

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 17, 2014**

Mayor Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Councilmember 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
Michelle Pietsch, Asst. Finance Director/Asst. Treasurer
David Haywood, Zoning & Development Director
Ken Baker, DPW Superintendent
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- Mason Kiwanis Community Thanksgiving Day Dinner – Mason First United Methodist Church
- Councilmember Brown expressed gratitude to those who voted for him, he congratulated Councilmember Jon Droscha and Councilmember-elect Mike Waltz on their election to City Council, and Ingham County Commissioner-elect Robin Case Naeyaert on her election to office. He also thanked City Clerk Cwierniewicz, and her great crew of Election Workers, for their dutiful administration of the General Election.

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: October 20, 2014
- B. Approval of Bills: \$197,242.07

MOTION APPROVED

EXECUTIVE SESSION – ATTORNEY CLIENT –PRIVILEGED COMMUNICATION

MOTION by Naeyaert,
to adjourn to executive session to discuss an attorney/client privileged
communication dated November 10, 2014.

Yes (7) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert, Clark

No (0)

MOTION APPROVED

The meeting adjourned to executive session at 7:34 p.m. and reconvened at 8:20 p.m.

REGULAR BUSINESS

Special Assessment Resolution No. 1—Project No. 2015-1 and Special Assessment Resolution No. 2—Project No. 2015-1

MOTION by Naeyaert, second by Droscha,
to consider Special Assessment Resolution No. 1 and Special Assessment Resolution
No. 2 of Project No. 2015-1 read.

MOTION APPROVED

Special Assessment Resolution No. 1 – Project No. 2015-1 was introduced by Droscha and seconded by Ferris.

**CITY OF MASON
2015 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 1
PROJECT NO. 2015-1
November 17, 2014**

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: 227 Lawton, 202 E Maple, 203 E Maple, 209 E Maple, 210 E Maple, 215 E Maple, 218 E Maple, 221 E Maple, 224 E Maple, 229 E Maple, 230 E Maple, 235 E Maple, 314 E Maple, 317 E Maple, 321 E Maple, 326 E Maple, 328 E Maple, 332 E Maple, 401 E Maple, 402 E Maple, 406 E Maple, 409 E Maple, 410 E Maple, 415 E Maple, 740 E Maple, 744 E Maple, 758 E Maple, 766 E Maple, 775 E Maple, 788 E Maple, 810 E Maple, 820 E Maple, 821 E Maple, 831 E Maple, 223 S Rogers, 307 S Rogers, 225 Steele, 320 Steele, 300 Temple, 249 Washington, 331 Washington; 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.

RESOLUTION APPROVED

Special Assessment Resolution No. 2– Project No. 2015-1 was introduced by Droscha and seconded by Naeyaert

**CITY OF MASON
2015 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 2
PROJECT NO. 2015-1
November 17, 2014**

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: 227 Lawton, 202 E Maple, 203 E Maple, 209 E Maple, 210 E Maple, 215 E Maple, 218 E Maple, 221 E Maple, 224 E Maple, 229 E Maple, 230 E Maple, 235 E Maple, 314 E Maple, 317 E Maple, 321 E

Maple, 326 E Maple, 328 E Maple, 332 E Maple, 401 E Maple, 402 E Maple, 406 E Maple, 409 E Maple, 410 E Maple, 415 E Maple, 740 E Maple, 744 E Maple, 758 E Maple, 766 E Maple, 775 E Maple, 788 E Maple, 810 E Maple, 820 E Maple, 821 E Maple, 831 E Maple, 223 S Rogers, 307 S Rogers, 225 Steele, 320 Steele, 300 Temple, 249 Washington, 331 Washington;

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) 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;
- 2) 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;
- 3) The City Council shall meet at a regular meeting in the City Hall, 201 West Ash Street, Mason, Michigan 48854, on Monday, the 15th day of December, 2014 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;
- 4) 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. 2015-1**

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 2015-1, 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 2015-1:

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: 227 Lawton, 202 E Maple, 203 E Maple, 209 E Maple, 210 E Maple, 215 E Maple, 218 E Maple, 221 E Maple, 224 E Maple, 229 E Maple, 230 E Maple, 235 E Maple, 314 E Maple, 317 E Maple, 321 E Maple, 326 E Maple, 328 E Maple, 332 E Maple, 401 E Maple, 402 E Maple, 406 E Maple, 409 E Maple, 410 E Maple, 415 E Maple, 740 E Maple, 744 E Maple, 758 E Maple, 766 E Maple, 775 E Maple, 788 E Maple, 810 E Maple, 820 E Maple, 821 E Maple, 831 E Maple, 223 S Rogers, 307 S Rogers, 225 Steele, 320 Steele, 300 Temple, 249 Washington, 331 Washington;

TAKE FURTHER NOTICE that the City Council will meet on Monday, the 15th day of December, 2014, 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 35 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 17, 2014

Deborah J. Cwierniewicz, City Clerk
City of Mason
Ingham County, Michigan

- 5) 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

Resolution No. 2014-53—A Resolution Declaring an Additional Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

Haywood elaborated on his submitted report.

MOTION by Naeyaert, second by Brown,
to consider Resolution No. 2014-53 read.

MOTION APPROVED

Resolution No. 2014-53 was introduced by Ferris and seconded by Naeyaert.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2014-53
A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY MORATORIUM ON THE
ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES
IN THE CITY OF MASON
November 17, 2014**

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 had previously adopted an ordinance which was understood to have the effect of prohibiting primary caregiver operations and dispensaries within the City; and

WHEREAS, the Michigan Supreme Court has determined such ordinances to be in conflict with the Act but also has stated that the use of Marihuana pursuant to the Act may be regulated; 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, in light of pending legislation, court rulings, and position statements of the Michigan Attorney General, the Michigan Sheriffs' Association, and the Michigan Association of Chiefs of Police, 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 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 care giver operation licenses and dispensary licenses shall be effective for 180 days from passage.

Yes (6) Brown, Bruno, Clark Ferris, Mulvany, Naeyaert

No (1) Droscha

RESOLUTION APPROVED

MOTION by Brown, second by Droscha,
to refer the matter adopted by Resolution No. 2014-53 to the Planning Commission to consider and study if and how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Michigan Medical Marihuana Act while preserving the health, safety and welfare of its citizens.

MOTION APPROVED

Resolution No. 2014-54—A Resolution to Award the Rehabilitation of Franklin Farms Well to Northern Pump & Well

Discussion was held to consider awarding the contract with Option No. 2 to Peerless Midwest. Much discussion ensued regarding the two bid options. Mr. Baker was expected to arrive shortly.

MOTION by Droscha, second by Brown,
to consider Resolution No. 2014-54 read.

MOTION APPROVED

Resolution No. 2014-54 was introduced by Ferris and seconded by Naeyaert.

MOTION by Brown, second by Mulvany,
to table consideration of Resolution No. 2014-54 until the Public Works
Superintendent arrived.

MOTION APPROVED

Mr. Baker arrived at 8:09 p.m. He was requested to explain the two options he requested for
from bidders on the Franklin Farms Well. Discussion ensued whether to approve Option No. 1
or Option No. 2.

MOTION by Brown, second by Naeyaert,
to remove consideration of Resolution No. 2014-54 from the table.

MOTION APPROVED

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2014-54
AWARD OF FRANKLIN FARMS WELL NO. 6 REHABILITATION
November 17, 2014**

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

WHEREAS, Franklin Farms well is in the need of rehabilitation and is budgeted for in the 2014-
2015 budget; now

THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the award of
the Franklin Farms well rehabilitation to Northern Pump & Well in the amount of \$17,932.80

Yes (5) Brown, Droscha, Ferris, Mulvany, Naeyaert

No (2) Bruno, Clark

RESOLUTION APPROVED

Motion—Amend the 2014-2015 Fiscal Year Budget

Colburn stated that three budget amendments were presented for approval for the quarter. The
Vactor hydraulic water pump failed and had to be replaced. The Fire Station front apron and
sidewalk replacement, and the Cedar Street Slip Line Project were items budgeted in
2013/2014 and not started until the 2014/2015 budget year.

MOTION by Brown, second by Droscha,
to amend the 2014-2015 Fiscal Year Budget as presented.

MOTION APPROVED

Motion— Motion to Approve Installment Purchase Agreement for Plow Truck

Colburn stated that three quotes for financing the purchase of a plow truck were submitted for a
2015 International 7400 with a dump and plow package for the term of five years, in the total
amount of \$139,643. Dart Bank quoted an interest rate at 2.50%, Mason State Bank quoted
3.99%, and Independent Bank quoted 4.25%. .

MOTION by Naeyaert, second by Droscha,
to approve the quote from Dart Bank.

MOTION APPROVED

Motion—1020 E. Ash St. – Proposal for Asbestos Abatement Services

Haywood elaborated on his report regarding the quote for asbestos abatement for the property

located at 1020 East Ash Street. At its October 20, 2014 meeting, Council requested Mr. Haywood to obtain information from the contractors explaining the basis of their quote and to provide Council with the proposals for asbestos abatement.

It was discussed that the ALAM Inc., proposal did not include adding the tar roof. The addition of the tar roof cost brings the proposal closer in range to the other two quotes. Because water is used in the tar roof process, it was stated that the approximate \$1,800 anti-freeze fee could have been avoided if the quotes received in August had been presented to Council before October.

MOTION by Naeyaert, second by Droscha,
to accept the proposal from ALAM Inc. in the amount of \$10,780 and authorize
the City Administrator to enter into an agreement for asbestos abatement
services at 1020 East Ash Street.

Yes (6) Brown, Clark, Droscha, Ferris, Mulvany, Naeyaert

No (1) Bruno

MOTION APPROVED

UNFINISHED BUSINESS

Discussion was held concerning implementing a new form for the administrator's evaluation this year. Colburn stated he had completed his portion of the process and asked if the new process could be considered for next year. Council agreed. Mr. Colburn disseminated completed copies of his portion of the process to each council member.

Also discussed was the City Charter mandate that calls for two City Council meetings to be held each month. McGinty stated that there are legitimate reasons for cancelling a meeting, such as the lack of a quorum. As in the case of the first meeting in November, the pressures of the election were a legitimate reason to not comply with the Charter. The determination by Council was in recognition that it would be administratively difficult because the room is utilized for election precincts, and there is no other available room for Council to meet in. Public notice would need to be provided. Also, the approved schedule would need to be amended to set a second meeting date. Council may determine to cancel any meeting for a legitimate reason.

NEW BUSINESS

It was discussed that the street sign at Kerns Road has yet to be replaced with the correct spelling of the road. Also, the street sign for Maine Court has Maine Street on the reverse side.

CORRESPONDENCE

All correspondence was distributed. Attorney McGinty provided a letter of retirement, effective December 31, 2014, and a proposal for transition with his law firm.

LIAISON REPORTS

- Brown informed Council regarding the Sesquicentennial Committee business
- Mulvany informed Council regarding Historic District Commission business
- 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 current City business. He presented a plaque to Council from the University of Michigan in recognition of economical development involvement by the City of Mason.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

Deborah J. Cwierniewicz, City Clerk

Leon R. Clark, Mayor