

**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 Koenigsnecht 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)



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9711

www.mers-mich.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)

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

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.

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

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

<input type="checkbox"/> All current retirees as of effective date	<input type="checkbox"/> Future retirees who retire after effective date
<input type="checkbox"/> Retirees who retire between ___/01/___ and ___/01/___ <i>(one time increase only)</i>	
Increase of ___% or \$___ per month	Increase of ___% or \$___ per month
Select one: <input type="checkbox"/> Annual automatic increase <input type="checkbox"/> One-time increase	<input type="checkbox"/> Annual automatic increase
Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding	Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> 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.

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

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 _____, 2013.

Authorized signature: 

Title: Mayor

Witness signature: _____

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

Dated: _____, 20____ Signature: _____
Year 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. Cwierniewicz, City Clerk

Leon R. Clark, Mayor