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, November 17, 2014

7:30 p.m.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Announcements
5. People from the Floor
6. Consent Agenda
   A. Approval of Minutes
      - Regular Council Meeting: October 20, 2014

   B. Approval of Bills
7. Executive Session—Communication, Attorney-Client Privileged
8. Regular Business
   A. Special Assessment Resolution No. 1—Project No. 2015-1
   B. Special Assessment Resolution No. 2—Project No. 2015-1
   C. 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
   D. Resolution No. 2014-54—A Resolution to Award the Rehabilitation of Franklin Farms Well to Northern Pump & Well
   E. Motion—Amend the 2014-2015 Fiscal Year Budget
   F. Motion— Motion to Approve Installment Purchase Agreement for Plow Truck
   G. Motion—1020 E. Ash St. – Proposal for Asbestos Abatement Services
9. Unfinished Business
10. New Business
11. Correspondence
    - Monthly Revenue Expenditure Report
12. Liaison Reports
13. Councilmember Reports
14. Administrator's Report
    - Crowd Funding
    - Legacy Tree Update
    - Mason Recognized By University of Michigan
15. Adjournment

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF OCTOBER 20, 2014

Mayor Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mayor Clark 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
Dennis McGinty, City Attorney

ANNOUNCEMENTS

No announcements at this time.

PEOPLE FROM THE FLOOR

Jeff Rewerts, City of Mason employee/Union 1390 Representative, stated that he was present to explain how the employees came to their position regarding the MERS Benefit Plan, that has been discussed at previous meetings. Mayor Clark asked Attorney McGinty to advise whether it would be appropriate to discuss this matter at this time. McGinty stated that in accordance with the Public Employee Relations Act, it would not be appropriate because it is a matter currently in negotiations. Under the law, when a unit of employees is represented by a collective bargaining agent, it is not permitted to discuss a labor agreement without going through the formal negotiations, or to engage in statements of relative positions, or anything that could be construed as collective bargaining in this manner.

Carol Bowen of 869 South Lansing Street stated that her water bill is inconsistent and feels that she has overpaid the actual usage in the past two years.

Marta Ford, member of Civitan, stated that she and her husband would like to build a Civitan Club in Mason.

John Greathouse of 306 State Street, Eaton Rapids, stated that he was representing the American Postal Workers Union, and is an employee of the Lansing Distribution Center. He asked Council to inform Mason residents regarding consolidation of mail processing plants across the nation, which is slated to begin in Michigan within the next few months.

Teresa Forbush, City of Mason employee, asked Council to clarify the reason Council would not hear from City of Mason employee/Union 1390 Representative Jeff Rewerts.

PRESENTATION

Amanda Garber, Abraham & Gaffney—Audit Review/Financial Statements

Amanda Garber, CPA from Abraham & Gaffney presented details of the audit review and financial statements. She stated that the City has received an "unqualified opinion." This means that our records and financial statements are accurately accounted for and presented. They are also in conformity with generally accepted accounting principles.

MOTION by Naeyaert, second by Brown,
to accept the City of Mason 2013-2014 Financial Statements and place them on file.
MOTION APPROVED

CONSENT AGENDA

The October 6, 2014 Minutes were removed from the Consent Agenda.

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:
A. Approval of Bills - $103,896.45
MOTION APPROVED

REGULAR BUSINESS

Approval of Minutes - Regular Council Meeting: October 6, 2014

Bruno asked that the spelling of his wife's name be corrected in the Minutes of October 6, 2014.

MOTION by Naeyaert, second by Droscha,
to approve the Minutes of October 6, 2014 with a typographical change.
MOTION APPROVED

Resolution No. 2014-51—Resolution to Change MERS Benefit

MOTION by Naeyaert, second by Droscha,
to consider Resolution No. 2014-51 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2014-51 was introduced by Droscha and seconded by Brown

[RESOLUTION BEGINS ON THE NEXT PAGE]

CITY OF MASON
CITY COUNCIL RESOLUTION 2014-51
October 20, 2014

Defined Benefit Plan Adoption Agreement

1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

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

If new to MERS, please provide your municipality's fiscal year: _____ (Month) through _____ (Month).

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___.

☐ This 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/rehire rules apply)

B. ☒ If this is an **amendment** of an existing Adoption Agreement (Defined Benefit division number 02), the effective date shall be the first day of November, 20 14. *Please note:* You only need to mark ***changes*** to your plan throughout the remainder of this Agreement.

C. ☐ If this is a **temporary benefit** that lasts 2-6 months, the effective dates of this temporary benefit are from ___/01/___ through ___/___/___ (Last day of month) for Defined Benefit division number _____. *Please note:* You only need to mark ***changes*** to your plan throughout the remainder of this Agreement.

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

E. ☐ If this is to merge division(s) _____ into division(s) _____, the effective date shall be the first of _____, 20___.

Defined Benefit Plan Adoption Agreement

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 groups of employees are eligible to participate:

02 Police Other
(Name of Defined Benefit division – e.g. All Full Time Employees, or General after 7/01/13)

☐ 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. If you change your current day 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 retroactively. Service will begin after the probationary period has been satisfied.

The probationary period will be _____ month(s).

☐ **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 _____ month(s).

IV. Provisions

Valuation Date: December 31, 20 13

1. **Review the valuation results**

It is recommended that your MERS representative presents and explains the valuation results to your municipality before adopting. Please choose one:

☐ Our MERS representative presented and explained the valuation results to the _____ (Board, Finance Cmte, etc.) on _____ (mm/dd/yyyy).

☒ As an authorized representative of this municipality, I Martin A. Colburn (Name) City Administrator (Title) waive the right for a presentation of the results.

Defined Benefit Plan Adoption Agreement

2. This Adoption Agreement will be implemented in conjunction with a current actuarial valuation certified by a MERS actuary that sets contribution rates.

3. 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.

4. Benefit Multiplier (1%-2.5%, increments of 0.05%) _____ % (max 80% for multipliers over 2.25%)

   ☐ Check here if multiplier will be effective for existing active members' future service only (Bridged Benefit as of effective date on page 1)

   If checked, select one below:

   ☐ Termination Final Average Compensation (calculated over the members entire wage history)

   ☐ Frozen Final Average Compensation (FAC is calculated twice, once for the timeframe that matches the original multiplier, and once for the new multiplier)

5. Final Average Compensation (Min 3 yr, increments of 1 yr) _____ years

6. Vesting (5 -10 yrs, increments of 1 yr) _____ years

7. Required employee contribution (Max 10%, increments of 0.01%) 11.50 %

8. Compensation, for retirement purposes, is defined as base wages and all of the following. Check applicable boxes to *exclude* these types from your MERS reported wages:

   ☐ Longevity pay
   ☐ Overtime pay
   ☐ Shift differentials
   ☐ Pay for periods of absence from work by reason of vacation, holiday, and sickness
   ☐ Workers' compensation weekly benefits (if reported and are higher than regular earnings)
   ☐ A member's pre-tax contributions to a plan established under Section 125 of the IRC
   ☐ Transcript fees paid to a court reporter
   ☐ A taxable car allowance
   ☐ Short term or long term disability payments
   ☐ Payments for achievement of established annual (or similar period) performance goals
   ☐ Payment for attainment of educational degrees from accredited colleges, universities, or for acquisition of job-related certifications
   ☐ Lump sum payments attributable to the member's personal service rendered during the FAC period
   ☐ Other: _____
   ☐ Other 2: _____

9. Early Normal Retirement with unreduced benefits

☐ 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
☐ _____

10. Other

☐ Surviving Spouse will receive _____% of Straight Life benefit without a reduction to the participant's benefit
☐ Duty death or disability enhancement (add up to additional 10 years of service credit not to exceed 30 years of service)
☐ DROP + with _____%

11. 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 this *MERS Defined Benefit Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event any conflict between MERS Plan Document and the MERS Defined Benefit Plan, 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, pursuant to the Michigan Constitution, 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 Plan Adoption Agreement

VIII. Execution

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

The foregoing Adoption Agreement is hereby approved by City of Mason (Name of Approving Employer) on the 20 day of October, 2014.

Authorized signature: Deborah J. Swertniewicz

Title: City Clerk

Witness signature: Rebekah Lemley

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

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

Form DB-002 (version 2014-10-2) Page 8 of 8

RESOLUTION APPROVED

Resolution No. 2014-52 – 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. 2014-52 read.
MOTION APPROVED

Resolution No. 2014-52 was introduced by Bruno and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2014-52
A RESOLUTION TO ADOPT THE 80/20 COST SHARING MODEL
AS SET FORTH IN SECTION 4 OF PUBLIC ACT 152
October 20, 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

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

Haywood elaborated on his report regarding the quote for asbestos abatement for the property located at 1020 East Ash Street. Discussion ensued to request statements of work from the companies who submitted quotes.

MOTION by Bruno, second by Droscha,
To defer consideration of the quote for asbestos abatement services to the next regular meeting.
MOTION APPROVED

Motion—Three (3) Year Bio-Solids Removal Contract Extension

Colburn elaborated on the POTW Superintendent's submitted report recommending extending the contract with Gawne Trucking for the removal of bio-solids for an additional three years.

MOTION by Naeyaert, second by Droscha,
to waive the bidding process and extend the contract between the City of Mason and Gawne Trucking for the removal of the bio-solids for an additional three (3) years.
MOTION APPROVED

Discussion—Medical Marijuana House Bills 4271 and 5104

Naeyaert stated that in her experience working in the Legislature, she felt that it was unlikely that the two House bills would be moved in the remaining few days left of session. She added that she could obtain information on legislative matters for staff.

Stressman stated that he was presenting House Bills 4271 and 5104 for discussion because they were scheduled to go to the Senate floor October 22, 2014. At the request of Police Chief Stressman, it was the consensus of Council to authorize administration to contact its area Senator stating the City's desire to have House Bills 4271 and 5104 returned to the House.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Staff was requested to include an update of action taken by the City regarding Medical Marihuana on the November 17, 2014, meeting agenda. Also requested was any recent case law or information that Attorney McGinty could provide.

A brief discussion was held regarding tap-in fees charged for existing businesses that expand in square footage.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Brown informed Council regarding the Sesquicentennial Committee business
- Naeyaert informed Council regarding Planning Commission business

COUNCILMEMBER REPORTS

Mayor Clark, Councilmember Brown, and Administrator Colburn gave individual reports of the MML Convention seminars they attended.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding current City business.

McGinty stated that the next matter of business by the City Administrator is a request to hold an executive session to review an attorney/client communication from the City's labor counsel, dated September 15, 2014. Since that communication there have been meetings with the bargaining unit. The Open Meetings Act allows meeting in executive session for another related purpose. McGinty stated that if Council planned to move to go into executive session to discuss that communication, he would recommend that the motion should include the purpose of discussing with the City's collective bargaining representative, the bargaining progress and strategies to allow discussion regarding what has happened since the communication of September 15, 2014.

EXECUTIVE SESSION - REVIEW LEGAL OPINION

MOTION by Naeyaert,
to adjourn to executive session to review a legal opinion and to meet with the City's bargaining representative to discuss bargaining status, progress, and/or strategies.
Yes (6) Brown, Bruno, Droscha, Ferris, Naeyaert, Clark
No (0)
Absent (1) Mulvany
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 9:17 p.m. and reconvened at 10:02 p.m.

ADJOURNMENT

The meeting adjourned at 10:03 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 10/27/2014 - 11/19/2014
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT
MONDAY, NOVEMBER 17, 2014

Vendor Code / Invoice / GL Number	Vendor Name / Invoice Description / GL Description	Invoice Date	Amount	
07800	BLUE CROSS BLUE SHIELD OF MICHIGAN			
GP#7029499710D#00&02	HEALTH INS - CITY EXPENSE	10/27/2014		
750-000.00-231.015	HEALTH INS - CITY EXPENSE		16,122.20	
GRP#7029499D#001	CITY EXPENSE - RETIREES	10/27/2014		
101-855.00-874.001	RETIREES - HEALTH PAYMENTS		5,368.54	
		VENDOR TOTAL:		21,490.74
06474	CONSUMERS ENERGY			
NOV 2014	STREET LIGHTING / ELECTRIC 9/23 - 10/31	11/10/2014		
101-448.00-926.000	STREET LIGHTING 10/1 - 10/31		7,196.96	
592-555.00-920.000	ELECTRICITY 9/23 -10/21		8,220.31	
			15,417.27	
NOV 2014	ELECTRICITY 9/20 - 10/17	11/03/2014		
592-559.00-920.000	ELECTRICITY 9/20 - 10/17		6,035.49	
		VENDOR TOTAL:		21,452.76
05016	GRANGER			
OCT 2014	OCTOBER REFUSE CHARGES #2298 CUSTOMERS	11/17/2014		
101-528.00-818.000	OCTOBER REFUSE CHARGES #2298 CUSTOMERS		27,736.86	
		VENDOR TOTAL:		27,736.86
07439	KENNEDY INDUSTRIES INC			
557627	HUNTING MEADOWS LIFT STATION REPAIR	11/17/2014		
592-548.00-970.010	HUNTING MEADOWS LIFT STATION REPAIR		27,618.50	
		VENDOR TOTAL:		27,618.50
05050	LANSING ICE & FUEL			
1430401 1-083053	DPW OCT FUEL 2249.20 GALLONS	11/10/2014		
661-568.00-731.000	DPW OCT FUEL 2249.20 GALLONS		6,076.30	
		VENDOR TOTAL:		6,076.30
08045	LIQUIFORCE SERVICES			
PAY ESTIMATE #1	INSTALL LINER ON CEDAR ST SEWER	11/17/2014		
592-548.00-970.010	INSTALL LINER ON CEDAR ST SEWER		38,700.00	
		VENDOR TOTAL:		38,700.00
05221	MCGINTY, HITCH, HOUSEFIELD, PERSON,			
NOVEMBER 2014	OCTOBER 2014 LEGAL FEES	11/17/2014		
101-266.00-826.000	OCTOBER 2014 LEGAL FEES		6,820.89	
		VENDOR TOTAL:		6,820.89
08044	MCS EXCAVATING LLC			
1496A	972 N MASON STREET DEMOLITION	11/17/2014		
101-269.00-971.000	972 N MASON STREET DEMOLITION		6,560.00	
		VENDOR TOTAL:		6,560.00
05234	MML WORKERS COMPENSATION FUND			
12207201	3RD QUARTER 2014-2015 WORKERS COMP PREMIUM	11/17/2014		
101-850.00-724.000	3RD QTR 2014-2015 WORKERS COMP PREMIUM		12,251.00	
		VENDOR TOTAL:		12,251.00

11/14/2014 10:55 AM
User: TF
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 10/27/2014 - 11/19/2014
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT

MONDAY, NOVEMBER 17, 2014

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Invoice Date	Amount	
06791	N.D.J. CONSTRUCTION, LLC			
10/23/2014 101-790.00-931.000	LIBRARY ROOF PROJECT LIBRARY ROOF PROJECT	11/17/2014	7,000.00	
		VENDOR TOTAL:		7,000.00
05363	WOLVERINE ENGINEERS INC			
20140576 202-451.00-970.211	MDOT LOCAL SAFETY PROGRAM PROJ#11-0045 MDOT LOCAL SAFETY PROGRAM PROJ#11-0045	11/17/2014	14,346.00	
20140590 203-451.00-970.211	E. MAPLE ST RECONSTRUCTION & ENGINEERING PROJ#14-0002 E. MAPLE ST RECONSTRUCTION & ENGINEERING	11/17/2014	7,189.02	
		VENDOR TOTAL:		21,535.02
		TOTAL - ALL VENDORS:		197,242.07

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: November 17, 2014 **Agenda Item:** 8 (A-B)

AGENDA ITEM

- 2015 Sidewalk Special Assessment Resolution No. 1, Project 2015-1
- 2015 Sidewalk Special Assessment Resolution No. 2, Project 2015-1

EXHIBITS

- Special Assessment Roll Project 2015-1

STAFF REVIEW

Finance Director/City Treasurer

SUMMARY STATEMENT

Project 2015-1 is an assessment for sidewalk and related improvements.

Resolution number one declares the Council's intent for the improvements to proceed and directs the City Engineers to make plans and estimates for the improvements. Resolution number two orders the City Clerk to notice property owners abutting the project of the Hearing of Necessity which allows public comment on the improvements.

RECOMMENDED ACTION

Move to approve Special Assessment Resolutions No. 1 and 2 for Project 2015-1.

Introduced:
Second:

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.

Yeas: Council Members –

Nays: Council Members –

Absent: Council Members -

Resolution declared adopted.

_____
Deborah Cwiertniewicz, City Clerk

STATE OF MICHIGAN,
§
COUNTY OF INGHAM,

I, the undersigned, the duly qualified clerk of the City of Mason, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the proceedings taken by the City Council at a regular meeting held on the 17th day of November, 2014.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 17th day of November, 2014.

_____
Deborah Cwiertniewicz, City Clerk

Introduced:
Second:

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 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 17, 2014

Deborah Cwiertniewicz, 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.

Yeas: Council Members –

Nays: Council Members –

Absent: Council Members -

Resolution declared adopted.

_____
Deborah Cwiertniewicz, City Clerk

STATE OF MICHIGAN,
§
COUNTY OF INGHAM,

I, the undersigned, the duly qualified clerk of the City of Mason, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the proceedings taken by the City Council at a regular meeting held on the 17th day of November, 2014.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 17th day of November, 2014.

_____
Deborah Cwiertniewicz, City Clerk

Special Assessment Roll 2015-1
Sidewalk Special Assessment District 2015-1

EXHIBIT A

Parcel #	Owners Name	Property Address	Mailing Address	Legal Description	LF 4" x 4" Sidewalk	LF 5' x4" Sidewalk	LF 4' x6" Sidewalk	LF 5' x6" Sidewalk	SF Drive Approach	Comments
33-19-10										
09-105-005	Blythe Janet E	203 E Maple	17105 Quincy St Holland, MI 49424	See Attached		59.00				
09-105-006	Blythe Richard H	209 E Maple	17105 Quincy St Holland, MI 49424	See Attached		5.00		27.00		
09-105-007	Massey Dorothy L	215 E Maple	215 Maple Mason, MI 48854	See Attached		49.00		12.00		
09-105-008	221 E Maple Street LLC	221 E Maple	249 Washington Mason, MI 48854	See Attached	4.00	4.00				
09-105-009	Seigle Holdings LLC	229 E Maple	2370 E STADIUM BLVD #435 Ann Arbor, MI 48104	See Attached		59.00		13.00		
09-105-010	Tibbals Richard & Jamie	235 E Maple	235 E Maple Mason, MI 48854	See Attached		22.00				
09-106-011	Kujansuu Stephen A	223 S Rogers	1602 Edenwood DR Dayton, OH 45434	See Attached	45.00					
09-106-012	Elliott Julie & Jesse	317 E Maple	317 E Maple Mason, MI 48854	See Attached	9.00					
09-106-013	Briggs Colleen	321 E Maple	321 E Maple Mason, MI 48854	See Attached	4.50					
09-106-016	Barry Britney D	401 E Maple	401 E Maple Mason, MI 48854	See Attached	47.50					
09-106-017	Archer Bruce & Donna	409 E Maple	409 E Maple Mason, MI 48854	See Attached					198.00	
09-106-020	First Church of Nazarene	415 E Maple	415 E Maple Mason, MI 48854	See Attached	20.00		60.00		638.00	
09-108-001	Sundeen Richard	202 E Maple	150 N Jefferson Mason, MI 48854	See Attached		60.00				
09-108-002	Eldrige John & Mary	210 E Maple	210 Maple Mason, MI 48854	See Attached		10.00				
09-108-003	First United Methodist	218 E Maple	201 E Ash Mason, MI 48854	See Attached		10.00				
09-108-004	Baker Gary & Kathleen	224 E Maple	224 Maple Mason, MI 48854	See Attached		39.00				
09-108-005	First United Methodist	230 E Maple	201 E Ash Mason, MI 48854	See Attached		8.00				
09-109-001	Sainz William H	307 S Rogers	P.O. Box 61 Mason, MI 48854	See Attached	112.50		12.00			
09-109-004	Hreniuc Patricia A	314 E Maple	314 E Maple Mason, MI 48854	See Attached	51.00		15.00		150.00	
09-109-005	Pier Sandra	326 E Maple	326 E Maple Mason, MI 48854	See Attached	66.00					
09-109-006	McBride Brandi	328 E Maple	328 E Maple Mason, MI 48854	See Attached	25.00				63.00	
09-109-007	Howe Duwayne & Rachel	332 E Maple	727 Hall Mason, MI 48854	See Attached	36.00		17.00		121.00	
09-109-008	Howe Robert D	402 E Maple	402 E Maple Mason, MI 48854	See Attached			13.00		120.00	
09-109-009	Batdorff Daniel	406 E Maple	406 E Maple Mason, MI 48854	See Attached			10.00		132.00	

Special Assessment Roll 2015-1
Sidewalk Special Assessment District 2015-1

Parcel #	Owners Name	Property Address	Mailing Address	Legal Description	LF 4" x 4" Sidewalk	LF 5' x4" Sidewalk	LF 4' x6" Sidewalk	LF 5' x6" Sidewalk	SF Drive Approach	Comments
33-19-10										
09-109-010	Quenby Jean & Kirk	410 E Maple	410 E Maple Mason, MI 48854	See Attached	8.00					
09-109-013	Hyden Property Dev. LLC	320 Steele	3503 Autumwood LN Okemos, MI 48864	See Attached			8.00		104.00	
09-126-012	Taylor Kim & Holly A	225 Steele	225 Steele Mason, MI 48854	See Attached			8.89			
09-202-012	Sutherland Kelly L	227 Lawton	227 Lawton Mason, MI 48854	See Attached	7.11					
09-204-012	Oesterle Charles & Pamela	775 E Maple	775 E Maple Mason, MI 48854	See Attached	12.44					
09-206-006	Planck Randy & Nancy	740 E Maple	740 E Maple Mason, MI 48854	See Attached			4.00			
09-206-007	Cousins Jeffrey & Susan	744 E Maple	744 E Maple Mason, MI 48854	See Attached	13.00					
09-206-009	Cornish William & Anita	758 E Maple	758 E Maple Mason, MI 48854	See Attached					102.00	
09-206-010	Majchrowski Nicholas	766 E Maple	766 E Maple Mason, MI 48854	See Attached	26.67		13.33		132.00	
09-206-012	Rakowski-Cole Laura J	788 E Maple	788 E Maple Mason, MI 48854	See Attached	18.67					
09-207-003	Cordano Audrey & Scot	810 E Maple	4025 Keller Holt, MI 48842	See Attached	14.00		30.00		120.00	
09-207-004	Brown Douglas A	820 E Maple	820 E Maple Mason, MI 48854	See Attached			25.00			
09-207-005	Koenig Jennifer & James	300 Temple	300 Temple Mason, MI 48854	See Attached	9.00		20.00			
09-207-011	Massman Roger & Sharlean	331 Washington	331 Washington Mason, MI 48854	See Attached	25.00					
09-227-002	Spitzley Brian R & Christine V	249 Washington	249 Washington Mason, MI 48854	See Attached	5.00		15.00		240.00	
09-227-008	Gibson Barbara F	821 E Maple	821 E Maple Mason, MI 48854	See Attached	4.00					
09-227-009	Mccoy Kevin T & Lynn M	831 E Maple	831 E Maple Mason, MI 48854	See Attached	9.00					
	Totals				**572.39**	**325.00**	**251.22**	**52.00**	**2,120.00**	

33-19-10-09-105-005
BLYTHE JANET E
203 E MAPLE

MASON MI 48854

LOT 7, BLOCK 9, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-105-006
BLYTHE RICHARD H
209 E MAPLE

MASON MI 48854

LOT 8, BLOCK 9, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-105-007
MASSEY DOROTHY L
215 E MAPLE

MASON MI 48854

LOT 9, BLOCK 9, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-105-008
221 E MAPLE STREET LLC
221 E MAPLE

MASON MI 48854

LOT 10, BLOCK 9, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-105-009
SEIGLE HOLDINGS LLC
229 E MAPLE

MASON MI 48854

LOT 11, BLOCK 9, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-105-010
TIBBALS RICHARD & JAMIE
235 E MAPLE

MASON MI 48854

LOT 12, BLOCK 9, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-106-011
KUJANSUU STEPHEN A
223 S ROGERS

MASON MI 48854

S 1/2 OF LOTS 7 & 8, BLOCK 10, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-106-012
ELLIOTT JULIE & JESSE
317 E MAPLE

MASON MI 48854

LOT 9, ALSO THE S 1/2 OF ADJ VACATED ALLEY, BLOCK 10, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-106-013
BRIGGS COLLEEN
321 E MAPLE

MASON MI 48854

LOT 10, ALSO THE S 1/2 OF ADJ VACATED ALLEY, BLOCK 10, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-106-016
BARRY BRITNEY D
401 E MAPLE

MASON MI 48854

LOT 4, BURGESS SUB, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-106-017
ARCHER BRUCE & DONNA
409 E MAPLE

MASON MI 48854

LOT 3, BURGESS SUB, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-106-020
FIRST CHURCH OF NAZARENE
415 E MAPLE

MASON MI 48854

LOTS 1, 2 & 7 BURGESS SUB, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-108-001
SUNDEEN RICHARD
202 E MAPLE 202-204

MASON MI 48854

LOT 1 EXC S 32 FT THEREOF, BLOCK 12, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-108-002
ELDRIDGE JOHN & MARY TRUS
210 E MAPLE

MASON MI 48854

LOT 2, EXC W 12 FT OF S 32 FT & W 1/2 OF LOT 3, BLOCK 12, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-108-003
FIRST UNITED METHODIST
218 E MAPLE

MASON MI 48854

E 1/2 OF LOT 3 & W 1/2 OF LOT 4, BLOCK 12, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-108-004
BAKER GARY & KATHLEEN
224 E MAPLE

MASON MI 48854

E 1/2 OF LOT 4 & W 1/2 OF LOT 5, BLK 12, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-108-005
FIRST UNITED METHODIST
230 E MAPLE

MASON MI 48854

E 1/2 OF LOT 5 & ALL OF LOT 6, BLOCK 12, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-001
SAINZ WILLIAM H
307 S ROGERS

MASON MI 48854

N 1/2 OF LOTS 1 & 2, BLK 11, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-004
HRENIUC PATRICIA A
314 E MAPLE

MASON MI 48854

LOT 3, BLOCK 11, ALSO N 1/2 ADJ VACATED ALLEY, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-005
PIER SANDRA
326 E MAPLE

MASON MI 48854

LOT 4, BLOCK 11, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-006
MCBRIDE BRANDI
328 E MAPLE

MASON MI 48854

LOT 5 BLK 11, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-007
HOWE DUWAYNE & RACHEL
332 E MAPLE

MASON MI 48854

LOT 6 BLOCK 11, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-008
HOWE ROBERT D
402 E MAPLE 402-404

MASON MI 48854

LOT 1 BLOCK 1 DARLING & BARNETT'S ADDITION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-009
BATDORFF DANIEL
406 E MAPLE

MASON MI 48854

LOT 2 BLOCK 1 DARLING & BARNETT'S ADDTION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-010
QUENBY JEAN & KIRK
410 E MAPLE

MASON MI 48854

LOT 3 & 4, BLOCK 1 DARLING & BARNETT'S ADDITION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-109-013
HYDEN PROPERTY DEVELOPME
320 STEELE

MASON MI 48854

S 1/2 OF LOTS 7 & 8, BLOCK 1 DARLING AND BARNETT'S ADDITION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-126-012
TAYLOR KIM & HOLLY A
225 STEELE

MASON MI 48854

LOT 18, BURGESS SUB, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-202-012
SUTHERLAND KELLY L
227 LAWTON

MASON MI 48854

LOT 45, JEWETT'S SUB, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-204-012
OESTERLE CHARLES & PAMEL
775 E MAPLE

MASON MI 48854

LOT 31 ENTIRE & W 10 FT OF LT 40 LAYLAND SUBDIVISION ALSO W 10 FT OF S 37 FT OF LOT 6 BEVERLY ACRES SUBD, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-206-006
PLANCK RANDY & NANCY
740 E MAPLE

MASON MI 48854

LOT 49 EXC BEG AT SE COR OF LOT 50-N'LY ON LOT LN TO NE'LY COR OF LOT 50-SE'LY ON N'LY LOT LN OF LOT 49 12 FT SW'LY TO ROB LAYLAND SUBDIVISION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-206-007
COUSINS JEFFREY & SUSAN
744 E MAPLE

MASON MI 48854

LOT 48 LAYLAND SUBDIVISION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-206-009
CORNISH WILLIAM & ANITA
758 E MAPLE

MASON MI 48854

LOT 46 LAYLAND SUBDIVISION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-206-010
MAJCHROWSKI NICHOLAS
766 E MAPLE

MASON MI 48854

LOT 45 LAYLAND SUBDIVISION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-206-012
RAKOWSKI-COLE LAURA J
788 E MAPLE

MASON MI 48854

LOT 42 ENTIRE & E 1/2 OF LOT 43 LAYLAND SUBDIVISION, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-207-003
CORDANO AUDREY & CORDAN
810 E MAPLE

MASON MI 48854

LOT 14, EXC W 30 FT, JANICE ACRES NO. 1, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-207-004
BROWN DOUGLAS A
820 E MAPLE

MASON MI 48854

LOT 13 JANICE ACRES, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO

33-19-10-09-207-005
KOENIG JENNIFER & JAMES
300 TEMPLE

MASON MI 48854

LOT 12 JANICE ACRES #1, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-207-011
MASSMAN ROGER & SHARLEA
331 WASHINGTON

MASON MI 48854

LOT 11 BEVERLY ACRES SUBDIVISION & W 30 FT OF LOT 14 JANICE ACRES, SEC 9 T2N R1W, CITY OF MASON, INGHAM CO.

33-19-10-09-227-002
SPITZLEY BRIAN R & CHRISTIN
249 WASHINGTON

MASON MI 48854

S 1/2 OF LOT 9 AND ENTIRE LOT 10 BEVERLY ACRES SUBDIVISION, SEC 9 T2N R1W CITY OF MASON, INGHAM CO

33-19-10-09-227-008
GIBSON BARBARA F
821 E MAPLE

MASON MI 48854

LOT 10 JANICE ACRES, SEC 9 T2N R1W CITY OF MASON, INGHAM CO

33-19-10-09-227-009
MCCOY KEVIN T & LYNN M
831 E MAPLE

MASON MI 48854

LOT 11 JANICE ACRES, SEC 9 T2N R1W CITY OF MASON, INGHAM CO

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: November 17, 2014 **Agenda Item:** 8 (C)

AGENDA ITEMS

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.

EXHIBITS

- Assistant City Attorney memorandum – November 5, 2014
- Chronology of Events/Actions Taken by City Council and Planning Commission

STAFF REVIEW

Zoning & Development Department

SUMMARY STATEMENT

The attached memorandum from the Assistant City Attorney dated November 5, 2014, details the current developments related to the Michigan Medical Marihuana Act. One of the developments is House Bill 4271 that would legalize dispensaries (called provisioning centers in the bill). There are numerous concerns related to this bill that are outlined by the State Attorney General Bill Schutte, The Michigan Association of Police Chiefs, and the Michigan Sheriffs' Association, which include ambiguity, inconsistency with public opinion, patient and child safety, non-deterrence to violations, and provides cover to persons violating the law.

The current moratorium on medical marihuana operations and dispensaries expired in September. In order to provide the City Council, Planning Commission and community adequate time to address this issue, including the fate of pending legislation, it appears necessary to recommend extending the moratorium for an additional 180 days.

RECOMMENDED ACTIONS

Move to adopt Resolution No. 2014-53 and refer 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.

Introduced:
Second:

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 ( )

No ( )

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Mason City Council at a public meeting held on November 17, 2014, the original of which is part of the Council's minutes.

_____

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

Drafted by and approved as to form:

_____

Dennis E. McGinty (P17407)
Mason City Attorney
601 Abbot Road
East Lansing, MI 48823

McGINTY, HITCH, HOUSEFIELD, PERSON,
YEADON & ANDERSON, P.C.

MEMORANDUM

TO: David Haywood, Zoning and Development Director

FROM: Thomas M. Hitch, Assistant City Attorney TMH

RE: **MEDICAL MARIHUANA CASE LAW AND PENDING LEGISLATION UPDATE**

DATE: November 5, 2014

The purpose of this memorandum is to provide a brief update of recent case law and to review pending legislation.

CASE LAW UPDATE:

The most important decision rendered this year regarding medical marihuana is the decision *Ter Beek v City of Wyoming*, 495 Mich 1 (2014) in which the Michigan Supreme Court held that the City of Wyoming's ordinance, which penalized in its local zoning ordinance any "uses that are contrary to federal law," was preempted and thus void pursuant to the provisions of the Michigan Medical Marihuana Act ("MMMA"). In its opinion, the Supreme Court was fairly broad in its holding that local ordinances are preempted, where it wrote:

> Under the Ordinance, individuals are subject to civil punishment for engaging in the medical use of marijuana in accordance with the MMMA; by the plain terms of § 4(a), the manner of that punishment–be it requiring the payment of a monetary sanctions, or denying the ability fo engage in MMMA–compliant conduct–is not material to the MMMA's immunity from it.

It nonetheless held in a footnote that it was not deciding whether the MMMA forecloses all local regulation. In the footnote, the Michigan Supreme Court wrote:

> [9]Contrary to the City's concern, this outcome does not "create a situation in the State of Michigan where a person, caregiver or a group of caregivers would be able to operate with no local regulation of their cultivation and distribution of marijuana." Ter Beek does not argue, and we do not hold, that the MMMA forecloses all local regulation of marijuana; nor does this case require us to reach

> whether and to what extent the MMMA might occupy the field of medical marijuana regulation.

This decision, along with *State of Michigan v McQueen*, 493 Mich 135 (2013), which held that dispensaries, as they are commonly known, are illegal and that sales or transfers between registered patients are illegal as a matter of law, sets the framework for the local regulation of medical marihuana use in Michigan.

There have been no other significant case decisions since the *Ter Beek* decision. The only case citing *Beek* was *Lott v City of Birmingham*, an unpublished decision of the Court of Appeals where the plaintiff sought a declaratory judgment against the City of Birmingham seeking a determination that Birmingham's ordinance was invalid pursuant to the decision in *Beek*., The Court of Appeals held that as the *Beek* decision had already declared that the MMMA superceded a local ordinance which proscribed conduct prevented by federal law, no further declaratory judgment was necessary.

LEGISLATIVE UPDATE:

In this legislative update I have included only those bills that have either passed the House or passed the Senate, as it is unlikely in the remaining month and a half that any other bills would be passed by both the House and the Senate in either November or December of this year.

1. The most prominent of the bills is H.B. 4271, which would legalize what is known as dispensaries (calling them "provisioning centers") and would grant local communities the right to either exclude or permit medical marihuana provision centers within their communities. This bill has been strongly criticized by the Attorney General, the Michigan Sheriff's Association, and the Michigan Association of Chiefs of Police. Copies of those comments are attached for your review.

2. H.B. 5104 was also passed by the House but has not been taken up by the Senate. This bill would expand medical marihuana to include "marihuana-infused products" and "useful marihuana equivalents."

3. On the Senate side, S.B. 783 was passed by the Senate but not the House. This bill was drafted in order to make certain forms of conduct illegal, such as in a school bus on the school grounds, or where prohibited by the terms of a written lease.

As the time remaining in this Legislative Session is short, it is not clear that any of these three bills will be adopted this year. Any bill introduced but not adopted by both the House and the Senate die and must be reintroduced in the next session.

RECOMMENDATION:

It appears that the moratorium needs to be reintroduced and adopted if it is to continue. The City Council could, if it desired, also repeal the current ordinance. In any event, the Council may desire to wait further for case law developments as it relates to the boundaries of local regulation. The new Legislature may also adopt a statute establishing those limits. The Council may decide to wait before finally making a determination on the legislative action the City wants (and is able) to take.

bks
Enclosures
cc Marty Colburn w/encs
Ret Ord Draft Med Marihuana

STATE OF MICHIGAN

DEPARTMENT OF ATTORNEY GENERAL

P.O. Box 30212
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

Rarely has so little been said or written about proposed legislation that will have such dramatic and profound impact on the character of our communities and the lives of our citizens. After spending a considerable amount of time studying and discussing HB 4271 and HB 5104, we now write to express serious concerns with these two bills.

At first glance, the bills appear to provide a means for medical marihuana patients to secure a ready supply of high-grade marihuana. But on closer inspection, this bill opens the floodgates to the widespread, uncontrolled, and unregulated distribution of marihuana.

Our general concerns can be summarized in these areas:

1. HB 4271 lacks clarity and creates a state of confusion.

   Since the enactment of the Michigan Medical Marihuana Act in 2008, there have been years of extensive litigation that have produced a number of court rulings that now guide police and the general public on the lawful possession and use of medical marihuana in Michigan. Instead of building on those guidelines HB 4271 will lead to more years of litigation. Moreover, as written, HB 4271 will have a sweeping impact on the applicability of numerous other State laws while providing minimal guidance to patients, caregivers, law enforcement, or the general public.

   There are numerous questions raised by this legislation. Among these are the following:

   a. Where is marihuana legal to sell and where is it prohibited?
   b. Does the new law override any other law that contradicts it? Do motor vehicle, construction and building codes, safety inspections, and other laws get overridden?

c. Is a person approved to operate a provisioning center required to be a medical marihuana patient or caregiver? If not, then it is far easier to become a distributer rather than a customer, turning common sense and logic on its head.
d. Is a state university required to permit marihuana provisioning centers to do business on its campus and marihuana deliveries to its students?
e. Can a convicted drug felon invest in or own a controlling interest in a provisioning center? The proposal only prohibits a convicted drug dealer from being an officer, employee, agent, board member, or operator.
f. Does the prohibition against any search or inspection by a state official immunize a provisioning center from tax audits, state health and food inspections, or criminal investigation by the State Police?
g. How will the local regulation of the amount of marihuana purchased from a registered patient or caregiver be meaningful if the patient or caregiver is selling to multiple provisioning centers?
h. Since the bill only prohibits a provisioning center from operating within 1,000 feet of a primary or secondary school, are distributors allowed to operate near a church, playground, day care center, or other area not conducive to the operation of such a facility?
i. The bill limits the amount of marihuana a distributor can sell to a particular patient or caregiver. The ability of a patient or caregiver to make purchases from multiple provisioning centers renders this limitation meaningless.
j. While records must be maintained identifying purchasers of marihuana, why are similar records not required for the identification of the marihuana suppliers? Without strict inventory control and recordkeeping, a provisioning center can easily become a front for an organized drug operation.
k. Since State/Local Police are prohibited from conducting any inspections or given any authority under this bill, a person making home deliveries for medical marihuana patients could literally have kilos of marihuana in their possession but could not confirm the fact due to the confidentiality in the identity of the customers. This regulatory system will inevitably lead to provisioning centers being used as a front for the illegal distribution of marihuana or the needless arrest of provisioning center employees who are unable to confirm their possession of large amounts of marihuana due to statutory confidentiality.

2. HB 4271 creates a patchwork of regulation.

As written, the legislation allows marihuana distributors to operate in any community in Michigan unless a local unit of government enacts an ordinance to opt out of the expansion. Rather than have one set of rules to guide every distributor and provide uniform guidance to law enforcement officers and the general public, every city or township will have different laws pertaining to the delivery of marihuana. This haphazard approach to drug

enforcement is unprecedented. An individual in Plymouth (if Plymouth prohibited provisioning centers), for example, could be prosecuted for a 4 year felony for selling marihuana out of a dispensary, while a Canton resident (if Canton approved the provisioning centers) would be immune for doing the same activity a mile away. State laws need to be uniform.

3. **HB 4271 does not follow the will of The People.**

   The People of the State of Michigan voted to help people with debilitating conditions and illnesses have access to medical marihuana, not create a legalized for-profit marihuana industry. HB 4271 allows for the profiteering of a schedule 1 controlled substance that is still prohibited by federal law.

4. **HB 4271 and HB 5104 does not adequately provide for patient and child safety.**

   The proposed legislation doubles the amount of marihuana that a caregiver and a patient can possess. There is no adequate testing procedure to monitor the potency of marihuana in solid, liquid, or gaseous form. There are also no standards for the THC content of these items. Consequently, one item may contain five percent THC, while another may contain twenty percent THC. In Colorado, this issue has been directly attributable to six teenage deaths.

   The legislation makes no attempt to stop the marketing of marihuana or marihuana products to children. The federal government, anti-tobacco groups, and a lawsuit pressured R. J. Reynolds into stopping the use of the cartoon character "Joe Camel" in its advertising because of the cartoon's appeal to children. Different strains of marihuana are sold under child appealing names such as "Jilly Bean", "Bubble Berry", "Sweet Island Skunk", "Maui Wowie", "Chocolope", "Black Berry", "Afghan Sweet Delicious", "Wonder Woman", "Razzle Dazzle", "Hawaiian Punch", "Orange Kush", "Pineapple Afghan", "Grape Ape", "Blue Magoo", "Strawberry Ice", "Hawaiian Pineapple", "Double Dutch Strawberry", and "Chocolate Chunk". Marihuana-infused products are brownies (Chewy Bud Brownie), peanut butter cookies, chocolate cookies, "Rice Crispy Treat', "Billy Goat Bar", "Fruit Crispy Treat", "Chocolate Rice Crispy Treat", and butter. Other products mimic popular candy and food brands like "Baby Jane", "Stoners", "Reefers", "Krendike", "Pot Tarts", "Gummy Bears", "Cherry Bombs", "Lollipipe", and "Kandy Corn". Marihuana-infused drinks are sold in what looks like pop bottles or other carbonated beverages. These products are put into packaging with bright colors or cartoons that appeal to children.

Questions regarding child safety:

a. As a schedule 1 drug, should not it be mandated that this be dispensed only in child proof containers?
b. Where is the prohibition on marketing and packaging that entices children to use this schedule 1 drug?
c. Why is there no mandated warning label on this schedule 1 drug like there is on other drugs?
d. If marihuana is smoked, why is there no warning label like there is on cigarettes?

5. **The Act provides no meaningful deterrence for violators while providing a lucrative marihuana distribution business.**

The proposed legislation allows "provisioning centers" to deal in mass quantities of marihuana, with lucrative profits with little to no regulatory oversight. Within the Act there are seventeen potential violations with enumerated penalties. The majority of those violations are simple civil infractions. One is a misdemeanor. Four can be charged under the Public Health Code however, circumvention of the law will not be difficult because the Act contains prohibitions from search or inspection and seizures by law enforcement officers or state regulatory agencies.

6. **The new law gives cover to current law breakers.**

What happens to existing dispensaries that have been violating the law while others have sought to follow the law? Sec. 3a provides that existing violators of the law and "marihuana profiteers" will be immunized all the while they have been committing felonies.

We call upon you to consider these questions before approving HB 4271 and HB 5104. In a good faith effort to help patients experiencing difficulty obtaining medical marihuana, this bill creates a statutory proposal that is extreme in its lack of regulation or control. It provides an avenue for organized drug dealers to engage in their illegal activities under the guise of a legitimate business.

As elected officials, the people of your district trust that you will research, review and contemplate all legislation that comes before you. Many times your decision can and will, affect their lives and those in the community. We are requesting that you carefully consider the concerns listed about before voting on legislation that if enacted, will have such a wide and sweeping effect on the laws already in place.

Terrence L. Jungel
MSA Executive Director
620 South Capitol Avenue
Suite 320A
Lansing, Michigan 48933
(517) 485-3135
www.misheriff.org

Robert Stevenson
MACP Executive Director
2133 University Park Drive
Suite 200
Okemos, Michigan 48864
(517) 349-9420
www.michiganpolicechiefs.org

September 23, 2014

The Honorable Randy Richardville
Senate Majority Leader
Michigan Senate
PO Box 30036
Lansing, MI 48909

Dear Leader Richardville:

We are writing today to clarify and explain our opposition to HB 4271 and HB 5104, bills that legalize medical marihuana dispensaries and edible, topical, and liquid forms of marihuana for medical use. The Michigan Sheriff's Association (MSA) and Michigan Association of Chiefs of Police (MACP) recognize the bills' intent to allow local control to factor into dispensaries and to find better ways than dangerous inhalation of ingesting or applying medical marihuana. Nevertheless, we remain opposed for the reasons below.

Enforcement of these bills will prove troublesome at best, and impossible at worst. While we believe local units should have the right to refuse to allow dispensaries or zone them away from schools, churches, and neighborhoods if they are made legal, we believe it will be impossible to regulate them at the local level. Differing local standards from community to community will result in a patchwork of confusing ordinances that neither providers nor consumers will be able to understand and quality and safety of the product will suffer. In addition, sheriff offices, police agencies, and local public health departments charged with enforcement and inspection of the dispensaries will have differing standards to enforce within the same county, making enforcement very difficult and costly in time and resources from place to place.

In addition, enforcement of the edible and soluble products is impossible to enforce, given today's technology. For example, HB 5104 indicates a requirement to have no more than one ounce of marihuana per sixteen ounces of edible. There is no way to determine what strength the one ounce of product is, and there is no way to determine if more than one ounce went into the pound of product. There are no standards for potency of different types of marihuana, and there is no way to "unbake" the edible to determine what ratio of food to product exists. In Colorado, these potency issues have resulted in deaths. Because law enforcement cannot forensically determine the quantity of marihuana in a brownie, only that it is there, the bill may very well open the door to protected trafficking of large quantities of marihuana.

The bills also allow a person to sell their excess marihuana to provisioning centers every 60 days. There is no limit on the number of provisioning centers they can sell to in that period. There is also no way to track the sales in real time, let alone sales to multiple provisioning centers. We believe this provision of the bill in its essence legalizes the marihuana trade without enforceable limits. There is no way to know who sold what to whom, where, and when.

Public safety is also a concern. Colorado's experience with full legalization of marihuana can inform Michigan in this regard. Because marihuana possession and use remain federal crimes, most banks will not provide financial services to marihuana dispensaries. This situation has created a cash-heavy business in Colorado, ripe for cash-based crimes like burglary and robbery. A banking system needs to be developed to handle this issue and deter these crimes.

The bills also lack sufficient packaging and labeling requirements. There are no safety provisions in the labeling and packaging requirements such as THC content, child proof containers, a prohibition on brand/product mimicking or appealing to children, and appropriate health warning labels.

Attached to this letter is a list of proposed changes to HB 4271 and HB 5104 to address these concerns and others. Also attached are pertinent news articles for your information on this issue that illustrate our points. Thank you for your attention to our concerns.

Again, at this time we oppose HB 4271 and HB 5104 and urge you to vote no on the bills.

Sincerely,

Terrence L. Jungel
Executive Director
Michigan Sheriffs' Association

Robert M. Stevenson
Executive Director
Michigan Association of Chiefs of Police

cc: Members of the Michigan Senate

Attachments

Michigan Medical Marihuana Act

Chronology of Events

City Council Actions

10/4/10 – Administrator's Report – Issue first introduced

12/6/10 – New Business – Council Requests info on moratorium

12/20/10 –Ordinance No. 180 adopted (emergency) – Regulates Med. Marihuana Operations and Dispensaries, Moratorium Adopted for 180 days through June 8, 2011

4/18/11 – Discussion – Yeadon reports on options for addressing medical marihuana businesses, recommends 2nd moratorium for addl. 180 days

5/16/11 – 2nd Moratorium adopted through December 15, 2012

11/21/11 – Joint Workshop, report to CC on PC progress

12/5/11 – 3rd Moratorium adopted through June 12, 2012

3/19/12 – PH on Ordinance 188 prohibiting uses that are contrary to federal law, 1st reading

4/2/12 – Ordinance 188 2nd reading and adoption

2/18/13 – Administrator's Report – MSC ruling on McQueen case – patient to patient sales prohibited

3/17/14 – Ordinance No. 196 adopted – Defines MM operations/dispensaries, requires license

3/17/14 – Resolution No. 2014-13 adopted – places moratorium on MM operation/dispensaries

Planning Commission Actions

9/13/11 – Discussion – Zoning Administrator conducts training on the MMMA and current case law

10/11/11 – Discussion – Commission recommends workshop with Council

11/15/11 – Discussion – Distribution of materials in preparation for joint workshop with Council

1/10/12 – Discussion – PC requests staff to draft ordinance language

2/14/12 – Discussion – PC requests staff to draft ordinance language similar to Livonia's prohibition

3/13/12 – Public Hearing on Ordinance 188 prohibiting uses that are contrary to federal law

9/11/12 – Discussion – prohibition of uses contrary to federal law struck down by appellate court

10/9/12 – Director's Report – case law and pending legislation

11/13/12 – Director's Report – pending legislation

3/11/14 – Director's Report – MSC ruling on prohibiting uses that are contrary to federal law

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: November 17, 2014 **Agenda Item:** 8 (D)

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

EXHIBITS
None

STAFF REVIEW
Dept. of Public Works

SUMMARY STATEMENT
Franklin Farms well is losing production and is scheduled for service this year. Staff went out for sealed bids on October 21, 2014 and received three bids to rehabilitate this well. The low bid came in at $17,932.80 as submitted by Northern Pump & Well.

There were two options put out for bid for this project. Below is a description of what the two options include.

Option 1 is to pull the well, clean all parts and chemical clean the well. Then rebuild the pump and have the motor serviced, next submit a list of parts to be replaced if any.

Option 2 is to chemical clean the well and replace everything from the head down with new parts.

	Option 1	**Option 2**
Northern Pump & Well	$17,932.80	$42,933.68
Layne-Christensen Co.	$23,872.00	$52,837.00
Peerless Midwest	$23,500.00	$39,035.00

RECOMMENDED ACTION
Move to approve Resolution No. 2014-54.

Introduced:
Second:

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2014-54

AWARD OF FRANKLIN FARMS WELL #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

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, November 17, 2014 the original of which is part of the City Council minutes.

_____
Deborah J. Cwiertniewicz, City Clerk
City of Mason
Ingham County, Michigan

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: November 17, 2014 **Agenda Item:** 8 (E)

AGENDA ITEM
Motion - Amend the 2014-2015 Fiscal Year Budget

EXHIBITS
- Budget Amendments

STAFF REVIEW
Finance Department

SUMMARY STATEMENT
The Budget Amendment documents attached are cumulative documents. The approval date is entered as the amendment is approved by Council. At fiscal year end, these changes will be integrated into the final budget amendment document. In June, the full print-out of City accounts will be presented for approval.

There are three amendments to approve this 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.

RECOMMENDED ACTION
Move to amend the 2014-2015 Fiscal Year Budget as presented.

City of Mason
Budget Amendments
2014/2015 Budget

	Account Number	Fund	Account Name	Original Budget	Requested Change	Amended Budget	Date of Approval
1	661-568.00-818.000	MVP	Contract Services	12,190	11,130	23,320	
	Vactor hydraulic water pump repair						
2	101-336.00-985.000	GF	Capital Improvement	-	40,000	40,000	
	Front apron and sidewalk replacement - Fire Station - Budgeted 2013/2014						
3	592-548.00-970.010	WS	Capital Outlay	50,000	42,880	92,880	
	Cedar Street Slip Line Project - Budgeted 2013/2014						

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: November 17, 2014 **Agenda Item:** 8 (F)

AGENDA ITEM
Motion to Approve Installment Purchase Agreement for Plow Truck

EXHIBITS
None

STAFF REVIEW
Administration

SUMMARY STATEMENT
We have requested and received three quotes for financing the 2015 International 7400 with dump and plow package at a total cost of $139,643.

The City received quotes from Dart Bank, Mason State Bank, and Independent Bank. All of the quotes received are based on a five year term. Dart Bank quoted an interest rate at 2.50%, Mason State Bank quoted an interest rate of 3.99%, and Independent Bank quoted an interest rate of 4.25%.

RECOMMENDED ACTION
Move to approve the quote from Dart Bank.

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: November 17, 2014 **Agenda Item:** 8 (G)

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

EXHIBITS
- Proposal from HBC Contracting – September 5, 2014
- Proposal from Asbestos Abatement Inc. – August 27, 2014
- Proposal from Trust Thermal – August 21, 2014
- Proposal from ALAM Inc. – September 4, 2014
- Proposal from ALAM Inc. – November 12, 2014

STAFF REVIEW
Zoning & Development Department

SUMMARY STATEMENT
The following quotes were received from the four companies solicited:

HBC Contracting	$30,760
Asbestos Abatement Inc.	$23,980
Trust Thermal	$20,805
ALAM Inc.	$8,980 – original proposal
ALAM Inc.	$1,850 – increase for inclement weather

At the last Council meeting, staff was requested to provide all of the proposals for asbestos abatement and additional information regarding why the proposals differ significantly from the lowest bid.

Staff has confirmed that the description of work provided by ALAM Inc., Asbestos Abatement Inc., and HBC Construction matches the asbestos survey report. Trust Thermal provided a statement in their scope of work that states, "to remove and dispose of acm [asbestos containing material] per environmental survey dated August 4th 2014, surveyed by Mr. Jeff Suty". The proposal from HBC Contracting indicates that they will require a structural analysis for the building, which was not included with their proposal.

The ALAM Inc. proposal indicated that, "the 'Black Roof Tar' [1500 s.f.] may stay in the building during demolition and is not part of this bid…". Staff spoke with a representative of ALAM Inc. who stated that they typically charge $3/s.f. for this type of acm, which would add an additional $4,500. Additionally, the ALAM Inc. representative indicated they use water during the abatement process which will now freeze given the season change. Efforts to keep water from freezing on site will add approximately $1,800 additional to the proposal.

RECOMMENDED ACTION

Move 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.

2170 Apollo Dr.
Lansing, MI 48906
Tel: 517 886 2772
Fax: 517 886 3819

www.hbc-contracting.com

September 5, 2014

Mr. David Haywood
Director Zoning and Development
City of Mason
201 W Ash St
Mason, MI 48854

RE: **Asbestos Abatement Proposal**
Vacant Residence
1020 E Ash St
Mason, MI 48854

Dear Mr. Haywood:

HBC is pleased to provide you with a cost estimate for the proper abatement and disposal of asbestos containing materials from the above referenced facility. The scope of work for this project includes the abatement of 3,350 sft of asbestos containing plaster, 30 sft of duct wrap, 20 sft of linoleum, 20 sft of transite, 1,500 sft of roofing materials, 300 sft of flashing materials and 1 boiler containing gaskets and insulation. The project will require approximately 8 days for successful completion.

Our price for this service is $30,760.00. This price includes all supervision, labor, material and disposal costs. The project will be covered by our general and asbestos liability insurance policies. Included in the above price are required final air clearances and personal air monitoring.

- The project will require an engineering survey to determine whether or not the building is safe for abatement activities. The engineering survey is not included in our scope of work.

We appreciate your interest in our services and look forward to the opportunity to undertake this project. Please feel free to contact me with any questions you may have regarding this proposal or our company and services.

Sincerely,

Brett Eberhard
Project Manager

RECEIVED
AUG 2 7 2014
CITY OF MASON
PLANNING DEPT

Asbestos Abatement Incorporated

August 27, 2014

2420 N. Grand River
Lansing, Michigan 48906-3914
(517) 323-0052
Fax (517) 323-7382

City of Mason- Zoning & Development
Attn: David Haywood
201 W. Ash St.
Mason, MI 48854

RE: 1020 E. Ash St- Asbestos Removal

Asbestos Abatement Inc. is pleased to provide you with the following proposal for your consideration. All of our prices include labor, materials, equipment, insurance, disposal, and applicable taxes. Asbestos Abatement Inc. completes all of its projects in a professional and timely manner.

Scope:
Removal of 3350 sq ft of asbestos plaster
Removal of boiler mud insulation and boiler gasket material
Removal of 30 sq ft of duct that is covered with asbestos
Removal 20 sq ft of transite
Removal of 20 sq ft of asbestos linoleum
Removal of 1500 sq ft of roof tar
Removal of 300 sq ft of silver chimney & roof flashing tar

Price = $23,980.00

Notes: we will provide our own power & water, it is assumed that the house will be demoed by others when we are done, non-prevailing wages are figured, 3rd party PCM air clearance is included, work hours are M-F during normal business hours.

This price is valid for 60 days from the date listed at the top. If you have any questions feel free to call me. Thank you.

Respectfully,

Eric Kuznicki, Estimator

Accepted By: _____
Signature

Print Name: _____

Title: _____ Date: _____

PROTECTING THE AIR YOU BREATHE

Trust Thermal

Proposal to:
Mr. David Haywood
Zoning and Development Director
City of Mason
210 Ash St.
Mason, MI. 48854

Project Site:
Demo Site
1020 E. Ash St.
Mason, MI. 48854

RECEIVED
AUG 2 1 2014
CITY OF MASON
PLANNING DEPT

Proposed Scope of Services:

- To remove and dispose of acm per environmental survey dated Aug. 4th 2014. Surveyed by Mr. Jeff Suty.
- To provide 3rd party air clearance.
- To provide water and power.

Associated fee(s) for this Scope:

- Labor and Materials = $20,805.00

Terms and Conditions that apply:

- Trust Thermal Abatement will furnish all supervision, labor, equipment, materials and disposal for this project.
- All work to be done in compliance with all federal, state and local regulations regarding asbestos regulations.
- Accounts not paid within 30 days of the date of invoice are subject to a 2% monthly finance charge.
- This Proposal may be withdrawn if not accepted within 30 days.

Thank you for your consideration of this proposal.

Submitted with respect,
Trust Thermal

Jon Brush

Accepted By:

Firm

210 S. Water Street, Owosso, MI 48867 Phone 989-720-8834 Fax 989-720-8836
www.trustthermal.com

Trust Thermal

Project Manager

Proposal Date – Aug 20, 2014

Signature

Title

Printed Name

Date

210 S. Water Street, Owosso, MI 48867 Phone 989-720-8834 Fax 989-720-8836
www.trustthermal.com

CREATING A SAFER ENVIRONMENT

ALAM INC

Environmental Specialists
Serving the Entire State of Michigan Since 1985

Jackson Office
2505 Precision Street
Jackson, Michigan 49202
517 788 8348 Phone
517-788-7717 Fax
1 800-730-8348 Toll Free
www.alaminc.com
Email: alam@alaminc.com

PROPOSAL: 5727

PHONE: 517 676-9155	DATE: 9/04/14
JOB NAME/LOCATION: Asbestos Abatement activities located at the residential property: 1020 E. Ash Street, Mason, MI 48854	
JOB #: N/A	

TO: City of Mason
201 W. Ash Street
Mason, MI 48854

We hereby submit specifications and estimates for: **Environmental Activities: Asbestos Abatement Activities:**

After reviewing the NESHAP Survey conducted by Asbestos Abatement Inc., we are pleased to provide you with a price for the removal of the following materials at the residential home referenced above.

Abatement Scope of Work For Residential 1020 E. Ash Street, Mason, MI:
Abatement of 3,260 square feet of Smooth Wall and Ceiling Plaster.
Abatement of 90 square feet of Stone Wall Plaster.
Abatement of 24 square feet of Boiler Mud Packing.
Abatement of 24 square feet of Boiler Gasket.
Abatement Of 20 square feet of Transite.
Abatement of 30 square feet of White Duct Wrap.
Abatement of 20 square feet of multiple layers of Linoleum.
Abatement of 300 square feet of Roof Flashing
The Black Tar Roof may stay in the building during demolition and is not part of this bid. Before any abatement actions can commence, there are notifications that will need to be submitted to regulatory agencies.
The price includes: Labor, materials, equipment, disposal (type II landfill) and all associated documentation needed to complete the asbestos abatement activities.

We Propose to furnish material & labor-complete in accordance with the above specifications, for the sum of: $ 8,980.00

Payment to be made as follows: net 30 days.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over & above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, & other necessary insurance. Our workers are fully covered by Worker's compensation insurance.

Acceptance of Proposal – The above prices, specifications & conditions are satisfactory & are hereby accepted. You are authorized to do the work as outlined. Payment will be made as outlined above.

Authorized Signature: 9/4/14 DB

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Signature: _____

Signature: _____

CREATING A SAFER ENVIRONMENT

ALAM INC

Environmental Specialists

Servicing the Entire State of Michigan Since 1989

Jackson Office
2505 Precision Street
Jackson, Michigan 49202
517 788 8348 Phone
517-788-7717 Fax
1 800-730-8348 Toll Free
www.alaminc.com
Email: denise@alaminc.com
GSA # GS-10F-0117Y

PROPOSAL: 5170

TO: City of Mason
201 W. Ash Street
Mason, MI 48854

PHONE (517) 676-9155	DATE: 11/12/14
JOB NAME/LOCATION: Residential asbestos abatement activities located at: 1020 Ash Street, Mason MI 48854	
JOB #	

Addendum to proposal submitted for asbestos abatement activities at the site referenced above; In the previously quoted work, we did not include 1500 square feet of Black Roof Tar. This material can be removed and disposed of at the time of abatement for the sum of.....$ 4,500.00

Additionally: ALAM Inc., did not quote in the previous bid to the city, the cost for heating the space during abatement and heating water so as not to freeze in the current temperatures. We were under the understanding this was a fast tract project and these additional items wouldn't have been an issue. To provide heat to the project and heated water there is an additional cost of.....$1,850.00/ Project duration (5) days = $370.00 per day.

If you have any question, please feel free to contact us at our office.

We propose hereby to furnish material & labor-complete in accordance with the above specifications, for the sum of:

dollars ($ 6,350.00

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration from above specifications involving extra costs will be executed only upon written orders, & will become an extra charge over & above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, & other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Acceptance of Estimate - The above prices, specifications & conditions are satisfactory & are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature: [signature]

Note: This estimate may be withdrawn by us if not accepted within _____ days.

Signature _____

Signature _____

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 101 - GENERAL FUND						
Revenues						
000.00		86,110.00	0.00	0.00	86,110.00	0.00
215.00	CLERK	50.00	355.57	60.00	(305.57)	711.14
254.00	TREASURER/FINANCE	5,010,980.00	3,937,370.88	1,256,538.44	1,073,609.12	78.57
271.00	FORESTRY	29,770.00	4,368.96	0.00	25,401.04	14.68
276.00	CEMETERY	37,200.00	10,463.00	3,749.00	26,737.00	28.13
301.00	POLICE DEPARTMENT	68,425.00	31,790.66	4,330.48	36,634.34	46.46
336.00	FIRE DEPARTMENT	167,535.00	44,777.39	37,085.11	122,757.61	26.73
528.00	REFUSE COLLECTION	347,405.00	349,020.49	0.00	(1,615.49)	100.47
747.00	COMMUNITY GARDEN	375.00	0.00	0.00	375.00	0.00
751.00	RECREATION	4,250.00	2,155.00	0.00	2,095.00	50.71
850.00	WORKERS COMPENSATION	47,860.00	24,502.00	12,251.00	23,358.00	51.20
TOTAL Revenues		5,799,960.00	4,404,803.95	1,314,014.03	1,395,156.05	75.95
Expenditures						
101.00	COUNCIL	41,555.00	17,364.32	536.18	24,190.68	41.79
172.00	ADMINISTRATOR	293,425.00	117,232.32	69,618.58	176,192.68	39.95
209.00	ASSESSING	48,705.00	16,198.14	4,097.75	32,506.86	33.26
215.00	CLERK	138,165.00	49,390.10	16,080.66	88,774.90	35.75
247.00	BOARD OF REVIEW	650.00	60.00	0.00	590.00	9.23
254.00	TREASURER/FINANCE	592,735.00	233,054.03	135,397.56	359,680.97	39.32
260.00	TECHNOLOGY	70,445.00	14,969.25	2,931.14	55,475.75	21.25
262.00	ELECTIONS	0.00	336.00	336.00	(336.00)	100.00
265.00	BUILDING OFFICIAL/CITY HALL	162,685.00	50,292.45	22,943.74	112,392.55	30.91
266.00	LEGAL/ATTORNEY	90,000.00	32,303.86	7,988.79	57,696.14	35.89
268.00	PARK STREET PROPERTY	41,985.00	0.00	0.00	41,985.00	0.00
269.00	PROPERTY	479,420.00	293,790.57	71,022.00	185,629.43	61.28
271.00	FORESTRY	72,135.00	16,100.69	7,675.13	56,034.31	22.32
272.00	ADMINISTRATIVE SERVICES	276,435.00	130,375.65	84,125.12	146,059.35	47.16
276.00	CEMETERY	185,040.00	77,136.85	50,014.87	107,903.15	41.69
305.00	POLICE ADMINISTRATION	313,190.00	126,993.10	62,861.80	186,196.90	40.55
315.00	CROSSING GUARDS	24,080.00	8,205.23	6,049.79	15,874.77	34.07
316.00	POLICE PATROLLING	997,765.00	408,926.08	210,613.14	588,838.92	40.98
336.00	FIRE DEPARTMENT	465,095.00	132,877.73	52,577.63	332,217.27	28.57
380.00	PLANNING/ZONING OFFICIAL	126,435.00	47,813.91	17,507.71	78,621.09	37.82
426.00	CIVIL DEFENSE	5,455.00	1,255.00	55.00	4,200.00	23.01
428.00	DISASTER ACCOUNT	100.00	0.00	0.00	100.00	0.00
441.00	PUBLIC SERVICES	5,655.00	3,124.97	2,210.84	2,530.03	55.26
447.00	ENGINEERING	295.00	295.00	295.00	0.00	100.00
448.00	STREET LIGHTING	115,465.00	31,721.88	10,838.97	83,743.12	27.47
458.00	SIDEWALK CONSTRUCTION-REPAIR	5,050.00	2,050.00	2,050.00	3,000.00	40.59
528.00	REFUSE COLLECTION	346,750.00	126,095.91	43,502.72	220,654.09	36.37
747.00	COMMUNITY GARDEN	550.00	53.94	7.70	496.06	9.81
756.00	PARKS AND BALL DIAMONDS	157,520.00	75,722.31	36,990.27	81,797.69	48.07
775.00	SENIOR CITIZENS	8,060.00	4,160.00	1,485.00	3,900.00	51.61
790.00	LIBRARY	27,120.00	8,390.77	3,146.65	18,729.23	30.94
806.00	CHRISTMAS DECORATIONS	5,355.00	925.00	925.00	4,430.00	17.27
807.00	CABLE COMMISSION	4,560.00	1,210.00	610.00	3,350.00	26.54
808.00	PLANNING COMMISSION	720.00	212.29	200.00	507.71	29.48
850.00	WORKERS COMPENSATION	47,860.00	24,502.00	0.00	23,358.00	51.20
855.00	RETIREE BENEFITS	99,210.00	43,202.23	10,843.40	56,007.77	43.55
890.00	CONTINGENCIES	61,980.00	515.00	515.00	61,465.00	0.83
999.00	SURPLUS	488,310.00	0.00	0.00	488,310.00	0.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 101 - GENERAL FUND						
Expenditures						
TOTAL Expenditures		5,799,960.00	2,096,856.58	936,053.14	3,703,103.42	36.15
Fund 101 - GENERAL FUND:						
TOTAL REVENUES		5,799,960.00	4,404,803.95	1,314,014.03	1,395,156.05	75.95
TOTAL EXPENDITURES		5,799,960.00	2,096,856.58	936,053.14	3,703,103.42	36.15
NET OF REVENUES & EXPENDITURES		0.00	2,307,947.37	377,960.89	(2,307,947.37)	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 202 - MAJOR STREETS FUND						
Revenues						
000.00		957,780.00	72,609.95	31,585.93	885,170.05	7.58
TOTAL Revenues		957,780.00	72,609.95	31,585.93	885,170.05	7.58
Expenditures						
000.00		101,330.00	0.00	0.00	101,330.00	0.00
451.00	STREET/ROAD CONSTRUCTION	585,780.00	0.00	0.00	585,780.00	0.00
463.00	STREET MAINTENANCE	135,335.00	40,632.89	10,983.14	94,702.11	30.02
474.00	TRAFFIC SERVICES	23,725.00	9,798.36	533.67	13,926.64	41.30
478.00	WINTER MAINTENANCE	39,205.00	0.00	0.00	39,205.00	0.00
482.00	STREET ADMIN/GEN EXP	72,405.00	66,040.00	66,040.00	6,365.00	91.21
TOTAL Expenditures		957,780.00	116,471.25	77,556.81	841,308.75	12.16
Fund 202 - MAJOR STREETS FUND:						
TOTAL REVENUES		957,780.00	72,609.95	31,585.93	885,170.05	7.58
TOTAL EXPENDITURES		957,780.00	116,471.25	77,556.81	841,308.75	12.16
NET OF REVENUES & EXPENDITURES		0.00	(43,861.30)	(45,970.88)	43,861.30	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 203 - LOCAL STREETS FUND						
Revenues						
000.00		520,360.00	27,785.78	11,561.27	492,574.22	5.34
TOTAL Revenues		520,360.00	27,785.78	11,561.27	492,574.22	5.34
Expenditures						
451.00	STREET/ROAD CONSTRUCTION	269,530.00	0.00	0.00	269,530.00	0.00
463.00	STREET MAINTENANCE	145,520.00	44,908.85	8,223.36	100,611.15	30.86
474.00	TRAFFIC SERVICES	7,870.00	3,059.51	181.11	4,810.49	38.88
478.00	WINTER MAINTENANCE	32,880.00	0.00	0.00	32,880.00	0.00
482.00	STREET ADMIN/GEN EXP	64,560.00	64,560.00	64,560.00	0.00	100.00
TOTAL Expenditures		520,360.00	112,528.36	72,964.47	407,831.64	21.63
Fund 203 - LOCAL STREETS FUND:						
TOTAL REVENUES		520,360.00	27,785.78	11,561.27	492,574.22	5.34
TOTAL EXPENDITURES		520,360.00	112,528.36	72,964.47	407,831.64	21.63
NET OF REVENUES & EXPENDITURES		0.00	(84,742.58)	(61,403.20)	84,742.58	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY						
Revenues						
000.00		134,000.00	49,612.69	4,744.51	84,387.31	37.02
TOTAL Revenues		134,000.00	49,612.69	4,744.51	84,387.31	37.02
Expenditures						
000.00		134,000.00	19,702.11	355.63	114,297.89	14.70
TOTAL Expenditures		134,000.00	19,702.11	355.63	114,297.89	14.70
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:						
TOTAL REVENUES		134,000.00	49,612.69	4,744.51	84,387.31	37.02
TOTAL EXPENDITURES		134,000.00	19,702.11	355.63	114,297.89	14.70
NET OF REVENUES & EXPENDITURES		0.00	29,910.58	4,388.88	(29,910.58)	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 250 - LOCAL DEV. FINANCE AUTHORITY						
Revenues						
000.00		387,815.00	1,332,449.47	0.00	(944,634.47)	343.58
TOTAL Revenues		387,815.00	1,332,449.47	0.00	(944,634.47)	343.58
Expenditures						
691.80	L.D.F.A.	387,815.00	11,145.00	9,345.00	376,670.00	2.87
TOTAL Expenditures		387,815.00	11,145.00	9,345.00	376,670.00	2.87
Fund 250 - LOCAL DEV. FINANCE AUTHORITY:						
TOTAL REVENUES		387,815.00	1,332,449.47	0.00	(944,634.47)	343.58
TOTAL EXPENDITURES		387,815.00	11,145.00	9,345.00	376,670.00	2.87
NET OF REVENUES & EXPENDITURES		0.00	1,321,304.47	(9,345.00)	(1,321,304.47)	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 297 - ECONOMIC DEVELOPMENT COMM.						
Revenues						
000.00		70.00	10.38	0.00	59.62	14.83
TOTAL Revenues		70.00	10.38	0.00	59.62	14.83
Expenditures						
000.00		70.00	0.00	0.00	70.00	0.00
TOTAL Expenditures		70.00	0.00	0.00	70.00	0.00
Fund 297 - ECONOMIC DEVELOPMENT COMM.:						
TOTAL REVENUES		70.00	10.38	0.00	59.62	14.83
TOTAL EXPENDITURES		70.00	0.00	0.00	70.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	10.38	0.00	(10.38)	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 401 - CAPITAL IMPROVEMENT FUND						
Revenues						
000.00		60,000.00	0.00	0.00	60,000.00	0.00
TOTAL Revenues		60,000.00	0.00	0.00	60,000.00	0.00
Expenditures						
000.00		60,000.00	0.00	0.00	60,000.00	0.00
TOTAL Expenditures		60,000.00	0.00	0.00	60,000.00	0.00
Fund 401 - CAPITAL IMPROVEMENT FUND:						
TOTAL REVENUES		60,000.00	0.00	0.00	60,000.00	0.00
TOTAL EXPENDITURES		60,000.00	0.00	0.00	60,000.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 592 - WATER/SEWER FUND						
Revenues						
000.00		5,398,350.00	967,652.37	208,042.40	4,430,697.63	17.92
TOTAL Revenues		5,398,350.00	967,652.37	208,042.40	4,430,697.63	17.92
Expenditures						
545.00	WATER & SEWER ADMINISTRATION	77,600.00	14,211.39	3,339.13	63,388.61	18.31
546.00	SEWER IMPROVEMENT	42,660.00	0.00	0.00	42,660.00	0.00
548.00	SEWER MAINTENANCE	170,210.00	64,766.82	30,270.45	105,443.18	38.05
555.00	WASTEWATER TREATMENT PLANT	2,475,305.00	392,703.81	247,373.63	2,082,601.19	15.86
556.00	WATER MAINTENANCE	429,355.00	165,142.51	75,078.69	264,212.49	38.46
557.00	STORM SEWER PROGRAM	9,425.00	0.00	0.00	9,425.00	0.00
558.00	WATER IMPROVEMENT	689,060.00	158,725.22	140,433.85	530,334.78	23.04
559.00	WATER TREATMENT PLANT	839,735.00	188,582.65	34,261.57	651,152.35	22.46
566.00	ALLOWANCE FOR DEPRECIATION	665,000.00	0.00	0.00	665,000.00	0.00
TOTAL Expenditures		5,398,350.00	984,132.40	530,757.32	4,414,217.60	18.23
Fund 592 - WATER/SEWER FUND:						
TOTAL REVENUES		5,398,350.00	967,652.37	208,042.40	4,430,697.63	17.92
TOTAL EXPENDITURES		5,398,350.00	984,132.40	530,757.32	4,414,217.60	18.23
NET OF REVENUES & EXPENDITURES		0.00	(16,480.03)	(322,714.92)	16,480.03	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 612 - MASON BUILDING AUTHORITY						
Revenues						
000.00		286,685.00	112,759.75	0.11	173,925.25	39.33
TOTAL Revenues		286,685.00	112,759.75	0.11	173,925.25	39.33
Expenditures						
000.00		286,685.00	112,756.15	0.00	173,928.85	39.33
TOTAL Expenditures		286,685.00	112,756.15	0.00	173,928.85	39.33
Fund 612 - MASON BUILDING AUTHORITY:						
TOTAL REVENUES		286,685.00	112,759.75	0.11	173,925.25	39.33
TOTAL EXPENDITURES		286,685.00	112,756.15	0.00	173,928.85	39.33
NET OF REVENUES & EXPENDITURES		0.00	3.60	0.11	(3.60)	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 661 - MOTOR VEHICLE POOL						
Revenues						
000.00		399,870.00	62,878.54	10,069.47	336,991.46	15.72
TOTAL Revenues		399,870.00	62,878.54	10,069.47	336,991.46	15.72
Expenditures						
567.00	SHOP & BLDG. MAINTENANCE	47,840.00	35,186.13	34,456.72	12,653.87	73.55
568.00	EQUIPMENT MAINTENANCE	176,285.00	77,761.96	30,198.41	98,523.04	44.11
901.00	EQUIPMENT-CAPITAL OUTLAY	207,745.00	80,200.00	59,895.90	127,545.00	38.61
TOTAL Expenditures		431,870.00	193,148.09	124,551.03	238,721.91	44.72
Fund 661 - MOTOR VEHICLE POOL:						
TOTAL REVENUES		399,870.00	62,878.54	10,069.47	336,991.46	15.72
TOTAL EXPENDITURES		431,870.00	193,148.09	124,551.03	238,721.91	44.72
NET OF REVENUES & EXPENDITURES		(32,000.00)	(130,269.55)	(114,481.56)	98,269.55	407.09

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 702 - RAYNER BOND FUND						
Revenues						
000.00		151,000.00	23,262.29	8,866.43	127,737.71	15.41
TOTAL Revenues		151,000.00	23,262.29	8,866.43	127,737.71	15.41
Expenditures						
000.00		151,000.00	7,754.04	0.00	143,245.96	5.14
TOTAL Expenditures		151,000.00	7,754.04	0.00	143,245.96	5.14
Fund 702 - RAYNER BOND FUND:						
TOTAL REVENUES		151,000.00	23,262.29	8,866.43	127,737.71	15.41
TOTAL EXPENDITURES		151,000.00	7,754.04	0.00	143,245.96	5.14
NET OF REVENUES & EXPENDITURES		0.00	15,508.25	8,866.43	(15,508.25)	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 711 - CEMETERY TRUST FUND						
Revenues						
000.00		4,200.00	783.12	290.00	3,416.88	18.65
TOTAL Revenues		4,200.00	783.12	290.00	3,416.88	18.65
Expenditures						
000.00		4,200.00	0.00	0.00	4,200.00	0.00
TOTAL Expenditures		4,200.00	0.00	0.00	4,200.00	0.00
Fund 711 - CEMETERY TRUST FUND:						
TOTAL REVENUES		4,200.00	783.12	290.00	3,416.88	18.65
TOTAL EXPENDITURES		4,200.00	0.00	0.00	4,200.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	783.12	290.00	(783.12)	100.00

PERIOD ENDING 10/31/2014

GL NUMBER	DESCRIPTION	2014-15 AMENDED BUDGET	YTD BALANCE 10/31/2014 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 10/31/2014 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 812 - SPECIAL ASSESSMENT FUND						
Revenues						
000.00		176,800.00	40,195.75	0.00	136,604.25	22.74
TOTAL Revenues		176,800.00	40,195.75	0.00	136,604.25	22.74
Expenditures						
000.00		176,800.00	73,525.00	73,525.00	103,275.00	41.59
TOTAL Expenditures		176,800.00	73,525.00	73,525.00	103,275.00	41.59
Fund 812 - SPECIAL ASSESSMENT FUND:						
TOTAL REVENUES		176,800.00	40,195.75	0.00	136,604.25	22.74
TOTAL EXPENDITURES		176,800.00	73,525.00	73,525.00	103,275.00	41.59
NET OF REVENUES & EXPENDITURES		0.00	(33,329.25)	(73,525.00)	33,329.25	100.00
TOTAL REVENUES - ALL FUNDS		14,276,890.00	7,094,804.04	1,589,174.15	7,182,085.96	49.69
TOTAL EXPENDITURES - ALL FUNDS		14,308,890.00	3,728,018.98	1,825,108.40	10,580,871.02	26.05
NET OF REVENUES & EXPENDITURES		(32,000.00)	3,366,785.06	(235,934.25)	(3,398,785.06)	0,521.20

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us

City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Honorable Mayor and Council Members

FROM: Martin Colburn, City Administrator

DATE: November 17, 2014

RE: City Administrator's Report

Crowdfunding

Summer Minnick of the Michigan Municipal League will be giving a presentation about Crowdfunding in the Community Room of Mason City Hall on Wednesday, December 3, 2014 from 6:30 PM – 7:30 PM. Mason City residents and community members will be welcomed, and invitations will be sent out to the Mason City Planning Commission, Downtown Development Authority, Mason Chamber of Commerce, Historic Commission, members of Arts Initiative, Mason (AIM), and the Lansing Economic Area Partnership (LEAP).

Ms. Minnick will discuss in detail Michigan's new investment Crowdfunding law, which is a new opportunity that allows people to take control of their community development by engaging directly in the process of supporting the businesses in which they believe. The MML has identified eight assets that communities and regions need to strengthen and grow. One of these assets is entrepreneurship. The new economy is being built at the local level, growing jobs by ones and twos through entrepreneurs and small businesses. If finding a place first, then looking for a job is the new order, creating an open entrepreneurial environment is critical to making Michigan a place that can attract and retain talent and compete on a global level.

Please see the attached informational flyer from the Michigan Municipal League.

Legacy Tree Update

The attached Legacy Tree Program flyer has been developed to encourage potential donations in light of the upcoming holiday season. Trees will be planted starting in the spring of 2015. We hope to sell 150 trees, and there is still availability.

Mason Recognized By University of Michigan

The University of Michigan conducts significant research into activities of state and local governments. The City participates on a regular basis a number of surveys addressing the current health, activities and practices followed. Recently, the City of Mason was part of a comparative analysis with 102 local governments surveyed. The University of Michigan Dearborn eCities Program analyzes communities based on their entrepreneurial and economic development activities, practices and efforts relevant to business. Through their analysis, they provided 33 awards to 83 communities participating, ranking 5 star and 4 star communities.

Through our efforts of best practices and achievements within the realm of economic development, we can all be proud of the fact that through this survey and benchmarking process, the City of Mason is conducting many of its activities in a recognized and positive manner. We will continue to develop our practices and understandings on how to best support the entrepreneurial spirit and positive economic gains of investment and job creation within the City.

A plaque was provided to the City recognizing this achievement which will be presented to the City and City Council Monday evening. Congratulations to City Council and staff all involved.

CROWDFUNDING MI

Invest on Main Street

On December 30, 2013, Michigan enacted Public Act 264 and became one of four states to authorize pioneering intrastate crowdfunding legislation. Known as "investment crowdfunding," this is a powerful economic development tool for using local capital to support and grow local businesses, fund start-ups, and nurture an entrepreneurial environment in Michigan.

michigan municipal league

With the passage of PA 264 every Michigan resident can now have a direct role in growing their local economy, supporting entrepreneurs, retaining talent, and creating jobs. Most have heard the power of "buy local," which returns 58% more to the local economy compared to purchases from a non-local business.[1] Now Michigan can take local economic empowerment to the next level—an "invest local" option through investment crowdfunding. Individuals can now invest in what they value most and in what they know best: businesses in their community.

With the advent of Investment crowdfunding, new and existing Michigan businesses can raise capital from private, non-accredited Michigan investors. This is significant because non-accredited investors comprise 97% of the population, and now they can invest up to $10,000 per company, per year, in businesses incorporated or organized under Michigan law. Accredited investors[2] may invest any amount.

With a simple $100 application fee, a one-page LARA[3] registration, and a business plan, existing businesses with audited financials can raise up to $2 million from non-accredited investors, and new businesses can raise up to $1 million from non-accredited investors. There is no limit on what can be raised from accredited investors. These crowdfunding investments can be used to leverage additional capital from traditional banks or financial institutions.

Crowdfunding is the cutting-edge future of local development, and PA 264 provides the appropriate framework to make this a win-win for local entrepreneurs and the people who want to invest in their local community in a meaningful way.

The League is moving forward to launch a program with key partners that are leaders in the field to seamlessly connect our membership to the powerful potential of crowdfunding. An aggressive education and communications strategy will also be launched in the coming weeks, as well as a new League program to connect your local projects to Michigan investors.

▶ Reward-based or donation crowdfunding

is most commonly used to gather contributions with no expectation of "return on investment." This may be structured to include a "reward" such as a mug for a $50 donation.

▶ Investment crowdfunding

is structured to provide a return on investment, either through an ownership stake (equity crowdfunding) or through a debt position. Investors with a debt position are provided a pre-determined rate of return that can be structured in a variety of ways within the investment offering. For example, a local investor invests $5,000 in a new brewery on Main Street and receives 5% of the brewery's revenue each month until the investor is repaid $7,500.

1. http://www.localfirst.com/why_local_first/

2. Individual accredited investors have individual net worth that exceeds $1 million or have an income exceeding $200,000. Institutional accredited investors include banks, insurance or investment companies, etc. Detailed definitions can be found in SEC Rule 501 of Regulation D as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

3. Michigan Department of Licensing and Regulatory Affairs

Buy a tree in honor or in memory of a loved one.
Great holiday gift idea… Give the gift that lives on for generations:
A TREE!

Legacy Tree Program

"Help Keep Mason Beautiful for Another 150 Years!"

MASON 1865 2015
MICHIGAN HOMETOWN U.S.A.

As the City of Mason celebrates its 150th anniversary, the Mason 150 Committee is offering the chance to buy a tree to be planted in the City! The **Legacy Tree Program** is a great way to honor someone, while also promoting community spirit, improving native species habitat, and supporting outdoor education.

April and September 2015 plantings are planned, incorporating Earth and Arbor Day events. Your gift helps enhance our community for future generations. Each tree can be purchased for $150 and includes the tree, soil preparation, planting, mulch and continuing care. The trees are guaranteed by the City of Mason for two years!

For more information or to buy your tree today, please call the City of Mason at 517-676-5891. Legacy Tree Forms are also available online at www.mason.mi.us.

Hurry– Trees are limited!

City of Mason

201 W. Ash St.
PO Box 370
Mason, MI 48854

Phone: 517-676-5891
Fax: 517-676-1330
E-mail: ingridn@mason.mi.us

MASON 1865 2015
MICHIGAN HOMETOWN U.S.A.

Mason's Sesquicentennial Legacy Tree Program

In today's fast paced world, it's good to lay down roots. Mason City residents will be able to do that -- literally -- with the help of planning from the Mason 150 Committee. The group has been working on a program to plant at least 150 trees in the City to commemorate Mason's sesquicentennial in 2015. Individuals, companies, service groups and other organizations can now order trees to enhance their suggested location. Location choices include along streets, public rights of way and City of Mason parks. The Legacy Tree Program is a great way to honor someone, while also promoting community spirit, improving native species habitat, and supporting outdoor education. The $150.00 cost of your tree will include professional planting of a large tree, including soil preparation, planting, watering and mulch. April and September 2015 plantings are planned, incorporating Earth and Arbor Day events. Donations can be mailed to the City of Mason, Attn: Legacy Trees, 201 W. Ash St. Mason, MI 48854. Questions? Please call Ingrid Nova at 517-676-5891 or e-mail:MasonLegacyTrees@gmail.com

"Help Make and Keep Mason Beautiful for another 150 Years!"

Your gift helps enhance our community for future generations. Tree purchase costs, soil preparation, planting, mulch and continuing care are all included in your donation. The trees are guaranteed by the City of Mason for two years. Each tree can be purchased for $150.00, payable to the City of Mason. Individual donations can be grouped to combine donations for a tree, or multiple trees. If the donations are made separately, please add a note so that we can recognize this as a separate donation to be combined with other named donors. e.g., "Please combine for the Jane Doe Family."

Donor Information:

First Name _____ Last Name _____

Business Name _____

Street Address _____

City _____ State _____ ZIP _____

Phone # _____ E-mail _____

Dedication Information:

Donated by... In memory of... In honor of... Please enter a Dedication Name exactly as you would like it to be listed or leave blank for an anonymous donation:

_____

Location Preferences: Any – where trees are needed most, City Parks, Public Buildings and Rights of Way, Other Locations, i.e. Mason High School, Bond Park, Maple Grove Cemetery, etc.

First Location Choice _____

Second Location Choice _____

The City reserves the right for the final determinations of placement and type of trees. The donations, dedication information, GPS location and type of tree will all be documented, which will allow families to track the history of their donated Legacy Tree. While the species of tree will be determined by its location, here is a list of trees that will be planted through the Legacy Tree Program.

Acer saccharum	Sugar Maple
Carya cordiformis	Bitternut Hickory
Celtis occidentalis	Hackberry
Gymnocladus dioicus	Kentucky Coffee Tree
Liriodendron tulipifera	Tulip Poplar
Platanus occidentalis	Sycamore
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus imbricaria	Shingle Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinquapin Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak