasters, regardless of cause, size or complexity; and

WHEREAS, it is critical for all emergency responders to utilize standardized terminology and organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, as mandated by Presidential Directive B 5, adoption and full compliance with the National Incident Management System will be a condition for receipt of Federal Preparedness Assistance Funds, grants, contracts and other activities; and

WHEREAS, the National Incident Management System shall be incorporated within the City of Mason Emergency Management Plan, training, exercises and operating procedures; and

WHEREAS, all governmental departments of the City of Mason shall fully cooperate with the Ingham County Emergency Management Director, to implement the National Incident Management System and comply with future United States and State of Michigan mandates; and

BE IT FURTHER RESOLVED, that the City Council of the City of Mason do hereby establish the National Incident Management System as the standard for Emergency Incident Management.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, May 1, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Annual Report – Barbara Faiks – Mason Library, Branch of CADL

Barbara Faiks, Mason Library Head, spoke briefly regarding the annual library report she submitted.

MOTION by Whipple, second by Coady,
to accept the 2005 District Library Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Request – Child & Family Services Capital Area – 5K Run/Walk

George Hayhoe stated that he was present on behalf of Angel House, a division of Child and Family Services. Angel House is moving their annual fundraiser to Mason. A 5K run is scheduled for Saturday, June 10, at 9:00 a.m. Mr. Hayhoe gave a brief synopsis of the plans for the day and the route. He is requesting short term street closures to allow safe crossings for the run.

MOTION by Whipple, second by Bruno,
to approve the request for the temporary street closures for the Angel House 5K Run on June 10, 2006, as outlined in the request.
MOTION APPROVED UNANIMOUSLY

Discussion – Budget 2006/2007
A brief discussion was held regarding budgetary highlights. An updated Administrator's Message and summary sheets were requested prior to the next meeting. Remedies for the Duck Weed problem in Laylin Park ponds were discussed. Stressman, asked to comment regarding funding the Metro Narcotics Squad for $7,500.00, stated that Mason's benefit and gain would outweigh the amount of funding for the community.

MOTION by Bruno, second by Whipple,
to add approximately $7,500.00 to the budget to fund rejoining the Metro Squad
Yes (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple
No (1) Mulvany
MOTION APPROVED

UNFINISHED BUSINESS
Johnson stated that he is being pressured by constituents needing more information about upcoming storm water connections and asked the City Administrator for assistance. Colburn and McGinty each responded regarding current city intentions, ordinances, and alternate options.

Naeyaert asked if the final project plan for the water issue had been filed with the DEQ, and if so, what day it was filed. Colburn stated that the City Engineer hand-delivered the document Friday, May 8, 2006. She also asked if any input was requested from our representative in the legislature for supporting that project. In addition, Naeyaert informed Council that Monday, May 8 is the spaghetti fund raiser for Angel House.

Whipple asked Council if they were in support of compiling a survey that would clarify water treatment options for the city and ask consumers if they want a municipal soft water system that is ion exchange rather than holding further public hearings. It was the consensus of the Council to develop a survey and informational letter to mail to water clients with a stamped return envelope.

NEW BUSINESS
Bruno thanked the Mayor for his attendance at the Arbor Day Celebration.

Naeyaert commented that neighbors have asked her to inform the city that E. Elm Street needs to be monitored for speeders.

CORRESPONDENCE
Correspondence was distributed. Clark informed Council that he spoke with Mr. David Rockey, The Landings at Rayner Ponds Homeowner's Association representative. Coady commented that she was informed of the request by Rayner Ponds resident Anne Coady, and suggested that they should bring them to Council at a meeting, or invite a Council Member(s) to an informal coffee. The association has concerns regarding decisions that have been made and are currently being discussed by City Council. Discussion was held regarding Council protocol relating to meeting with residents regarding city wide issues and interests and that the appropriate venue would be to first meet with the City Administrator. It was the consensus of the

Council to have the Mayor direct Mr. Rocky to the City Administrator.

LIAISON REPORTS
None.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being there was no further business the meeting adjourned at 9:47 p.m.

_____	_____
Martin A. Colburn, City Clerk	Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF April 17, 2006

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Coady led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
Bill Potter, City Engineer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 17, 2006
The Minutes of April 3, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of $74,075.38 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

It was discussed that MCAB was present and prepared to give a presentation to Council.

MOTION by Mulvany, second by Johnson,
to amend the agenda by adding *Mason Community Asset Builders (MACB) – Presentation – Skate Park Event*, as the first item of regular business.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS
Mason Community Asset Builders (MCAB) – Presentation – Skate Park Event
Patrick Hoffman, MCAB Spokesperson, gave a brief presentation regarding the Skate Park Event that they would like to manage, and requested approval for the event. They requested to hold the event following the Mason Bank 5K-Run, May 5, 6:00 p.m. – 8:30 p.m. It would be an open invitation to the community. The Mason Optimist Club has been asked to fund the event by providing hot dogs and a drink for the first 500 guests, and A&W will be asked to provide their food trailer. Two bands, (family friendly) have agreed to provide entertainment free of cost. Modern Skate and Surf will participate as well. They have the Mason Key Club and Mason Boy Scout Troops involved in clean up. Their objective is to attract more youth to the park by taking advantage of the crowd that attends the 5-K Run.

Discussion ensued regarding the process and required permits.
MOTION by Bruno, second by Naeyaert,

to grant permission to MCAB use of the Skate Park, May 5, 6:00 p.m. – 8:30 p.m. subject to city code and requirements determined by the City Administrator.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 149 – An Ordinance to Approve a Request to Rezone 8.08 Acres from AG Single Family Agricultural to C-2 Highway Commercial

Ordinance No. 149 was introduced by Mulvany and seconded by Coady. Discussion ensued.

Introduced:	April 11, 2006
Public Hearing:	April 11, 2006
Adopted:	April 17, 2006

CITY OF MASON
ORDINANCE NO. 149

AN ORDINANCE TO ADOPT A RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 8.08 ACRES LOCATED ON THE WEST SIDE OF TEMPLE STREET SOUTH OF ASH STREET (M-36) NORTH OF KIPP ROAD FROM AG SINGLE FAMILY AGRICULTURAL TO C-2 HIGHWAY COMMERCIAL

THE CITY OF MASON ORDAINS:

The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

A part of the East ½ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the East-West ¼ line of said Section 9 at a point N89°41'01"W 491.01 feet from the East ¼ Corner of said Section 9, said point also being on the West right-of-way line of Temple Street; thence along said right-of-way line S00°03'13"E 490.38 feet; thence N45°01"22"W 283.00 feet; thence N89°59'30"W 360.71 feet; thence N00°03'18"W 606.45 feet; thence S87°30'09"E 9.81 feet: thence Northeasterly 126.05 feet along the arc of a 118.00 foot radius curve to the left whose chord bears N61°53'43"E 120.14 feet; thence N31°17'34"E 55.64 feet to the Southerly and Westerly right-of-way line of Temple Street; thence along said right-of-way line the following three courses: S58°42'26"E 365.14 feet; thence Southeasterly 222.14 feet along the arc of a 217.00 foot radius curve to the right whose chord bears S29°22'50"E 212.57 feet; thence S00°03'13"E 44.99 feet to the point of beginning containing 8.08 acres of land, more or less, and subject to any easements or rights-of-way of record.

be rezoned from AG Single Family Agricultural to C-2 Highway Commercial.

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change.

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance 149, and the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Mixed-Use Future Land Use Strategy of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer.

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published.

The foregoing Ordinance was moved for adoption by Council Member Mulvany and supported by Council Member Coady, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of April, 2006.

Ordinance 149 declared adopted this 17th day of April, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

MOTION by Whipple, second by Coady,
to initiate rezoning of the property noted in Ordinance No. 149, to C3 under the new Zoning Ordinance as soon it is put into effect.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 150 – An Ordinance to Approve a Request to Rezone 14.29 Acres from AG Single Family Agricultural to M-1 Light Manufacturing

Ordinance No. 150 was introduced by Coady and seconded by Mulvany.

Introduced:	April 11, 2006
Public Hearing:	April 11, 2006
Adopted:	April 17, 2006

CITY OF MASON
ORDINANCE NO. 150

AN ORDINANCE TO ADOPT A RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 14.29 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF TEMPLE STREET AND KIPP ROAD AND 9.76 ACRES LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF TEMPLE STREET AND KIPP ROAD FROM AG SINGLE FAMILY AGRICULTURAL TO M-1 LIGHT MANUFACTURING

THE CITY OF MASON ORDAINS:

The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

Parcel 2: A part of the Southeast ¼ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the South line of said Section 9, said line also being the North right-of-way line of Kipp Road, at a point N89°59'30"W 491.00 feet from the Southeast Corner of said Section 9; thence continuing along said line N89°59'30"W 560.71 feet; thence N00°03'13"W 1110.00 feet; thence S89°59'30"E 560.71 feet to the Westerly right-of-way line of Temple Street; thence along said line S00°03'13"E 1110.00 feet to the point of beginning containing 14.29 acres of land, more or less, and subject to any easements or rights-of-way of record.

Parcel 4: A part of the East ½ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point on the East line of said Section 9, S00°03'13"E 1646.72 feet from the East ¼ Corner of said Section 9; thence continuing along said East line S00°03'13"E

1001.02 feet to the Southeast Corner of said Section 9, said point also being on the North right-of-way line of Kipp Road: thence along the South line of said Section 9 and said North right-of-way of Kipp Road N89°59'30"W 425.00 feet to the Easterly right-of-way line of Temple Street; thence along said right-of-way line N00°03'13"W 999.01 feet; thence N89°44'17"E 425.00 feet along the centerline of an 80' wide county drain easement to the point of beginning containing 9.76 acres of land, more or less, and subject to any easements or rights-of-way of record.

be rezoned from AG Single Family Agricultural to M-1 Light Manufacturing.

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change.

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance 150, and the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Mixed-Use Future Land Use Strategy of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer.

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published.

The foregoing Ordinance was moved for adoption by Council Member Coady and supported by Council Member Mulvany with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of April, 2006.

Ordinance 150 declared adopted this 17th day of April, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

Ordinance No. 151 – An Ordinance to Approve a Request to Rezone 2.92 Acres from AG Single Family Agricultural and RS-1 Single Family Residential to O-1 Office

Ordinance No. 151 was introduced by Coady and seconded by Mulvany.

Introduced: April 11, 2006
Public Hearing: April 11, 2006
Adopted: April 17, 2006

CITY OF MASON
ORDINANCE NO. 151

AN ORDINANCE TO ADOPT A RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 2.92 ACRES LOCATED ON THE EAST SIDE OF CEDAR STREET APPROXIMATELY 400 FEET NORTH OF KIPP ROAD IN THE SOUTHEAST 1/4 OF SECTION 8 OF THE CITY OF MASON

THE CITY OF MASON ORDAINS:

The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

PARCEL 1 – A part of the Southeast ¼ of the Southeast ¼ of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point on the East Section line N0004'31"E 403.00 feet from the Southeast corner of said Section 8; thence N8955'35"W 495.00 feet parallel with the South Section line of said Section 8 to the Easterly Right of Way line of Cedar Street; thence along said Easterly Right of Way line Northwesterly 408.36 feet along the arc of a 358.70 foot radius curve to the left whose chord bears N3232'20"W 386.66 feet and whose central angle is 6513'42; thence S8955'35"E 508.40 feet parallel with said South Section line; thence S0004'31"W 273.00 feet parallel with said East Section line; thence S8955'35"E 195.00 feet parallel with said South Section line to a point on said East Section line; thence S0004'31"W 52.70 feet along said East Section line to the point of beginning, containing 2.92 acres of land more or less, and subject to any easements or rights of way of record.

be rezoned from AG Single Family Agricultural and RS-1 Single Family Residential to O-1 Office.

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change.

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance 151, and the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Mixed-Use Future Land Use Strategy of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer.

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published.

The foregoing Ordinance was moved for adoption by Council Member Coady and supported by Council Member Mulvany with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of April, 2006.

Ordinance 151 declared adopted this 17th day of April, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

First Reading - Ordinance No. 152 – An Ordinance to Approve Amendments to Chapters 1, 74, 94 and 100 of the Mason Code as They Relate to Zoning

MOTION by Whipple, second by Coady,
to amend the proposed Ordinance No. 152, per the document entitled "Proposed Amendment #1.
MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Coady,
to amend the proposed Ordinance No. 152, per the document entitled "Proposed Amendment #2.

MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Naeyaert,
to consider the proposed Ordinance No 152 as read for the first time, subject to correcting the word "facility" on page 36, under D-1.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 152 was introduced by Coady and seconded by Mulvany.

Whipple suggested that each Planning Commissioner should be notified in writing that Ordinance No.152 has been amended as well as final reading and adoption consideration will occur at the May 1 meeting and invite them to attend if they wish to comment.

MOTION by Whipple, second by Coady,
to refer to the Planning Commission that they study the possibility of adding community commercial centers to Section 143 of the Ordinance as a special use and consider limiting the size of such commercial community centers to 20,000 square feet; limiting the size of any use in that zone to 20,000 square feet. A recommendation is requested to be returned by the July 17th meeting with their findings, or an update.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2006-14 – A Resolution Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative

Resolution No. 2006-14 was introduced by Mulvany and seconded by Coady. A very lengthy discussion ensued. Naeyaert provided several documents regarding water system requirements and related information.

MOTION by Whipple, second by Johnson,
to amend Resolution No. 2006-14 by striking Ion Exchange, and insert HMO filtration, in the second whereas and the now therefore be it resolved, paragraphs.
Yes (3) ~~Coady, Mulvany~~ Clark, Naeyaert, Whipple
No (4) Bruno, ~~Clark~~ Coady, Johnson, Mulvany ~~Naeyaert~~
MOTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 14
A RESOLUTION ADOPTING A FINAL PROJECT PLAN
FOR WATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE
APRIL 17, 2006

WHEREAS, the City of Mason recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City of Mason authorized the project consulting team of Wolverine Engineers & Surveyors, Inc., and Jones & Henry Engineers, Ltd., and Layne-Christensen Co. to prepare a Project Plan, which recommends the construction of a centralized ion exchange water treatment facility; and

WHEREAS, said Project Plan was presented at a Public Hearing held on April 10, 2006 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Mason formally adopts said Project Plan and

agrees to implement the selected alternative of construction of a centralized ion exchange water treatment facility.

BE IT FURTHER RESOLVED, that the City Administrator, a position currently held by Martin A. Colburn, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No: (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, April 17, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

A brief recess was taken at 9:40 p.m. and reconvened at 9:45 p.m.

Bid Audit Services

Revels spoke regarding the bids received for audit services and highly recommended Plante Moran. Discussion ensued regarding the cost range of the firms.

MOTION by Coady, second by Whipple,
to accept the bid of $21,725 for 275 hours in 2006, and $22,375 for 275 hours in 2007, from the firm of Plante Moran for auditing services.
Yes (4) Coady, Mulvany, Naeyaert, Whipple
No (3) Bruno, Johnson, Clark
MOTION APPROVED

Motion – Renewal of Fire Service Contracts with Aurelius and Vevay Townships

MOTION by Whipple, second by Johnson,
to accept the three-year Fire Service Contracts with Aurelius Township and Vevay Township as presented.
MOTION APPROVED UNANIMOUSLY

Request – Mason Farmers Market Association, Inc.

Phil Birdsall, DDA Director, and Elaine Ferris, last year's Market Master were present. Mr. Birdsall gave a brief presentation of the plans for this year's Farmers Market.

MOTION by Whipple, second by Coady,
to approve the request of the Farmers Market to use the right-of-way, per the letter of request, subject to appropriate liability coverage with the City named as the additionally insured is provided; in addition, all permits and fees will be waived.
MOTION APPROVED UNANIMOUSLY

Proclamation – Arbor Day
At its March 29, 2006 meeting, the Tree Commission selected the Future Farmers of America (FFA), of Mason Public Schools, as the Mason Arbor Day Honoree for 2006. Arbor Day will be celebrated Friday, April 28, at the "red" sugar bush building at noon where a tree of their choice will be planted. The City has been named a Tree City USA by the National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service. It is the fifteenth year Mason has received this national recognition.

UNFINISHED BUSINESS
Johnson asked if sump pump collector stub connections were being funded through the street fund and if installation is being done at the same time as street construction; Colburn stated yes.

NEW BUSINESS
Whipple asked if a sump pump collector stub connection was being put in place for every residence throughout street construction. Colburn stated that he would verify how and when connections are being done.

Naeyaert informed the Council that a spaghetti dinner fund raiser would be held May 8 at A&W for Angel House. As of today, Angel House is licensed to accept child placement.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
Clark informed the Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being there was no further business the meeting adjourned at 10:30 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 3, 2006

Clark called the meeting to order at 7:37 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Coady led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
Absent: Councilmembers: Johnson
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
John Stressman, Police Chief
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: March 20, 2006

The Minutes of March 20, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of $319,553.68 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Elaine Ferris, President of the Mason Friends of the Library presented the City Administrator with a $1,000 check for the library-building fund. Recently departed and long time resident, Jenny Dart, had asked that contributions be given to the Mason Friends of the Library. The Friends contributed the balance needed and gave a $1,000 check to the City.

REGULAR BUSINESS

Resolution No. 12 – Mutual Aid Assistance Agreement between Ingham County and the City of Mason

Stressman spoke regarding the impetus that influenced a mutual aid assistance agreement between Ingham County and the City, as well as the basics of the agreement. Colburn commended Police Chief Stressman for his assertiveness and initiative with identifying and pursuing the necessary means of a compatible alliance with neighboring jurisdictions and developing an agreement for putting one in place. Resolution No. 2006-12 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 12

RESOLUTION TO PARTICIPATE IN THE
INGHAM COUNTY MUTUAL POLICE ASSISTANCE AGREEMENT

APRIL 3, 2006

WHEREAS, the City of Mason recognizes the jurisdictional restrictions of a police officers authority can impeded the ability of police officers from aiding a resident in immediate need of help while doing business outside the officers' jurisdiction.

WHEREAS the City of Mason recognizes, when a resident is in apparent danger and law enforcement action by an officer outside their jurisdiction is present, the imminent need of the resident out weighs the jurisdictional restrictions facing the officer.

WHEREAS, the City of Mason recognizes certain law enforcement emergencies occur requiring the immediate response of assistance from neighboring law enforcement agencies without the benefit of on site command approval.

WHEREAS, the City of Mason recognizes the mutual advantage and benefit of supplemental police protection rendered by other law enforcement agencies in the event of an emergent need, or a special police need of a magnitude that has developed, appears to be developing, or is anticipated, where the special police need is beyond the capabilities of a single police department and therefore requires the assistance of one or more other agencies.

WHEREAS, the City of Mason, recognizes the need to participate in the Ingham County Mutual Police Assistance Agreement with the partnering law enforcement agencies of Ingham County for the purpose of enhancing law enforcement efforts and the safety of the public.

NOW THEREFORE BE IT RESOLVED, the City of Mason agrees to participate in the Ingham County Mutual Police Assistance Agreement effective on the date of signature by the Mayor and City Administrator.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Johnson

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, April 3, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 13 – Resolution to Amend the City Cable Franchise Agreement

Resolution No. 2006-13 was introduced by Naeyaert and seconded by Coady. A brief discussion ensued.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 13

RESOLUTION TO AMEND
THE CITY CABLE FRANCHISE AGREEMENT

APRIL 3, 2006

WHEREAS, the Mason Cable Commission met March 15, 2006; and

WHEREAS, the Cable Franchise Agreement between Millennium Media Digital and the City of Mason terminates on November 21, 2006; and

WHEREAS, technological changes have initiated legislative discussions and hearings at both the federal and state levels regarding regulatory changes; and

WHEREAS, these changes may benefit the customers who include the residents of Mason: and

WHEREAS, the Mason Cable Commission is recommending to the Mason City Council to defer negotiations by six months.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and City Administrator to sign an amendment to the City Cable Franchise Agreement dated November 21, 1994, extending the termination date to May 21, 2007.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Johnson

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, April 3, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Coady informed the Council that she and two Planning Commissioners attended a MML Basic Planning and Zoning Training last month.

NEW BUSINESS

Discussion was held regarding the first meeting in July which falls between the weekend and Independence Day.

MOTION by Bruno, second by Naeyaert,
To change the established City Council meeting date, July 3, 2006 to July 5, 2006 due to a recognized holiday, Independence Day, falling on a Tuesday.
MOTION APPROVED UNANIMOUSLY

Naeyaert informed the Council that Mason resident, Shirley Grieve, was chosen as The United Way volunteer of the year. She would like the Council to recognize her for this esteemed honor.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Bruno informed the Council regarding Tree Commission business.
- Whipple informed the Council regarding the MML Legislative Conference he attended. He also spoke briefly regarding the meeting he and Councilmember Johnson had with Mason Community Asset Builders (MCAB).
- Coady informed the Council regarding Planning Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. A brief discussion was held regarding the tree trimming conducted by Consumer's this past winter. Although they promised to

return and complete cleaning up the debris they left during the winter, they are insisting that the debris in the right-of-ways is the homeowners' responsibility. Discussion ensued regarding the demolition of the city owned structure located on Park Street.

MOTION by Bruno, second by
To authorize the City Administrator to enter into negotiations with Sherrill Excavating for the demolition of 510 Park Street.
MOTION APPROVED UNANIOMOUSLY

PEOPLE FROM THE FLOOR

Elaine Ferris 417 W. Sycamore Street stated that a paper drive would be held April 10, 2006 at the Holt Plaza by the Holt Kiwanis

ADJOURNMENT

Being there was no further business the meeting adjourned at 8:32 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 20, 2006

Clark called the meeting to order at 7:38 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Absent: Councilmembers: Bruno
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
John Stressman, Police Chief
Chris Colligan, Building Official
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: March 6, 2006
The Minutes of March 6, 2006 were approved as submitted.

APPROVAL OF BILLS
MOTION by Coady, second by Whipple,
to approve the payment of bills in the amount of $74,732.92 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

PUBLIC HEARING
Hearing of Apportionment – Special Assessment Project 2006-1 – Street and Sidewalk
Clark opened and closed the public hearing at 7:40 p.m. as there were no objections.

REGULAR BUSINESS
Special Assessment Resolution No. 5, Project 2006-1 – 2006 Street and Sidewalk
Special Assessment Resolution No. 5, Project 2006-1 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
2006 STREET AND SIDEWALK SPECIAL ASSESSMENT RESOLUTION NO. 5
PROJECT 2006-1
March 20, 2006

WHEREAS, pursuant to due notice to all interested parties, this City Council did meet on Monday, March 20, 2006, in the City Hall, 201 West Ash Street, Mason, Michigan, for the purpose of reviewing the special assessment roll and hearing any objections thereto for Street and Sidewalk Special Assessment District - 2006-1; and

WHEREAS, at the time and place designated for said meeting, the meeting was duly called to order and the opening of the hearing for objections to the special assessment roll, prepared by the City

Assessor and on file with the City Clerk, was announced, said roll assessing the cost of certain street and sidewalk improvements against the benefiting properties; and

WHEREAS, objections were heard or filed in writing with the City Clerk and the following adjustment or corrections, if any, were made:

; and

WHEREAS, the City Council now desires to confirm the special assessment roll attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED THAT:

3. The City Council hereby designates the special assessment district as the "Street and Sidewalk Special Assessment District - 2006-1."

4. The special assessment roll as prepared and reported to the City Council by the City Assessor shall be designated as the "Special Assessment Roll, Street and Sidewalk Special Assessment District 2006-1" in the final amount of **$14,299.97**, and is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.

5. The special assessment roll shall be divided into three (3) equal annual installments. The first installment shall be due on July 1, 2006, and the two (2) subsequent installments shall be due on July 1 of the succeeding years thereafter. Special assessments may be paid in full on or before August 31, 2006, without interest. Thereafter, installments of the special assessment roll shall bear interest at the rate of six and a quarter percent (6.25%) per annum, commencing on September 1, 2006, payable annually on the due date of each installment after the first installment. If any installment is not paid when due then the same shall be deemed to be delinquent and there shall be collected thereon in addition to the interest above provided, a penalty at the rate of one percent (1%) for each month or fraction thereof that the same remains unpaid before being reported for reassessment upon the City tax roll. In the event the City Council determines that it is in the best interest of the district and the City at large to issue bonds pledging the receipts of said special assessment roll and the full faith and credit of the City; then and in that event, the interest on the unpaid installments shall be adjusted to not more than one percent (1%) greater than the average interest rate at which the bonds were sold. Said interest shall be payable annually on each installment due date.

6. Any of the unpaid balance due on the special assessment roll may be paid in full on any installment date, together with interest due to said payment date.

7. The assessments made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

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

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, March 20, 2006 the original of which is part of the City Council minutes.

_____
Martin Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Ordinance No. 148 – Second Reading – Property Maintenance

MOTION by Whipple, second by Naeyaert,
To consider Ordinance No. 148 read for the second time.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 148 was introduced by Whipple and seconded by Coady.

CITY OF MASON
ORDINANCE NO. 148

AN ORDINANCE TO AMEND SECTION 1-2 - DEFINITIONS - OF CHAPTER 1 OF THE MASON CITY CODE TO AMEND AND ADD DEFINITIONS RELATED TO A PROPERTY MAINTENANCE CODE; TO AMEND SECTION 2-142 OF ARTICLE IV OF CHAPTER 2 TO ADD PROPERTY MAINTENANCE TO THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; TO AMEND CHAPTER 6 - BUILDING AND ZONING REGULATIONS BY ADDING A NEW ARTICLE IV - PROPERTY MAINTENANCE CODE; AND BY AMENDING SECTION 86-32 OF ARTICLE II - NOXIOUS WEEDS OF CHAPTER 86 OF THE MASON CITY CODE.

THE CITY OF MASON ORDAINS:

Section 1-2. Definitions of Chapter 1 of the Mason City Code is hereby amended to amend certain definitions therein and to insert new definitions, which amended and added definitions shall read as follows:

Sec. 1-2. Definitions.

Abandoned vehicle means, a vehicle which has remained on private property for a period of 48 continuous hours without the consent of the owner or occupant of the property, or a vehicle which has remained on public or private property for a period of 48 continuous hours after a police agency or other governmental agency has affixed a written notice to the vehicle.

Bathroom is a room containing plumbing fixtures including a toilet, bathtub or shower, or any other combination thereof.

Bedroom is any room or space used or intended to be used for sleeping purposes.
Exterior Property is the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places; by re5moving or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage is the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard is a building component or a system of building components located at or near the open sides

of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Housekeeping Unit is a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet; lavatory and bathtub or shower.

Imminent Danger means, a condition which could cause serious or life-threatening injury or death at any time.

Infestation is the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Let for occupancy or *let* is to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupancy means, the purpose for which a building or portion thereof is utilized or occupied.

Occupant is any individual living or sleeping in a building, or having possession of a space within a building.

Openable area is that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator is any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner as applied to property, is any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian or conservator of the estate of any such person, and the personal representative of the estate of such person and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person appearing on the assessment roll for the purpose of giving notice and billing.

Premises is a lot, plot or parcel of land, easement or public way, including any structures thereon.

Tenant is a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Ventilation is the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike means, executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard is an open space on the same lot with a structure.

THE CITY OF MASON FURTHER ORDAINS:

Section 2-142 of Division 2 of Article IV of Chapter 2 of the Mason City Code is hereby amended to read as follows:

Sec. 2-142. Powers and duties of building and zoning officials.

(a) The building official shall administer and enforce the provisions of the Michigan Building Code as promulgated by rule of the State Construction Code Commission pursuant to Section 4 of Public Act

No. 230 of 1972 (MCL 125.1504), and the city assumes responsibility for administration and enforcement of Act 230, pursuant to Section 9 of the Act (MCL 125.1509), throughout the corporate limits of the city. The building inspector shall also administer and enforce the provisions of chapter 6, article II (building code board of appeals), and article IV - property maintenance.

(b) The zoning and development director, or designee, shall administer the provisions of the following ordinances and shall have all the powers and duties enumerated in such ordinances, except such duties as may be specifically delegated in any of the ordinances listed below to the city engineer or other particular department or official.

(1) Chapter 6, article III (dangerous buildings);
(2) Chapter 22 (environment);
(3) Chapter 30 (floods);
(4) Chapter 31 (historic preservation)
(5) Chapter 58 (signs)
(6) Chapter 74 (subdivisions and other divisions of land);
(7) Chapter 86, article II (noxious weeds)
(8) Chapter 94 (zoning);

The zoning and development director shall also be impressed with those functions as may be specifically assigned to him by any other ordinances adopted by the city. The zoning and development director may appoint such officers, inspectors and assistants, and other employees as shall be authorized by the city administrator.

THE CITY OF MASON FURTHER ORDAINS that a new Article IV - Property Maintenance Code - is hereby added to Chapter 6 of the Mason City Code, which added article shall read as follows:

ARTICLE IV - PROPERTY MAINTENANCE

DIVISION 1. INTENT AND PURPOSE

Sec. 6-100. Scope.

The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Sec. 6-101. Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, house keeping unit or premises which they occupy and control.

Sec. 6-102. Vacant Structures and Land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Sec. 6-103 - 6-120. Reserved.

DIVISION 2. EXTERIOR PROPERTY AREAS

Sec. 6-121. Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Sec. 6-122. Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from all hazardous conditions other than a natural accumulation of ice and snow.

Sec. 6-123. Rodent Harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Sec. 6-124 B 6-140. Reserved.

DIVISION 3. EXTERIOR STRUCTURE

Sec. 6-141. General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Sec. 6-142. Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. All exterior wood surfaces, other than naturally decay-resistant wood, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec. 6-143. Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm).

Sec. 6-144. Structural members, foundation walls, and exterior walls.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Sec. 6-145. Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Sec. 6-146. Decorative features, overhand extensions.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition. All overhand extensions

including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 6-147. Stairways, decks, porches and balconies.

Every exterior stairway, ramp, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec. 6-148. Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 6-149. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 6-150. Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Sec. 6-151. Insect screens.

During the period from May 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured , packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging door shall have a self-closing device in good working condition.

> **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Sec. 6-152. Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

Sec. 6-153. Basement hatchways.

Every basement hatchway shall be maintained to prevent entrance of rodents, rain and surface drainage water.

Sec. 6-154. Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Sec. 6-155. Building security.
Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Sec. 6-156 – 6-160. Reserved.

DIVISION 4. RENTAL UNITS

Sec. 6-161. Doors; rental units.

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt shall be operated only by the turn of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an~~d~~ acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer=s specifications and maintained in good working order. All deadbolt locks required by this section shall be readily openable from the inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

Sec. 6-162. Windows; rental units.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

Sec. 6-163. Basement hatchways; rental units.

Basement hatchways that provide access to a dwelling unit, rooming unit or house keeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Sec. 6-164 - 6-180. Reserved.

DIVISION 5. EXTERMINATION

Sec. 6-181. Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

Sec. 6-182. Owner.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

Sec. 6-183. Single Occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

Sec. 6-184. Multiple-occupant.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

Sec. 6-185. Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

> **Exception:** Where the infestations are caused by defect in the structure , the owner shall be responsible for extermination.

Sec. 6-186C6-190. Reserved.

DIVISION 6. APPEALS

Sec. 6-191. Application for Appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this maintenance code shall have the right to appeal to the Mason building code board of appeals pursuant to the rules and procedures established by the board pursuant to division II of this chapter provided that a written application for appeal is filed within twenty (20) days of the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

THE CITY OF MASON FURTHER ORDAINS that section 86-32 of Article II - Noxious Weeds - of Chapter 86 of the Mason City Code is hereby amended to read as follows:

Sec. 86-32. Minimum requirements; presumptions; exceptions.

The owner, occupant or agent having possession or control of any lot or property within the city shall, at a minimum, remove, cut or trim all noxious weeds, grass or deleterious or unhealthy growth, to an average height of not more than six inches at all times of the year. If any person complies with this minimum cutting requirement, such person shall be presumed to be in compliance with this article unless the city can demonstrate beyond a reasonable doubt that the remaining growth constitutes a health hazard or nuisance in fact. Nothing in this article shall apply to weeds in lots or parcels of land devoted to nature parkways under the jurisdiction of the city, flower gardens, plots of shrubbery, vegetable gardens or to land zoned for agricultural use.

The foregoing Ordinance was moved for adoption by Council Member Whipple and seconded by Mayor Pro Tem Coady with a vote thereon being: YES (6) NO (0) ABSENT (1) , at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 20th day of March, 2006.

Ordinance 148 declared adopted this 20th day of March, 2006.

_____
Leon Clark, Mayor

_____
Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2006-09 – Change Authorization for the Standard Streetlighting Contract between the City and Consumers Energy Company

Resolution No. 2006-09 was introduced by Naeyaert and seconded by Coady.

Resolution No. 2006-10 – Resolution to Accept a Bid for 2006 Local Street Improvement Program

A brief discussion ensued regarding the inclusion of constructing angle parking along Oak Street between Jefferson and Park Streets. Resolution No. 2006-10 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 10
RESOLUTION TO ACCEPT A BID FOR
2006 LOCAL STREET IMPROVEMENT PROGRAM
MARCH 20, 2006

WHEREAS, the City of Mason conducted a public competitive bid process for the 2006 Local Street Improvement Program; and

WHEREAS, bids were received, publicly opened and read aloud on March 7, 2006; and

WHEREAS, the city engineer has reviewed the bids submitted and has made a recommendation of the Notice of Award for the Contract;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of the Contract for the 2006 Local Street Improvement Program to Aggregate Industries-Mason Division in the amount of Five hundred sixty-one thousand, one-hundred fifty-nine dollars and 57 cents ($ 561,159.57).

BE IT FURTHER RESOLVED, that the Mason City Council does hereby direct the City Administrator to execute the Notice of Award for the Contract.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, March 20, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-11 – A Resolution Requesting that the City become a Participating Municipality in the Capital Area District Library Agreement

Discussion was held to make changes to the proposed Resolution No. 2006-11. Resolution No. 2006-11 was introduced by Coady and seconded by Naeyaert.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-11
A RESOLUTION REQUESTING THAT THE CITY BECOME A PARTICIPATING MUNICIPALITY
IN THE
CAPITAL AREA DISTRICT LIBRARY AGREEMENT

WHEREAS, the County of Ingham and the City of Lansing entered into an agreement, dated March 10, 1997, establishing the Capital Area District Library pursuant to the District Library Establishment Act, 1989 PA 24, MCL 397.171, *et seq*; and

WHEREAS, Paragraph 10 of the District Library Agreement provided an option for other municipalities to become a "Participating Municipality"; and

WHEREAS, the City of Williamston, the Charter Township of Meridian, and the Charter Township of Delhi have followed the contractual procedures to become Participating Municipalities; and

WHEREAS, the people of the city of Mason support a branch library facility within the city of Mason through local general property tax revenues and expenditures in addition to the district-wide library tax and should, therefore, become a Participating Municipality in the District Library so that it may better represent the rights and interests of the citizens and taxpayers of the city in connection with its Library; and

WHEREAS, the County of Ingham, the City of Lansing, and the Capital Area District Library Board have historically approved amending the District Library Agreement to provide such municipalities with "participating municipality" status; and

WHEREAS, the City of Mason wishes to propose, in accordance with Section 25 of Act 24, that the "Participating Municipalities" and the Capital Area District Library Board consider amending the District Library Agreement to enlarge the Capital Area District Library Board by one member; and

WHEREAS, the City of Mason proposes that a new formula for appointments to the District Board be created that is more equitably representative of those communities which support a district library facility in their community.

NOW, THEREFORE, in consideration of the foregoing, IT IS HEREBY RESOLVED that the City of Mason become a Participating Municipality in the District Library Agreement for the Capital Area District Library and that the District Library Agreement be amended as follows:

Paragraph 1 of the District Library Agreement be amended to read as follows:

1. **DISTRICT LIBRARY ESTABLISHED: POWERS**

Subject to the provisions in paragraph 2 below, the County and the City of Lansing establish a District Library pursuant to the Act, to be known as "The Capital Area District Library" (hereinafter "District Library"), having all of the powers granted to district libraries by the Act. Effective upon the execution of this District Library Agreement Amendment, "Participating Municipalities" shall include the County of Ingham, the City of Lansing, the City of Williamston, the City of Mason, the Charter Township of Meridian, and the Charter Township of Delhi, and each shall have all rights to under the Act and District Library Agreement provided for the Participating Municipalities.

Paragraph 19 of the District Library Agreement be amended to read as follows:

19. **NOTICES AND ADDRESSES**

All notices required to be given under this Agreement shall be given by certified or registered mail, addressed to the proper party to the following addresses, or at such other address as may be subsequently given pursuant to this Paragraph and shall be deemed given when deposited in the U.S. Mail, postage prepaid.

IF TO THE CITY OF LANSING: Mayor
City of Lansing
9th Floor, City Hall
Lansing, MI 48933

IF TO THE COUNTY OF INGHAM: Chairperson
Ingham County Board of Commissioners
P.O. Box 319
Mason, MI 48854

IF TO THE CHARTER TOWNSHIP OF DELH: Township Supervisor
2074 Aurelius Road:
Holt, MI 48842-6320

IF TO THE CHARTER TOWNSHIP OF MERIDIAN: Township Supervisor
5151 Marsh Road
Okemos, MI 48864-1198

IF TO THE CITY OF WILLIAMSTON: Mayor
161 E. Grand River Avenue
Williamston, MI 48895
IF TO THE CITY OF MASON: Mayor
201 West Ash Street
Mason, MI 48854

BE IT FURTHER RESOLVED that the City of Mason requests that Paragraph 4 of the District Library Agreement be amended to increase the membership of the Board to eight (8) members and provide that the additional member be appointed on a rotating basis by those Participating Municipalities other than Ingham County and the City of Lansing which support a branch library facility within their jurisdiction.

BE IT IS FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Mason an amended District Library Agreement as approved by the current constituent municipalities and the District Library Board which will add the City of Mason as an additional Participating Municipality and provide for increased membership as described herein.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)
Absent (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, March 20, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Traffic Control Order No. 01-2006

Stressman stated that TCO No. 01-2006 rescinds TCO No. 10-2005, by adding a designated center left turn only lane.

MOTION by Naeyaert, second by Whipple,
to approve Traffic Control Order No. 01-2006.
MOTION APPROVED UNANIMOUSLY

Request – Street Closure - Memorial Day Parade

MOTION by Whipple, second by Naeyaert,
To approve the parade permit for the Memorial Day parade submitted by the American Legion Post 148 for street closures.
MOTION APPROVED UNANIMOUSLY

Request – Mason Lion Club

MOTION by Whipple, second by Coady,
To approve Mason Lions Club request to use the city right-of-way for the White Cane Drive, Friday, April 28 and Saturday, April 29.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS
Johnson requested to be excused from the April 3, 2006 meeting.

> MOTION by Whipple, second by Naeyaert,
> To excuse Councilmember Johnson from the April 3, 2006 meeting.
> MOTION APPROVED UNANIMOUSLY

Clark commended the City Administrator for his efforts with Ingham County regarding their perceived problem with the transfer of property between the Fair Board and adjacent property owners for the extension of Temple Street.

CORRESPONDENCE
Distributed.

LIAISON REPORTS

- Whipple informed the Council regarding Cable Commission business.
- Johnson informed the Council that he and Councilmember Whipple have a meeting scheduled with MCAB.
- Clark informed the Council regarding DDA business.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business. Whipple commented regarding the CADL Board meeting he attended. He spoke regarding a discussion that was held by the CADL Board proposing to sell a bond to build a library facility in Lansing as well as selling a bond to fund capital improvements to libraries throughout the district.

PEOPLE FROM THE FLOOR
Colburn introduced Christi Bleck, a new reporter for the Ingham County Community News that will be covering the City of Mason.

ADJOURNMENT
Being there was no further business the meeting adjourned at 9:28 p.m.

_____ _____
Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 6, 2006

Clark called the meeting to order at 7:38 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Johnson, Mulvany, *Naeyaert, Whipple
Absent: Councilmembers: Bruno, Coady
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
David Haywood, Planning & Development Director
Chris Colligan, Building Official
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: February 20, 2006
The Minutes of February 20, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Whipple, second by Johnson,
to approve the payment of bills in the amount of $53,314.40 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
None.

REGULAR BUSINESS
Ordinance No. 148 – First Reading – Property Maintenance
*Naeyaert arrived at 7:52 p.m. Haywood, Colligan, and McGinty spoke regarding the proposed ordinance. Discussion ensued.

MOTION by Whipple, second by Naeyaert,
To introduce Ordinance No. 148 and consider it read for the first time.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2006-08 – Change Authorization for the Standard Streetlighting Contract between the City and Consumers Energy Company
Resolution No. 2006-08 was introduced by Johnson and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-08

CHANGE AUTHORIZATION FOR THE
STANDARD STREETLIGHTING CONTRACT
BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY

March 6, 2006

WHEREAS, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting 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 06463305 for the installation of six (6) streetlights on Franklin Farms Drive, heretofore submitted to and considered by the Council.

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

Yes (5) Clark, Johnson, Mulvany, Naeyaert, Whipple
No (0)
Absent (2) Bruno, Coady

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, March 6, 2006 the original of which is part of the City Council minutes.

_____
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Bid – Backwash Pumps 1 & 2 Repair

MOTION by Whipple, second by Johnson,
to approve the bid by Layne-Northern for maintenance of Back Wash Pumps 1 & 2, not to exceed $15,625.
MOTION APPROVED UNANIMOUSLY

Attorney's Opinion - Library

Sue Hill, Director of the Capital Area District Library, addressed issues that were discussed at the February 20, 2006 Council meeting that she was not in attendance. She stated that the Library Board has discussed funding/supporting library facilities this past year. However, the difficulty is that the library buildings differ a great deal from one community to the next. They have tried to determine how CADL can be equitable to all communities. Ms. Hill provided a handout.

Marge Bossenbery, CADL Vice Chair, commented regarding board member appointments and that the board bases decisions for the district as a whole, not by each community. Discussion ensued.

It was discussed that the entire primary library building in downtown Lansing is supported by CADL, not just the administrative floor. It is the administrative headquarters that provides services to libraries. The school district leases the building to CADL for $10 a year and CADL is responsible for the maintenance.

Also discussed were the percentage of registered patrons and the representation for the eight municipal governments. The Mason branch, serving approximately 50% of its patrons that are not from the City of Mason, pay a millage to an organization that could help fund it.

McGinty responded to the report he provided regarding the City's rights and options with respect to its membership in CADL; primarily, the available slot for the appointment of an eighth board member as well as withdrawal from the organization. He spoke regarding other library authorities that would be options for the City. Discussion ensued to try to work with CADL as a participating municipality.

MOTION by Whipple, second by Mulvany,
to request the City Administrator and City Attorney to prepare a resolution requesting participating municipality status with CADL, and that the resolution include their recommendations for any conditions that they consider necessary.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Whipple provided the following motion in writing to fellow councilmembers due to its length. Discussion ensued.

MOTION by Whipple, second by Johnson,
That the city water treatment improvements project plan includes the following information in addition to what was presented to the City Council on 2/20/06:

1. Analysis of blending as an alternative.
2. Analysis of Aquifer storage and recovery as an alternative.
3. Analysis of the "Pressure Filter" alternative presented by Tetra Tech.
4. Analysis of the water quality characteristic differences (e.g. taste, cleaning, effectiveness, rust deposits, etc.) recognizable by the end user between home softened water, and untreated water.
5. Background information supporting the estimated average cost of $2.50 per 1000 gallons to operate a home water softener.

And further move that the complete final plan be presented to the city council for discussion as soon as possible and prior to the public meeting referenced in the plan.
MOTION APPROVED UNANIMOUSLY

Clark stated that he feels that the audio for rebroadcasts is deficient, not the live broadcasts. Colburn stated that a device has been installed to improve the auditory output of the channel itself, and it appears to be effective.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed. Clark added that he received a letter from Bob and Dorothy Ingram supporting Rebecca Cornish's request to rename Hayes Park to Palmer Park.

LIAISON REPORTS

- Whipple informed the Council regarding the MML Finance and Taxation Committee business.
- Clark informed the Council regarding the Mayor's luncheon that he attended at the State Capitol.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Elaine Ferris of 417 W. Sycamore spoke regarding the upcoming Farmer's Market.

EXECUTIVE SESSION

MOTION by Whipple, second by Naeyaert,
To adjourn to executive session to discuss union contract negotiations.
ROLL CALL VOTE:
Yes (5) Johnson, Mulvany, Naeyaert, Whipple, Clark
No (0)
Absent (0) Bruno, Coady

The meeting adjourned to executive session at 9:28 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 20, 2006

Clark called the meeting to order at 7:37 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, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Bill Potter, City Engineer
Phil Birdsall, DDA Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: February 6, 2006

The Minutes of February 6, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Coady,
to approve the payment of bills in the amount of $177,679.31 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2006-05 – Tax Sharing Agreement between the City of Mason Downtown Development Authority and the County of Ingham

Resolution No. 2006-05 was introduced by Bruno and seconded by Mulvany during the February 6, 2006 meeting and subsequently, it was deferred to the February 20, 2006 meeting. Revels spoke regarding the Staff Agenda Report she submitted.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-05
TAX SHARING AGREEMENT BETWEEN THE CITY OF MASON DOWNTOWN DEVELOPMENT AUTHORITY AND THE COUNTY OF INGHAM
February 20, 2006

WHEREAS, the DDA is a Downtown Development Authority incorporated pursuant to PA 1975 No. 197 (MCL 125.1651 *et. Seq.*) (the "Act"); and

WHEREAS, the DDA is permitted by the Act to capture certain tax revenue from various taxing jurisdictions which are authorized to levy taxes on the property within the downtown district ("Development Area"); and

WHEREAS, the County is a taxing jurisdiction whose tax revenue has been partially captured by the DDA as provided in the Act; and

WHEREAS, the DDA is specifically authorized, pursuant to section 14 of the Act "…to enter into agreements with the taxing jurisdictions and the governing body of a municipality in which the Development area is located to share a portion of the captured assessed value of the district"; and

WHEREAS, in accordance with that section the parties desire to enter into this Tax Sharing Agreement; **that** it is mutually agreed as follows:

1. Downtown Development and Tax Increment Financing Plan. The DDA Development Plan and Tax Increment Financing Plan included here is hereby acknowledged and agreed by the County to be the Plan and downtown district to which this Agreement pertains, and that the activities and projects described herein are eligible for funding in whole or in part by the taxes and revenue resulting for the assessed valuation and tax revenue captured by the DDA.

2. This agreement will allow the capture of County property taxes from the expanded portion of the DDA as it was amended in 2004. Per the 2004 amended map of the Mason DDA district, and using an assumed annual increase in taxable value of 4%, the total possible capture of County taxes for the expanded area of the DDA district is estimated to be $144,447 over a twenty year agreement period. This agreement provides for the capture of a maximum amount of $144,447 of County tax revenue for a maximum of 20 years beginning with tax year 2005 and ending no later than in tax year 2025.

3. Per this agreement, capture of County tax revenue may only occur if it is used to fund part or all of the public infrastructure projects directly related to the economic growth within the Mason Downtown Development District that are listed here:

a. Ingham Court: Improvements to the Ingham Court Alley and the abutting alley to include lighting, landscaping, dumpster screening, signage, burying and/or moving overhead utilities, and the possible addition of an archway and/or public furniture such as benches and planters.

b. Cobblestone Village: Addition of antique style lights on Lansing Street, cobblestone or decorative materials sidewalks, and way finding signage in and adjacent to the Cobblestone Village area also known as the "antiques district."

c. Alleyway Improvements: Upgrade and repair of alleys in the DDA district other than the Ingham Court Alley.

4. Annually, any excess collections of County tax revenue will be returned to the County Treasurer. In the case that tax revenue is generated faster than anticipated due to growth within the district exceeding initial projections, the additional revenues may be used to decrease or call any bonds or other debt obligations related to the above approved projects provided that the total amount of County tax captured does not exceed the $144,447 total possible capture.

The parties acknowledge and agree that the DDA and the City of Mason Council may from time to time amend the Plan as they deem appropriate pursuant to the Act; provided that no such amendment shall have the effect of modifying the provisions of this agreement relating to tax sharing, length of agreement, or general project described without the prior expressed consent of the County.

NOW THEREFORE, BE IT FURTHER RESOLVED, that this agreement is made as of the 6th day of February, 2006, by and between the City of Mason Downtown Development Authority whose address is 201 W. Ash, P.O. box 370, City Hall, Mason MI and THE COUNTY OF INGHAM whose address is Courthouse, Mason, MI 48854 ("the County") and acknowledged and agreed to by the City of Mason, whose address is 201 W. Ash Street, Mason, Michigan 48854.

YES (7) Bruno, Coady, Johnson, Mulvany, Naeyaert, Whipple, Clark
NO (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, February 20, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, Clerk
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-07 – Amendment to 2005 Rayner Creek Sanitary District Special Assessment Roll

Resolution No. 2006-07 was introduced by Bruno and seconded by Whipple.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-07
AMENDMENT TO 2005 RAYNER CREEK SANITARY DISTRICT
SPECIAL ASSESSMENT ROLL
February 20, 2006

WHEREAS, the City Council of the City of Mason did confirm the Rayner Creek Sanitary District Special Assessment Roll on April 18, 2005; and

WHEREAS, Arthur & Alice Jewett and Dennis Anderson, owners of the East Ash Street property, were assessed $188,785.45 for the Rayner Creek Sanitary District on the Special Assessment Roll; and

WHEREAS, the property number 33-19-10-09-400-004 for East Ash Street will be increased by $24,453.70 for 458 feet of additional 8-inch sanitary which was installed per the owner's request; and

WHEREAS, the Director of Public Works and Wolverine Engineering has verified the cost and installation of the additional 458 feet of sanitary as requested; and

WHEREAS, the total of the assessment roll was $852,310.67;

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby amend the assessment roll to increase Arthur & Alice Jewett and Dennis Anderson special assessment from $188,785.45 to $213,239.15, and the total of the assessment roll is increased from $852,310.67 to $876,764.37; and

FURTHER, the Finance Director/Treasurer is hereby directed to make the proper adjustments for Arthur & Alice Jewett and Dennis Anderson.

YES (7) Bruno, Coady, Johnson, Mulvany, Naeyaert, Whipple, Clark
NO (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held on Monday, February 20, 2006, the original of which is part of the City Council minutes.

_____
Martin Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Motion - Ingham Court Improvements

Clark stated that Birdsall informed the Downtown Development Authority (DDA) regarding Council's opinion and concerns relating to the proposed improvements for Ingham Court. The DDA charged the executive committee with presenting a recommended direction for the project. A lengthy discussion ensued.

MOTION by Whipple, second by Bruno,
to approve the Ingham Court design as described in the February 17, 2006, Engineer's Opinion of Probable Cost, in the amount $192,392.50.

A brief discussion ensued.

MOTION by Whipple, second by Bruno,
to amend the main motion to delete the brick soldier course on both sides of the side walk, add brick at the bump-outs on the Jefferson Street side of the alley, and a brick crosswalk across the alley to make it consistent with the downtown streetscape design.
Yes (2) Bruno, Whipple
No (5) Clark, Coady, Johnson, Mulvany, Naeyaert
MOTION FAILED

VOTE ON THE MAIN MOTION:
Yes (6) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert
No (1) Whipple
MOTION APPROVED

Quote – Equip Police Cruiser #87

Colburn spoke regarding the quotes submitted for outfitting the new police cruiser and the recommendations submitted by DPW Director Dean and DPW Superintendent Baker.

MOTION by Bruno, second by Coady,
to accept the quotations submitted by Alert to equip the new police car in the amount of $7,843.43.
MOTION APPROVED UNANIMOUSLY

Request – Mason Area Chamber of Commerce Annual Events

MACC Executive Director Doug Klein addressed the Council regarding his submitted request for equipment, staffing, and various street closures.

MOTION by Coady, second by Whipple,
to approve the requests as outlined in the letter from Doug Klein and the MACC of February 2, 2006 for equipment, staffing, and various street closures.
MOTION APPROVED UNANIMOUSLY

Request – Rename Hayes Park to Palmer Park

Bruno informed the Council regarding the research he collected relating to how and why West Park was renamed Hayes Park. He suggested establishing a policy for naming parks through a committee. It was the consensus of the Council that the Mayor, Mayor Pro Tem, and City Administrator would meet and provide suggestions at the June 5th meeting regarding the request to rename Hayes Park to Palmer Park.

Request for Excused Absence – Mayor Pro Tem Coady and Council Member Bruno

Mayor Pro Tem Coady and Councilmember Bruno submitted requests for excused absences.

MOTION by Whipple, second by Johnson,
to excuse Mayor Pro Tem Coady from the March 6th City Council Meeting and Councilmember Bruno from the March 6th & 20th City Council Meetings.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Coady informed Council that she had handouts from the first Public Officials Conference conducted by the Michigan State Police Emergency Management Division in cooperation with Ingham County Emergency Management that she attended February 1, 2006.

NEW BUSINESS

Whipple stated that he forwarded his comments, as well as those received from Councilmembers, to the Director of CADL regarding its Strategic Plan. He then received and forwarded the electronic response, including a draft resolution by the CADL Board, to the Council. It was discussed that CADL has not comprehended the request for equitable funding to help those communities that provide facilities, which has been presented and stated to them in various means. CADL may have its millage renewal on the Primary 2006 ballot. It was further discussed that the city may need to plan its own library. It was the consensus of the Council to have the city attorney submit a report at the next meeting regarding the process to create a library authority. McGinty stated that he would also address how the representation might be changed.

Naeyaert informed the Council that she and Colburn attended an economic development meeting, sponsored by the Institute of Public Policy and Social Research at MSU.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Coady informed the Council regarding Planning Commission business.
- Clark Informed the Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Rebecca Cornish of 521 S. Barnes Street thanked the Council for their consideration regarding her request to rename Hayes Park to Palmer Park. After reading the diaries and journals left by her mother, she acknowledged the ongoing grief her mother felt because their family's name was not recognized for the property they lost when the State constructed US-127. Ms. Cornish would like to have the park renamed for her mother and father, as well as for the Palmer family. She added that the Palmer family would pay for a new sign.

ADJOURNMENT

Being there was no further business the meeting adjourned at 9:13 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF FEBRUARY 6, 2006

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, Coady, Mulvany, Naeyaert, Whipple
Absent: Councilmember: Johnson
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Dave Scutt, Fire Chief
John Stressman, Police Chief
Joe Dean, Public Works Director
Bill Potter, City Engineer
Phil Birdsall, DDA Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: January 16, 2006
The Minutes of January 16, 2006 were approved as submitted.

APPROVAL OF BILLS
MOTION by Bruno, second by Whipple,
To approve the payment of bills in the amount of $216,553.52 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR
Rebecca Palmer Cornish of 521 S. Barnes Street read and provided a prepared statement regarding the history of the Palmer family and requested that the Hayes Park would be renamed to Palmer Park

Sandy Garrish of 424 W. Elm Street asked that a recycling program be established to replace Ingham County's program that closed December 31, 2005.

Mary Lou Pax of 324 South Street also stated that she would like the city to provide recycling.

Betty Pebbles of 440 W. Maple Street stated that she would like the city to provide recycling.

Clark stated that curb side recycling is available through our current trash collector, Granger.

REGULAR BUSINESS
Resolution No. 2006-05 – Tax Sharing Agreement between the City of Mason Downtown Development Authority and the County of Ingham
Resolution No. 2006-05 was introduced by Bruno and seconded by Mulvany. Discussion ensued regarding the Ingham County Board of Commissioner's resolve to opt out of a tax capture for the expanded Mason DDA District until a tax sharing agreement has been executed. Birdsall spoke briefly and recommended entering into the agreement.

MOVED by Whipple, seconded by Bruno,
To defer Resolution No.2006-05 to obtain further information from the Finance Director; and to ask the County to reconsider paragraph (4) of the Agreement, which limits the use of revenue generated beyond the initial projections for calling bonds or other debt related to the approved projects.
Yes (4) Bruno, Clark, Mulvany, Whipple
No (2) Coady, Naeyaert
Absent (1) Johnson
MOTION APPROVED

Resolution No. 2006-06 – MDOT Performance Resolution for Governmental Bodies

Resolution No. 2006-06 was introduced by Bruno and seconded by Mulvany.

MASON CITY COUNCIL
RESOLUTION NO. 2006-06

Page 1 of 2

Michigan Department
Of Transportation
2207B (03/04)

PERFORMANCE
RESOLUTION FOR GOVERNMENTAL BODIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2207B).

RESOLVED WHEREAS, the CITY OF MASON
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

Name	And/or	Title
MASON POLICE DEPT	SGT ED HUDE/SGT DON HANSON/DET.	LYNNE MARK
MASON FIRE DEPT	CHIEF DAVID SCUTT/ASST. CHIEF KERRY MINSHALL	
MASON DEPT OF PUBLIC WORKS	JOE DEAN/KEN BAKER/ROD YEAGER/JIM KING	
WOLVERINE ENGINEERING (CITY ENGINEER)	BILL POTTER.	

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL BODY) (County)

at a _____ meeting held on the _____ day of

_____ A.D. _____.

Signed _____ Title _____

RESOLUTION APPROVED UNANIMOUSLY

Annual Report – Fire Department, Chief David Scutt

Chief Scutt briefly spoke regarding the annual report he submitted.

MOTION by Coady, second by Whipple,
To accept the Mason Fire Department 2005 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Annual Report – Police Department, Chief John Stressman

Chief Stressman spoke briefly regarding the annual report he submitted.

MOTION by Coady, second by Naeyeart,
To accept the Mason Police Department 2005 Annual Report and place it on file.
MOTION APPROVED UNANIMOUSLY

Report – Ingham Court – DDA Director, Phil Birdsall

Birdsall informed the Council regarding the current design plan for Ingham Court. Potter responded to questions regarding the Probable Cost Sheet that he submitted. Discussion ensued regarding probable construction costs, aesthetic enhancements and landscape maintenance. Whipple requested that this item be placed on the February 20th agenda.

Request for Excused Absence – Council Member Johnson

MOTION by Mulvany, second by Naeyaert,
To excuse Councilmember Johnson from the February 6, 2006 City Council Meeting.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Coady informed Council that she attended the Public Officials Conference conducted by the Michigan State Police Emergency Management Division in cooperation with Ingham County Emergency Management held February 1, 2006.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Mulvany informed the council regarding the Historic District Commission's current business.
- Whipple informed the Council regarding Cable Communications Commission. He also gave a brief update of comments that were forwarded to the Capitol Area District Library's Strategic Planning Committee for the Report they are compiling.
- Coady informed the Council regarding Planning Commission business.
- Clark Informed the Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

Clark stated that the City Administrator had requested an executive session regarding property acquisition. The regular meeting will reconvene following executive session.

> MOTION by Whipple, second by Coady,
> To adjourn to executive session to consider a matter regarding property acquisition.
> ROLL CALL VOTE:
> Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
> No (0)
> Absent (1) Johnson
> MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 9:55 p.m. and the regular meeting reconvened at 10:10 p.m.

> MOTION by Whipple, second by Naeyaert,
> To authorize the City Administrator to execute a buy/sell agreement for the property located at 510 S. Park Street for the purchase price of $150,000, with allowance for $5,000 in earnest money and appropriate terms as determined by the Administrator and the Attorney.
> Yes (4) Coady, Mulvany, Naeyaert, Whipple
> No (2) Bruno, Clark
> Absent (1) Johnson
> MOTION APPROVED

ADJOURNMENT

Being there was no further business the meeting adjourned at 10:13 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 16, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

OATH OF OFFICE

Colburn administered the Oath of Office to Leon Clark, Mayor, and Christine Coady, Mayor Pro Tem.

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: January 3, 2006

The Minutes of January 3, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Whipple, second by JOHNSON,
To approve the payment of bills in the amount of $129,701.86 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Presentation – Direct Payment Services – Eric Smith, Assistant Finance Director

Eric Smith, Assistant Finance Director gave a brief presentation regarding the direct payment services that the city is establishing.

Resolution No. 2006-03 – Acceptance of Water Main Easements for Vision Village Condominium Association

Resolution No. 2006-03 was introduced by Whipple and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 03
ACCEPTANCE OF WATER MAIN EASEMENT FOR
VISION VILLAGE CONDOMINIUM ASSOCIATION
JANUARY 16, 2006

WHEREAS, an 8-inch water main was constructed in 1998 on properties now owned by the Vision Village Condominium Association, and Dr. Steven A. and Mary H. Owens; and

WHEREAS, the water main was constructed and tested according to City specifications; and

WHEREAS, it is in the best interests of the City of Mason and its public drinking water system to obtain a permanent easement for said water main;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby accept the water main as a public utility.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, January 16, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-04 – City Council Appointments to Cable Communications Commission and the Election Commission

Resolution No. 2006-04 was introduced by Whipple and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-04
CITY COUNCIL APPOINTMENTS TO THE
CABLE COMMUNICATION COMMISSION
AND THE ELECTION COMMISSION
January 16, 2006

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby make the following appointments to the specified boards and commissions of the city and that each term shall commence January 1, 2006 and expire on December 31 of the year noted:

Cable Communications Commission	Joseph Murphy	2007
	Robert Homan	2008
	Russ Whipple	2008
Election Commission	Russ Whipple	2006

YES (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, January 16, 2006 the original of which is part of the City Council minutes.

_____
Martin A. Colburn, Clerk
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Annual Report – Community Development – David Haywood, Zoning & Development Director

David Haywood, Zoning & Development Director, spoke briefly regarding his annual report.

Annual Report – Code Enforcement – Chris Colligan, Building Official

Chris Colligan, Building Official, spoke briefly regarding his annual report.

UNFINISHED BUSINESS

- Whipple addressed the Council regarding his tenure on the City Council.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Whipple informed the Council regarding the Capitol Area District Library's Strategic Planning Committee Report. He will provide each Council Member with a copy of the draft final report for their review and comments.
- Coady informed the Council regarding Planning Commission business.
- Clark Informed the Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. A brief discussion ensued regarding the current tree trimming that is being performed by Consumers. Bruno asked that Colburn obtain Consumers resident mailing list to insure that the needed clean up is completed in the spring. Clark stated that the City Council Retreat is scheduled for January 28th.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

MOTION by Whipple, second by Mulvany,
To adjourn to executive session to discuss a matter involving property acquisition.
ROLL CALL VOTE:
Yes (7) Bruno, Coady, Johnson, Mulvany, Naeyaert, Whipple, Clark
No (0)
MOTION APPROVED UNANIMOUSLY

Being there was no further business the meeting adjourned at 8:47 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 3, 2006

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

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: December 19, 2005
The Minutes of December 19, 2005 were approved as corrected.

APPROVAL OF BILLS

MOTION by Johnson, second by Bruno,
To approve the payment of bills in the amount of $663,893.55 as submitted.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
Naeyaert stated that it was an honor to serve as Mayor and shared sentiments regarding her tenure.

ADJOURN SINE DIE
Being there was no further business, the meeting adjourned sine die at 7:38 p.m. and Naeyaert passed the gavel to Colburn.

ELECTION OF MAYOR AND MAYOR PRO TEM
Colburn opened the floor for nominations.

Naeyaert nominated Leon Clark for Mayor.

Bruno briefly spoke regarding the basis for the vote he would make regarding Mayor.

ROLL CALL VOTE ON THE NOMINATION:
Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (1) Bruno
LEON CLARK ELECTED MAYOR

Mulvany nominated Christine Coady for Mayor Pro Tem.

Johnson and Naeyaert each briefly spoke about the basis for the vote they would make regarding Mayor Pro Tem.

ROLL CALL VOTE ON THE NOMINATION:
Yes (5) Clark, Coady, Mulvany, Naeyaert, Whipple
No (2) Bruno, Johnson
CHRISTINE COADY ELECTED MAYOR PRO TEM

Clark accepted the gavel and proceeded with the meeting.

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2006-01 - City Council & Planning Commission Meeting Dates

Discussion was held whether to include the first meeting of 2007 in the resolution.

MOTION by Bruno, second by Naeyaert,
To consider Resolution No. 2006-01 as read and to amend it by changing *January 2, 2007* to *January 3, 2007.*
MOTION APPORVED UNANIMOUSLY

Resolution No. 2006-01 was introduced by Whipple and seconded by Mulvany.

MOTION by Whipple, second by Johnson,
To amend Resolution No. 2006-01 by striking the number two in the first paragraph, second line and insert the number three, as well as in the list of dates; in paragraph one, line three, strike *three* and insert *two*; and at the end of the first paragraph, add the following phrase prior to the colon, *and one holiday exception scheduled as a *Wednesday meeting.*
MOTION APPROVED UNANIMOULSY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-01
RESOLUTION ESTABLISHING CITY COUNCIL AND PLANNING COMMISSION MEETING DATES FOR THE YEAR 2006
January 3, 2006

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the year ending January 3, 2007, and that said meetings are to be held on the first and third Mondays of each month, with two holiday exceptions scheduled as *Tuesday meetings and one holiday exception scheduled as a *Wednesday meeting:

January *3 and 16	May 1 and 15	September *5 and 18
February 6 and 20	June 5 and 19	October 2 and 16
March 6 and 20	July 3 and 17	November 6 and 20
April 3 and 17	August 7 and 21	December 4 and 18
		January *3, 2007; and

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2006, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months:

January 10	May 9	September 12
February 14	June 13	October 10
March 14	July 11	November 14
April 11	August 15	December 12; and

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council=s meetings to commence at 7:30 p.m. and the Planning Commission=s meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

YES (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council at its regular meeting on Tuesday, January 3, 2006, the original of which is part of the Council=s minutes.

_____
Martin A. Colburn, Clerk
City of Mason, Ingham County

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2006-02 – Change Authorization for the Standard Streelighting Contract between the City and Consumers Energy Company

Resolution No. 2006-02 was introduced by Whipple and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-02
CHANGE AUTHORIZATION FOR THE
STANDARD STREETLIGHTING CONTRACT
BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY
January 3, 2006

WHEREAS, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting 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 06366885 for the installation of six (6) streetlights on Temple Street, heretofore submitted to and considered by the Council;

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

YES (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Tuesday, January 3, 2006 the original of which is part of the City Council minutes.

_____
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Report – Alley Dumpsters
Colburn commented regarding the report submitted by Planning & Development Director Haywood. A brief discussion ensued. Bruno cited Mason Code, Section 62-365. He stated that based on the Code, the Public Works Director could provide a license in the alley right-of-way. Colburn recommended waiting for the completion of the Ingham Court project before further consideration of downtown alley dumpsters. It was the consensus of the Council to acknowledge the recommendation. McGinty recommended implementing a license agreement for the dumpsters.

UNFINISHED BUSINESS
None.

NEW BUSINESS
- Bruno congratulated Clark on his election as Mayor.
- Mulvany informed Council regarding the new library that was recently constructed in Chelsea and suggested contacting them to gather information about the operation and maintenance costs that is supported by millage.
- Coady thanked fellow Councilmembers for the confidence placed in her in the position as Mayor Pro Tem.
- Clark stated that he is honored to serve as Mayor.

CORRESPONDENCE
Distributed.

LIAISON REPORTS
No reports were given at this time. Coady stated that the funeral service for Bob Clark was held today. Mr. Clark was the Cable Commission Chair for many years and was a great friend to the city of Mason.

It was stated that as Mayor Pro Tem, Coady would serve as liaison to the Planning Commission. Whipple volunteered to serve as liaison to the Cable Commission.

ADMINISTRATOR'S REPORT
Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR
None.

ADJOURNMENT
Being there was no further business the meeting adjourned at 8:47 p.m.

_____ _____

Martin A. Colburn, City Clerk Leon Clark, Mayor