

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall 517-676-9155
Fax 517-676-1330

Mason City Council and Mason Board of Education
Joint Recognition Ceremony
6:30 p.m.

CITY COUNCIL MEETING - COUNCIL CHAMBER

Monday, February 4, 2013

7:30 pm.

Agenda

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Announcements
5. People from the Floor
6. Public Hearing
 - A. Five-Year Recreation Plan
7. Consent Agenda
 - A. Approval of Minutes – Regular Council Meeting: January 21, 2013
 - B. Approval of Bills
8. Regular Business
 - A. Second Reading – 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
 - B. 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
 - C. Motion – Farm Lease
9. Unfinished Business
10. New Business
11. Correspondence
12. Liaison Reports
13. Councilmember Reports
14. Administrator's Report
15. Adjournment

**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 94-62 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

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 Authorization 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 Ex 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. Cwierniewicz, City Clerk

Leon R. Clark, Mayor

02/01/2013 09:44 AM
User: TF
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON

EXP CHECK RUN DATES 02/01/2013 - 02/06/2013
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

COUNCIL REPORT
MONDAY, FEBRUARY 4, 2013

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Invoice Date	Amount
06474	CONSUMERS ENERGY		
FEB 2013 101-265.00-920.000	GAS & ELECTRIC 12/19 - 1/21/13 GAS & ELECTRIC 12/19 - 1/21/13	02/01/2013	7,382.75
VENDOR TOTAL:			7,382.75
05016	GRANGER		
JAN 2013 101-528.00-818.000	JAN REFUSE #2271 CUSTOMERS JAN REFUSE #2271 CUSTOMERS	02/01/2013	26,525.28
VENDOR TOTAL:			26,525.28
07920	PUMPS PLUS INC.		
I 13-005 592-548.00-970.010	2 - PUMPS FOR TEMPLE LIFT STATION 2 - 15HP PUMPS FOR TEMPLE LIFT STATION	02/01/2013	9,189.74
VENDOR TOTAL:			9,189.74
TOTAL - ALL VENDORS:			43,097.77

I hereby certify that I have reviewed the above bills and expenses and to the best of my knowledge and belief, they cover expenditures of City services and materials and are within current budget appropriations.



Martin A. Colburn
City Administrator

CITY OF MASON
STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: February 4, 2013

Agenda Item: 8(A)

AGENDA ITEM

Second Reading – 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

EXHIBITS

None.

STAFF REVIEW

Zoning and Development Department

SUMMARY STATEMENT

At the recommendation of the Planning Commission and after introduction and first reading by City Council, this ordinance is in form for second reading and adoption.

RECOMMENDED ACTION

Move to consider Ordinance No. 192 read for the second time and adopted.

Introduced: January 21, 2013
First Reading: January 21, 2013
Second Reading: _____
Adopted: _____
Effective: _____

**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.

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

Ordinance No. 192 declared adopted this ____ day of _____, 2013.

Leon Clark, Mayor

Deborah J. Cwierniewicz, City Clerk

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: February 4, 2013

Agenda Item: 8(B)

AGENDA ITEM

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

EXHIBITS

- Notice to Property Owner from the Mason Police Department Code Enforcement Officer
- Photographs of dead hazardous Ash trees
- Aerial map of the property

STAFF REVIEW

- Mason Police Department Code Enforcement
- Department of Public Works

SUMMARY STATEMENT

In accordance with Mason Code, staff has noticed a Mason property owner regarding the removal of dead hazardous Ash trees. Staff spoke several times, with the property owner and the property owner's Power of Attorney, to no avail. In accordance with Code, staff is reporting the failure of compliance and requesting the City Council to authorize the director of public works to cause the work to be done, and the City Treasurer to assess all costs against the property.

Adoption of Resolution No. 2013-06 establishes a hearing date for the purpose of receiving public comment prior to considering action on the matter.

RECOMMENDED ACTION

Approve Resolution No. 2013-06.

Introduced:

Second:

**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.

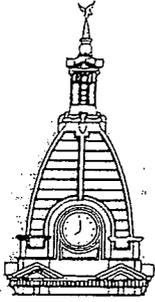
RESOLVED FURTHER that the City Clerk shall serve a copy of this resolution on the property owner of record by ordinary mail at the address shown on the city tax roll.

Yes

No

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 4, 2013, the original of which is part of the Council meeting minutes.

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



Mason Police Department

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370

JOHN STRESSMAN
Chief of Police

Office: (517) 676-2458
Fax: (517) 244-9024
MASON_PD@ingham.org

November 2, 2012

COPY

Paul Hansen
1897 Schoolcraft Street
Holt, Michigan 48842

Dear Mr. Hansen:

RE: US 127 Lot in Mason, Michigan

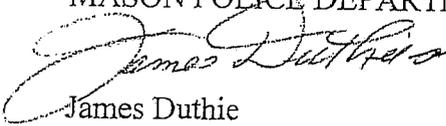
As you are the property owner of the lot listed as "US 127" on the City of Mason's property tax records, I am bringing to your attention some rather large dead ash streets located at this address. The property owners of 532 Middlebury Lane have made a complaint with me regarding these trees. The trees are in very close proximity to the property line in their backyard on the west side of the lot. They believe the dead trees present a danger to their property in the event the trees should fall over or portions should break off.

Back in March, 2011, I called on you to cut down other dead trees which bordered on other homeowners' property on Middlebury, and you were very cooperative and had the work done. Director of Public Works Martin Colburn and I are hoping we can again get your support in taking down these other trees. We are requesting that this work be done within the next 30 days.

If you should have any questions concerning this matter, please do not hesitate to contact me at 517-676-2458, extension 231, Monday through Thursday, from 12 noon to 5 p.m.

Sincerely,

MASON POLICE DEPARTMENT


James Duthie
Code Enforcement Officer

JD/jal

Enclosure

By Authority of Chief of Police John Stressman

Comp # 12-CEO-0111 BEHIND 532 MIDDLEBURY

PHOTOS TAKEN BY
SD 10/22/12



DEAD TREES

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: February 4, 2013

Agenda Item: 8(C)

AGENDA ITEM

Motion – Farm Lease

EXHIBITS

- Farm Lease agreement
- Bid Tabulation Sheet

STAFF REVIEW

Zoning & Development Department

SUMMARY STATEMENT

The City owns a total of 124.5 acres of land that is suitable for farming, including 67.73 acres of land (50.63 tillable) adjacent to Temple Street and 56.77 acres (50.51) at the northwest corner of Kipp Road and Dexter Trail. The land had been leased by Ron Launstein of Launstein Farms and Timothy Strickland of Woodlawn Farms. Their farm lease contracts expired December 31, 2012.

Bid notice was published in the Ingham County Community News on January 13, 2013, requesting bids for a three year contract. Eight bids were received, with Craig Hamlin's being the highest at a lump sum of \$62,201.10 for three years.

RECOMMENDED ACTION

Move to accept the 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.

FARM LEASE

THIS LEASE, made and entered into this ___ day of _____, 2013, by and between the CITY OF MASON, a Michigan municipal corporation with its principal offices located at 201 West Ash Street, Mason, Michigan 48854, hereinafter (“Landlord”), and **Craig Hamlin**, _____, Stockbridge, MI 49285, hereinafter (“Tenant”).

The following statements are agreed upon between the parties:

FIRST: Tenant will lease from Landlord, to use for farm purposes, 101.14 net tillable acres (**EXCLUDING** any part thereof taken, used, or deeded for street, driveway, road, or highway purposes) of the following parcel of land on the property owned by Landlord and legally described as follows:

A STRIP OF LAND OFF E SIDE OF THAT PART OF E 1/2 OF SEC 9 T2N R1W LYING S OF C/L OF HWY M-36 AKA ASH ST BEING 63 RDS 18 1/2 LKS E&W IN WIDTH EXC BEG ON E LN OF SEC 9 AT INT WITH C/L OF ASH ST - S ON SEC LN 308.9 FT - W 257.2 FT - N 368.5 FT TO C/L OF ASH ST - SELY 264 FT TO POB. ALSO EXC COM AT E 1/4 COR OF SEC 9 - N89D41'01"W 1051.73 FT ALNG EW 1/4 LN TO POB - N00D03'18"W 504.83 FT - S58D42'26"E 529.52 FT ALNG W LN OF TEMPLE ST - S31D17'16"W 271.1 FT - S69D47'05"W 124.04 FT - S11D00'33"E 176.27 FT - S89D43'47"E 161.46 FT - S00D13'19"E 74 FT - S89D56'42"W 389.72 FT - N00D03'18"W 292.91 FT TO POB - ALSO EXC BEG ON E SEC LN AT PT N00D03'13"W 1001.02 FT FROM SE COR OF SEC 9 - S89D44'17"W 425 FT - N00D03'13"W 106 FT ALNG E LN OF TEMPLE ST - N89D44'17"E 425 FT - S00D03'13"E 106 FT ALNG E SEC LN TO POB ALSO EXC TEMPLE ST EXTENSION ALSO PART OF E1/2 OF SEC 9 DESC AS COM AT E1/4 COR OF SEC 9 - N89D41'01"W 1051.73 FT ALNG EW 1/4 LN - N00D03'23"W 504.83 FT TO POB - N58D42'26"W 57.9 FT - NWLY 292.16 FT ALNG 233 FT RAD CURVE TO RT CHD BRG N22D47'07"W 273.39 FT - N13D08'12"E 61.07 FT - S77D08'55"E 144.8 FT ALNG SLY LN OF ASH ST - S00D03'23"E 309.4 FT TO POB EXC THAT PART FOR TEMPLE ST. 67.73 AC M/L (2009 SPLIT 09-400-006)

A parcel of land in the SW ¼ of Section 10, T2N, R1W, Vevay Township, Ingham County, Michigan, the surveyed boundary of said parcel being described by Licensed Land Surveyor No. 28409 as: Commencing at the SW corner of Section 10, T2N, R1W, Michigan Meridian; thence S 89 deg. 50' 68" E along the South section line 534.66 ft. to the point of beginning; thence N 00 deg. 36' 19" W parallel with the W section line 1,615.33 ft.; thence N 89 deg. 38' 00" E along the N line of the S 100 acres of the SW ¼ of said section 1,092.43 ft.; thence S 28 deg 19' 55" E along the centerline of Dexter Trail

1,851.13 ft.; thence N 89 deg. 50' 58" W along the S section line 1,953.84 ft. to the point of beginning. **EXCLUDING** any part thereof taken, used, or deeded for street, road, or highway purposes. Containing 56.77 acres, more or less.

It is understood and agreed by Tenant that the leased premises shall be used only for the purpose of raising crops. Under this Agreement, any acreage not tilled is to be mowed once in June and once in August at Tenant's expense.

SECOND: The term of this Lease shall be thirty-six (36) months from January 1, 2013, through December 31, 2015, inclusive.

THIRD: Tenant shall pay and Landlord shall receive as rent for the land leased a total sum of \$62,201.10 Dollars, payable as follows: \$20,733.70 payable on or before December 31, 2013; \$20,733.70 payable on or before December 31, 2014 and \$20,733.70 payable on or before December 31, 2015.

FOURTH: No hazardous or toxic materials shall be used, stored, or disposed of on the premises by Tenant except those materials normally used in cropland farming operations and applied at agronomic rates.

FIFTH: To the fullest extent permitted by law, Tenant agrees to indemnify, defend and hold Landlord and its officers, agents, and employees harmless from any liability for personal injury or property damage resulting from any occurrences on the leased property, resulting from the use or occupancy by Tenant or his agents or employees.

SIXTH: Tenant shall not assign this Lease Agreement, or any interest in the Lease Agreement, or the leased premises, nor sublet the leased premises, nor any part of the leased premises, without Landlord's prior written consent.

SEVENTH: If the Landlord requires a portion of the leased property, the payment will be prorated based on acreage and tenants expenses incurred on that portion shall be deducted from the payment.

EIGHTH: The persons signing on behalf of both parties hereto certify by said signatures that they are duly authorized to sign the Lease on behalf of the two parties and that this Lease will be authorized by the parties and shall be binding upon the parties hereto, their heirs, personal representative, successors, and assigns.

NINTH: Landlord reserves the right to terminate the lease agreement on or before December 31st of each year such lease is in effect. In such an event, every effort

will be made to execute any termination of the lease prior to planting season or after harvest season.

IN WITNESS WHEREOF, the authorized representatives of the parties hereto have executed this Lease on the day and year first above written.

LANDLORD
CITY OF MASON

By _____
Martin A. Colburn
Its City Administrator

TENANT

By _____
Craig Hamlin

H:\Licenses-Leases\Farm Lease\lease agemnt-Hamlin.doc

MASON CITY CLERK'S OFFICE
 BID TABULATION

BID: Farm Lease

DATE: January 29, 2013

TIME: 10a

BIDDER'S NAME/ADDRESS	PHONE/FAX	BID BOND	BID AMOUNT
Timothy Williams, 2700 Eaton Rapids Rd, #301, Lansing, 48911			\$45,000 —
Jeff Desterle, 2061 Tomlinson Road			47,550 —
Dennis Janson, 4858 Bunker Road			42,330 —
Timothy Strickland, 5295 West Columbia Road		?	
Mike Malley, 1165 Hagadorn Road			39,000
Ron Launstein, 1888 Leach Road, Leslie 49251			53,782 ⁵⁰ —
Steve Lott, 916 Lamb Road			49,650 —
Craig Hanlin	734.476.5048		62,201 ¹⁰ —

SIGNED: Alford J. Wiertrzewicz
 TITLE: City Clerk

SIGNED: [Signature]
 TITLE: Zoning & Development Dir.