

**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. Cwierniewicz, 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 Authorizing 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) – Request for IFT Exemption 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 Exemption Certificate and Industrial Facilities Exemption 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 - S00N4'38"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 – Request 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. Cwierniewicz, City Clerk

Leon R. Clark, Mayor